



United Nations Environment Programme



Distr.
RESTRICTED
UNEP/WG.2/5.
11 February 1975
Original: ENGLISH

REPORT OF THE INTERGOVERNMENTAL MEETING
ON THE PROTECTION OF THE MEDITERRANEAN
Barcelona, 28 January to 4 February 1975

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INTRODUCTION

1. At its second session held in Nairobi from 11 to 22 March 1974, the Governing Council of the United Nations Environment Programme (UNEP) decided that the Programme should "encourage and support the preparation of regional agreements or conventions on the protection of specific bodies of water from pollution, particularly from land-based sources." It further stated that "high priority should be given to supporting activities to protect living resources and prevent pollution in the Mediterranean." The Governing Council also decided that "in view of the many activities of numerous other agencies in this field, UNEP should concentrate on the co-ordination of these activities and on the protection of the marine environment" and that "priority should be given to regional activities, with the possible establishment of programme activity centres in the Mediterranean."

2. In response to these directives, and to the numerous initiatives of Governments and international organizations in the Mediterranean region, UNEP undertook to convene an Intergovernmental Meeting on the Protection of the Mediterranean in Barcelona from 28 January to 4 February 1975.

Before the official opening of the Meeting a ceremony was held by the Spanish authorities to welcome the participants. The ceremony was presided over by His Excellency Mr. Joaquin Gutierrez Cano, The Minister of Development Planning. His Excellency Mr. Enrique Masó Vásquez, the Mayor of Barcelona, welcomed the participants to the city of Barcelona and expressed his city's interest in the future and protection of the Mediterranean. His Excellency the Minister then welcomed the participants on behalf of the Government of Spain and expressed the interest of his Government in the Meeting and in co-operating in the development and implementation of an Action Plan for the protection of the Mediterranean. Mr. Maurice Strong, the Executive Director, spoke on behalf of the United Nations Environment Programme and the participants to thank his Excellency the Minister and the Mayor of Barcelona for their welcome and asked them to convey gratitude to the Government of Spain for their hospitality in hosting the Meeting and for the excellent facilities which they had provided.

Attendance 1/

The following States members were represented: Algeria, Egypt, France, Greece, Israel, Italy, Lebanon, Libyan Arab Republic, Malta, Monaco, Morocco, Spain, Syrian Arab Republic, Tunisia, Turkey, Yugoslavia. 2/

Observers for the following States members were also present: the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America.

1/ For the list of the participants in the Meeting see document UNEP/WG.2/INF.2/Rev.2.

2/ The Governments of Albania and Cyprus had been invited but were not represented at the Meeting.

Representatives of the following also attended:

United Nations bodies: Economic Commission for Africa (ECA), Economic Commission for Europe (ECE), Economic Commission for Western Asia (ECWA), United Nations Development Programme (UNDP).

Specialized Agencies: Food and Agriculture Organization (FAO), United Nations Educational, Scientific and Cultural Organization - Intergovernmental Oceanographic Commission (UNESCO-IOC), World Health Organization (WHO), International Bank for Reconstruction and Development (IBRD), World Meteorological Organization (WMO), Intergovernmental Maritime Consultative Organization (IMCO). The International Atomic Energy Agency (IAEA) was also represented.

Intergovernmental organizations: Arab League Educational, Cultural and Scientific Organization (ALECSO), Commission of the European Communities, International Commission for the Scientific Exploration of the Mediterranean (ICSEM), Organization for African Unity (OAU), Organization for Economic Co-operation and Development (OECD).

Credentials

5. The Bureau examined and found in order the credentials submitted by the representatives of Algeria, Egypt, France, Greece, Israel, Italy, Lebanon, Libyan Arab Republic, Malta, Monaco, Morocco, Spain, Syrian Arab Republic, Tunisia, Turkey, Yugoslavia.

Agenda items 1 and 2.1. Opening of the Meeting and Rules of Procedure

6. The official Meeting was opened by the Executive Director of UNEP who made the following announcement concerning the rules of procedure to be followed:

"The Intergovernmental Meeting having been convened by the Executive Director of UNEP under Decision No. 8 (II) of the Governing Council, may be deemed to be a subsidiary organ of the Governing Council. Therefore, under sub-paragraph 3 of Rule 62 of the Rules of Procedure of the Governing Council, the rules of procedure of this Meeting shall be those of the Governing Council mutatis mutandis."

This was agreed.

7. It was further agreed that the Meeting should endeavour to adopt all recommendations by consensus rather than by voting: however, if a consensus could not be reached, the report of the Meeting should include both the majority and the minority views.

Agenda item 2.2. Election of Officers

8. The Meeting unanimously elected the following officers:

Chairman: His Excellency Mr. Fernando de Ybarra (Spain), Under-Secretary of the Ministry of Development Planning,

First Vice-Chairman: Mr. S. E. El-Wakeel (Egypt), Director, Institute of Oceanography and Fisheries.

