

DRAFT AMENDMENT TO THE
CONVENTION FOR COOPERATION IN THE PROTECTION AND
DEVELOPMENT OF THE MARINE AND COASTAL ENVIRONMENT OF THE
WEST AND CENTRAL AFRICAN REGION

| [AMENDMENT TO THE] CONVENTION FOR COOPERATION IN THE
PROTECTION AND DEVELOPMENT OF THE MARINE AND COASTAL
ENVIRONMENT OF THE WEST AND CENTRAL AFRICAN REGION¹

| *(Proposition 1: Amendment of the title of the Convention)*

| *(The title of the Convention should be amended slightly by inserting “Southern” to take account of the Republic of South Africa’s accession to the Convention and line with Decision COP 5/1 adopted at the 5th meeting of the Contracting Parties held in Accra, Ghana in March, 2000. This amendment should also be reflected in articles 1 and 26 of the Convention. Further, the word “Management” should be inserted in the title of the Convention to reflect the concept of sound environmental management and conservation of biological diversity introduced in the body of the proposed amendment to the Convention as follows:*

| CONVENTION FOR CO-OPERATION IN THE PROTECTION[, MANAGEMENT]
AND DEVELOPMENT OF THE MARINE AND COASTAL ENVIRONMENT
OF THE [~~WEST WESTERN, -AND~~] CENTRAL [AND SOUTHERN] AFRICAN
REGION[; ~~and PROTOCOL 1984~~

The Contracting Parties,

¹ The proposed amendments to the Convention are inserted in the body of the original text of the Convention (by “consolidated drafting”) for ease of reference and to enable readers understand quickly the aspect being amended. After the acceptance in principle of the proposed amendments, the text of the amendment will be excised from this document as a separate instrument. The title of the accepted amendment will read “AMENDMENT TO THE CONVENTION FOR THE COOPERATION IN THE PROTECTION AND DEVELOPMENT OF THE MARINE AND COASTAL ENVIRONMENT OF THE WEST AND CENTRAL AFRICAN REGION”.

(Proposition 2: Amendment of existing preambles and insertion of new preambles to the Convention)

(The amendment of existing preambles and the insertion of new preambles are to provide appropriate introduction to some of the elements of pollution and the concept of sustainable use and management of the coastal and marine environment introduced in the text of the Convention. The preambles also provide some background or insight to the amendments made to the body of the Convention)

Conscious of the economic, social [, cultural] and health value of the marine environment and coastal areas of the ~~West~~ [Western, –and] Central [and Southern] African Region~~region~~,

Fully aware of their responsibility to preserve their natural heritage [, biological diversity and non-renewable natural resources in the marine and coastal environment] for the benefit and enjoyment of present and future generations,

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

Realizing fully the need for co-operation [, through a coordinated and comprehensive approach,] among the Contracting Parties in order to [effectively prevent, reduce and control the threat to the marine and coastal environment posed by pollution, overexploitation of natural resources and other human activities]

Realizing also the need for a carefully planned research, monitoring and assessment programme in view of the scarcity of scientific information on marine [pollution and coastal environment] in the ~~[West~~Western, –and] Central [and Southern] African Region~~region~~,

Noting that existing conventions concerning [sustainable management of the] marine ~~pollution~~ [and coastal environment] do not ~~[cover, in spite of the progress achieved, all aspects and sources of marine pollution and do not]~~ entirely meet the special requirements of the ~~[West~~Western, and] Central [and Southern] African Region~~region~~,

[Noting also that developments in the areas of biological diversity, pollution, wastes, toxic chemicals and in the light of changing climate are also having considerable impacts on the marine and coastal environment,]

[Taking into account the relevant provisions of the International Convention for the Prevention of Pollution from Ships (1973), the United Nations Convention on the Law of the Sea (1982), the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (1989), the International Convention on Oil Pollution Preparedness, Response and Cooperation (1990), the Bamako Convention of the Ban of the Import into Africa and the Control of the

Transboundary Movement and Management of Hazardous Wastes within Africa (1991), , the Convention on Biological Diversity (1992), the United Nations Framework Convention on Climate Change (1992), the Maputo African Convention on the Conservation of Nature and Natural Resources (2003) and other relevant multilateral environmental agreements and decisions taken at the United Nations conferences relevant to the marine and coastal environment,]

[Taking also into account the Rio Declarations, Agenda 21, Johannesburg Plan of Implementation and other sources of environmental principles.]

