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to the Convention on Cooperation for Protection,
Management and Development of the Marine Environment and
Coastal Areas of the Atlantic Coast of the
West, Central and Southern African Region
(Abidjan Convention)

Nouakchott, Mauritania, 21st to 23rd May 2025

PROTOCOL CONCERNING COOPERATION IN THE PROTECTION AND DEVELOPMENT OF MARINE AND COASTAL ENVIRONMENT FROM LAND-BASED SOURCES AND ACTIVITIES IN THE WESTERN, CENTRAL AND SOUTHERN AFRICAN REGION

UNEP

TEXT OF THE

ADDITIONAL PROTOCOL TO THE ABIDJAN CONVENTION CONCERNING COOPERATION IN THE PROTECTION AND DEVELOPMENT OF MARINE AND COASTAL ENVIRONMENT FROM LAND-BASED SOURCES AND ACTIVITIES IN THE WESTERN, CENTRAL AND SOUTHERN AFRICAN REGION

(Adopted in Grand-Bassam, Cote d'Ivoire on 22 of June 2012)

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Preamble

The Contracting Parties to this Protocol,

Being Parties to the Convention for Cooperation in the Protection and Development of the Marine and Coastal Environment of the Western, Central and Southern African Region signed in Abidjan on 23 March 1981,

Determined to implement the Convention, in particular article 7 thereof,

Recognizing the significance of the Convention area as one of the world's most productive marine areas rich in living and non-living resources and an important reservoir of marine biological diversity provided, among others, by the wealth of estuaries, deltas and coastal lagoons, and as a natural heritage of scientific, cultural, educational, social, recreational and economic value to the present and future generations that must be effectively and sustainably protected,

Recognizing also the high dependence of the coastal communities on the various natural resources for their livelihoods, and the consequences of the depletion of living resources, deterioration of water quality, loss of critical habitats and increasing levels of eutrophication and harmful algal blooms in lagoons, estuaries, creeks and inshore waters surrounding them,

Concerned that the coastal and marine ecosystems of the Western, Central and Southern African region and their resources have witnessed various environmental stresses as a result of the increasing unsustainable social and economic development activities undertaken by humans, in particular land-based sources and activities,

Conscious of the effects of discharges and wastes or run-off from industrial, agricultural and, urban sources and from exploration and extraction of hydrocarbons, and minerals, physical alteration and destruction of habitats, among others, to human health and the rich living resources of the marine and coastal environment of the Western, Central and Southern African region,

Fully aware of the urgent need to address the various land-based sources and activities that may result in pollution, destruction or degradation of the coastal and marine environment of the Western, Central and Southern African region, with a view to preventing, reducing, mitigating and controlling such pollution, destruction or degradation using the best practicable means at their disposal and in accordance with their capabilities,

Convinced of the need for cooperation among the Contracting Parties to take joint action to manage effectively the transboundary threats posed by land-based sources and activities to the marine and coastal environment in the Western, Central and Southern African region on an integrated and sustainable basis,

Acknowledging the need for enhanced cooperation and collaboration with other States and relevant regional and international organizations for better protection of the marine and coastal environment of the Western, Central and Southern African region,

Mindful of the various relevant regional and international commitments and instruments made by the states of the Western, Central and Southern African region,

Mindful also of Agenda 21 of the United Nations Conference on Environment and Development; the Global Plan of Action on Protection of the Marine Environment from Land-Based Activities (1995); the Millennium Development Goals (2000); the Johannesburg Declaration and Plan of Implementation adopted by the World Summit on Sustainable Development (2002); and the New Partnership for Africa's Development,

Noting also the contribution, in particular of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities (1995), in identifying source categories such as municipal wastewater, heavy metals, persistent organic pollutants, litter, nutrients, oil, physical alteration and destruction of habitats, radioactive substances, among others,

Have agreed as follows:

Article 1

Objective of the Protocol

The objective of this Protocol is to prevent, reduce, mitigate and control pollution from land-based sources and activities on their territories or emanating from any other land-based source, including through the atmosphere, to protect and sustain the marine and coastal environment of the Protocol area.

Article 2

Geographical coverage

The area to which this Protocol applies (hereinafter referred to as the "Protocol area") shall be the same as defined in article 1 of the Convention covering the marine environment, coastal zones and related inland waters falling within the jurisdiction of the States of the Western, Central and Southern African region, from Mauritania to South Africa.

Article 3

Definitions

For the purposes of this Protocol:

(i) "best available technique" means the latest stage, in time, of development of a process, facility or method of operation that indicates the practical suitability of a particular measure for limiting discharges, emissions and waste. In this regard, "technique" includes both technology used and the way in which the installation is designed, built, maintained, operated or dismantled.

(ii) "best environmental practice" means the application, at the latest stage in time, of the most appropriate combination of environmental control measures and strategies.

