South Asia Regional Ballast Water Management Strategy Development Meeting

Mumbai, India, 29 - 30 May 2012

Organized by

International Maritime Organization, and

Hosted by

The Directorate General of Shipping, Government of India

DELIVERY REPORT

Prepared by
Mr. Leslie Hemachandra, IMO Consultant
# Report on Regional Ballast Water Management Strategy Development Meeting for South Asia

**Mumbai, India, 29-30 MAY 2012**

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<th>Host:</th>
<th>Directorate General of Shipping, Ministry of Shipping, India</th>
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<td>Venue:</td>
<td>Auditorium of the Indian Register of Shipping</td>
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<td>Date:</td>
<td>29-30 May 2012</td>
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<td>International Maritime Organization</td>
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<td>No of Participants:</td>
<td>19 participants</td>
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<td>No. of Countries:</td>
<td>Four</td>
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<td>Other Representation:</td>
<td>Director General of South Asian Cooperative Environmental Programme (SACEP)</td>
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SUMMARY

The International Maritime Organisation (IMO), through the GEF-UNDP-IMO GloBallast Partnerships Programme Coordination Unit, in collaboration with the Director General of Shipping (DG Shipping) India, organised a two-day regional workshop in order to discuss the development of a Regional strategy for Ballast Water Management, from Tuesday 29 May to Wednesday 30 May 2012 in Mumbai, India.

Organised by the DG Shipping under IMO technical cooperation, the workshop aimed to assist IMO Member States in preparing for the implementation of the 2004 BWM Convention. The objectives of the workshop were to discuss and agree on the necessary steps to be taken by the region, and to provide participants with updated information on Compliance Monitoring and Enforcement (CME) of BWM Convention.

The Workshop was organised to give practical insight into the background of the requirement of a Regional Strategy leading up to the implementation of the BWM Convention, which is designed to address the issue of transfer of harmful aquatic organisms and pathogens into the marine ecosystem through ships’ ballast water and the resulting major socio-economic damage. Aspects related to the CME process through Port State Control (PSC) by Member States were also discussed.

The GloBallast programme has developed a set of tools and guidelines to assist developing countries in bringing into effect the necessary legal, policy and institutional arrangement to address ballast water issues and marine bio-invasive issues effectively.

The workshop was designed to provide an update on these latest tools, to give the key policy makers from South Asia the much needed update on the processes necessary for implementing the BWM Convention into national legislation and developing national BWM strategies, and most importantly to discuss a possible regional strategic action plan for regional cooperation to address the issue collectively.

It was held on 29th and 30th May 2012 in Mumbai, India, and was attended by delegates from India, Maldives, Sri Lanka and Bangladesh. Also attending was the Director General of SACEP. With the consent of all countries, the Chief Surveyor with the Government of India Mr. Amitava Banerjee chaired the meeting.
The workshop was facilitated by Dr. Jose Matheickal, Head of Technical Cooperation, Coordination and Major Projects, Marine Environment Division of the International Maritime Organization and Mr. Leslie Hemachandra, IMO Consultant.

The programme provided an in-depth understanding of the requirement of a Regional Strategy for the full implementation of the Convention and the processes & requirements for CME process.
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PART A: Summary of the Meeting

1. INTRODUCTION

The 2004 BWM Convention provides a critically needed set of management tools to address the issue and calls for regional cooperation and harmonization of policies to attempt solving this trans-boundary marine environmental issue. Although the BWM Convention has not yet entered into force, the national process of ratifications is underway in many countries. Meanwhile, voluntary measures complying with the requirements of the Convention are needed in order to minimize the introduction of harmful aquatic organisms and pathogens (HAOP) in the region.

The programme included a regional workshop to discuss the requirement of a Regional Strategy for South Asia and to decide the key elements to be included. The workshop aimed to assist IMO member States in the region in preparing for the implementation of the 2004 BWM Convention. List of participants are as per Annex 1.

The workshop was hosted by the DG Shipping, India and was funded through Integrated Technical Corporation Programme of IMO and in-kind support provided by Government of India.

2. OBJECTIVE

The key objective of the workshop was to establish regional Strategy for a harmonised approach in the region on ships’ ballast water control and management which is consistent with the requirements and standards of the 2004 International Convention for the Control and Management of Ships’ Ballast Water and Sediments (BWM Convention), as outlined in its Article 13.3.
The additional objective of the workshop was to provide participants with updated information on the compliance monitoring and enforcement provisions of the Convention and their implementation globally.

A Control Monitoring and Enforcement (CME) is the essential component of the overall Ballast Water Management regime or National Strategic Plan designed to assess whether or not a ship has met the IMO Convention’s and ports state’s BWM requirements and, where necessary, enforce these requirements. There are various mechanisms which a Port State can use to ensure that the rules and requirements are being met. These may involve sampling or testing, auditing of records, observation or any other action or a combination of these actions and may vary from one country or region to another. The CME will also change in time when the BWM Convention is ratified.