[Recognising the role of non-governmental organizations, civil society and other major groups in the promotion of the objective of this Convention through public participation in the sound environmental management of the marine and coastal environment,]

[Recognising also that the specific needs of the Contracting Parties in the sub-regions will be better served if some amendments are made to some aspects of the original Convention taking into account recent development in the areas of sustainable development and sound environmental management including the marine and coastal ecosystems.]

Have agreed as follows:

(Proposition 3: Amendment of article 1 on geographical scope)

(The Contracting Parties by Decision COP 5/1 of the 5th meeting of the Contracting Parties decided that articles 1 and 26 of the Abidjan Convention be amended to expand the geographical scope of the Convention to enable the participation of countries such as South Africa)

Article 1
GEOGRAPHICAL COVERAGE

This Convention shall cover the marine environment, coastal zones and related inland waters falling within the jurisdiction of the States of the ~~[West Western, and]~~ Central ~~[and Southern]~~ African ~~Region~~region, from Mauritania to ~~[Namibia–South Africa]~~ inclusive, which have become Contracting Parties to this Convention under conditions set forth in article 27 and paragraph 1 of article 28.

(Proposition 4: Introduction of a new article on Objective)

The Abidjan Convention did not contain an article stating the objective of the Convention. Thus the new article provides the opportunity to state the objective of the Abidjan Convention)

[Article 1A]

OBJECTIVE

The objective of this Convention is to promote cooperation among the Contracting Parties to ensure sustainable management of the marine and coastal environment in the Western, Central and Southern African region.]

Article 2 DEFINITIONS

For the purposes of this Convention:

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

(Proposition 5: Inclusion of definition of some words in the definition article)
(Inclusion of some definitions for better understanding of words which were not defined in the original Convention)

[3. "Convention" means the Convention for the Cooperation in the Protection, Management and Development of the Marine and Coastal Environment of the Western, Central and Southern African region (as amended).]

[4. "Original Convention" shall mean the Convention for the Cooperation in the Protection and Development of the Marine and Coastal Environment of the West and Central African region 1981.

[5. "Convention area" means the marine environment, coastal zones and related inland waters falling within the jurisdiction of any coastal or island State of Western, Central and Southern African region from Mauritania to South Africa.]

[6 "Dumping" means any deliberate disposal at sea or into the seabed of wastes or other matter from ships, other human-made structures at sea or aircraft or any deliberate disposal at sea of ships]

Article 3 GENERAL PROVISIONS

1. The Contracting Parties may enter into bilateral or multilateral agreements, including regional or subregional agreements, for the protection of the marine and coastal environment of the ~~[West Western, and]~~ Central ~~[and Southern]~~ African ~~Region~~region, provided that such agreements are consistent with this Convention and conform to international law. Copies of such agreements shall be deposited with the Organization and, through the Organization, communicated to all Contracting Parties.

2. Nothing in this Convention or related protocols shall be deemed to affect obligations assumed by a Contracting Party under agreements previously concluded.

(Proposition 6: Deletion of paragraph 3 of article 3)

[This paragraph was included in the article 3 at a time when the development and codification Law of the Sea Convention was being undertaken. Therefore, reference to this is no longer relevant since the Law of the Sea Convention is already in force and the codification envisaged had been done. So it is proposed that this paragraph be deleted]

[3. Nothing in this Convention shall prejudice the codification and development of the law of the sea by the United Nations Conference on the Law of the Sea convened pursuant to resolution 2750 C (XXV) of the General Assembly of the United Nations, nor the present or future claims and legal views of any Contracting Party concerning the nature and extent of its maritime jurisdiction.]

Article 4
GENERAL OBLIGATIONS

1. The Contracting Parties shall, individually or jointly as the case may be, take all appropriate measures in accordance with the provisions of this Convention and its protocols in force to which they are parties to prevent, reduce, combat and control pollution of the Convention area and to ensure sound environmental management of natural resources, using for this purpose the best practicable means at their disposal, and in accordance with their capabilities.