(iii) "Convention" means the Convention for Cooperation in the Protection and Development of the Marine and Coastal Environment of the Western, Central and Southern African Region.

(iv) "Contracting Party" means any State of the Western, Central and Southern African region that has become a Party to this Protocol in accordance with articles 25 and 28 of the Convention.

(v) "diffuse sources" means a source of pollution other than point sources from which substances enter the environment as a result of land or surface run-off, precipitation, atmospheric deposition, drainage, seepage or by hydrological modifications or degradation of habitats.

(vi) "environmental assessment" means the process for identifying, defining and evaluating the direct and indirect impacts within short, medium or long term of policies, programmes, plans and development projects on the environment and the proposal of measures to eliminate, mitigate and compensate for the negative impact and ameliorating the positive impacts on the environment. This procedure consists of environmental impact studies, audits and strategic environmental assessment.

(vii) "emissions" means gases and particles that are released into the air or atmosphere or emitted by or from various sources.

(viii) "emission controls" means controls requiring a specific emission limitation or otherwise specifying limits or conditions on the effects, nature or other characteristics of an emission or operating conditions that affect emissions.

(ix) "environmental quality objective" means a set of clearly identified objective or goal for purpose of environmental quality whether in specific or general application to relevant environmental resources, activities or programmes.

(x) "environmental quality standard" means the concentration of a particular substance or group of substances in water, sediment or biota that should not be exceeded to protect human health and the environment.

(xi) "freshwater limit" means a place in a watercourse where at low tide and in a period of low freshwater flow there is an appreciable or discernible increase in salinity due to the presence of seawater.

(xii) "hot spots" means a geographically defined coastal or marine area where the level of pollution is such as to affect human health, biodiversity, ecosystems goods and services production, economy or human welfare, and for which priority intervention and management effort is required in order to reduce the level of pollution and inputs of pollutants.

(xiii) "sensitive areas" means a geographically defined coastal or marine area, recognized to be of particular importance or particularly vulnerable to pollution considering the value of the biodiversity, the nature of the ecosystem, the value of ecosystem services, particular ecological processes, the contribution to economy and human welfare that the area hosts, and that requires particular attention and management efforts in order to avoid, reduce or minimise the risks of pollution or environmental degradation.

(xiv) "inland waters" means any water body or resource, such as a stream, river, lake, water reservoir, wetlands and others within the exclusive jurisdiction of a State, and including any inland shared or transboundary water bodies or resources.

(xv) "land-based sources and activities" mean activities, sources and factors directly or indirectly causing or contributing to the pollution of the marine and coastal environment from the landward side as opposed to activities, sources and factors from the seaward side.

(xvi) "national focal point" means a national authority or person designated or appointed by a Contracting Party to be responsible for coordination of national efforts for implementing this Protocol and to serve as the channel of communication between the Contracting Party and the Secretariat.

(xvii) "Organization" means the body referred to in article 16 of the Convention as responsible for the secretariat functions of the Convention.

(xviii)"point sources" means a source of pollution where emissions, discharges or releases are introduced into the environment from clearly discernible and discrete conveyance, including but not limited to, pipes, outfalls, channels, ditches, tunnels, conduits or wells from which pollutants emanate or may be discharged.

(xix) "pollution" means the introduction by human intervention, directly or indirectly, of substances, organisms or energy into the marine and coastal environment, including estuaries, resulting in such deleterious effects as harmful to living resources, hazards to human health, hindrance to marine and coastal activities, including fishing, impairment of quality for use of sea water and reduction of amenities.

(xx) "Stakeholders" include a Government, local authority, local community, indigenous people, non-governmental organization, community-based organization, women's group, the youth, the fisheries, agricultural or private sector, academic institution or the scientific community that has a direct interest in the protection of the coastal and marine environment of the Protocol area.

Article 4

Scope of application

This Protocol shall apply to:

(a) Sources and activities within the territories of the Contracting Parties that may directly or indirectly affect the marine and coastal environment of the Protocol area, including developments that cause physical alteration of the natural habitat or otherwise result in physical alteration and destruction of habitats;

(b) Emissions, discharges and releases originating from a land-based point and diffuse sources and activities, listed in annex I to this Protocol, within the territories of the Contracting Parties that reach the marine and coastal environment through the air, watercourses, groundwater flow, run-off and disposal under the seabed that may affect the Protocol area;

(c) Inputs of polluting substances transported through the atmosphere into the marine and coastal environment of the Protocol area from land-based sources and activities within or originating from the territories of the Contracting Parties.

Article 5

General obligations

1. The Contracting Parties shall, individually or jointly, as the case may be, take appropriate measures in accordance with the provisions of the Convention and this Protocol to prevent, reduce, mitigate and control pollution and degradation of the Protocol area from land-based sources and activities and to ensure environmentally sound management of natural resources, using for this purpose the best practicable means at their disposal, and in accordance with their capabilities.

