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JOINT IMO/UNEP MEETING OF NATIONAL
EXPERTS ON THE EMERGENCY
PROTOCOL TO THE ABIDJAN
CONVENTION, ACCRA, GHANA
20-22 March 2000



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REPORT

OF THE JOINT IMO/UNEP MEETING

OF NATIONAL EXPERTS

ON THE EMERGENCY PROTOCOL

TO THE

ABIDJAN CONVENTION

ACCRA, GHANA, 20 – 22 MARCH 2000

-i-

TABLE OF CONTENTS

	<u>PAGE</u>
INTRODUCTION	4
PARTICIPANTS	4
OPENING OF THE MEETING	5
ADOPTION OF THE AGENDA AND ORGANIZATION OF THE MEETING	6
REVIEW OF THE STATUS OF RATIFICATION/ACCESSION TO THE ABIDJAN CONVENTION AND ITS EMERGENCY PROTOCOL AND TO THE RELEVANT GLOBAL CONVENTIONS	6
REVIEW OF THE STATUS OF EMERGENCY PLANNING IN THE WEST AND CENTRAL AFRICA REGION	8
AMENDMENTS TO THE EMERGENCY PROTOCOL.	8
MEDIUM-TERM PROGRAMME FOR THE EFFECTIVE IMPLEMENTATION OF THE ABIDJAN CONVENTION BY ALL MEMBER STATES	10
PREPARATION OF AN IMO/INDUSTRY WORKSHOP	12
ANY OTHER BUSINESS	12
ADOPTION OF THE REPORT	13
CLOSURE OF THE MEETING	13

ANNEXES

Annex I	List of Participants
Annex II	Address of the Honourable Minister of Environment, Science and Technology
Annex III	Agenda
Annex IV	List of documents
Annex V	Proposition of Amendments to the Emergency Protocol
Annex VI	Medium-term Work Programme

INTRODUCTION

1 The joint IMO/UNEP Meeting of National Experts on the Emergency Protocol to the Abidjan Convention was convened in Accra, Ghana, from 20 to 22 March 2000 in accordance with the provisions of the Memorandum of Understanding signed by IMO and UNEP and as a response to the needs expressed by the WACAF countries for the vitalization of the Abidjan Convention.

2 The main objectives of the meeting were:

- a) to prepare a medium-term programme for the development of regional co-operation for preparedness and response to accidental marine pollution and examine how it could be implemented;
- b) to consider the need to amend the above-mentioned Protocol, taking into account international developments since its adoption in 1981 and to propose follow-up action.

3 All the National Competent Authorities of the WACAF countries and South Africa had been invited to nominate two participants to the meeting taking into consideration the objectives of the meeting. These participants were representatives of the Ministries in charge of maritime transport and environment. As a general recommendation, and for the sake of continuity, had been suggested that the national official directly responsible for preparedness and response matters should attend the meeting. Relevant international and non-governmental organizations, potential donor organizations and countries had also been invited to take part in the meeting.

PARTICIPANTS

4 The meeting was attended by participants nominated by the following WACAF countries:

Angola	Benin	Cameroun
Cape Verde	Congo (Rep. du)	Congo (Rep. Dem.)
Côte d'Ivoire	Gabon	Gambia
Ghana	Guinea	Liberia
Nigeria	Senegal	Togo

And by a delegation from South Africa;

Representatives from the following United Nations Organizations also participated in the meeting:

- International Maritime Organization (IMO)
- United Nations Environment Programme (UNEP)
- United Nations Industrial Development Organization (UNIDO)
- Intergovernmental Oceanographic Commission (IOC/UNESCO)

The meeting was also attended by representatives from the following Intergovernmental organizations:

- Maritime Organization for West and Central Africa (MOWCA)
- Port Management Association of West and Central Africa (PMAWCA)
- Bonn Agreement
- LME, Gulf of Guinea

5 The complete list of participants, including the names of observers is given in Annex I to this report.

OPENING OF THE MEETING AND ELECTION OF THE CHAIRMAN, THE VICE-CHAIRMAN AND OF THE RAPPORTEUR

6 The Meeting was opened by The Honourable Minister for Environment, Science and Technology of Ghana, Honourable Cletus Avoka. He welcomed the participants to the Meeting and pointed out that the Ghanaian Authorities would make every effort to ensure the best possible working conditions for the participants. The address of the minister is attached at Annex II.