Second Vice-Chairman: Mr. A. Sciolla Lagrange (Italy), Judge, seconded to the Ministry of Foreign Affairs.

Rapporteur: Mr. E. Saliba (Malta), Chargé d'Affaires at the Maltese Embassy in Tripoli.

It was further agreed that the first Vice-Chairman would preside over the first committee which would deal with development, research and monitoring while the second Vice-Chairman would preside over the second committee which would deal with legal aspects and that each committee would elect its own Rapporteur.

Agenda item 3. Adoption of Agenda

The agenda, as follows, was adopted.

1. Opening of the Meeting
2. Organization of the Meeting
 - 2.1. Rules of procedure
 - 2.2. Election of officers
3. Agenda and suggested time-table
4. Action Plan for the Mediterranean
 - 4.1. Integrated planning of the development and management of the resources of the Mediterranean Basin
 - 4.2. Co-ordinated programme for research, monitoring, and exchange of information and assessment of the state of pollution and of protection measures
 - 4.3. Framework convention and related protocols with their technical annexes for the protection of the Mediterranean environment
 - 4.4. Institutional and financial implications of the Action Plan
5. Other business
6. Adoption of the Report
7. Closure of the session.

I ACTION PLAN

Agenda item 4

10. This item was introduced by the Executive Director of UNEP who pointed out that the major objective of the Meeting was to adopt an Action Plan to protect the Mediterranean.

11. A general discussion was held on the proposed Action Plan in which a number of representatives of countries and of specialized agencies and intergovernmental organizations participated.

12. All speakers expressed concern about the state of the environment in the Mediterranean and supported the idea of the development of a co-ordinated Action Plan to be implemented by the countries concerned. A number of speakers expressed the view that the proposed Action Plan should be implemented under the auspices of UNEP in co-operation with other agencies of the United Nations system and other intergovernmental and non-governmental organizations. During the discussion emphasis was laid on the need to create new machinery to co-ordinate the activities which would be undertaken in the implementation of the agreed plan. Such activities would include the convening of working groups of legal experts to prepare the final text of a convention and a number of protocols to be signed at a later plenipotentiary conference. The Spanish representative expressed his Government's desire and willingness that this conference should also be held in the city of Barcelona.

13. During the general discussion the representative of Malta proposed the establishment of a Regional Oil-combating Centre for the Mediterranean and offered to expand Malta's own national anti-pollution centre for that purpose. Representatives of a number of countries offered training and research facilities for developing countries in the area.

14. The representative of Monaco requested in the drafting committee that the offer by Monaco should be more explicitly defined in the report of the meeting. In the light of certain reservations expressed and to meet the arguments put forward by the French delegation, and also in the desire to avoid prolonging the discussion and complicating an already involved situation, his delegation agreed that paragraph A.3 of the Institutional and Financial Implications of the Action Plan, the Annex to this report, be retained. His delegation asked only that it be officially noted and clearly stated in the report that the offer referred to the proposal by Monaco that it should act as host to the small secretariat for the Convention and Protocols which would probably be established at a later date.

15. The Meeting approved the Action Plan contained in the annex to this report.

II INTEGRATED PLANNING OF THE DEVELOPMENT AND MANAGEMENT OF THE RESOURCES OF THE MEDITERRANEAN BASIN

16. With Mr. Saad El-Wakeel (Egypt), Vice-Chairman of the Meeting, in the Chair, the Committee first elected Mr. Stjepan Keckes (Yugoslavia) as its Rapporteur.

17. The Meeting approved the first section of the report of Committee I as follows:

Agenda item 4.1

18. The document on the "Integrated Planning of the Development and Management of the Resources of the Mediterranean Basin" (UNEP/WG.2/2), introducing the concept of integrated development, served as a basis for discussion on agenda item 4.1.
 19. In the ensuing discussion the members of various delegations took the floor expressing the views of their Governments; the representatives of the international, intergovernmental and regional organizations reviewed their activities relevant to the planning of the development and management of the Mediterranean resources.
 20. The protection and rational management of resources, with due regard to the national short and long-term objectives, were stressed as the basis for any integrated planning of national development policies where environmental concerns should be taken as a new dimension added to socio-economic considerations.
 21. It was emphasized that the protection of resources should not be viewed as an obstacle to socio-economic development and examples of development projects which were perfectly compatible with the protection of the environment were given.
 22. The environmental aspects of development plans varied from country to country and should therefore be dealt with by national authorities taking into account the national priorities of each country when development strategies were formulated. However, the environmental aspects of the national development strategies should take into account - within the concept of unity in diversity - that the Mediterranean eco-system was a common heritage and one of the most important assets of the Mediterranean eco-region.
 23. The ecological and economic interdependence of the Mediterranean eco-system, defined as the Mediterranean Sea with a narrow coastline, and the rest of the Mediterranean eco-region was stressed.
 24. The following subject was proposed for inclusion in the programme of activities:

