

**REPORT OF THE SEVENTH COMMITTEE MEETING
OF WEST & CENTRAL AFRICA
MEMORANDUM OF UNDERSTANDING
ON PORT STATE CONTROL
(ABUJA MOU)
Abuja, Nigeria
23rd to 24th February 2010**

7/1 INTRODUCTION

The 7th Committee Meeting of Abuja MoU on Port State Control was hosted by the Ministry of Transport of the Federal Republic of Nigeria on 23rd and 24th February 2010. The Meeting was preceded by the 9th Session of the meeting of Bureau of Abuja MoU that took place on 22nd February 2010.

The following Member States were represented:

- i. Republic of Benin
- ii. Republic of Cameroon
- iii. Republic of Congo
- iv. Republic of Ghana
- v. Republic of Guinea
- vi. Federal Republic of Nigeria
- vii. Republic of Namibia
- viii. Republic of Senegal
- ix. The Republic of Gambia
- x. Republic of Togo

The International Maritime Organization (IMO) and the African Union Commission attended the meeting as observers.

The Republics of Angola, Cape Verde, Equatorial Guinea, Gabon, Liberia, Sierra Leone and South Africa were absent at the meeting. A list of participants is attached at **Annex 1**.

Opening

The 7th Committee Meeting was declared open by the Deputy Director of Maritime Service of the Ministry of Transport of Nigeria, Mr. Joshua Okpo representing the Honourable Minister of Transport of Nigeria, His Excellency, Alhaji Ibrahim Isa BIO. In his opening remarks, Mr. Okpo welcomed delegates to the city of Abuja and assured them of the Minister's alliance to the vision of the MoU. He stated further that the challenges Abuja MoU is currently facing is not beyond human ability as it only requires commitments of all participating authorities to overcome. He urged the meeting to channel all required energy toward achieving far reaching conclusions that will move the organization forward.

The Secretary General Abuja MoU in his statements thanked the Government and people of Nigeria for hosting the 7th Committee Meeting of Abuja MoU. He reiterated the need for member States of the MoU to show more commitment towards programmes and activities of the organization if the overall objectives and vision are to be achieved.

He emphasized the need to standardize procedures as far as possible, to avoid ships being faced with often differing standards and, in certain cases, contradiction as they sail through Member States' waters and from one Port State region to another.

In her presentation, the representative of the Secretary General of the International Maritime Organisation, Mrs. Beatrice Vormawah informed the 7th Committee Meeting that the Abuja MoU is one of Nine MoUs established by IMO. She confirmed that the Abuja MoU has performed below expectation compared with other MoUs on Port State Control. She stressed the need to move forward as the MoU cannot afford to stand still. In conclusion, she assured the meeting of IMO's support for Abuja MoU as may be required.

The representative of Chairman of Abuja MoU and Honourable Minister of Transport in Charge of Merchant Marine of the Republic Congo, Mr. Bukonou expressed his profound gratitude to the government of Nigeria for hosting the meeting. He highlighted the challenges that the Abuja MoU is facing which include the following:

- Lack of Member's Commitment to activities of the organization
- Non contribution to the financial budget of the Abuja MoU Secretariat and Information Centre
- Non establishment of Maritime Authority by member States.

He urged the august gathering to consider carefully all agenda items presented by the Secretariat and come out with recommendations and decisions that are far reaching required for proper functioning of the MoU.

The opening Statements of the Honourable Minister of Transport of Nigeria, Secretary General of Abuja MoU, Representative of the Secretary General of IMO and the Chairman of Abuja MoU are attached at **Annex 2**.

7/2 INSTALLATION OF THE BUREAU

The Abuja MoU Bureau was installed in accordance with the Rules of Procedure of Abuja MoU (see **Annex 3**). The representative of the Honourable Minister of Transport in charge of Merchant Marine of the Republic of Congo, Mr. MOUTHOU-D-CHIKAYA chaired the Committee Meeting having formed a quorum with the presence of 10 (Ten) Member States out of 19 (nineteen) as provided by the existing Rules of Procedure of Abuja MoU. Representative of the Federal Republic of Nigeria automatically took over from delegate from the Republic of Benin and became Vice Chairman of the Bureau.