7 Mr Jean-Claude Sainlos, Senior Deputy-Director, Marine Environment Division of the IMO, speaking on behalf of Mr W.A. O'Neil, Secretary General of the International Maritime Organization, welcomed the participants to the Workshop and extended gratitude to the Government of Ghana for their support. He recalled the IMO's role and the importance of its regulatory work and specifically its impact on the enhancement of maritime safety and prevention of marine pollution. He further drew the attention on the importance of effective implementation of the provisions of international maritime safety and marine environment related treaties. Furthermore he acknowledged the efforts already made by the countries of the region in ratifying and implementing those treaties and the still existing need for the countries of the region to increase their efforts in this direction. The speaker stressed the importance of the theme under consideration by the meeting and expressed his firm conviction that this meeting will make it possible to create the necessary conditions for the operability of the Abidjan Convention in a very near future and specially of its Emergency Protocol. He reminded the meeting that under the UNEP Regional Seas' Programme IMO plays an essential role in the implementation of the emergency protocols to the regional Conventions.

8 In his opening statement, the representative of the Executive Director of the United Nations Environment Programme (UNEP) thanked the participants for accepting the invitation to participate in the meeting. He recalled the secretariat role for both the Abidjan and Nairobi Conventions given to UNEP by the Parties in Article 16 of the Conventions. He further stressed the need for the involvement of both the ministries of transport and of environment to ensure their effective implementation. He also expressed hope that the collaboration established between IMO, UNEP and the Government of Ghana will ensure success in the vitalization of the Abidjan Convention.

9 Mr I.P. Azumah, Deputy Shipping Commissioner, introduced the Chairman of the opening ceremony, Mr. K. Abbey-Sam, Chief Director, Ministry of Roads and Transport. In his address, Mr. Abbey-Sam welcomed the participants and recalled the meeting's objective which is to enable Contracting Parties to the Convention and its Protocol to identify major constraints of these instruments and to adopt appropriate strategies and measures for their effective implementation. He further insisted on the need for the region to develop strategies and programmes to combat pollution incidents caused as a result of maritime transportation and the growing off-shore exploration and exploitation of oil. Another area which he highlighted, and which requires joint efforts of the region, was port State control as a means to eradicate substandard shipping.

10 Mr E.P.D. Barnes, Chief Director, Ministry of Environment, Science and Technology also welcomed the participants.

11 In his statement, Mr Magnus Teye Addico, Secretary-General of the Maritime Organization for West and Central Africa (MOWCA) stressed the renewed interest of the region in maritime issues. He further recalled the important place always dedicated to maritime safety and marine pollution prevention by MOWCA. In this respect, he informed the delegates of specific measures taken by his Organization with a view to enhancing the Member States capabilities in this area. He made reference to eleven projects developed under the IMO Integrated Technical Co-operation Programme (ITCP) and for which an appeal for funding support of around US\$5.5 million was made to the international donor community. He also referred to the signing, in 1999, of the MOU on Port State Control by the MOWCA member States with a view to eradicating substandard shipping. Another important item in his address was related to the possible establishment in the region of an integrated coast-guard authority with multiple functions ranging from pollution surveillance, search and rescue, etc.

12 The participants unanimously elected Mrs Rahanatou Anki Dosso, Deputy Director, Benin Merchant Marine Department, Mr E.P.D Barnes, Chief Director, Ghana Ministry of Environment, Science and Technology, and Mr A. Ganon, Director of Legislation and Maritime Administration, Côte d'Ivoire respectively Chairperson, Vice-Chairperson and Rapporteur of the meeting.

1 AGENDA ITEM 1: ADOPTION OF THE AGENDA AND ORGANIZATION OF THE MEETING

1.1 The meeting adopted the Agenda presented in Annex III of this Report. The list of documents submitted to the meeting is given in Annex IV.

2 AGENDA ITEM 2: REVIEW OF THE STATUS OF RATIFICATION/ACCESSION TO THE ABIDJAN CONVENTION AND ITS EMERGENCY PROTOCOL AND TO THE RELEVANT GLOBAL CONVENTIONS

2.1 The IMO Representative introduced document IMO/UNEP (WACAF)WG.1/2 on the status of ratification/accession to the Abidjan Convention and its emergency protocol and to the relevant global conventions by the WACAF countries. He highlighted the importance for States not yet Parties to the Abidjan Convention to adhere to it.

2.2 He also highlighted the importance for WACAF countries to become Contracting Parties to the main IMO conventions such as those dealing with maritime safety, and the protection of the marine environment. He specially stressed the importance of the OPRC Convention, the 1992 Civil Liability Convention (CLC 92) and of the 1992 Convention on the establishment of an international fund for compensation of oil pollution (FUND 92), including for those countries presently Parties to CLC 69 and FUND 71. Participation in these treaties would be important for each country individually but also to assist in international co-operation whenever a pollution incident would take place.

2.3 A number of comments were made by delegations. Some noticed that in their countries insufficient co-ordination between the various national administrations concerned hampered ratification of or accession to international conventions. Some others described the actual process for their countries

2.4 Concluding the debate the IMO Representative underlined that IMO had a specific role in assisting in the development of regional co-operation under the emergency protocols to the regional Conventions.

2.5 The meeting agreed that the attention of Governments of the WACAF Region should be drawn to the importance of becoming Parties to the Abidjan Convention and its Protocol and to the global Conventions adopted under IMO auspices.