"Elaboration of a physical plan covering the Mediterranean eco-system introducing the concept of sea-use corresponding to the concept of land-use (aménagement du territoire), on the basis of the characteristics and dynamics of the eco-system. This plan which would incorporate similar national plans, would deal with:

 - (a) The optimum distribution of activities in the Mediterranean eco-system
 - (b) The rational utilization and development of resources
 - (c) Classification into zones assigned to exclusive activities (routes for oil and cargo ships) or to activities compatible with their environment, and also zones not subject to further degradation or pollution."
- It was agreed that the above proposal should be included as an item of the agenda of the next UNEP-Mediterranean meeting, for consideration.

25. The need for studies of the regional environmental aspects of industrial and touristic developments and their trends was discussed.

26. Recalling the activities of UNDP in assisting the Mediterranean countries in implementing development programmes, it was proposed that regional programmes be formulated. The activities of specialized agencies and regional organizations in such programmes and the co-ordinating role of UNEP and UNDP were discussed.

27. Several of the UNESCO programmes, particularly those connected with the Man and Biosphere Programme (MAB), were presented as falling within the scope of the Mediterranean development plans.

28. The Mediterranean development programmes, particularly those in which considerable emphasis was given to environmental protection, and for which WHO, FAO and other specialized agencies acted as executive agencies, together with the activities of regional organizations, were reviewed and the potential role of those organizations in assisting Governments with new programmes was stressed.

29. Various co-ordinating mechanisms and institutional arrangements needed for the formulation and implementation of regional programmes and for the harmonization of national programmes were proposed. It was felt that all those activities should have regard primarily to the existing national strategies and existing institutions.

30. A drafting group was set up to formulate a set of recommendations on agenda item 4.1 on the basis of the debates in the Committee. The draft text prepared by the group was examined by the Committee, and the modified text was submitted for approval to the Plenary Meeting.

III CO-ORDINATED PROGRAMME FOR RESEARCH, MONITORING AND EXCHANGE OF INFORMATION AND ASSESSMENT OF THE STATE OF POLLUTION AND PROTECTION MEASURES

31. The Meeting approved the second section of the report of Committee I as follows:

Agenda item 4.2

32. The documents on "Co-ordinated Programmes for Research, Monitoring and Exchange of Information and Assessment of the State of Pollution and Protection Measures" (UNEP/WG.2/3) and on the "Feasibility Study for the Execution in the Mediterranean of Co-ordinated Pollution Monitoring and Research Programmes" (UNEP/WG.2/INF.6) were introduced as the basis for discussion.

33. Each of the seven co-ordinated research and monitoring programmes was presented in detail by the specialized agency of the United Nations System responsible for its development (IOC, FAO, WHO, WMO) and met the general approval of the Committee.

34. The difficulties entailed in the handling of data produced by the research and monitoring programmes were emphasized as well as the need for co-ordinated data management.

35. Certain gaps were recognized in the document UNEP/WG.2/INF.6 and the corrections offered by the delegates, as well as the supplementary information which should be added, would be taken into account in possible future use of the document.
36. The view was expressed that the expansion of the planned programme on monitoring of oil pollution and its effects was both necessary and feasible.
37. Several ongoing programmes of UNESCO, WHO, WMO and OECD were suggested as useful additions to the programmes outlined in document UNEP/WG.2/3. The representative of WHO described a whole range of programmes as part of the co-ordinated coastal water quality control programmes.
38. Sub-regional activities between several countries were proposed in order to establish standards, guidelines and principles, and to produce manuals concerning the treatment and disposal of wastes.
39. The development of in-service training programmes in specific analytical techniques as well as inter-disciplinary training programmes, involving scientific, engineering, administrative, legal and socio-economic aspects, were discussed and recommended as high priority.
40. The possibility of using a ship flying an international flag for joint research, monitoring and training activities was mentioned but discussion on this point was not brought to a conclusion.
41. A proposal to set up a Regional Anti-Pollution Centre for the Mediterranean in Malta, serving the region mainly in oil-combating operations in case of emergencies, as well as the establishment of other regional centres for other specific tasks, were considered relevant to agenda item 4.4.
42. The activities of the International Laboratory of Marine Radio-activity in Monaco were reviewed with particular regard to its experience in collaboration with Mediterranean scientific institutions and its possible rôle in the inter-calibration exercises for the co-ordinated monitoring and research programmes.
43. The existence of the Co-operative Investigations of the Mediterranean (CIM) jointly sponsored by IOC, the General Fisheries Council of the Mediterranean (GFCM) and the International Commission for the Scientific Exploration of the Mediterranean (ICSEEM), with its network of national co-ordinators was recalled and discussed as a possible mechanism for the co-ordination of the proposed research and monitoring programmes.
44. Based on the discussions on the agenda item 4.2 the Chairman proposed a set of recommendations which were amended by the Committee and submitted to the Plenary Meeting for approval.
45. Some representatives expressed the view that the primary consideration in the implementation of the Action Plan should be the training of personnel and the provision of equipment.