Control Monitoring and Enforcement on BWM Convention cover two areas:

1. Assess the ship’s compliance with the requirements of Ballast Water Management Convention; and

2. Gather data from the ship (such as the port of origin of ballast water, ballast water treatment regime, volume of untreated water to be discharged, where and when the discharge is likely to take place, amongst others) so that the port State, in the interim period prior to the BWM Convention coming into, force can:

   • Identify the risk of harmful aquatic organisms being introduced into an area through the ballast water tanks of a ship;
   • Undertake risk assessments for the interim management of the risks posed by ballast water as a vector for the movement of non-indigenous species; and
   • Identify phytoplankton toxic organisms or other organisms that could be dangerous to public health and potentially be imported into the region through ballast water, and analyse their potential effects.
3. **VENUE, DATES, ROLES AND PARTICIPANTS**

(i) **VENUE**
This Regional Workshop was held at the Conference Room of the Indian Registry of Shipping, Mumbai, India.

(ii) **DATES**
The workshop was held from 29 to 30 May 2012.

(iii) **ROLES**
The workshop was hosted by the Director General of Shipping, Government of India. The programme was funded by the IMO.

(iv) **PARTICIPANTS**
Delegates from 4 countries participated in the workshop. Most of the delegates were from Government Agencies charged with the responsibility of implementation of BWM convention within their respective countries and the Director General of SACEP, which is the intergovernmental organization dealing with regional environmental issues.

4. **FUNDING**

Funds for this activity were provided through the IMO ITCP. Local expenses were provided by the Government of India.

5. **ACTIVITIES AND PROCEEDINGS**

It should be noted that the participants, IMO Representative, IMO Consultant and the event Chairman, actively engaged in all discussions throughout the workshop. The contribution made by the officials of the National Institute of Oceanography (NIO) of India was also very valuable. Officials of the NIO shared their experience gained during the voluntary implementation of the ballast water reporting in Mumbai and in conducting of base line surveys in most of the Indian ports. Their experience gained by engagement with ASEAN countries was shared with the participants.

It was also noted that the Maldives was already a party to the BWM Convention 2004.
Dr. Jose Matheickal, representative of IMO, made a presentation on the main features of the Ballast Water Management Convention 2004.

Mr. Leslie Hemachandra, IMO Consultant made presentations on the following areas:

- Need of a Regional Strategy and Action Plan for Implementation of BWM Convention;
- Compliance Monitoring and Enforcement in the context of regional cooperation (general aspects and PSC inspection);
- Key Elements agreed upon at the meeting held in Singapore on 26th and 27th November 2004; and
- Strategic Priorities and Actions proposed for South Asian Regional Strategy and Action Plan.

Representatives from India, Sri Lanka, Maldives and Bangladesh made country presentations on the HAOP issue and the status of effort towards the implementation of BWM Convention by their respective countries. The presentation made by India was very informative and is useful.

Group discussions were held during and after the presentations. The Chairperson Mr. Banerjee, served as the Moderator, Dr. Matheickal served as the Facilitator and Mr. Hemachandra served as the Rapporteur.

The detailed program is set in annex 2.

6. OPENING CEREMONY

The opening ceremony which took place on 29 May 2011, was addressed by Mr. Amitava Banerjee, the Chief Surveyor, Government of India and Dr. Jose Matheickal, Head of Technical Cooperation, Coordination and Major Projects, Marine Environment Division, International Maritime Organization.

In his address, Mr. Banerjee briefly explained the damaging effects of the trans-boundary movement of harmful aquatic organisms through ships’ ballast water and urged all concerned to give due importance to the problem. Recalling the proactive role played by India in giving effect to the GloBallast Phase-I program between 2000 and 2004, he
emphasized the need to have a proper strategic framework in place which will make it possible to institutionalize a regional action plan in South Asia. He recalled that the Gulf countries already had such a framework in place and there was no reason why the South Asian region should fall back in this regard, particularly considering the density of shipping traffic in this area.

At the start of his address, Dr. Matheickal, extended greetings of Mr. Koji Sekimizu, Secretary General of the IMO to the participants of the workshop.

He thanked the Government of India for hosting this strategic regional meeting and for all the arrangements and preparations, as well the hospitality extended. In addition, he conveyed his sincere appreciation to the Indian Register of Shipping (IRS) who kindly provided the excellent conference facility and complimented the IRS for playing an important role in supporting the Government's efforts in the implementation of the IMO conventions and for taking an active role in this regional strategy meeting.

He further stated that this meeting was organized to discuss the latest developments in the field of Ballast Water Regulations and especially on the Compliance Monitoring and Enforcement issues of the Ballast Water Management Convention; and most importantly to revisit the draft Regional Strategy for Ballast Water Management, which was drafted during the first phase of GloBallast Pilot Project, almost 8 years ago.

Dr. Matheickal also mentioned that, as of 29th May 2012, thirty five countries had ratified the convention, thus well exceeding the required number of 30 and coming very close to meeting the tonnage requirement as the combined current tonnage of the ratified countries having reached 28 % - just 7% short of the required 35%. Many countries are close to finalizing their accession process and it is widely estimated that the Convention may enter into force within the next few years, if not this year.

Dr. Matheickal stated that without regional cooperation and a regional approach, the individual efforts made by countries may not have much impact. It may also be the case that regional cooperation and regional strategies, if carefully drafted and agreed upon, would make the implementation of the Convention much less taxing for the shipping industry while protecting the marine environment, as there are several provisions in the Convention that allow risk-based exemptions.
He stressed that it was widely expected that this historic meeting would be the launch of an important process where the south Asian countries would join hands to address one of the most critical marine environmental issues that the shipping industry in the region is facing now.

