

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

Abidjan, 23 March 1981

Article 1

For the purposes of this Protocol:

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

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

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

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

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

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

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

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

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

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

(c) The health and well-being of the inhabitants of the area concerned, including the conservation of living marine resources

and wildlife and the protection of marine and coastal parks and reserves.

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

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

Article 2

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

Article 3

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

Article 4

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

Article 5

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

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

Article 6

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

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

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

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

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

Article 8

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

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

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

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

(c) The provision of pollution disposal sites; or

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

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

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

5. Each Contracting Party undertakes to inform the other

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

Article 9

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

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

Article 10

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

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

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

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

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

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

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

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

Article 11

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

of the Convention.

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

- (a) To keep under review the implementation of this Protocol, and to consider the efficacy of the measures adopted and the need for any other measures, in particular in the form of annexes;
- (b) To review and amend as required any annex to this Protocol;
- (c) To discharge such other functions as may be appropriate for implementation of this Protocol.

Article 12

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

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

In witness whereof the undersigned, being duly authorized by their respective Governments, have signed this Protocol.

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

Annex

GUIDELINES FOR THE REPORT TO BE MADE PURSUANT TO ARTICLE 7 OF THE PROTOCOL

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

- (a) The identification of the source of pollution (e.g. identity of the ship), where appropriate;
- (b) The geographical position, time and date of the occurrence of the incident or of the observation;
- (c) The marine meteorological conditions prevailing in the area;
- (d) Where the pollution originates from a ship, relevant details respecting the condition of the ship.

2. Each report shall also contain, whenever possible:

- (a) A clear indication or description of the harmful substances involved, including the correct technical names of such substances (trade names should not be used in place of the correct technical names);
- (b) A statement or estimate of the quantity, concentration and

likely condition of harmful substances discharged or likely to be discharged into the sea;

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

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

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

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

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

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

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