3 AGENDA ITEM 3: REVIEW OF THE STATUS OF EMERGENCY PLANNING IN THE WEST AND CENTRAL AFRICA REGION

3.1 The paper under this agenda item, IMO/UNEP(WACAF)/WG.1/3 is a summary document in a table form which was based on information available at the time in IMO. The documents need to be completed and updated and the participants to the meeting were invited to provide IMO Secretariat with additional and updated information with a view to preparing a more comprehensive information document regarding the status of preparedness and response in the WACAF region.

3.2 Discussions under this item reveal that in quite a number of countries there are several different departments that have a role to play in the national emergency system. In cases of no lead agency has been designated this has given rise to problems in the coordination of response action.

3.3 The meeting concluded that where it had not already been done, the allocation of responsibilities to the various departments should be decided as soon as possible. Such decisions would be essential to the success of response action either within individual countries or for international co-operation. The meeting further agreed that the division of such responsibilities had to be adapted to the existing situation in each country. In certain countries co-operation between the merchant navy and the environment and often defense administration would be necessary.

3.4 In countries with offshore exploration and exploitation activities, it was noted that the local plans for such installations were more or less adequate. One salient feature is that the relevant administrations are nowadays very keen in controlling these installations and in ensuring the consistency among those local plans and their coordination with the national plan.

3.5 With the view to ensuring the operationality of the contingency plans, some delegations highlighted the need for regular testing of these contingency plans and their modification as a result of these tests.

4 AGENDA ITEM 4: AMENDMENTS TO THE EMERGENCY PROTOCOL

4.1 The IMO Representative and his consultant introduced document IMO/UNEP(WACAF)WG.1/4 (reproduced at Annex V of this report) dealing with the possibility of amending the emergency Protocol of the Abidjan Convention. Such possible revision enters within the general process of revision of the regional Conventions currently conducted by UNEP within the framework of the Regional Seas Programme. The emergency Protocol to the Abidjan Convention was adopted many years ago and new developments took place since that adoption, in particular the adoption of the global Convention OPRC 90. It was therefore felt necessary to amend the Abidjan Protocol to take into account the OPRC Convention as well as experience gained in various regions of the world with preparedness, response and co-operation.

4.2 The various amendments presented in the document are very often adaptations of the OPRC 90 Convention.

4.3 The meeting was invited to consider whether to start the process of the revision of the Protocol and to request Contracting Parties to initiate the necessary steps. They were also invited to examine each proposition in the document under discussion with a view to agreeing whether such provision would be

necessary. Only general comments were taken into account at this stage as it was felt that it would be premature to enter into a detailed discussion of the provisions proposed.

4.4 The general discussion of the document showed a unanimous agreement for the necessity to revise the Protocol and to propose to the Contracting Parties to the Abidjan Convention to start the process towards a revision of the Protocol. The detailed organization of such work would be the responsibility of Contracting Parties to decide. It was however recommended though that a meeting of experts be convened with a view to preparing the draft to be presented to a diplomatic Conference and that those experts could work on the basis of the document WG.1/4 and of the comments made during the present discussions as they appear in this report in the following paragraphs.

4.5 The meeting then agreed to have a preliminary discussion on each individual proposition without going into too much detail.

- 1 *Proposition 1:* A new article 4 bis is proposed to describe the minimum requirements for contracting Parties, i. e. designation of competent national authority (ies) , co-ordination between them as a very first step. Such an article was considered necessary by the meeting. It was further underlined that the emergency Protocol dealt with all types of pollution whether from oil or from other harmful substances (including nuclear substances or residues of such substances). However it was pointed out that it would be necessary to introduce a timeframe to allow contracting Parties to meet such requirements in the case of hazardous and noxious substances. This should be considered further in the process of revision.
- 2 *Proposition 2:* A new article 4 ter is proposed to introduce the necessity of contingency planning for offshore units, sea ports and handling facilities. Such proposed article was unanimously felt necessary. Two points should be further examined in the process towards amending the Protocol. One is to consider whether reference should be made to the competent national authority or to competent national authorities (in plural) as in article 4 bis. The other deals with the link between plans requested under this draft article and that mentioned under article 4bis; should they be "co-ordinated" with the national system established under article 4 bis as proposed in the text under discussion or "integrated" in the national system.
- 3 *Proposition 3:* This proposition deals with the format of reports on pollution or threat thereof. The need for such article was unanimously agreed. Some delegates requested that assistance should be provided for the drafting of national law on reports by offshore structures or port and handling facilities. Such assistance could be provided under the mid-term programme to be discussed under agenda item 5.
- 4 *Proposition 4:* This proposition on the follow-up by Parties of reports received was accepted as proposed.
- 5 *Proposition 5:* This proposition deals with the necessity for each country to prepare the customs and immigration arrangements to facilitate assistance from third countries. This important feature of co-operation was unanimously approved.
- 6 *Proposition 6:* This proposition aims at establishing the financial relationship between an assisting country and an assisted country before an incident takes place and assistance is needed. The meeting unanimously agreed on the need for such provision and was in general agreement with the text proposed, directly adapted from the OPRC Convention. It was