In conclusion, he expressed his gratitude to everyone who had made this meeting possible through their contributions to the necessary preparations, particularly Mr. Amitava Banerjee, the Chief Surveyor of the Government of India and his able team member Mr. D. Jha, Engineer and Ship Surveyor. He also acknowledged the continued support of NIO to the organization of this meeting in India.

Finally, he gave his thanks to all the delegates who attended this strategic regional cooperation meeting, wishing that they would find this initiative useful and would look forward to an exciting two days of discussion on the need of a regional strategy, the key elements of such a strategy and a possible institutional mechanism to implement such a strategy in South Asia.

7. ACHIEVEMENT AND CONCLUSIONS

It was proposed and accepted by the meeting that the representative of the Government of India, Mr. Amitava Banerjee, Chief Surveyor of the Government of India, should chair the meeting.

The workshop addressed the salient features of the Convention and the challenges faced in preparation of regional and national Strategic Plans for the implementation of the Convention and its provisions, including Port State Control and Compliance Monitoring.

CURRENT STATUS IN THE REGION

Bangladesh: Maritime Administration will discuss with all stakeholders and agree to a timeframe which will be notified to SACEP

Maldives: Already is a party to the convention and process will begin shortly to prepare national legislations

Sri Lanka: Process for ratification will commence in the second quarter of 2013

At the end of the two-day workshop, it was agreed that the following should be included in the Regional Strategic Plan.
REQUIREMENT OF A REGIONAL STRATEGIC ACTION PLAN

Aim of the Regional Strategic Action Plan is to facilitate the implementation of international commitments and best practice and to support the development of realistic policies, measures and targets. Priority actions are proposed, crucial in terms of time and feasibility of implementation. Depending on the country, these may include: low public awareness, opposition to government intervention, shortage and inaccessibility of scientific information (for species identification, risk analysis, detection and mitigation techniques etc.), absence of clear and agreed priorities for action, ease of introduction and movement, inadequate inspection and quarantine, inadequate monitoring capacity, lack of effective emergency response measures, outdated or inadequate legislation and poor coordination between States, government agencies and other stakeholders.

The 2nd Regional Workshop of IMO was held in Singapore from 25-26 November 2004 and Bangladesh, India, Indonesia, Maldives, Singapore, Sri Lanka and Thailand participated at this meeting. These countries, being Member States of IMO, attach great importance to maritime activities, marine living resources and habitats.

It was agreed at this meeting that a suitable mechanism needs to be introduced for taking this up in each of the countries and a regional cooperation be initiated in this area which can explore regional requirements and exemptions for ballast water management. Due consideration may also be given to the identification and protection of sensitive habitats in the region. Such cooperation shall take into consideration regional features to enhance regional cooperation, including the conclusion of regional agreements consistent with the convention, and develop harmonized procedures.

The following areas were agreed as important for regional cooperation:

- Communication, raising public awareness and training
- Port biota baseline survey
- Regional risk assessment
- Database on aquatic invasive species
- Database on ballast water reporting forms
• National action plans

• Cooperation and inter-linkage with other regional cooperative schemes

• Implementation and funding of Regional Action Plan (RAP)

The South Asian region did not make much progress after the meeting in 2004, but the Association of Southeast Asian Nations (ASEAN) countries have moved forward after the meeting. However, The International Maritime Organization (IMO), with funding provided by Global Environment Facility (GEF) through the United Nations Development Programme (UNDP), initiated the Global Ballast Water Management Programme (GloBallast). Six countries (Brazil, China, India, IR Iran, South Africa, and Ukraine) were identified for the initial phase of this programme, and Mumbai was chosen as the demonstration site for this activity in India. The pilot countries are expected to share their experience on this issue with the other countries in the region i.e. South Asia in case of India. India, with this activity has moved forward and made good progress on the full implementation of the BWM Convention. Other regional countries could join India in order to move forward on the issue. As an initial step, the Government of India has offered to make use of the reporting system implemented by them if requests are made through usual governmental procedures.

The main objectives of a regional action plan agreed in November 2004 are:

• To provide a framework for the activities that need to be developed and implemented within the South Asia region in order to minimize the transfer of harmful aquatic organisms in ships ballast water, in accordance with the IMO convention and GloBallast programme;

• To exchange information and experiences among the participating countries and with the other regions and to enhance regional co-operation in understanding and protection of the marine environment; and

• To facilitate the preparatory process within the region for the new International Convention on Ballast Water Management and Control.

Whilst taking into consideration the areas that were discussed at the meeting held in Singapore on 25-26 November 2004, the participants in the workshop agreed to consider the
following areas as Strategic Priorities to move forward towards full implementation of the BWM Convention.

However, the participants in the workshop were of the view that the overall objectives need to be revised now, eight years after the previous meeting, and identified the following areas to be considered as overall objectives:

1. To provide a regional framework for the activities that need to be developed and implemented within the region in order to mitigate, minimize and eventually eliminate the transfer of HAOP in ships’ ballast water, in accordance with the BWM Convention;
2. To enhance regional cooperation and capacity towards the protection and conservation of the marine environment in the South Asian regional countries; and
3. To promote the accession to the BWM Convention by IMO Member States and facilitate its harmonized implementation within the Region.

**STRATEGIC PRIORITIES**

**Supporting International Instruments developed to minimize the introduction of harmful aquatic organisms and pathogens (HAOP) in the Indian Ocean and the Bay of Bengal (Region)**

The impact of invasive species has led to regional responses to the issue of HAOP by way of introducing of legal instruments as well as programmes aimed at developing practical, technical solutions to minimise the effect.