2. The Contracting Parties shall cooperate in the formulation and adoption of agreed measures, procedures, practices and standards, such as but not limited to, the precautionary principle, the polluter pays principle, environmental assessment and audit, environmental standards and integrated coastal area and river basin management to prevent, reduce, mitigate and control pollution from land-based sources and activities and to promote environmental management in conformity with the objectives of the Convention and this Protocol.

3. The Contracting Parties shall put in place appropriate legislative and regulatory measures for the effective discharge of the obligations set forth in the Convention and this Protocol and shall endeavour to harmonize their national policies in this regard.

4. The Contracting Parties shall cooperate with competent with subregional, regional and international organizations to ensure effective implementation of the Convention and this Protocol and to assist one another in fulfilling their obligations under the Convention and this Protocol.

5. In taking measures to prevent, reduce, mitigate and control pollution from land-based sources and activities within the Protocol area, and in promoting best environmental practice, 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 6

Access to information, education, awareness, public participation and access to justice

1. The Contracting Parties shall adopt and implement national legislation and regulations with the view to facilitating public access to the widest possible extent, to relevant data and information concerning pollution and degradation of the Protocol area from land-based sources and activities and take measures to prevent, reduce, mitigate and control their deleterious effects and the effectiveness of these measures, taking into consideration provisions of international instruments with regard to the access of the public to information on the environment.

2. Each Contracting Party shall develop and implement, and if necessary in co-operation with other Contracting Parties, programmes and activities on environmental education and awareness for the public concerning or related to the need to prevent, reduce, control, mitigate or eliminate pollution of the Protocol area from land-based sources and activities, and shall to this end promote the training of individuals in order to prevent, reduce, mitigate and control this pollution.

3. Each Contracting Party shall guarantee and encourage the participation of local communities and civil society in the implementation of measures and in the process of taking important decisions to protect the marine and coastal environment of the Protocol area against pollution caused by land-based sources and activities and the implementation of this Protocol.

4. The Contracting Parties, acting directly or through the Organization, shall regularly exchange information and develop systems and information exchange networks in order to realize the objectives of this Protocol.

5. Each Contracting party shall facilitate public access to legal and administrative processes with regard to compensating members of the public who suffered damages as a result of lack of access to information and non-participation in the decision making processes.

Article 7

Pollution from point sources

1. The Contracting Parties shall ensure that point source discharges and releases are subject to national regulations and authorization by the competent national authorities, in accordance with the provisions of this Protocol and in conformity with international law and best practices. A list of priority substances and activities to be considered in this regard by the Contracting Parties is provided in annex I to this Protocol.

2. The Contracting Parties shall cooperate, directly or through competent international or regional organizations, in the development of regional guidelines and agreements to harmonize legislation for point source discharges and releases with transboundary consequences in the marine and coastal environment of the Protocol area.

3. The Contracting Parties shall ensure that mandatory emission controls for point source discharges and releases of substances into the marine and coastal environment of the Protocol area are based on best available techniques, best environmental practice and environmental quality standards and objectives provided under annexes II and III to this Protocol.

4. The Contracting Parties shall designate hot spots and sensitive areas and define the methodology for this. Each Contracting Party shall take all measures to establish strategies and national plans to considerably reduce the effect of pollution from point sources.

Article 8

Pollution from diffuse sources

1. The Contracting Parties shall take all appropriate measures to prevent, reduce, mitigate and control pollution from diffuse sources, in particular from agricultural, forest areas and mining areas, land-based oil exploration and exploitation sites which affect the marine and coastal environment of the Protocol area, and shall ensure compliance with agreed environmental quality standards and environmental quality objectives provided under annex III to this Protocol.

2. The Contracting Parties shall ensure that control of diffuse sources of pollution from land-based activities in the Protocol area are based on the best available techniques and best environmental practice as provided under annex II to this Protocol.

3. The Contracting Parties shall cooperate, directly or through competent international or regional organizations, in the development of regional guidelines and agreements to harmonize legislation or regulations for diffuse source pollution with transboundary consequences in the marine and coastal environment of the Protocol area.

Article 9

Degradation from other harmful land-based sources and activities

Each Contracting Party shall endeavour to ensure that land-based activities within their territories and jurisdiction that affect or have the potential to affect the marine and coastal environment of the Protocol area and that are not covered by the provisions of articles 8 and 9 of this Protocol are conducted in accordance with the best practicable means to prevent, reduce, mitigate and control pollution of the marine and coastal environment.

Article 10

Transboundary pollution

1. A Contracting Party that becomes aware of pollution from land-based activities originating from its territory with likely or potential adverse effect on the Protocol area, shall, without delay, notify the Organization and directly any other Contracting Party likely to be affected.