2. In addition to the Protocol concerning cooperation in combating pollution in cases of emergency opened for signature on the same date as this Convention, the Contracting Parties shall cooperate in the formulation and adoption of other protocols prescribing agreed measures, procedures, and standards to prevent, reduce, combat and control pollution from all sources or promoting environmental management in conformity with the objectives of this Convention.

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

4. The Contracting Parties shall co-operate with the competent international, regional and subregional organizations to establish and adopt recommended practices, procedures and

measures to prevent, reduce, combat and control pollution from all sources in conformity with the objectives of this Convention and its related protocols, and to assist each other in fulfilling their obligations under this Convention and its related protocols.

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

Article 5 POLLUTION FROM SHIPS

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

Article 6 POLLUTION CAUSED BY DUMPING FROM SHIPS AND AIRCRAFT

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

(Proposition 7: Insertion of the word “activities” or activity in article 7)
(The provisions in the original Convention on pollution from land-based sources are considered to have limitation in view of the fact that certain activities may be the drivers of the pollution emanating from the land-based sources. (Example of these may include the application of fertilizers on agricultural lands resulting in run-offs into the marine and coastal environment and the discharge of effluents by industries or sewage by domestic or commercial entities into the marine and coastal environment). The Contracting Parties may equally need to take appropriate measures to prevent or reduced such activities so as to prevent, reduce or combat pollution emanating from the land-based sources and activities. Therefore, insertion of the word “activities” or activity, as the case may be, in article 7 is to emphasise the impact of certain onshore “activities” in marine pollution. This will also enhance the enabling provisions for the LBSA Protocol that has just been negotiated)

Article 7 POLLUTION FROM LAND-BASED SOURCES AND ACTIVITIES

The Contracting Parties shall take all appropriate measures to prevent, reduce, combat and control pollution of the Convention area caused by discharges from rivers, estuaries,

coastal establishments and outfalls, coastal dumping or emanating from any other sources [or from any activity ~~on~~ in] their territories.

Article 8
POLLUTION FROM ACTIVITIES RELATING TO
EXPLORATION AND EXPLOITATION OF THE SEA-BED

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

Article 9
POLLUTION FROM OR THROUGH THE ATMOSPHERE

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

(Proposition 8: Insertion of a new article 9A)

(Pollution incidents arising from transportation or dumping of hazardous wastes, chemicals and noxious substances, including oil and gas exploration in the marine and coastal environment appears to be on the increase. There are no specific provisions relating to these in the original Convention. Although article 8 makes provisions for exploration and exploitation of the sea-bed, the exploitation of oil and gas deserves special attention in view of its grave implications in the event of spills or accidental discharges. Also, exploration and exploitation of the sea-bed provided for in article 8 could be for variety of reasons other than oil and gas. In the same vein, there are no specific provisions in the original Convention addressing marine pollution caused by transboundary movement or dumping of hazardous wastes, noxious substances or toxic chemicals. Therefore, it is considered necessary to have specific provisions relating marine pollution caused by hazardous wastes, noxious substances, toxic chemicals and oil and gas in the Convention as follows:

**[POLLUTION RESULTING FROM HAZARDOUS WASTES, NOXIOUS
SUBSTANCES, TOXIC CHEMICALS, OIL, GAS AND OTHER MINERALS**

The Contracting Parties shall, individually or jointly as the case may be, take appropriate measures to prevent, reduce, control or abate pollution of the marine and coastal environment of the Convention area resulting from exploration, exploitation or transportation of oil, gas and other minerals including the trans-

boundary movements or disposal of hazardous wastes, noxious substances or toxic chemicals]

Article 10 COASTAL EROSION

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

(Proposition 9: Amendment of article 11)

(The amendment of article 11 is to make the provisions of the article read better and make the concept of sound environmental management and ecosystems approach clearly embedded into the article in line with the Decision COP 8/4 of the meeting of Contracting Parties which emphasized the protection of ecosystems and endangered species through the application of ecosystems-based approaches)

Article 11 SPECIALLY PROTECTED AREAS

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

Article 12 CO-OPERATION IN COMBATING POLLUTION IN CASES OF EMERGENCY

1. The Contracting Parties shall co-operate in taking all necessary measures to deal with pollution emergencies in the Convention area, whatever the cause of such emergencies, and to reduce or eliminate damage resulting therefrom.
2. Any Contracting Party which becomes aware of a pollution emergency in the Convention area should, without delay, notify the Organization and, either through this Organization or directly, any other Contracting Party likely to be affected by such emergency.