With the adoption of the BWM Convention by IMO, countries in the region are encouraged to accede to the convention as early as possible to adopt the required measures specified in the Convention, as well as IMO guidelines and resolutions which require incorporation of the BWM Convention into national legislation.

In February 2004, with the adoption of the International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM Convention), the Member States and the maritime industry have been working on the issue of ships' ballast water. The Convention sets out the treatment standards for ballast water discharges, provides guidance
for the type approval of ballast water treatment systems, identifies the detailed procedures to ensure that the ballast water is evaluated and aims to minimize the effect of HAOP, resulting in safe discharges of treated ballast water. This is especially important when systems use chemical treatment methods.

**Maintain capacity-building activities and initiatives in the region**

The International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM Convention) provides a new international legal regime to address the threat of HAOP. In article 13, the BWM Convention requires Parties with common interests to protect the environment, human health, property and resources in a given geographical area. It also calls for the provision of technical assistance to train human resources, initiating joint research and development programmes and undertaking action aimed at the effective implementation of the instrument.

The GloBallast Partnerships project has conducted a number of important activities and initiatives in the region. The need to enhance capacity building, knowledge transfer and training of human resources, as well as the necessity to involve relevant international and regional co-operation mechanisms, non-governmental organisations and agencies for the continuation of the process initiated was stressed.

**Develop advanced knowledge on environmental condition of the Region and ship-mediated introduction of harmful invasive species**

The Indian Ocean is a major shipping transit route and the overall vessel activity through the Indian Ocean and Bay of Bengal has been rising steadily. Increases in vessel activity will be coupled with the deployment of ever larger vessels. Economic growth in India will drastically increase the volume of container vessels and tankers transiting through the region.

The development and updating of knowledge in the field of ships’ mediated introduction of harmful invasive species in the region is fundamental to a sound scientific, technical and legal basis to underpin appropriate management measures.

Action must be taken to compile relevant data and enhance knowledge on the above issues. These efforts should be strengthened with comprehensive data regarding: species inventories and maritime traffic in the region. The compilation of comprehensive species
inventories for individual ports in the region plays a significant role in ballast water management.

A port baseline survey is considered vital for assessing existing natural conditions and the presence or absence of introduced marine species. Such surveys should be conducted on an on-going basis as a long-term biological monitoring programme for each port in the region. This will allow any introduction to be tracked and managed, and any new introduction to be detected.

Countries in the region expressed their willingness to promote, individually or through regional co-operation, research and development programmes in the field of invasive alien species and ships’ ballast water management, as means to enhance knowledge and assist in the establishment of scientific grounds on which best measures on controlling the transfer of invasive aquatic species can be based. The countries also agree that results of such scientific work should be made available to all interested parties.

**Employment of risk assessment as a reliable tool to assist in ballast water management decision-making and in compliance, monitoring and enforcement procedures**

The countries consider risk assessments at national, sub-regional or regional level, as an appropriate tool to guide on ballast water management measures and are committed to establish surveys and monitoring programmes including reporting and alert mechanisms.

Risk assessment will be an integral part in ensuring that the provisions of the BWM Convention are applied in a consistent manner. The IMO has developed Guidelines for the implementation of the BWM Convention under which risk assessment is needed. The Guidelines on Designation of Areas for Ballast Water Exchange (G14) are of particular relevance for the Mediterranean region, as it addresses the sea areas where a vessel cannot exchange its ballast water and where the port State may designate areas, in consultation with adjacent or other States, where a ship may conduct ballast water exchange. The IMO also recommends carrying out risk assessment when a Party, within waters under its jurisdiction, is granting exemptions to ships (G7 Guidelines for Risk Assessment under Regulation A4 of the BWM Convention).

Risk assessment is also essential to have a good understanding of the overall risks for introduction of alien invasive species associated with the maritime traffic in the region due to
heavy tanker traffic which will commence de-ballast operation prior to entering the gulf region for loading. When resources are limited, management actions such as compliance, monitoring and enforcement (CME) maybe prioritized according to the higher risk areas or vessels.

Biological invasion of ports - major shipping ports are often the first places where invasive aquatic species are introduced and become established. Port Biological Baseline - a regional-level risk assessment could be used to identify the priority ports for detailed risk assessment.

Countries in the region consider risk assessments at national, sub-regional or regional level, as an appropriate tool to guide ballast water management measures and are committed to establish surveys and monitoring.

Decide upon voluntary regional arrangements in the region and ensure national strategies are in line with these arrangements

It must be recognized that individual countries cannot effectively address issue of HAOP on their own. A harmonized regional ballast water management regime has to be agreed upon by the regional States, which takes into account the maritime traffic lanes in the region and the origin and distribution of ballast water in the ports of the region, as well as the particular geographical constraints of the area and the associated scientific and oceanographic data. As the BWM Convention is not yet in force, voluntary measures are called for in order to address the ships’ ballast water mediated introduction of HAOP in the region. In addition, harmonized procedures incorporated in a compliance monitoring and enforcement (CME) system should be implemented by all countries of the region.

Countries in the region agree to work collaboratively to adopt regional voluntary arrangements concerning ballast water management in the region, consistent with the requirements and standards set out in the BWM Convention.