2. The Contracting Parties shall cooperate to ensure the full enforcement of this Protocol for cases in which discharges from watercourses or bodies and emissions from air that flow or move through or traverse the territories of two or more Contracting Parties or form a boundary between them, cause or are likely to cause pollution of the marine and coastal environment of the Protocol area.

3. Each Contracting Party shall also endeavour to act consistently with the objectives and provisions of this Protocol by informing and offering assistance to non-Contracting Parties for land-based pollution not originating from their territories but with the potential to affect their common marine and coastal environments.

Article 11

Measures for effective implementation

1. To promote effective implementation of this Protocol, the Contracting Parties shall develop and adopt national and regional programmes of action, based on pollution source control and containing measures and, where appropriate, set targets for their implementation.

2. Each Contracting Party shall tackle the priority substances and activities listed in annex I to this Protocol through the progressive development and periodic review of common effluent and emission controls, emission limits for relevant substances, environmental quality standards and environmental quality objectives as provided for in annex III to this Protocol and within a period of four years from the date of entry into force of this Protocol.

3. Each Contracting Party shall promote and use best available techniques and best environmental practices and the application of, access to and transfer of environmentally sound technologies, including cleaner production, taking into consideration the technological, economic and social conditions and the criteria set out in annex II to this Protocol.

4. The provisions of this Protocol shall not affect the rights of the Contracting Parties individually or jointly to adopt and implement more stringent measures than those provided for herein.

Article 12

Compliance and enforcement

"1. Each Contracting Party shall apply the required measures for the implementation of this Protocol.

2. The Contracting Parties shall cooperate in harmonizing national legislation and policies for the effective discharge of their obligations under this Protocol.

3. Each Contracting Party shall take appropriate measures in accordance with international law to enhance compliance with the provisions of this Protocol and cooperate by offering assistance, advice or information to other Contracting Parties to enhance compliance with and ensure enforcement of the Protocol.

Article 13

Common guidelines, standards and criteria

1. The Contracting Parties shall cooperate in establishing and applying common guidelines, standards and criteria, which are subject to periodic review on the proposal of one or more Contracting Parties, in matters relating to:

(a) Specific requirements concerning the quantities of discharges, concentration levels and their methods of disposal of the priority substances listed in annex I to this Protocol;

(b) Special requirements for effluent necessitating separate treatment;

(c) Quality of seawater used for specific purposes that is necessary for the protection of human health and the health of the ecosystem;

(d) Construction of pipelines for coastal outfalls, taking into consideration the methods for pre-treatment of effluent;

(e) Control and progressive replacement of products, installations and industrial processes, among other things, causing significant pollution of the marine and coastal environment.

Article 14

Monitoring and evaluation

1. Each Contracting Party shall designate a national focal institution, as part of a regional network of national research centres and institutions, to lead and coordinate data collection, monitoring and evaluation of programmes and activities under this Protocol, and to assist in monitoring and ensuring compatible results, in accordance with article 14 of the Convention.

2. The Contracting Parties shall develop and coordinate comparable national research, monitoring and evaluation programmes concerning inputs of priority substances, levels of pollution within their inland and territorial waters, effectiveness of action plans, programmes and other measures implemented under this Protocol.

3. The Contracting Parties shall provide for a system of regular monitoring and inspection by their competent national authorities to assess compliance with authorisations and regulations of substances into water and air, or activities through environmental assessments and audits as provided for in article 16 of this Protocol.

Article 15

Environmental assessment and audit

1. Each Contracting Party shall endeavour strictly to adhere to and enforce compliance with article 13 of the Convention in respect of mandatory environmental assessment and to assist in the planning and implementation of their development projects in such a way as to minimize the immediate, long-term, cumulative and transboundary harmful impact on the Protocol area.

2. The Contracting Parties shall provide for mandatory, regular and systematic environmental audits for existing development activities, programmes and processes with a potential impact on the marine and coastal environment of the Protocol area.

3. The Contracting Parties shall, in consultation with the Organization, develop procedures and technical guidelines for the dissemination of information concerning the assessment of the activities referred to in paragraphs 1 and 2 of the present article.

Article 16

Scientific and technological cooperation

1. The Contracting Parties shall take appropriate measures to facilitate scientific and technological research to reduce and eliminate all forms and sources of pollution related to this Protocol.

2. The Contracting Parties shall, with the assistance of competent regional and international organizations, cooperate in the field of scientific research, technology transfer, technical assistance for acquisition, maintenance and production of necessary equipment and facilities, training to enhance the capacity of scientific and technical personnel, exchange of data and scientific information, monitoring and evaluation, including quality control and quality assurance programmes, and in collaborative programmes for the purpose of this Protocol.