Committee decision

The Committee approved installation of the Bureau, which was constituted of the Chairman, Mr. MOUTHOU-D-CHIKAYA Jean-Felix (Congo), Vice-Chairman Mr. Okpo Joshua (Nigeria), two Rapporteurs: Capt. Kwabena Adu (Ghana) (Anglophone), and Mr. Amadou SAKO (Guinea) (Francophone), and the Secretary-General of Abuja MoU, Engr. Bryant O. OLUWOLE (Nigeria).

7/3 ADOPTION OF THE AGENDA

The Committee considered and adopted the provisional agenda as presented by the Secretariat. The agenda is attached as **Annex 4**.

7/4 ABUJA MOU MEMBERSHIP/OBSERVER STATUS AND IMPLEMENTATION OF THE RELEVANT INSTRUMENTS ON PORT STATE CONTROL (PSC)

The Secretariat apprised the Committee of the change of status of the number of members as reported during the 6th Committee Meeting. The Secretary General informed the Committee of the accession of the Republic of Gabon to the Abuja MoU. The Instruments of accession of Gabon to the MoU can be found at **Annex 5a**. The Committee noted with concern that out of 19 signatories, only 10 Members had provided their instrument of full acceptance and Membership.

The meeting noted the assent of Gabon bringing the number of membership to ten (10).

Observer Status

The Secretary General informed the Committee that the Abuja MoU through the Chairman forwarded letter of invitation to United Nation Food and Agricultural Organisation requesting her to be observer to the MoU. FAO accepted the offer vide letter Ref. No FI-DG/09/1459 dated 2nd October 2009 attached at **Annex 5b**.

Committee Decision

The Committee noted information on the status of ratification of IMO's Conventions as at 31st January 2010, as reflected on the Table at **Annex 6**, and encouraged Member States to put all the necessary arrangements in place and fully accept the Abuja MoU, ratify/domesticate and implement all the relevant instruments.

The Committee also requested member States to periodically update the Secretariat on the status of their ratification/domestication of the relevant IMO and ILO Conventions necessary for the effective implementation of Port State Control.

7/5 REPORT BY THE SECRETARIAT

7/5/a 6TH COMMITTEE MEETING: DECISIONS (FOLLOW-UP)

The Secretary General tabled the activity report of the Secretariat after the 6th Committee Meeting and the progress made on implementation of Committee's decisions.

This agenda item generated a lot of debate as the Committee noted and blamed the non performance of the MoU on both member States and the Secretariat. To this effect an ad hoc group to propose guidelines to revitalize the activities of Abuja MoU was setup. The group comprised of Ghana (Chairman), The Gambia, Benin, Guinea and Senegal.

The Committee considered, amended and adopted the report presented by the ad-hoc group for onward transmission to the 2nd Ministerial Conference. The report of the ad-hoc group is attached at **Annex 7** and the highlights are presented below:

- 1.** Lack of interest in the activities of the MoU- The Committee accepted the constitution of an awareness team of technical personnel to sensitize member States of the benefits of the MoU;
- 2.** Non-Payment of Dues- The Committee accepted that Members who do not pay their dues should not be allowed to vote at Meetings;
- 3.** Non-transmission of Inspection reports/Lack of National database/ Non- appointment and training of national directors/ No transfer of Information Centre from Lagos to Point Noire- The Committee decided as follows:
 - (i)** Training of PSCOs and Data base Managers to be done in June in Nigeria if IMO will take care of the training;

- (ii) The transfer and commission could still be done in April if Congo is ready;

7/5/b IMO 4th Workshop for Secretaries of MoUs/Agreement and Directors of Information Centre

The Committee noted the attendance of the Secretary General at the 4th IMO workshop of Secretaries of MoUs/Agreements and Director of Information Centre.

7/5/c 1st Harmonization Meeting of Abuja MoU on PSC Practices and Procedures

The Secretary General presented the report of the meeting of Abuja MoU on the Harmonization of PSC Practices and Procedures to the Committee for their information and necessary action.

Committee's Decision

The Committee noted the presentation by the Secretary General and concluded that each member State is sovereign and should decide as deemed appropriate on the issue.