(Proposition 10: Insertion of a new article 12A on climate change)

(The marine and coastal environment is vulnerable to the impacts of climate change. The coastal communities in the Convention area are likely to be adversely affected if no appropriate mitigation and adaptation measures are taken. The Abidjan Convention

provides a good avenue for cooperation among the Contracting Parties to address issues of climate change as they relate to the marine and coastal environment.)

[Article 12A
CLIMATE CHANGE

The Contracting Parties shall cooperate in taking all necessary measures to prevent, reduce and control activities contributing to adverse effects from climate change in the marine and coastal environment including economic, livelihood and other factors. The Contracting Parties shall cooperate in taking measures to mitigate the adverse effects of climate change and to promote the adaptation of the marine and coastal environment of the Convention area to the adverse effects of climate change.]

Article 13
ENVIRONMENTAL IMPACT ASSESSMENT

1. As part of their environmental management policies, the Contracting Parties shall develop technical and other guidelines to assist the planning of their development projects in such a way as to minimize their harmful impact on the Convention area.
2. Each Contracting Party shall endeavour to include an assessment of the potential environmental effects in any planning activity entailing projects within its territory, particularly in the coastal areas that may cause substantial pollution of, or significant and harmful changes to, the Convention area.
3. The Contracting Parties shall, in consultation with the Organization, develop procedures for the dissemination of information concerning the assessment of the activities referred to in paragraph 2 of this article.

(Proposition 11: Insertion of a new article 13 to replace the existing article 13)
(The existing article 13 in the original Convention emphasised mainly Environmental Impact Assessment of projects. The proposed new article provides a broad range of modern environmental assessment including strategic assessment and environmental audit. The requirements for environmental assessment, strategic assessment or environmental audit transcend projects and include activities and policies.)

[Article 13
ENVIRONMENTAL ASSESSMENT AND AUDIT

1. Each Contracting Party shall take legislative to establish or strengthen existing mechanisms for environmental impact assessment or strategic environmental assessment in respect of any proposed activity or policy or environmental audit in respect of any existing activity or policy that is likely to have any adverse effect on the marine and coastal environment in the Convention area. The assessment

shall also take into account any trans-boundary impact of such proposed activity or policy.

2. The Contracting Parties shall cooperate or collaborate to develop guidelines and procedures for national and trans-boundary environmental impact assessment and strategic environmental assessment in respect of activities or policies that are likely to have adverse effects on the marine and coastal environment in the Convention area.

3. The Contracting Parties shall, in consultation with the Organisation, develop procedures for the dissemination of information concerning any assessment or audit undertaken in accordance with this article.]

Article 14

SCIENTIFIC AND TECHNOLOGICAL CO-OPERATION

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

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

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

(Proposition 12: Insertion of a new article 14A)

(It is hoped that public participation, environmental education and awareness will promote better understanding and assist the Contracting Parties to improve implementation of the various programmes and activities relating to the Abidjan Convention. The involvement of the various stakeholders will also provide the necessary impetus for compliance promotion and enforcement of municipal laws on matters relating to marine and coastal environment.)

[Article 14A

PUBLIC PARTICIPATION, EDUCATION AND AWARENESS

1. The Contracting Parties shall, as appropriate, cooperate to promote environmental education and awareness on marine and coastal environment, the economic, social, cultural and health values of coastal and marine resources and their role in the ecosystems equilibrium of the Convention area.

2. Each Contracting Party shall, within its national jurisdiction, promote and encourage broad-based participation and involvement of the local communities, civil society organizations, academia and other relevant stakeholders in the management, exploration, exploitation and sustainable use of natural resources in the marine and coastal environment.

3. Each Contracting Party shall take necessary measures to promote compliance and enforcement of laws and regulation related to marine and coastal environment using public participation, environmental education and awareness.]