Article 17

Reporting

1. Each Contracting Party shall, in accordance with article 22 of the Convention, transmit to the Organization regular reports on measures adopted in the implementation of this Protocol, in such form and at such intervals as the meetings of Contracting Parties may determine. The Organization shall disseminate the reports received under this paragraph to all Contracting Parties.

2. The reports referred to in paragraph 1 of this article shall include:

(a) Information on legal and regulatory measures, action plans, programmes and other steps taken to implement this Protocol;

(b) Data on the quantities of substances of concern discharged from their territories;

(c) Statistical data on the authorizations, permissions, environmental assessments and audits granted or undertaken under this Protocol;

(d) Data resulting from monitoring as provided for in article 15 of this Protocol;

(e) Information on activities altering the coastline, habitats within coastal areas and related watersheds;

(f) Information on results achieved in preventing, reducing, mitigating and controlling pollution from any hot spots; and

(g) Information on general results achieved and, where applicable, difficulties encountered in implementing this Protocol.

Article 18

Functions of the secretariat

The Contracting Parties, in accordance with article 16 of the Convention, designate the Organization as the secretariat for purposes of this Protocol to carry out the following functions of the Protocol:

(a) Convene and service meetings of the Contracting Parties;

(b) Assist in raising funds for the implementation of this Protocol;

(c) Provide such guidance and assistance to national focal points, national focal institutions or research institutions, any committee, group or task force established under this Protocol or at the meetings of the Contracting Parties;

(d) Provide guidance on the formulation of procedures and mechanisms necessary to assess and promote compliance with and enforcement of the Protocol including the

establishment of databases on national, subregional and regional on measures adopted for the implementation of this Protocol,

(e) Provide assistance and guidance on the formulation of guidelines, standards and their criteria provided for under this Protocol;

(f) Coordinate the development of reporting formats, information exchange systems and networks and other communication mechanisms for the purposes of facilitating the implementation of this Protocol;

(g) Coordinate the development and implementation of environmental education, training, public awareness and participation programmes;

(h) Compile and make available to the Contracting Parties and other relevant parties reports and studies required for the implementation of this Protocol;

(i) Prepare reports of the meetings of the Contracting Parties including reports on budgets, audited revenue and expenditure statements for the periods as may be agreed upon by the meetings of the Contracting Parties;

(j) Enter into any administrative and financial arrangements as may be required for the effective discharge of the Secretariat functions for the purposes of this Protocol;

(k) Assist Contracting Parties, in cooperation with competent regional and international, intergovernmental and non-governmental organizations, to establish and manage programmes and activities on the prevention, control, reduction, mitigation or elimination of pollution and degradation from land-based sources and activities in the Protocol area;

(l) Provide guidance in the development of technical, scientific and management research programmes on the prevention, control, reduction, mitigation or elimination of pollution and degradation from land-based sources and activities;

(m) Perform all other functions as specified under article 16 and

(n) Carry out any other functions assigned to it by the Contracting Parties.

Article 19

Functions of the national focal points

1. Each Contracting Party shall designate a national focal point, and where practicable the same national focal point for both the Convention and this Protocol, to coordinate national efforts for implementation of this Protocol and to serve as the channel of communication between the Contracting Party and the secretariat on technical and programmatic matters.

2. Each national focal point shall periodically provide information to the secretariat on the national status of the programmes and activities on the prevention, control, reduction, mitigation or elimination of pollution and degradation from land-based sources and activities and on the implementation of this Protocol.

Article 20

Meetings of the Parties

1. Ordinary meetings of the Contracting Parties to this Protocol shall be held, where possible, 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 for in paragraph 1 of article 17 of the Convention.

2. Ordinary meetings of the Contracting Parties to this Protocol shall keep under review the implementation of this Protocol and in particular to:

(a) consider reports submitted by the Contracting Parties under article 18 of this Protocol;

(b) adopt, review and amend as required annexes to this Protocol in accordance with the provisions of article 20 of the Convention;

(c) consider the recommendations arising out of meetings of national focal points; and

(d) perform all other functions as specified under article 17 of the Convention.

Article 21

Financial mechanisms

1. The Contracting Parties shall, taking into consideration the need to ensure adequate financial resources for the implementation of this Protocol, provide and mobilize additional funds and other forms of assistance for activities related to this Protocol. The funds and assistance may include voluntary contributions, grants and concessional loans from national and international sources, donor organizations, non-governmental, bilateral and multilateral funding sources, individuals and private sector entities, in addition to the assessed financial contributions and obligations provided for under article 21 of the Convention.

2. The Contracting Parties shall promote and facilitate the mobilization of financial resources, including allocations in national budgets, sufficient and predictable financial resources for purpose of implementation of this Protocol.