underlined that being parties to the international regimes for liability and compensation (CLC 92 and FUND 92) was essential in this matter and that the Secretariat of the IOPC Fund established under the 1992 Fund Convention had produced documentation on the way to submit compensation requests (Claims Manual). Such topic would be further discussed during the workshop envisaged as a follow-up of the present expert meeting. It was also noted that reference to these international treaties should be made in the preamble to the Protocol in order to encourage their ratification by the WACAF countries.

- .7 *Proposition 7:* The need for an article on secretariat assistance was acknowledged.
- .8 *Proposition 8:* The need for a provision dealing with sub-regional agreements was also acknowledged by the meeting.
- .9 *Proposition 9:* No further propositions for new articles or modifications of existing ones were made by the meeting.

4.6 As a conclusion to this agenda item, it was agreed to recommend the Contracting Parties to start the process of amending the Protocol on the basis of the document presented to this meeting and of the comments as reflected in this report.

4.7 During consideration of this agenda item, the Federal Ministry of State for Environment, Nigeria, through his delegation at the meeting, made a declaration centered on the following:

- the concurrence of the Nigerian Government with the IMO and UNEP initiative to amend the Emergency Protocol to the Abidjan Convention and its acceptance, in principle, of the propositions as contained in the Annex to document IMO/UNEP (WACAF)WG.1/4; this being subject to the outcome of the discussions of and any modifications thereof by the meeting;
- the creation of a new federal ministry of environment in Nigeria vested with enormous powers on matters related to marine pollution. With respect to the issue of competent national institution the delegate stated that the Ministry of Environment will work closely with the IMO focal point, the Ministry of Transport and requested that this be reflected in all appropriate references and documents related to the Protocol.

5 AGENDA ITEM 5: MEDIUM-TERM PROGRAMME FOR REGIONAL CO-OPERATION

5.1 The IMO Representative introduced document IMO/UNEP(WACAF)/WG.1/5 containing proposition for a medium-term programme for regional co-operation under the emergency Protocol to the Abidjan Convention. It was underlined that the actions proposed when adopted by Contracting Parties could then be used as the basis for preparing project documents to be submitted for funding to one or several donor agencies/Governments (e.g. GEF). A general debate on the document was suggested

5.2 Some delegations stressed that they had already got support from IMO or under the IMO/Industry global initiative for some actions and that they would like to thank them for such support.

5.3 One question which would need consideration in the future was financing the retained action programme. Would a trust fund be established by Contracting Parties? Would the industry contribute to such a programme? These are questions which should be considered at a later stage.

5.4 It was underlined that MOWCA had adopted a new system of financing sub-regional projects and programmes through a system of a modest service charge of 10 cents per freight ton payable by the shipping lines serving the region.

5.5 The meeting then went into a point by point discussion of the actions proposed in the document.

.1 *First action proposed: Accession to global conventions* - This action was supported. The number of countries which could receive support for developing their national legislation for the implementation of international Conventions would depend on the available resources.

The suggestion was made to take example on the action carried out for the Island States of the Indian Ocean, i.e. identifying possible legal experts in the countries and having them trained at the International Maritime Law Institute (IMLI) established in Malta under the auspices of IMO.

It was further noted that very often the expertise did exist in the countries concerned. Nevertheless, ratifying the Conventions and introducing the necessary national legislation was difficult because of their low priority within the countries.

Linked with the question of ratification of liability and compensation regimes, the question was raised as to the possible identification of the polluter when an oil slick is detected. This could lead to having a further action adopted: establishing guidance for the identification of the polluting product and its source. Such guidance could be prepared on the basis of existing systems for identify oils by their finger prints for instance on the basis of the work carried out by North Sea countries within the Bonn Agreement.

.2 *Second action proposed: Development of contingency plans* - The action related to the development of national contingency plans was supported but the need to have parallel action towards developing at the same time regional or sub-regional contingency plans was underlined. It was also stressed that when approaching potential donor organizations project proposals should be preferably presented as a regional initiative.

.3 *Third action proposed: Relation with the industry* - This action was supported

.4 *Fourth action proposed Mobilizing industry stockpiles* - The action was also supported.

.5 *Fifth action proposed Sub-regional contingency plans* - The action was supported.

.6 *Sixth action proposed: Establishment of an information exchange system* - It was underlined that an information system was twofold. One aspect is the necessity to establish links to transmit urgent messages between Parties when an incident has occurred and assistance is requested as a matter of urgency or when an incident affecting one country could also affect another country which would need information again as a matter of urgency. This would

necessitate the establishment of links for such exchange of information. The meeting agreed on the need for such a system.