Article 15

LIABILITY AND COMPENSATION

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

(Proposition 13: The insertion of a new article 15 to replace the existing article 15)

(The provisions of the new article 15 provides a more direct obligation on the part of Contracting Parties to address issues of liability and compensation especially those arising from damage resulting from pollution)

[Article 15

LIABILITY AND COMPENSATION

Each Contracting Party shall, consistent with international law, take all necessary legislative, judicial, administrative or policy measures to ensure that appropriate rules and procedures are adopted and enforced for the determination of liability and payment of adequate and prompt compensation for damage resulting from pollution of the Convention area.]

Article 16

INSTITUTIONAL ARRANGEMENTS

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

(i) To prepare and convene the meetings of Contracting Parties and conferences provided for in articles 17 and 18;

(ii) To transmit to the Contracting Parties notifications, reports and other information received in accordance with articles 3, 12, and 22;

(iii) To perform the functions assigned to it by the protocols to this Convention;

(iv) To consider enquiries by, and information from, the Contracting Parties and to consult with them on questions relating to this Convention and its related protocols and annexes thereto;

(v) To co-ordinate the implementation of cooperative activities agreed upon by the meetings of Contracting Parties and conferences provided for in article 17;

(vi) To enter into such administrative arrangements as may be required for the effective discharge of the secretariat functions.

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

Article 17

MEETINGS OF THE CONTRACTING PARTIES

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

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

(i) To consider reports submitted by the Contracting Parties under article 22;

(ii) To adopt, review and amend as required annexes to this Convention and to its related protocols, in accordance with the provisions of article 20;

(iii) To make recommendations regarding the adoption of any additional protocols or amendments to this Convention or its related protocols in accordance with the provisions of articles 18 and 19;

(iv) To establish working groups as required to consider any matters concerning this Convention and its related protocols and annexes;

(v) To review the state of pollution in the Convention area;

(vi) To consider and to adopt decisions concerning co-operative activities to be undertaken within the framework of this Convention and its related protocols, including their financial and institutional implications;

(vii) To consider and undertake any additional action that may be required for the achievement of the purposes of this Convention and its related protocols.

(Proposition 14: The insertion of a new article 17A)

(A new article should be inserted to make provisions for the sovereign rights of the Contracting Parties so as to avoid adverse claims against any Contracting Party in the course of implementation of this Convention or any of its protocols. Also, provisions should be made for Contracting Parties to put in place measures to determine state responsibility in respect of any possible damage caused by a Contracting Party to the environment of other countries. This is also in consonance with the decision taken by the representatives of the Contracting Parties at the LBSA Negotiation meeting in Accra, 30 March – 1 April 2009)

[Article 17A

SOVEREIGNTY CLAIMS AND RIGHTS

1. Nothing in this Convention or any of its protocols 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 Convention or any of its protocols shall constitute grounds for claiming, contending or disputing any claim to national sovereignty or jurisdiction.

3. In accordance with the principles of international law relating to state responsibility for damages caused to the environment of other countries or to other sectors of the environment, the Contracting Parties shall establish procedures concerning such responsibility that a Party may have on all forms and sources of pollution in the Convention area.]

Article 18
ADOPTION OF ADDITIONAL PROTOCOLS

1. The Contracting Parties, at a conference of plenipotentiaries, may adopt additional protocols to this Convention pursuant to paragraph 2 of article 4.
2. A conference of plenipotentiaries shall be convened for the purpose of adopting additional protocols by the Organization at the request of not less than two thirds of the Contracting Parties.
3. Pending the entry into force of this Convention, the Organization may, after consulting with the signatories to this Convention, convene a conference of plenipotentiaries for the purpose of adopting additional protocols.

Article 19
AMENDMENT OF THE CONVENTION OR PROTOCOLS

1. Any Contracting Party to this Convention may propose amendments to the Convention or to any of the protocols. The texts of any such draft amendments shall be communicated to the Contracting Parties by the Organization six months before their submission to an ordinary meeting of the Contracting Parties for examination.
2. Any amendment shall be adopted by a two-thirds majority of the Contracting Parties and shall enter into force twelve months after its approval.