Article 22

Rules of procedure and financial rules

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

Article 23

Relationship between this Protocol and the Convention

The provisions of article 25 of the Convention relating to any protocol shall apply to this Protocol.

Article 24

Relationship between this Protocol and third parties

1. The Contracting Parties may invite non-State Parties to this Protocol, regional and international, intergovernmental and non-governmental organizations to cooperate in the implementation of this Protocol.

2. Each Contracting Party shall adopt appropriate measures, consistent with international law, to ensure that no one engages within national jurisdiction in any activity that is inconsistent with or contrary or prejudicial to the objectives, principles or purposes of this Protocol.

Article 25

Sovereignty claims and rights

1. Nothing in this Protocol nor any act adopted on the basis of this Protocol shall prejudice the rights, the present and future claims or legal views of any State relating to the law of the sea, in particular, the 1982 United Nations Law of the Sea Convention, concerning the nature and the extent of marine areas, the delimitation of marine areas between States with opposite or adjacent coasts, freedom of navigation on the high seas, the right and the modalities of passage through straits used for international navigation and the right of innocent passage in territorial seas, as well as the nature and extent of jurisdiction of the coastal States, island or archipelagic States, the flag States and the port States.

2. No act or activity undertaken on the basis of this Protocol shall constitute grounds for claiming, contending or disputing any claim to national sovereignty or jurisdiction.]

Article 26

Settlement of disputes

The provisions of article 24 of the Convention regarding the settlement of disputes shall apply mutatis mutandis to this Protocol.

Article 27

Annexes and amendments of the Protocol and its annexes

1. Any annex made under this Protocol shall form an integral part of the Protocol.

2. The procedures for amendments provided under articles 19 and 20 of the Convention shall apply, mutatis mutandis, for the amendments of this Protocol and its annexes.

Article 28

Signature, acceptance, approval, ratification and accession

1. This Protocol shall be open for signature at [Abidjan] from the 22 day of June 2012 by any Contracting Party to the Convention.

2. The provisions of the Convention in articles 27 and 28 as to ratification, acceptance, approval and accession, shall apply, mutatis mutandis, to this Protocol and its annexes.

Article 29

Entry into force, withdrawal and depository

The provisions of articles 29, 30 and 31 of the Convention, relating to entry into force, withdrawal and responsibilities of the Depositary shall apply, mutatis mutandis, to this Protocol.

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

Done at **Grand-Bassam, Cote d'Ivoire** on this twenty second day of June two thousand and twelve in a single copy in the English and French languages, the two texts being equally authentic.

Annex I

Indicative activities and categories of substances of concern

1. In accordance with articles 4, 8 and 12 of this Protocol the Contracting Parties shall take into account, among others, the elements contained herein in the preparation of action plans, programmes and measures for the prevention, reduction, mitigation and control of pollution from land-based sources and activities.

2. Priorities for action should be established by the Contracting Parties by assessing the relative importance of impacts upon public health, coastal and marine resources, ecosystem health and social and economic benefits, including aesthetic and cultural values.

A. Activities

3. The following activities, not listed in order of priority, and their associated facilities or components shall be considered first and foremost when setting priorities for the preparation of action plans, programmes and measures:

(a) Agriculture;
(b) Animal husbandry;
(c) Aquaculture and mariculture;
(d) Automobile industry and automobile workshops activities;
(e) Beverages industry;
(f) Cement production;
(g) Disposal of sewage;
(h) Dredging;
(i) Electric and electronics industry;
(j) Energy production;
(k) Fertilizer production;
(l) Food processing;
(m) Forestry;
(n) Incineration of waste and management of its residues;
(o) Leather tanning industry;
(p) Management of municipal solid waste;
(q) Metal industry;
(r) Mining including sand and gravel;
(s) Oil exploration and exploitation;
(t) Other sectors of the inorganic chemical industry;
(u) Other sectors of the organic chemical industry;
(v) Paper and paper-pulp industry;
(w) Petroleum refining;
(x) Petroleum and gas pipelines;
(y) Pharmaceutical industry;
(z) Ports and harbour development and operations;
(aa) Production and formulation of biocides;
(bb) Recycling industry;

(cc) Rubber and plastic industry;

(dd) Shipbuilding and repairing industry;

(ee) Textile industry;

(ff) Tourism;

(gg) Transport;

(hh) Waste management activities;

(ii) Wood and timber products industry;

(jj) Works that cause physical alteration of the natural state of the coastline or destruction of habitats;

(kk) Other activities as may be agreed by the Contracting Parties.