The other aspect would be the exchange of data on incidents in the same way as the information which would be gathered on port State control. The MOWCA observer informed the meeting that the centre for information and communication of the Abuja MOU on port State control is being established in Abidjan and this could be taken into consideration in deciding on the regional entity to undertake this work.

.7 ***Seventh action proposed: Administrative aspects of mutual assistance*** - The need for such action was accepted by the meeting.

.8 ***Eighth action proposed: Training of personnel and testing of plans*** - The absolute necessity of such co-operative action was underlined.

5.6 The meeting concluded that the actions summarized in Annex VI should be introduced into the general work programme to be adopted by Contracting Parties to the Abidjan Convention and that these actions should be transformed into projects to be financed either within the budget of co-operation under the Convention or by submitting them to donor agencies or Governments.

5.7 ***Institutional arrangements:*** The meeting had an exchange of view on the institutional arrangement but considered it premature to deal with this matter at this stage but it might appear necessary to consider it during the meeting of experts which will prepare the contracting Parties' meeting.

6 AGENDA ITEM 6: PREPARATION OF AN IMO/INDUSTRY WORKSHOP

6.1 The meeting took note of the information provided in document IMO/UNEP(WACAF)/WG.1/6 on the IMO/Industry workshop, to be held sometime in the year 2000 as a follow-up to the joint IMO/UNEP meeting of national experts on the Emergency Protocol to the Abidjan Convention.

6.2 The consideration of the paper gave an idea of the subject areas to be addressed during the workshop and which are geared towards the strengthening of the WACAF countries capabilities in the field of pollution preparedness and response.

7 AGENDA ITEM 7: ANY OTHER BUSINESS

7.1 South Africa will be co-ordinating a training course in oil spill response (including contingency planning, sensitivity mapping and response management) from 10-14 April 2000 in Cape Town. The course is part of a project funded by The World Bank and is aimed at developing oil spill response capability in the Indian Ocean Islands. The course is, however, open to other participants, and at present there are still about three places available. The course will be presented in French/English. There will be no course fee, although those wishing to attend must pay their own travel to and from Cape Town, accommodation and subsistence. Further details can be obtained from the South African delegation.

7.2 During the second day of the meeting the representative of the Bonn Agreement, after thanking the organizers for having invited him gave an overview of his Organization's structure, objectives and mode of operation. He also shared with the meeting some of the experience gained by his Organization

in the past few years. He further indicated his intention to report to his Organization on the outcome of this meeting.

8 AGENDA ITEM 8: ADOPTION OF THE REPORT

The meeting approved the text of the present document and its annexes as the Report of the Joint IMO/UNEP Meeting of National Experts on the Emergency Protocol to the Abidjan Convention.

9 AGENDA ITEM 9: CLOSURE OF THE MEETING

On Wednesday, 22 March 2000 at 1700 hrs Mrs Rahanatou Anki Dosso, the meeting Chairperson, declared the meeting closed.

ANNEX I
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ANNEX II

ADDRESS OF THE HONOURABLE MINISTER OF ENVIRONMENT,
SCIENCE AND TECHNOLOGY

Mr. Chairman,
Distinguished Representatives of the International Maritime
Organisation (IMO) and the United Nations Environment
Programme (UNEP),
Colleague Ministers,
Your Excellencies,
Distinguished Delegates,
Ladies and Gentlemen,

I deem it a great honour to be here this afternoon to deliver the
keynote address at the opening of the Joint Meeting of Experts
from the International Maritime Organisation/United Nations
Environment Programme on the Emergency Protocol of the
Abidjan Convention. Let me also join earlier speakers in
welcoming you all to Ghana and to invite you to enjoy the
warm and friendly Ghanaian hospitality. It is my hope that
despite your tight schedule, you will find time to visit some of
the places of interest in Accra. Of course, with the marine and
coastal environment very near to you, it should be possible to
see in practical terms some of the issues you will be discussing
over the next few days.

Mr. Chairman, I also wish to extend my appreciation to the International Maritime Organization and the United Nations Environment Programme for inviting Ghana to host this joint IMO/UNEP meeting. With this meeting preceding that of the Conference of Parties to the Abidjan Convention, I do believe that it will provide us with a good basis for the discussions that we are going to have this week. All this should help us in evolving satisfactory strategies for addressing the problems posed by the Gulf of Guinea Large Marine Ecosystem.

Ladies and Gentlemen, we are all aware of the environmental degradation around us as our various countries initiate actions towards promoting the social and economic development of our people. We have also come to realise that with the world having become a global village, the issue of the environment also needs to be seen in this context. We cannot operate as islands. As it is said, we need to think globally and act locally. Such regional forums provide us with the opportunity to think of the common environmental problems we have so that we can take appropriate actions to address them.

Water constitutes about 71% of the earth's surface.

