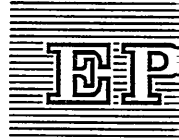




# United Nations Environment Programme



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Intergovernmental Consultation Concerning a  
Draft Protocol for the Protection of the  
Mediterranean Sea Against Pollution from  
Land-Based Sources

Athens, 7-11 February 1977

## ANNOTATED PROVISIONAL AGENDA

### I. Introduction

1. At the Intergovernmental Meeting on the Protection of the Mediterranean, which was convened by UNEP in co-operation with the Food and Agriculture Organization of the United Nations (FAO) and the Intergovernmental Maritime Consultative Organization (IMCO) in Barcelona from 28 January through 4 February 1975, representatives of the Mediterranean Coastal States 1/ approved an Action Plan 2/ consisting of four components: legal, scientific, integrated planning, and institutional and financial arrangements. Under the legal component of the Action Plan, the Mediterranean States "considered it to be particularly necessary and urgent to provide a legal basis for international co-operation to protect the marine environment in the Mediterranean", 3/ and they "endorsed the principles regarding the setting up of a framework convention and related protocols and technical annexes".4/ The meeting also requested the Executive Director of UNEP to convene a conference of plenipotentiaries for the purpose of adopting a Framework Convention and related protocols.

1/ Sixteen Mediterranean Coastal States were represented: Algeria, Egypt, France, Greece, Israel, Italy, Lebanon, Libyan Arab Republic, Malta, Monaco, Morocco, Spain, Syrian Arab Republic, Tunisia, Turkey, Yugoslavia.

2/ Report of the Intergovernmental Meeting on the Protection of the Mediterranean, UNEP/WG.2/5, Annex.

3/ UNEP/WG.2/5, Annex, page 4, paragraph III.A.1.

4/ UNEP/WG.2/5, Annex, page 4, paragraph III.A.2.

2. To this end, the Executive Director of UNEP convened, in co-operation with EAC and IMCO, the Conference of Plenipotentiaries of the Coastal States of the Mediterranean Region for the Protection of the Mediterranean Sea in Barcelona from 2 through 16 February 1976. Sixteen Governments 5/ attended the Conference and approved the following legal instruments:

- Convention for the Protection of the Mediterranean Sea against Pollution;
- Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft;
- Protocol concerning Co-operation in Combating Pollution of the Mediterranean Sea by Oil and other Harmful Substances in Cases of Emergency.

At present, fourteen Mediterranean States 6/ and the European Economic Communities have signed the Convention and protocols.

3. Article 8 of the Convention binds "the Contracting Parties [to] take all appropriate measures to prevent, abate and combat pollution of the Mediterranean Sea Area caused by discharges from rivers, coastal establishments or out falls, or emanating from any other land-based sources within their territories".7/ In this connexion, the Conference of Plenipotentiaries also adopted a resolution calling on the Executive Director "to continue the preparatory work for a draft Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources".8/

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5/ Cyprus, Egypt, France, Greece, Israel, Italy, Lebanon, Libyan Arab Republic, Malta, Monaco, Morocco, Spain, Syrian Arab Republic, Tunisia, Turkey, Yugoslavia.

6/ Cyprus, Egypt, France, Greece, Israel, Italy, Lebanon, Malta, Monaco, Morocco, Spain, Tunisia, Turkey, Yugoslavia. Greece did not sign the Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft.

7/ Conference of Plenipotentiaries of the Coastal States of the Mediterranean Region for the Protection of the Mediterranean Sea, Barcelona, 2-16 February 1976, Office of Public Information, United Nations, Geneva, March 1976, page 10.

8/ Conference of Plenipotentiaries of the Coastal States of the Mediterranean Region for the Protection of the Mediterranean Sea, Barcelona, 2-16 February 1976, Office of Public Information, United Nations, Geneva, March 1976, page 26.

4. In response to this directive UNEP, in co-operation with the World Health Organization, has undertaken to convene an Intergovernmental Consultation concerning a Draft Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources.

5. The following annotations to the provisional agenda are intended to facilitate the proceedings of the Consultation.

## II. Annotations to the provisional agenda

### Item 1. Opening of the Meeting

6. The meeting will be opened by the representative of the Executive Director of the United Nations Environment Programme.

### Item 2. Organization of the Meeting

7. The meeting should elect a Chairman and two Vice-Chairmen.

8. The rules of procedure of the UNEP Governing Council as contained in document UNEP/GC/3/Rev.1 will be used mutatis mutandis as provided for in Rule 62.

9. It is proposed that the work of the meeting be carried out in plenary and by such ad hoc working groups as may prove desirable.