B. Categories of substances

4. In the preparation of action plans, programmes and measures, Contracting Parties shall use as guidance the following categories of substances identified on the basis of their hazardous or otherwise harmful characteristics:

(a) Organohalogen compounds and substances that may form such compounds in the marine environment. Priority will be accorded to aldrin, chlordane, DDT, dieldrin, dioxins and furans, endrin, heptachlor, hexachlorobenzene, mirex, polychlorinated biphenyls and toxaphene;

(b) Organophosphorus compounds and substances that may form such compounds in the marine environment;

(c) Organometallic compounds and substances that may form such compounds in the marine environment;

(d) Polycyclic aromatic hydrocarbons;

(e) Heavy metals and their compounds;

(f) Used lubricating oils;

(g) Radioactive substances;

(h) Biocides and their derivatives;

(i) Pathogenic micro-organisms;

(j) Endocrine-disrupting substances;

(k) Crude oils and hydrocarbons of petroleum origin;

(l) Cyanides and fluorides;

(m) Non-biodegradable detergents and other non-biodegradable surface-active substances;

(n) Nitrogen and phosphorus compounds and other substances that may cause eutrophication;

(o) Litter (any persistent manufactured or processed solid material that is discarded, disposed of, or abandoned in the marine environment and coastal areas);

(p) Thermal emissions;

(q) Acid or alkaline compounds that may impair water quality;

(r) Non-toxic substances that have an adverse effect on the oxygen content of the marine environment;

(s) Non-toxic substances that may interfere with any legitimate use of the sea;

(t) Non-toxic substances that may have adverse effects on the physical or chemical characteristics of seawater;

(u) Other substances that may be assessed, including lindane, endosulfan, atrazine, organic tin compounds, organic mercury compounds, chlorinated paraffins and polybrominated diphenyl ethers;

(v) Substances that are only moderately persistent but that have been continuously released in large quantities;

5. Any other substances regulated under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Stockholm Convention on Persistent Organic Pollutants, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Bamako Convention on the ban on the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa.

C Characteristics of substances

6. In the preparation of action plans, programmes and measures the Contracting Parties shall take into account, where relevant, the following characteristics and factors:

(a) Persistence;

(b) Toxicity or other noxious properties (e.g., carcinogenicity, mutagenicity or teratogenicity);

(c) Bioaccumulation;

(d) Radioactivity;

(e) Ratio between observed concentrations and no observed effect concentrations;

(f) Potential for causing eutrophication;

(g) Health effects and risks;

(h) Transboundary significance;

(i) Risk of undesirable changes in the marine ecosystem and irreversibility or durability of effects;

(j) Negative impacts on marine life and the sustainable use of living resources or another legitimate uses of the sea;

(k) Effects on the taste or smell of marine products intended for human consumption;

(l) Effects on the smell, colour, transparency or other characteristics of seawater;

(m) Distribution pattern (i.e., quantities involved, use patterns and probability of reaching the marine environment).

Annex II

Best available techniques and best environmental practice

1. In accordance with articles 8, 9, and 12 of this Protocol the Contracting Parties shall use or promote the application of best available techniques and best environmental practices.

A. Best available techniques

2. The term "best available techniques" means the latest stage of development of processes, facilities or methods of operation that indicate the practical suitability of a particular measure for preventing or limiting discharges, emissions and waste. Techniques include both the technology used and the way in which the installation is designed, built, maintained, operated and dismantled.

3. The use of the best available techniques shall emphasize the use of non-waste technology, if available.

4. In determining whether a set of processes, facilities and methods of operation constitute the best available techniques in general or individual cases, special consideration shall be given to the following:

(a) Comparable processes, facilities or methods of operation that have been successfully tested recently;

(b) Technological advances and changes in scientific knowledge and understanding;

(c) Economic feasibility of such techniques;

(d) Time limits for installation in both new and existing plants;

(e) Nature and volume of the discharges and emissions concerned;

(f) Precautionary principle.

5. The best available techniques for a particular process will change with time in the light of technological progress, economic and social factors and changes in scientific knowledge and understanding.

6. If the reduction of discharges and emissions resulting from the use of best available techniques does not lead to environmentally acceptable results, additional measures must be applied.

B. Best environmental practice

1. The term "best environmental practice" means the application of the most appropriate combination of environmental control measures and strategies.

2. In making a selection for individual cases, at least the following graduated range of measures should be considered:

(a) Providing information and education to the public and to users about the environmental consequences of the choice of particular activities and products, their use, storage, transportation and ultimate disposal;

(b) Developing and applying codes of good environmental practice that cover all aspects of the activity during the product's life;

(c) Applying mandatory labels informing users of environmental risks related to a product, its use, storage and ultimate disposal;

(d) Saving resources, including energy;

(e) Making collection and disposal systems available to the public;

(f) Avoiding the use of hazardous substances or products and the generation of hazardous waste;

(g) Recycling, recovery and reuse;

(h) Applying economic instruments to activities, products or groups of products;

(i) Establishing a system of licensing, involving a range of restrictions or a ban.