Paradoxically water bodies, especially the oceans, have become

the recipients for all kinds of waste and other forms of pollution such as:

- Discharges from ships and aircraft;
- Discharges from land-based sources;
- Activities related to oil exploration;
- Testing of nuclear weapons.

The water bodies also constitute very important sources of social and economic livelihood for our populations. For countries with coastlines, the marine environment provides the essential source of protein for most of the population while the fishing industry is the mainstay of the economy.

Unfortunately, most of our countries have not been able to strike the right balance between the marine environment as a source of social and economic livelihood for our populations and the negative consequences associated with our various development actions.

Mr. Chairman, the need for us to take a critical look at the marine environment around the West and Central African Region gave birth to the Abidjan Convention 1981. Associated

with the Convention was the Protocol Concerning Co-operation in Combating Pollution in Cases of Emergency, which is going to be the subject of discussion among you experts over the next two days.

Ladies and Gentlemen, we need to see the Abidjan Convention in the broader context of the concern about the need to evolve mechanisms to ensure that we use sustainably the global seas we have around us. Let me confess that despite the initial commitment that countries of this region had for the Convention and its associated Protocol, our programmes for implementation have not given us the desired results. Our various countries have not ratified or acceded to the Convention in order to become Contracting Parties of the Convention as quickly as we would have wished. Thus, only ten (10) out of twenty-one (21) countries are Parties to the Convention.

Mr. Chairman, the Abidjan Convention has also encountered a number of constraints when we look at the implementation of the activities of the Convention. These include:

- Lack of commitment of member countries to the implementation of the Action Plans;
- Although Country Parties agreed in 1981 to establish a Trust Fund to support the action plan, payment of contributions to the Fund has been inadequate and not up to date;
- Lack of effective coordination of programmes at the national and regional levels; and
- Failure to integrate the goals of the Convention in national development policies and programmes.

I will like to emphasise that Ghana considers the Abidjan Convention as the framework, which should form the basis of all activities in the marine and coastal environment in the West and Central African Region. It is with this at the back of our minds that we signed and ratified the Convention.

Mr. Chairman, Ghana has endeavoured to be part of the global efforts towards addressing issues of the marine and coastal environment by signing and ratifying other critical Conventions, especially those relating to pollution of the marine environment. These have included the International Convention for the Prevention of Pollution from Ships

(MARPOL) and the International Convention for the Prevention of Civil Liability for Oil Pollution Damage (CLC). Currently, Parliament has ratified the International Convention on Oil Pollution Preparedness Response and Cooperation (OPRC). The necessary administrative procedures are being undertaken to make it possible for the Instrument of Ratification to be deposited appropriately.

Furthermore, Ladies and Gentlemen, some of our laws are being reviewed to internalize the Conventions that Ghana is Party to. Thus, the Merchant Shipping Act of 1963 is being overhauled to address all matters concerning shipping in the country, while the new Maritime Authority Bill will provide the institutional framework for the protection and management of our marine and coastal environment.

Ghana is also reviewing the 1972 Protocol on the Civil Liability Compensation Fund in order to have it renounced to make it possible for us to accede to the 1992 Protocol.

Ghana has put in place an Oil Spill Contingency Plan and has started the sensitivity mapping of the coastline and the Volta

Lake with the assistance of the International Maritime Organisation.

Ghana has also signed the Port State Control Agreement for countries in the West African sub-region and is putting in place the necessary administrative infrastructure for its implementation.

Mr. Chairman, all these actions are being taken in view of the importance which the country, as a coastal state, attaches to the marine and coastal environment. We are also ensuring that all stakeholders actively participate in our programmes to promote ease of implementation. I am sure that your various countries have also taken positive steps to ensure that you address the issue of the marine and coastal environment in a very holistic manner.

Distinguished Participants, as you discuss the issue of the Emergency Protocol of the Abidjan Convention I wish to draw your attention to the possible impact of maritime accidents and pollution of the marine environment to other critical global environmental conventions. I wish to refer more specifically to

the Biodiversity Convention and the United Nations Framework Convention on Climate Change.

I know that in your normal activities you may not take note of these two conventions. However, you will need to remember that accidents at sea do not only affect fishery resources but also sensitive ecological zones in our countries with critical and important biological resources. With the sea being a major carbon sink, the more we pollute it, the more we reduce its ability to absorb carbon dioxide. I will thus like to see greater cooperation being developed both at the national and regional levels in the implementation of all these conventions. It is only through this that we will be able to make use of the synergy, which is associated with all the conventions.

Finally, Distinguished Participants, let me mention an issue, which should be of great interest to us all in our march towards the more effective implementation of the Emergency Protocol. This is the exchange of information and experiences as well as the definition of roles for the various institutions. I will want to see as an important outcome of your meeting a strategy for the effective coordination of activities at the national level. This will then be linked to the regional and

subsequently global levels. This strategy will go a long way towards minimising the duplication of efforts, and even sometimes, the inaction associated with the implementation of the various Conventions and Agreements on the marine and coastal environment.