Keep the Strategy and Action plan under review and assess their implementation progress

The Strategy and Action Plan should be subject to periodic review in order to include emerging issues, outcomes of research and development (R&D) activities and lessons learned from its operation and implementation.
Periodic meetings of representatives of the regional countries and SACEP should be continued to assess progress with implementation of the various regional strategies and arrangements and facilitate reaching a harmonized approach at the global level.

Countries in the region will meet regularly in order to review and evaluate functioning of the Strategy, and overall effectiveness of activities carried out under the Action Plan with SACEP acting as the lead regional organization in arranging such meetings within the region.

**Work on the identification of adequate resources to implement activities under the Strategy and Action Plan**

The identification and securing of adequate resources for implementing the Strategy and Action Plan should be investigated from various sources since self-financing will be essential as funding through IMO/GloBallast is limited. SACEP will also look into locating funding mechanisms.

Long-term objective of the regional States is to ensure the sustainability and continuity of activities from self-financing sources within the region in the event that funding from other sources are not available.

**Establish a coordinating body with the regional countries**

It is essential to have one body within the region in order to facilitate activities such as the exchange of information, regional training, maintenance of a regional data base, collection of base line surveys, computation of risk assessment etc.

South Asia Cooperative Environment Program (SACEP) was formally established at a High Level Meeting of Ministerial Rank of the South Asian countries in February 1981; with a deep concern towards the feasibility of regional co-operation on environmentally oriented development activities. SACEP became a legal entity on 7th January 1982 when the minimum number of countries approved the Articles of Association by their respective governments. To date, Afghanistan, Bangladesh, Bhutan, Maldives, India, Nepal, Pakistan and Sri Lanka have ratified the Articles of Association of SACEP.

Aims and Functions of SACEP as set forth in the declaration.
The aims of SACEP are:

(a) To promote and support the protection, management and enhancement of the environment, both natural and human, of the countries of South Asia, individually, collectively, and co-operatively;

(b) To make judicious use of the resources of the environment towards removal of poverty, reduction of socio-economic disparity, improve the quality of life, and prosperity on a containing basis; and

(c) To make the fullest use of the organisational arrangements and facilities for co-operation under SACEP.

The functions of SACEP are:

(a) To promote co-operative activities in priority areas of environment of mutual interest;

(b) To ensure that these activities will benefit, individually or collectively, the Member States of the region;

(c) To extend support as needed through exchange of knowledge and expertise available among the member countries;

(d) To provide local resources towards implementation of projects and activities; and

(e) To encourage maximum constructive and complementary support from interested donor countries and other sources.

The South Asian Seas Action Plan was formally adopted at a Meeting of Plenipotentiaries in March 1995 in New Delhi, India, specifying the needs under the main components of Environmental Assessment, Environmental Management, Environmental Legislation & Institutional and Financial Arrangements.

Therefore, it was agreed by the countries that the SACEP will be the most relevant regional organization who can take a lead in coordinating the implementation of the regional strategy and action plan for ballast water management.
Establishing a regional vessel traffic information system

The IMO BWM Convention requires that ships that undertake ballast water exchange at sea should do so at a distance of more than 200 NM from land and in waters with a depth greater than 200 metres. Reductions to 50 NM from land and in waters with a depth greater than 200 metres or in other areas designated for the purpose by Port States are provided for, where operational factors, voyage route and/or safety considerations prevent the greater distance being complied with.

Large volume of shipping transit through the region but may not necessarily call at any of the regional ports. The countries therefore may not be directly benefitting from such ships’ transit between East & West and Gulf & East passing through Exclusive Economic Zones (EEZ). However, In terms of ballast water, this creates a potential and un-assessed problem for the marine environment in the region. In order to assess and address the potential ballast water threat posed by transit shipping, a system to identify ships that are in transit and to collect information from such ships on their ballast water exchanges would be beneficial.

ACTION PLAN FOR IMPLEMENTATION

The nature of shipping and the inter-connectedness of seas and oceans dictate that no single port or country can, on its own, effectively control the introduction of harmful aquatic organisms’ pathogens in the region. In order for management to be effective, countries must work cooperatively with both their neighbours and the broader global community to implement harmonized measures.

The need for regional cooperation on this issue is recognized in Article 13.3 of the recently adopted International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM Convention), which states:

“In order to further the objectives of this Convention, Parties with common interests to protect the environment, human health, property and resources in a given geographical area, in particular, those Parties bordering enclosed and semi-enclosed seas, shall endeavour, taking into account characteristic regional features, to enhance regional co-operation, including through the conclusion of regional agreements consistent with this Convention. Parties shall seek to co-operate with the Parties to regional agreements to develop harmonized procedures.”
The countries in the region have a long history of working co-operatively and multi-laterally to manage issues related to the region. They certainly have common interests to protect the environment, human health, property and resources of the region.

A significant feature of shipping in the region is the ships transiting between the east and the west. Implementation of the requirements to minimise biological invasions requires a regional Strategy which shall be coordinated with relevant authorities within the countries though one central institution. It was consensually agreed by the member State that South Asia Cooperative Environment Program (SACEP) is the appropriate regional institution which could coordinate with the countries on the implementation of the regional strategy and its action plan.

It was unanimously accepted by the participants that the battle against invasive species can only be won if actions are undertaken at all levels, hence, the joint work plan should also seek ways to be implemented at regional and local levels.