3. In determining what combination of measures constitute best environmental practice in general or individual cases, particular consideration should be paid to the following:

(a) Environmental hazard of the product and its production, use, storage, transportation and ultimate disposal;

(b) Substitution by less polluting activities or substances;

(c) Scale of use;

(d) Potential environmental benefit or penalty of substitute material or activities;

(e) Progress and changes in scientific knowledge and understanding;

(f) Time limits for implementation;

(g) Social and economic implications;

(h) Precautionary principle.

4. It therefore follows that best environmental practice for a particular source will change over time in the light of technological progress, economic and social factors and changes in scientific knowledge and understanding.

5. If the reduction of inputs resulting from the use of best environmental practice does not lead to environmentally acceptable results, additional measures shall be applied and best environmental practice redefined.

Annex III

Environmental quality standards and objectives

1. In accordance with articles 8, 9 and 12 of the Protocol, the Contracting Parties shall ensure compliance with environmental quality standards and objectives.

A. Environmental quality standards

2. "Environmental quality standard" means the concentration of a particular substance or group of substances in air, water or biota and other aspects of the environment that should not be exceeded, to safeguard human health and protect the environment.

3. Environmental quality standards under this protocol shall fall under the following broad categories:

(i) Environmental quality standards for ambient air

4. These standards control pollutants harmful to humans and the environment. The environmental quality standards grouped in two types, namely, primary and secondary. Primary standards protect against adverse health effects, while secondary standards protect the environment, such as damage to farm crops, vegetation and the built environment.

5. The six criteria pollutants to be addressed by the Contacting Parties in ambient air quality standards are carbon monoxide, nitrogen dioxide, sulphur dioxide, lead, ozone and particulate matter.

6. Each Contracting Party shall establish a systematic air pollution monitoring programme to regularly monitor all the six criteria pollutants to alleviate air pollution emergencies, to observe pollution trends and to evaluate the effects of urban, land-use and transportation planning relating to air pollution. This monitoring shall also include monitoring of ozone and its precursors, especially in areas with persistently high ozone levels (such as large metropolitan areas).

(ii) Environmental quality standards for water

7. Water quality standards shall define the goals for a water body by designating its uses, setting criteria to protect those uses, and establishing standards for controlling discharges into a water body.

8. The standards may have a variety of aims, including:

(a) Protecting living resources and nature;

(b) Controlling risks to the quality of water abstracted for supply to homes or used to irrigate crops;

(c) Ensuring that leisure and tourism activities, such as swimming, angling, boating and yachting are as safe as possible.

B. Environmental quality objectives

9. Environmental quality objectives are a set of clearly identified objectives or goals for purposes of environmental quality whether in specific or general application to relevant environmental resources, activities or programmes. The environmental standards objectives will focus attaining the set goals rather than solving the problems.

10. The environmental quality objectives will define the state of the environment that environmental policy aims to achieve and provide a coherent framework for environmental

programmes and initiatives at the local, national and regional levels. The objectives will also provide guidelines for enforcement of environmental laws.

11. The environmental quality objectives may include the following:

(a) Protection of human health (e.g., water standards for swimming) or specific human interests (e.g., fishery, livestock-raising or water for irrigation);

(b) Conservation of biological diversity;

(c) Conservation of natural, and cultural heritage;

(d) Promotion of long-term productivity of ecosystems; and

(e) Environmentally sound management of natural resources.

Done at **Grand-Bassam, Cote d'Ivoire** on this twenty second day of June two thousand and twelve in a single copy in the English and French languages, the two texts being equally authentic.

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	Name of the Contracting Party	Name of the Representative of the Contracting Party	Signature	Date
1.	SOUTH AFRICA			
2.	BENIN	ICHOLA Rihanath		22/06/2012
3.	CAMEROON			
4.	REPUBLIC OF CONGO	Jean Pierre KOMBO		22/06 2012
5.	COTE D'IVOIRE	Joseph SEKA SEKA		02/07/2019
6.	GABON	Faustin MDUNGUIENGUI		02/07/2019
7.	GAMBIA	Pateh Jah		02/07/2019
8.	GHANA	Frederick Daniel LARYER		02/07/2019
9.	GUINEA	Mohammed Lamine SIDIBE		02/07/2019
10.	GUINEA-BISSAU	OCTAVIO CABRAL		22/06/12

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11.	LIBERIA	NATHANIEL T. BLAMA		22/6/12
12	ISLAMIC REPUBLIC OF MAURITANIA	BA MOUSSA		22/06/12
13	NIGERIA	Mohammed MACCIDO		02/07/ 2019
14	SENEGAL	Abdou Lahat SDURANG		02/07/ 2019
15	SIERRA LEONE	Stephen Syril James JUSU		02/07/ 2019
16	TOGO	GUINHOUYA KOUAMI A. MARC		22/06/12

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