Mr. Chairman, Ladies and Gentlemen, Distinguished Participants, with these observations, it is now my honour and privilege to declare this Joint IMO/UNEP Meeting of National Experts on the Abidjan Convention duly opened.
I wish you very fruitful deliberations.

Thank you.

ANNEX III

AGENDA

Opening ceremony

Election of Chairman, Vice-Chairman and Rapporteur

- 1 Adoption of the agenda and organization of the meeting
 - 2 Review of the status of ratification/accession to the Abidjan Convention and its Emergency Protocol and to the relevant global Conventions
 - 3 Review of the status of emergency planning in the West and Central Africa Region
 - 4 Amendments to the Emergency Protocol
 - 5 Medium-term programme for regional co-operation
 - 6 Preparation of an IMO/industry workshop
 - 7 Any other business
 - 8 Adoption of the report
-

ANNEX IV

LIST OF DOCUMENTS

IMO/UNEP(WACAF)/WG.1/1	Provisional agenda
IMO/UNEP(WACAF)/WG.1/1/1	Annotated provisional agenda
IMO/UNEP(WACAF)/WG.1/2	Status of ratification/accession to the Abidjan Convention and its Emergency Protocol and to the relevant global conventions by the WACAF countries
IMO/UNEP(WACAF)/WG.1/3	Review of the status of emergency planning in the West and Central Africa region
IMO/UNEP(WACAF)/WG.1/4	Amendments to the Emergency Protocol
IMO/UNEP(WACAF)/WG.1/5	Medium-term programme for regional co-operation
IMO/UNEP(WACAF)WG.1/6	Preparation of an IMO/Industry workshop
IMO/UNEP(WACAF)WG.1/8	Report of the meeting

ANNEX V

PROPOSITION OF AMENDMENTS TO THE EMERGENCY PROTOCOL

Proposition 1

The existing Protocol in article 5 deals with co-operation between Governments but does not specify what would be the minimum requirements for preparedness for individual Governments. Taking into account article 6 of the OPRC Convention, an article such as the following could be added before article 5:

Article 4 bis

"Each Party shall establish a national system for responding promptly and effectively to pollution incidents. This system shall include as a minimum:

the designation of the competent national authority or authorities with responsibility for pollution preparedness and response; the national operational contact point or points which shall be responsible for the receipt and transmission of pollution reports and an authority entitled to act on behalf of the State to request assistance under this Protocol or to render the assistance requested;

a national contingency plan for preparedness and response which includes the organisational relationship of the various bodies involved, whether public or private.

In addition each Party, within its capabilities either individually or through bilateral or multilateral co-operation and, as appropriate in co-operation with the industry, port authorities and other relevant entities shall establish:

a minimum level of pre-positioned combating equipment commensurate with the risk involved, and programmes for its use; a programme of exercises for pollution response organisations and training of relevant personnel."

Proposition 2

The three sources of accidental pollution are ships, offshore structures and ports (the latter including other handling facilities). They should be prepared to act whenever an incident takes place which could produce a pollution or a threat thereof. Such obligations exist for ships under MARPOL 73/78. It is necessary that offshore structures and ports have their own contingency planning which should be compatible and co-ordinated with the national contingency plan as described in article 4 bis. Taking into account article 3 of the OPRC Convention an article such as the following could be introduced after the one in proposition 1:

Article 4 ter

"Each Party shall require operators in charge of offshore installations under its jurisdiction to have contingency plans to combat accidental pollution which are co-ordinated with the national system established in accordance with article 4 bis and approved in accordance with procedures established by the competent national authority. Each Party shall require that authorities or operators in charge of sea ports or other handling facilities under its jurisdiction have pollution emergency plans or similar arrangements which are co-ordinated with the national system established in accordance with article 4bis and approved in accordance with procedures established by the competent national authority."

Proposition 3

Article 7 - 1 of the Protocol deals with reporting in cases of pollution threat. In the case of ships such reports are required by MARPOL and guidelines were established by IMO (they will be made available to the meeting). It would therefore be useful to add a new sentence at the end of 7.1 as follows:

"Ship reports shall be made to the extent required by and in accordance with the applicable provisions of the relevant international agreements. National law should establish the format and conditions of reports by ports or handling facilities and by offshore units."

Proposition 4

Article 7-2 deals with the dissemination of information on incidents by one Party to others likely to be affected by the incident. In view of the urgency of such information, the fastest means should be used and this means direct information between Parties, using the contact points referred to above. Article 7-2 could be amended as follows:

"Any Party receiving a report in accordance with paragraph 1 above shall assess the information received and the nature and extent of the possible pollution incident, then without delay inform all States whose interests are affected or likely to be affected by such pollution incident together with the result of its assessment and information on action it envisages to take."

