

 <p><b>INTERNATIONAL OIL POLLUTION COMPENSATION FUNDS</b></p>	<b>Agenda item: 8</b>	<b>IOPC/OCT09/8/3/1</b>	
	Original: ENGLISH	25 August 2009	
	1992 Fund Assembly	<b>92A14</b>	•
	1992 Fund Executive Committee	<b>92EC46</b>	
	Supplementary Fund Assembly	<b>SA5</b>	•
1971 Fund Administrative Council	<b>71AC24</b>		

## GRANT OF OBSERVER STATUS

### Note by the Director

<b>Summary:</b>	The Maritime Organisation of West and Central Africa (MOWCA) has applied to the 1992 Fund for observer status.
<b>Action to be taken:</b>	<p><u>1992 Fund Assembly:</u></p> <p>Decide whether to grant observer status to MOWCA.</p> <p><u>Supplementary Fund Assembly:</u></p> <p>Decide whether to grant observer status to MOWCA.</p>

### 1 **Introduction**

- 1.1 The Maritime Organisation of West and Central Africa (MOWCA) has applied to the 1992 Fund for observer status.
- 1.2 Pursuant to Article 18.10 of the 1992 Fund Convention, the 1992 Fund Assembly shall determine which intergovernmental and international non-governmental organisations shall be admitted to take part, without voting rights, in meetings of the Assembly and subsidiary bodies. At its 1st session, the 1992 Fund Assembly adopted Guidelines on relations between the International Oil Pollution Compensation Fund 1992 (1992 Fund) and intergovernmental organisations and international non-governmental organisations (document 92FUND/A.1/34/1). These guidelines contain the criteria for granting observer status to intergovernmental organisations:

The Assembly will consider requests to be represented by observers received from other intergovernmental organisations whose aims and activities are relevant to those of the 1992 Fund or which are interested in the work of the 1992 Fund. An invitation to attend a session of the Assembly or other meeting may, subject to confirmation by the Assembly, be issued by the Director to any organisation making such a request. The Assembly may decide that invitations be sent to such an organisation either for a specific session or meeting or on a regular basis.

An agreement for cooperation may, with the approval of the Assembly, be concluded between the 1992 Fund and any intergovernmental organisation, if it is in their mutual interest to do so. The agreement may provide, where appropriate on a reciprocal basis, for admission as an observer, exchange of information, consideration of suggestions for agenda items, consultation on programmes and joint activities and other practical cooperation.

- 1.3 The 1992 Fund has granted observer status to eight intergovernmental organisations (Central Commission for Navigation on the Rhine (CCNR), European Commission, Helsinki Commission, International Maritime Organization (IMO), Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC), United Nations, United Nations Environment Programme (UNEP) and International Institute for the Unification of Private Law (UNIDROIT)).
- 1.4 At its first session, held in March 2005, the Supplementary Fund Assembly decided that intergovernmental organisations and international non-governmental organisations that had been granted observer status in respect of the 1992 Fund should have observer status with the Supplementary Fund, unless the Assembly of the Supplementary Fund decided otherwise in respect of a particular organisation (cf document SUPPFUND/A.1/39, paragraph 4.2).

## **2 Maritime Organisation of West and Central Africa (MOWCA)**

- 2.1 MOWCA has provided the following information on its activities and has indicated those areas in which it has interests in common with the 1992 Fund.

### *General information*

- 2.2 The Maritime Organisation of West and Central Africa (MOWCA) comprises 25 countries from Mauritania to Angola, 20 coastal and five landlocked countries.
- 2.3 MOWCA, established on 7 May 1975 and based in Abidjan, Côte d'Ivoire, is an intergovernmental institution for cooperation in the Merchant Navy, the port industry, maritime safety and security, transit transport to and from landlocked member countries, marine environmental protection and the implementation of relevant international conventions.
- 2.4 The objectives and basis of this cooperation are set forth in the Abidjan Charter and the Convention on the Institutionalisation of the Organisation.
- 2.5 The Organisation initially focused on maritime transport issues, and, from 1975 to 1999 was known as the 'Ministerial Conference of West and Central African States on Maritime Transport'. The change in name took into account the Organisation's extended scope of activities.

### *Projects and Programmes*

- 2.6 MOWCA is currently implementing a number of sub-regional projects and programmes which focus on the Abidjan Charter, the Millennium Development Goals, global maritime safety and security challenges, the Almaty Programme of Action and the African Union Maritime Action Plan. The five major projects are:
- **Integrated sub-Regional Coast Guard Network** to protect ships, passengers and goods from piracy, terrorism and the pollution and illegal exploitation of the exclusive economic zones of member states;
  - **Information and Communications Centre** to ensure effective flow of information in the sub-region, assist in the control of ships by the port State and carry out a coordinated inspection of ships in the ports of member states
  - **Facilitation of transit transport and the Sealed Grid System** for transporting transit goods across national borders; this project was designed to facilitate the flow of traffic when transporting goods by road;
  - **Regional Maritime Fund** aimed at creating a capital base for funding sub-regional maritime projects and programmes;
  - **Regional Maritime Bank** to provide solid support for maritime, port and transit transport development in the sub-region.

*Objectives of the Organisation*

- 2.7 The objective of MOWCA is to promote sub-regional and international cooperation and solidarity among member states in matters affecting the maritime sector and specific problems of landlocked member states. The Organisation depends on its Specialised Organs, the Maritime University and the Maritime Academies to formulate and implement its policy. Apart from sub-regional integration, the long-term objective of MOWCA is the provision of 'profitable maritime and auxiliary services, with greater security, more safety and less pollution'.

*Common interests*

- 2.8 The MOWCA coastal countries share common coastal waters and oceans which are known to contain some of the richest fishing grounds in the world. At the same time, the sub-region's coastal waters provide some of the busiest shipping routes for large volumes of oil tanker traffic. The sub-region also harbours its own oil-producing countries<sup><1></sup>, with a network of oil tanker movements in its coastal waters. The problems related to this are: the implementation of various international conventions relating to safety (SOLAS), marine pollution (MARPOL) as well as the contemporary International Safety Management Code (ISM) and the Standard of Training Certification and Watch-keeping for Seafarers (STCW) Convention.
- 2.9 In light of the above, MOWCA seeks observer status with the 1992 Fund in order to represent its interests on issues relating to common interests of the sub-region within the IOPC Funds.

**3 Action to be taken****3.1 1992 Fund Assembly:**

The 1992 Fund Assembly is invited to decide whether to grant observer status to the Maritime Organisation of West and Central Africa (MOWCA).

**3.2 Supplementary Fund Assembly:**

The Supplementary Fund Assembly is invited to take note of the decision of the 1992 Fund Assembly and, if that decision was to grant observer status to MOWCA, decide whether or not to follow that decision, as set out in paragraph 1.4.

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<1> Angola, Cameroon, Chad, Congo, Equatorial Guinea, Gabon, Mauritania, Nigeria and San Tomé & Príncipe.