In view of the above, the participants agreed that priority should be given to the implementation of the following Strategic Actions:

- Ratify the International Convention for the Control and Management of Ships’ Ballast Water and Sediments (BWM Convention);

- Establish a strong compliance Monitoring and Enforcement (CME) system in the region;

- Establish a survey, biological data monitoring and risk assessment system for regional ports in the region;

- It is necessary to establish Regional and National Task forces; and

- Enhance public awareness on ships’ ballast water and invasive aquatic species issues.
During the discussions, it was established that the following areas also should be considered as important and may be part of the Strategic Action Plan:

- Set-up a web-based regional mechanism for exchanging information;
- Establish a work plan and implementation timetable; and
- Funding.

8. **RECOMMENDATIONS**

A Group Discussion was held on the second day afternoon which agreed upon:

a) Short- and long-term action plan to formalize and implement the Regional Strategy;

b) Institutional framework to support Regional Strategy;

c) Establishment of a regional task force (RTF); and

d) Funding Aspects.

After the moderation of views and various inputs from the participants from the countries, the following recommendations were made to move forward:

- It was established that Republic of Maldives is already a party to the Convention. India is in the process of finalizing the implementation. Sri Lanka and Bangladesh express their willingness to ratify the Convention. Therefore, the workshop urged each participating country, besides Republic of Maldives, to expedite the ratification of Ballast Water Management Convention.

- There are several co-operation schemes in the region and they include, among others the following:
  
  - South Asian Association for Regional Cooperation (SAARC) - The Heads of State or Government of Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka;
- Bangladesh - India - Myanmar - Sri Lanka - Thailand – Economic Co-operation (BIMST-EC);

- Indian Ocean Rim-Association for Regional Cooperation (IOR-ARC);

- South Asia Cooperative Environment Programme (SACEP) and South Asian Seas Programme (SASP); and

- Indian Ocean Memorandum of Understanding on Port State Control (IOMOU).

- It is essential to have one body within the region in order to facilitate activities within the region including exchange of information, regional training, maintenance of a regional data base, collection of base line surveys, computation of risk assessment etc.

It was noted that South Asia Cooperative Environment Program (SACEP) established at a High Level Meeting of Ministerial Rank of the South Asian Countries to work towards the feasibility of regional co-operation on environmentally oriented development activities. To date, Afghanistan, Bangladesh, Bhutan, Maldives, India, Nepal, Pakistan and Sri Lanka have ratified the Articles of Association of SACEP.

- One of the aims of SACEP, as set forth in the declaration, is to promote and support the protection, management and improvement of the environment, both natural and human, of the countries of South Asia, individually, collectively, and co-operatively.

  After deliberations it was consensually agreed that South Asia Cooperative Environment Program (SACEP) would be the appropriate Institutional Framework to support and formulate the regional strategy and ensure execution of the action plan. The participants of the workshop agreed that SACEP may appraise itself with regard to the progress made. The meeting also took note that, as agreed upon by SACEP, assistance may be rendered by SACEP if approached by the SACEP member states.

- Port biological baseline surveys provide the baseline against which success of ballast water management practices can be measured. They also enable detection of new introductions through regular monitoring and quantification of possible impact, and are thus important for developing and implementing response strategies.
• Port baseline surveys are expensive, in part due to the cost associated with diving and collecting samples, but more due to the detailed taxonomic analysis needed. Frequently this entails engaging a team of experts who will lead surveys and also train staff in national institutions.

• Baseline surveys of all ports are necessary to conduct a risk assessment. This is a time consuming and require considerable amount of resources. Indian delegation shared their experience on base line surveys carried out on Indian ports.

The participants agreed that respective Governments should identify at least a sea Port and a responsible R&D organization or an academic organization for carrying out Port biological base line survey and risk assessment which could be expanded to cover all ports later on.

• The obligations of signatories to the BWM Convention and various other stakeholders are set out in the Convention. Compliance costs can be divided into those that relate to flag state obligations, port/coastal state obligations and industry obligations. The responsibilities of port and flag states are basically limited to monitoring and enforcement, training, as well as incursion management should an invasion take place.

• To ensure effective implementation of the convention, as well as harmonization among the various stakeholders at the national level and across regions, training may be necessary. Initial capacity needs should be identified by the Lead Agency and National Task Force. This may entail commissioning a detailed needs assessment. Potential recipients of training and capacity building efforts may include port and maritime authorities, port operators, shipping industry, relevant line agencies, etc.

• Significant resources may be required by the regional countries in order to comply with the requirements stated above.

It was agreed that individual governments should identify the resources and capacity building requirements for the above activities and initiate action through appropriate national authorities. Progress made and assistance required, if any, may be communicated to SACEP for consideration and further action as necessary.
Recognizing that budgetary resources provided through multilateral and bilateral donors to countries or SACEP are not infinite, SACEP agreed to identify various opportunities for funding for implementation activities of the BWM Convention. Since the development of financing mechanisms will largely be handled at the national level, SACEP shall explore possibilities availability of funding for the activities related to ballast water management. SACEP will evaluate any opportunities for on-going resource mobilization, contributions, collaborations or co-financing in order to help sustain ballast water management activities in the long-term.

SACEP cannot approach its member States and other donor agencies without proper information and relevant documentation. Any funding request should be made with a well-documented project proposal and a feasibility study. Therefore, the member States were requested submit project proposals to SACEP so that SACEP could prepare one single document before approaching its governing body for funding.