Proposition 5

Article 8, paragraph 2d, requests to facilitate movements of personnel and equipment. As such facilitation has to be prepared and cannot be decided as a matter of urgency (in particular when police or customs matters are concerned) legislation should be established prior to the accident. In line with article 7 -3 of OPRC, the following could be decided:

Delete paragraph 2 d.

Add a new paragraph 2 bis:

"In accordance with applicable international agreements each Party shall take necessary legal or administrative measures to facilitate the arrival and utilisation in and departure from its territories 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 the expeditious movement through and out of its territory of such personnel, cargoes, materials and equipment.”

Proposition 6

The Protocol has no provision as regards the costs of assistance. In order to avoid any delay for rendering assistance due to settling how it would be reimbursed, it is necessary to have provisions to that effect before an incident happens and assistance is necessary as a matter of urgency. The following text for an additional article is largely a reproduction of the Annex to the OPRC Convention.

Article 8 bis

- "1(a) 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 actions in dealing with pollution in accordance with subparagraph (i) or subparagraph (ii);
- (i) 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 cost of its action. The requesting party may cancel its request at any time, but in that case it shall bear the costs already incurred or committed by the assisting Party; and
 - (ii) If the action was taken by a Party on its own initiative, this Party shall bear the costs of its action.
- (b) The principles laid down in subparagraph (a) shall apply unless the Parties concerned decide otherwise in any individual case.
- (2) Unless otherwise agreed, the costs of 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.
- (3) The Party requesting assistance and the assisting Party shall, where appropriate, co-operate 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 expenses exceeding the sums compensated or to reduce the costs which have been calculated in accordance with paragraph (2). It may also request a postponement of the reimbursement of such costs.
- (4) The provisions of this Convention shall not be interpreted as in any way prejudicing the rights of parties to recover from third parties the costs of actions to deal with pollution or the threat of pollution under other applicable provisions and rules of national and international law.”

Proposition 7

The programme of co-operation to be discussed at the meeting will request secretariat assistance to be developed. A provision to that respect should therefore be introduced in the Protocol. It is, however, premature to present any draft of the relevant article."

Add an article on secretarial functions to be drafted later.

Proposition 8

In some regional seas, sub-regional agreements have been prepared. Considering the enormous size of the WACAF area, such agreements would surely be of use; it would be worthwhile that the Protocol encourages them. An article might be useful. A partial text follows. Depending on the way secretarial functions would be carried out, support could be provided for the development of such sub-regional agreement. It is premature to prepare any final draft of this support.

Article 10 bis

"The Parties should develop and maintain appropriate bilateral or multilateral sub-regional agreements in order to facilitate the implementation of this Protocol. Upon request [] could act as technical co-ordinator in the process of developing and implementing these sub-regional agreements."

Proposition 9

The meeting or any Party could propose further amendments or additional articles. Anyway, depending on the substantial amendments which would be adopted a general review of the definition in article 1 would probably be necessary.

ANNEX VI

MEDIUM-TERM PROGRAMME FOR REGIONAL CO-OPERATION UNDER THE EMERGENCY PROTOCOL

FIRST ACTION : accession to global Conventions

Depending on availability of resources, assist countries in developing their national legislation for the implementation of the Conventions adopted under IMO's auspices;

SECOND ACTION : developing contingency plans

Depending on the availability of resources, assist in developing the contingency plan in countries in which industry is present either through offshore exploration/production or through oil terminals for export or import and in countries for which the risk of pollution is that of the "passing ship";

Prepare relevant documentation, based on already available ones, on topics such as sensitivity mapping; use of dispersants, drifting, etc.;

Study the availability of local means/resources.

THIRD ACTION : relation with the industry

Draft the minimum requirements to be imposed by Governments to companies authorised to explore and exploit offshore oil and study how those Governments with very little means to monitor the compliance by industry could however ensure such control.

Examine how co-operation between Governments and industry can be developed at regional level, taking advantage of experience in other areas.

FOURTH ACTION : mobilizing industry stock piles

Study how governments could obtain mobilization of industry stockpiles at minimum cost when a pollution or a threat thereof originates from a ship or a cargo the owner of which is a member of the stockpile organization. Study also how such mobilization could be obtained when the pollution or threat has another origin.

FIFTH ACTION : sub-regional contingency plans

Study where sub-regional contingency plans would be necessary; and

Identify which assistance would be available for their development and implementation.

SIXTH ACTION : establishment of an information exchange system

Establish an information system for the region, including detailed plans and communication system for responding to pollution incidents as a matter of urgency. Such system should be available on a 24 hour basis, 7 days a week

SEVENTH ACTION : administrative aspects of mutual assistance

Draft recommendations on the "administrative" aspects of assistance when a pollution has occurred.

EIGHTH ACTION : training personnel and testing plans

Establish a programme for training and exercises for relevant personnel and response organizations and for testing national and sub-regional contingency plans.