7/5/d Intersessional Management Working Group Meetings

The report of the 7th and 8th Sessions of the Intersessional Management Working Group and the meeting of the Bureau was presented by the Chairman of Abuja MoU. The Committee members had a lengthy discussion on the issue of succession to the office of the Secretary General of the Abuja MoU. The Committee resolved as follows:

1. Adopted amendment to rule 4 to include rule 4b on the Tenure of Secretary General to read ' The Abuja MoU Committee shall appoint a Secretary General who shall hold office for a term of 4 (four) years,

- which may be renewable only once based on satisfactory performance'
2. Declared the post of the Secretary General vacant;
 3. Approved the appointment of an acting Secretary General to be appointed for a period of 6 (six) months;
 4. The application for vacant post was reopened to qualified member States
 5. During the transition period, the Chairman will write to member states informing of the vacant position of the Secretary General for any interested candidate to apply and the Secretariat of the MoU would cooperate in collation, analyses and dissemination of information as it concerns all applications received.
 6. Nigeria to provide an acting Secretary General;
 7. An extra-ordinary meeting of the Committee will be hosted in Ghana for the purpose of electing a new Secretary General.

7/6 INFORMATION CENTRE REPORT

In his presentation, the protem Director of Information Centre, Mr. C. O. Okoroafor re-assured the Committee on the functionality of the Information Centre. He stated that the Abuja MoU Information System (AMIS) developed by the Asian Pacific Maritime Information and Advisory Services (APMIAS) of the Russian Federation is a web-driven application software and the major requirement for submission of Inspection Data to the Secretariat and the Regional Information Centre. He emphasized that the software is functional and that the Tokyo and Black Sea MoU are presently operating on the same platform as AMIS.

He further informed the Committee that the Secretariat of Abuja MoU realized the importance of training on the AMIS and with the support of governments of Nigeria and Congo organized two training programmes

in Nigeria and Congo with participation from only three countries; Nigeria and Congo in the one organized in Nigeria and Nigeria, Congo and Benin in the training organized in Congo.

7/7 Administrative and Financial Matters

The Secretary General presented to the 7th Committee meeting the Audit Report of the Secretariat for the year ended 31st March, 2009. The Secretary General informed the meeting that the budget of the Secretariat was approved during the Last Committee meeting in Cotonou, Benin. He further stated that the Audit report and the budget were already circulated to member States.

Reacting, members requested for presentation by the Auditor Messrs Farinde Olateju & Co. In his presentation, the Auditor stated that the audit was carried out based on international standard and also allayed the fear of the members that the Auditor's report would be signed today 24th February, 2010 by the Chairman and Secretary General Abuja MoU. Finally the Meeting unanimously agreed with the Auditors report as presented and Attached as **Annex 8**.

7/9 Technical Cooperation/Training Programme

The Director of Information of the Abuja MoU highlighted a proposed training programme on the implementation of the Abuja MoU Information System in Nigeria, June 2010 and encouraged all members to participate.

The IMO and AU Commission pledged their support towards the success of the proposed training programme. The Imo representative however requested the Director to present his case to the IMO Secretariat at least three months before the proposed date of training.

The AU representative requested the Abuja MoU Secretariat to submit to the AU its two-three years comprehensive training programme, to enable AU to solicit funding from its Economic Partners.

7/10 Consideration of Draft Ministerial Declaration

The representative of the Secretary General, Abuja MoU informed the Committee that the International Labour Organisation suggested and forwarded correction to the Draft Ministerial Declaration to be presented to the 2nd Ministerial Conference. She also presented some editorial correction to the Declaration. The Chairman directed that all suggested corrections be sent to the Secretariat for amendments.

He noted some translation incoherencies in the French version of the declaration which may hinder its presentation to the Ministers and suggested that the document be put in good order. However, due to time constrains, the committee agreed that the English version of the Document be presented to the Ministers for their consideration, amendments and adoption.

7/11 Date and Venue of next meeting

The Committee noted with appreciation the acceptance of the Republic of Congo to host the 8th Committee Meeting of Abuja MoU in March 2011.

Done in Abuja on 24th February, 2010