Article 20
ANNEXES AND AMENDMENTS TO ANNEXES

1. Annexes to this Convention or to any of its protocols shall form an integral part of the Convention or such protocol.
2. Except as may be otherwise provided in any protocol, the procedure foreseen in article 19 shall apply to the adoption and entry into force of any amendments to annexes to this Convention or to any protocol.
3. The adoption and entry into force of a new annex to this Convention or to any protocol shall be subject to the same procedure as the adoption and entry into force of an amendment to an annex in accordance with the provisions of paragraph 2 of this article provided that, if any amendment to the Convention or the protocol concerned is involved, the new annex shall not enter into force until such time as the amendment to the Convention or the protocol concerned enters into force.

Article 21
RULES OF PROCEDURE AND FINANCIAL RULES

1. The Contracting Parties shall adopt rules of procedure for their meetings and conferences envisaged in articles 17 and 18 above.
2. The Contracting Parties shall adopt financial rules, prepared in consultation with the Organization, to determine, in particular, their financial participation.

Article 22
REPORTS

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

Article 23
COMPLIANCE CONTROL

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

Article 24
SETTLEMENT OF DISPUTES

1. In case of a dispute between Contracting Parties as to the interpretation or application of this Convention or its related protocols, they shall seek a settlement of the dispute through negotiation or any other peaceful means of their own choice.
2. If the Parties concerned cannot settle their dispute through the means mentioned in the preceding paragraph, the dispute shall be submitted to arbitration under conditions to be adopted by the Contracting Parties in an annex to this Convention.

Article 25
RELATIONSHIP BETWEEN THE CONVENTION AND ITS RELATED
PROTOCOLS

1. No State may become a Contracting Party to this Convention unless it becomes at the same time a Contracting Party to at least one protocol. No State may become a Contracting Party to a protocol unless it is, or becomes at the same time, a Contracting Party to this Convention.
2. Any protocol to this Convention shall be binding only on the Contracting Parties to the protocol in question.

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

(Proposition 15: Amendment of article 26)

(The Contracting Parties by Decision COP 5/1 of the 5th meeting of the Contracting Parties decided that articles 1 and 26 of the Abidjan Convention be amended to expand the geographical scope of the Convention to enable the participation of countries such as South Africa)

Article 26
SIGNATURE

This Convention and the Protocol on Cooperation in Combating Pollution in Cases of Emergency shall be in Abidjan from 23 March to 22 June 1981 for signature by any coastal or island State, from Mauritania to [\[Namibia South Africa\]](#) inclusive.

Article 27
RATIFICATION, ACCEPTANCE AND APPROVAL

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

Article 28
ACCESSION

1. As from 23 June 1981, the present Convention and the Protocol concerning Cooperation in Combating Pollution in Cases of Emergency shall be open for accession by the States referred to in article 26.
2. After the entry into force of this Convention and any protocol thereto, any African State not referred to in article 26 may accede to them.

(Proposition 16: Amendment of article 28)

(The Contracting Parties by Decision COP5/1/3(b) of the 5th meeting of the Contracting Parties approved the amendment of article 28 of the original Convention to allow relevant institutions and bodies to accede to the Convention)

3. This Convention and any protocol thereto shall also remain open after the entry into force for accession by any other State [\[or any regional, sub-regional or other inter-governmental organisation, institution or body\]](#), subject to the prior approval of three quarters of the States referred to in article 26 which have become Contracting Parties.

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

Article 29
ENTRY INTO FORCE

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

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

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

Article 30
WITHDRAWAL

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

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

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

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

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

Article 31
RESPONSIBILITIES OF THE DEPOSITARY

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

(i) Of the signature of this Convention and any protocol thereto, and of the deposit of instruments of ratification, acceptance, approval or accession in accordance with articles 26, 27 and 28;

(ii) Of the date on which the Convention and any protocol will come into force in accordance with the provisions of article 29;

(iii) Of notifications of withdrawal made in accordance with article 30;

(iv) Of the amendments adopted with respect to the Convention and to any protocol, their acceptance by the Contracting Parties and the date of entry into force of these amendments in accordance with the provisions of article 19;

(v) Of the adoption of new annexes and of the amendment of any annex in accordance with article 20.

2. The original of this Convention and of any protocol thereto shall be deposited with the Depository, the Government of ~~the Ivory Coast~~ [Cote d'Ivoire](#) which shall send certified copies thereof to the Contracting Parties, to the Organization of African Unity, to the Organization, and to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the United Nations Charter.

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

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