### Item 3. Adoption of Agenda

10. The provisional agenda suggested by the secretariat has been circulated under symbol UNEP/IG.6/1.

### Item 4. Draft Protocol for the Protection of the Mediterranean Sea Against Pollution from Land-Based Sources

11. A series of background and working documents which describe the possible content of a protocol to control pollution from land-based sources have been prepared by WHO in co-operation with UNEP. The main objective of the consultation will be to advise the Executive Director on a programme of action for the development of a protocol to control land-based sources of pollution. It is the hope of the Executive Director that participants will reach agreement upon a set of principles which should be included in the protocol, and the nature, timing and location of subsequent meetings to be convened for the purpose of negotiating the text of the protocol.

#### Item 4.1. Scope of the Protocol

12. Under this item, participants are invited to consider the geographic and the substantive scope of the draft protocol.

13. Geographic. In accordance with Article 24 of the Convention for the Protection of the Mediterranean Sea Against Pollution, any protocol may include a provision which entitles States, other than those entitled in Article 24 to sign the Convention, to become signatories to the specific protocol, and therefore, to the Convention. At present, the Convention is open for signature by any State

invited as a participant in the 1976 Conference of Plenipotentiaries of the Coastal States of the Mediterranean Region on the Protection of the Mediterranean Sea.<sup>9/</sup> Following the precedent of the Conference of Plenipotentiaries, the Secretariat has invited to this consultation only those presently entitled to sign the Convention. However, it is recognized that due to the nature of pollution from land-based sources, participants may wish to invite additional States to participate in future negotiations on the protocol. For example, the Survey of National Legislation, which has been prepared as background information for this meeting, includes information on Sudan and Switzerland, both of which are located upstream on major rivers flowing into the Mediterranean.

14. Substantive. With regard to the substantive scope of the Protocol, participants are invited to examine the analysis of existing national legislation for the control of pollution from land-based sources (document UNEP/IG.6/5) and to consider the adequacy of existing national legislation for the protection of the marine environment as well as its relevance to the substantive principles that have been suggested in document UNEP/IG.6/3 for inclusion in the draft protocol. Similarly, attention is drawn to the various precedents to the question of substantive scope as reflected in the Compendium of Principal International Instruments relevant to the draft protocol (UNEP/IG.6/INF.3). However, rather than have a general discussion on the substantive scope of the protocol, participants may find it more constructive to begin immediately with a review of the principles suggested for inclusion in the draft protocol.

Item 4.2 Consideration of Principles suggested for inclusion in the Draft Protocol and of proposed Technical Annexes

15. The Consultation is invited to review the proposed principles and technical annexes contained in documents UNEP/IG.6/3 and UNEP/IG.6/4, and to reach conclusions as to the desirability of their inclusion in a draft protocol. It is envisaged that the principles as revised by the Consultation will form the basis for negotiations on a draft protocol by governmental legal and technical experts.

Item 4.3 Timetable for future negotiations

16. Based on the progress made in discussing agenda items 4.1 and 4.2, participants will be asked to advise the Executive Director on a schedule and procedures for negotiations concerning the draft Protocol. It should be noted that in accordance with Resolution 9 of the Barcelona Conference of Plenipotentiaries, and at the invitation of the Government of Monaco, the Executive Director will convene an intergovernmental meeting of Mediterranean Coastal States in late November 1977.

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<sup>9/</sup> Albania, Algeria, Cyprus, Egypt, France, Greece, Israel, Italy, Lebanon, Libyan Arab Republic, Malta, Monaco, Morocco, Spain, Syrian Arab Republic, Tunisia, Turkey, Yugoslavia.

The purpose of the Monaco meeting will be for the Executive Director to "inform Governments of the Coastal States of the Mediterranean Sea Area of steps taken and progress achieved pursuant to all recommendations set forth in the Action Plan for the Protection of the Mediterranean approved at Barcelona on 4 February 1975".<sup>10/</sup> The Executive Director feels that it would be desirable if he could report to the Monaco meeting that substantive progress had been made in the negotiations for a protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources. Therefore, the Executive Director is prepared to convene an intergovernmental meeting, the nature of which should be recommended by participants at the Athens consultation, in due time for the results of the meeting to be reported to Governments represented at the Monaco intergovernmental meeting.

Item 5. Other Business

Item 6. Adoption of the Report

Item 7. Closure of the Consultation

Procedural.

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<sup>10/</sup> Conference of Plenipotentiaries of the Coastal States of the Mediterranean Region for the Protection of the Mediterranean Sea, Barcelona, 2-16 February 1976, Office of Public Information, United Nations, Geneva, March 1976, page 20.