SACEP, with the assistance of member countries, will integrate the information received to develop a regional action plan by way of a project document with detailed break-up of budgetary provisions and implementation time table, as necessary, for submission to its governing Council/Ministerial meeting for necessary endorsement.

Initially it was agreed that the respective governments would identify at least a sea Port and a responsible R&D organization or an academic organization for carrying out Port biological base line survey and risk assessment which could be expanded to cover all ports.

In order to fully implement the Convention, regional countries were requested to develop an action plan or a road map for replication of activities for other ports within their respective countries.

NIO, the party who is assisting the Government of India to implement the BWM Convention in India has developed an electronic reporting system of ballast water activities’ on board ships. This system has been in operation for a considerable time and acknowledged as one of the best reporting systems.
The Government of India voluntarily offered this software to member States in the region at no cost. All member States agreed to explore possibility of getting this software and customized to individual countries. Maintaining of a database by way of reporting system will be an integral part of the implementation of the convention.

Representatives of the Govt. of India agreed to hand over the software to SACEP if a request is made. SACEP will take the responsibility of sharing the software with its member States at their request.

The Member countries may request SACEP for making available the software of electronic ballast water reporting form developed by India.

The workshop held in Mumbai is the first step to move forward by the regional countries. It was a unanimous decision that follow-up meetings should be held on annual basis to discuss and to ascertain the progress made individually as member States and collectively as a region. Dr. Mathieckal of IMO indicated that he may have a problem in finding ITCP funds for the next meeting but he will endeavor to explore such possibilities if the meeting is held during the second half of 2013.

Subject to funding availability, all States agreed to organize a follow-up Regional Strategy meeting in 2013, to review the progress made with respect to above recommendations and to identify the capacity building needs including training requirements for PSCOs. Sri Lanka volunteered to host the next meeting and this was agreed upon. SACEP may approach IMO for financial support from its technical assistance programme, for this activity.

It is an essential instrument to have a Regional Task Force (RTF) on Control and Management of Ships. Ballast Water and Sediments in the region to support regional mechanism established within the framework in order to facilitate the following actions:

- Implementation of the International Convention for the Control and Management of Ships Ballast Water and Sediments (BWM Convention), adopted in 2004;
- Achieving a comprehensive compliance with and enforcement of the BWM Convention in the region;

- Implementing the activities and measures decided upon under the Regional Strategy to Minimize the Transfer of Harmful Aquatic Organisms and Pathogens in Ships;

- Promoting legal, technical and scientific cooperation relating to Ballast Water and Sediments Control and Management;

- Exchanging of experiences and information on topics such as BWM measures implemented at the national level and their consequences and Invasive Aquatic Species (IAS) control, management and eradication; and

- Supporting the activities of the National Task Forces in the region.

- In the context of implementing the BWM Convention, the participants agreed that the RTF shall:
  
  - Develop and adopt a Regional Strategy as well as an Action Plan for its implementation;
  
  - Serve as a mechanism to expand interest and involvement in the GloBallast Partnerships Project of all Countries in the Region as well as other interested Parties and stakeholders;
  
  - Provide overall strategic policy and management to the Project implementation in the Region;
  
  - Assist in identifying and allocating Project support for regional activities consistent with the programme objectives;
- Identify additional funding to support the outputs and activities of the Project and guide SACEP;

- Create mechanisms for interaction with the private sector (shipping, ports), Non-Governmental Organizations (NGOs) and other stakeholders during the implementation; and

- Periodically review and assess the progresses of the project and its components.

Therefore, the participants agreed that there is a need to set up a Regional Task Force (RTF) for executing the actionable points as applicable, at the earliest, under intimation to SACEP. SACEP in turn will institutionalize the Regional Task Force. The Regional Task Force will develop a road map for regional cooperation for Ballast Water Management.

- The Strategy for implementation of the BWM Convention would need to be endorsed and supported by the private sector, in particular the shipping and port industries. The private sector therefore must be fully integrated into regional and national BWM management plans. Whilst it is necessary to protect the coastal and marine environments from shipping-related HAOPs, the vital role of shipping in the region and the need for the shipping industry to further develop should be considered at all times.

- The regional and national task forces should always have a dialog with the industry in order to obtain their support for research work, testing of equipment, sampling process etc. The industry may be able to provide funding for various activities as the implementation of the convention without the support from the industry will be a difficult task.

The workshop participants were of the view that support and facilitation from the industry, belonging to the member countries, in the implementation of the action plan is to be encouraged.

- Member countries may request IMO for the rights to screen the IMO BBC documentary “Invaders from the Sea”. IMO-GloBallast may consider facilitating the insertion of sub titles in respective national language for wider dissemination.
- SACEP in consultation with the Member States will take a lead facilitating role in the full implementation of the regional strategy to support the implementation of the BWM Convention 2004 in the region. Each Member State should provide SACEP information on economic benefits to the countries from ratification of the Convention, so that this information could be used by SACEP to explore funding to support national activities as the IMO funding is limited;

- IMO-GloBallast will provide draft model legislation for the countries to customize it to their requirements, should such request be made to IMO-GloBallast; and

- Government of India agreed to consider providing software developed by the NIO for maintaining a database and a vessel reporting system, provided that SACEP make a request to the Ministry of Shipping, Government of India.

9. **FOLLOW-UP ACTION**

It was unanimously agreed that a follow-up meeting would be required in the second half of 2013, in order to ascertain the progress made on the recommendations agreed and to discuss the way forward to finalize the Regional Strategic Plan for the full implementation of the BWM Convention 2004. Representatives of Sri Lanka volunteered to host the next meeting and the Secretary General of SACEP agreed to discuss the matter during the forthcoming meeting of the Ministers of SACEP countries.

It is envisaged that all participating States within the region will take urgent follow-up action to secure ratification of the BWM Convention by their Governments and implement the same into their national legislation.
PART B: ANNEXES

ANNEX 1: List Participants

ANNEX 2: Agenda for the programme

ANNEX 3: Recommendations made after the workshop
ANNEX 1

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# ANNEX 2

## South Asia Regional Ballast Water Management Strategy Development Meeting

Mumbai, India, 29-30 May 2012

## DRAFT AGENDA

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<th>29 May</th>
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<td>Registration</td>
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<td>0915- 0930</td>
<td>Opening of the Meeting</td>
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<td>0930- 1015</td>
<td>Documentary “Invaders from the sea”</td>
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<td>1015-1030</td>
<td>Nomination of a Chairperson and Adoption of Agenda</td>
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<td>1030 – 1100</td>
<td>Tea/Coffee Break</td>
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<td>1100-1200</td>
<td>The Ballast Water Management Convention 2004: Main features <a href="#">IMO representative</a></td>
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<td>1200- 1230</td>
<td>Need of a Regional Strategy and Action Plan for Implementation of BWM Convention <a href="#">IMO Consultant</a></td>
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<td>1230- 1400</td>
<td>Lunch</td>
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<td>1400-1545</td>
<td>Compliance Monitoring and Enforcement in the context of regional cooperation (general aspects and PSC inspection ) <a href="#">IMO Consultant</a></td>
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<td>15.45-1600</td>
<td>Coffee/Tea Break</td>
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<td>16.00- 17.30</td>
<td>Marine Invasive Species issue and status of effort towards implementation of BWM Convention: Presentation by Country representatives.(15 minutes for each country)</td>
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<td>30&lt;sup&gt;th&lt;/sup&gt; May</td>
<td><strong>Day 2 (Workshop on Key Elements to be included in the South Asian Regional BWM Strategy)</strong></td>
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<td><strong>0900 – 0930</strong></td>
<td><strong>Introduction and Objectives of the Regional Strategy and Action Plan IMO Representative</strong></td>
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| **0930 – 1030** | **Key Elements to be included in a Regional Strategy : Group Discussion:**  
Moderator: Chairperson  
Facilitator: IMO representative  
Rapporteur: IMO Consultant |
| **1030-1100**   | **Coffee/Tea Break** |
| **1100--=1230** | **Key Elements to be included in a Regional Strategy : Group Discussion (cont’d):**  
Moderator: Chairperson  
Facilitator: IMO representative  
Rapporteur: IMO Consultant |
| **12.30- 1400** | **Lunch** |
| **1400- 1600** | **Group Discussion on: a) Short and Long Term Action Plan to Formalize and Implement the Regional Strategy  
b) Institutional Framework to support Regional Strategy  
c) Establishment of a regional task force (RTF)  
d) Funding Aspects** |
| **1600-1630**   | **Coffee/Tea Break** |
| **1630-1700**   | **Meeting Conclusions and Recommendations** |
| **1700-1730**   | **Closing Ceremony** |
RECOMMENDATIONS

1. Urging each participating country, besides Republic of Maldives, to expedite the ratification of Ballast Water Management Convention.

2. After deliberations it was consensually agreed that South Asia Cooperative Environment Programme (SACEP) would be the appropriate Institutional Framework to support and formulate the regional strategy and ensure execution of the action plan.

   SACEP may appraise itself with regard to the progress made in this respect and as agreed upon by SACEP, assistance will be rendered by them if approached by the SACEP member states.

3. Respective Governments. to identify at least a sea Port and a responsible R&D organization or an academic organization for carrying out Port biological base line survey and risk assessment.

4. To identify the resources and capacity building requirements for the above activities and initiate action through appropriate national authorities. Progress made and assistance required, if any, may be communicated to SACEP for consideration and further action as necessary.

5. SACEP, with the assistance of member countries, to integrate the information received to develop a regional action plan by way of a project document with detailed break-up of budgetary provisions and implementation time table, as necessary, for submission to its governing Council/Ministerial meeting for necessary endorsement.

6. Develop an action plan or a road map for replication of activities for other Ports within their respective countries.

7. Member countries may request SACEP for making available the software of electronic ballast water reporting form developed by India.

8. To organize a follow-up Regional Strategy meeting in 2013, to review the progress made with respect to above recommendations and to identify the capacity building needs including training requirements for PSCOs. Sri Lanka volunteered to host the next meeting and this was agreed upon. Sri Lanka may approach IMO for financial support from its technical assistance programme, for this activity.

9. There is a need to set up a Regional Task Force for executing the actionable points as applicable, at the earliest, under intimation to SACEP. SACEP in turn will institutionalize the Regional Task Force.
10. Support and facilitation from the industry pertaining to the member countries in the implementation of the action plan is to be encouraged.

11. The Regional Task Force to develop a road map for inter-regional cooperation for Ballast Water Management.

12. Member countries may request the IMO for the rights to screen the IMO BBC documentary “Invaders from the Sea”. IMO-GloBallast may consider facilitating of insertion of sub titles in respective national languages.