46. It was also agreed that the projects which appeared in section II of the Action Plan were not listed in their order of priority and that the development and implementation of those projects should be carried out in co-operation with the national institutions of the coastal States.

IV FRAMEWORK CONVENTION AND RELATED PROTOCOLS WITH THEIR
TECHNICAL ANNEXES FOR THE PROTECTION OF THE
MEDITERRANEAN ENVIRONMENT

47. The Meeting approved the following report of Committee II:

Agenda item 4.3.

48. The Committee met on 29 January 1975 under the chairmanship of Mr. Sciolla-Lagrange (Italy), and elected Mr. Surbiguet (France) as Rapporteur.

49. Pursuant to item 4.3 of the provisional agenda, the Committee had before it the "Plan of Action for the Mediterranean" (UNEP/WG.2/4) and the following information documents:

- a draft framework convention for the protection of the marine environment against pollution in the Mediterranean (UNEP/WG.2/INF.3), prepared under the auspices of the Food and Agriculture Organization of the United Nations (FAO);
- a draft protocol on co-operation in combating pollution of the Mediterranean by oil and other harmful substances (UNEP/WG.2/INF.4), prepared by a consultant from the Intergovernmental Maritime Consultative Organization (IMCO),
- and a draft protocol for the prevention of pollution of the Mediterranean Sea by dumping from ships and aircraft (UNEP/WG.2/INF.5), prepared by the Spanish delegation.

50. The Committee heard a general statement by the Secretary-General of IMCO, who encouraged the Mediterranean States to strengthen their participation in the work of IMCO for the prevention of marine pollution from ships on the global, regional and national level, to ratify existing IMCO conventions, and to co-operate for their revision where required for the further protection of the Mediterranean.

51. The Chairman then called on the originators of the draft legal texts before the Committee for explanatory comments. In an introductory statement by the Secretariat, based on the Action Plan and the annotated agenda (UNEP/WG.2/1/Add.1) the main objectives of the meeting were outlined as including:

- (a) preliminary comments on the draft instruments now before the Committee, to provide guidance in the further drafting process envisaged, with the understanding that the emphasis of comments should be on matters of principle rather than on details;

- (b) recommendations on the work schedule and approximate timing of the successive steps required for the preparation and adoption of these instruments.

52. The ensuing general discussion, during which the Spanish delegation presented a draft counter-proposal for a framework convention (UNEP/WG.2/CRP.3/Add.8), focused on the relationship between the framework convention and the protocols. Several alternatives were considered, particularly the possibility of an independent framework convention with optional protocols, and the possibility of making one or more protocols mandatory for the parties to the framework convention. The possible addition of a protocol on combating pollution originating from ships was also discussed. Without expressing a preference at this stage for any of the alternatives considered, the Committee decided to proceed to an article-by-article examination of the basic initial provisions of the draft framework convention, taking into account the guidelines adopted at the 1974 FAO Consultation in Rome, as well as the detailed proposals submitted by the Spanish delegation.

A. PRELIMINARY COMMENTS ON THE DRAFT INSTRUMENTS

(a) Draft Framework Convention

53. Additions to the Preamble were suggested so as to reflect the need for co-operation between States and to note the fact that existing conventions did not cover all aspects of marine pollution in the Mediterranean. While recognizing the need for defining geographical coverage in Article 1, the Committee took note of the reservations expressed by the representative of Turkey regarding the choice of the 41° N parallel as one of the limits of the Mediterranean (the limit appearing in the 1973 IMCO Convention for the Prevention of Pollution from Ships, and its annexes). Besides, as regards the definitions envisaged in Article 2, and in order to avoid difficulties of interpretation the Committee thought it preferable to follow definitions already accepted in other relevant texts, and to retain in this instance the GESAMP definition of pollution. On the other hand, the Committee considered that the definition of ships and aircraft, as well as other definitions and the question of sovereign immunities, could be left to the appropriate protocols.

54. As to Article 3 on basic obligations of the contracting parties, the Committee discussed the meaning of certain terms, especially the reference to "applicable protocols" (which some representatives viewed as applicable pursuant to the convention, others as applicable only between States parties to protocols). The question was raised whether the article should impose any form of obligation on contracting parties with regard to measures provided for in protocols. Some representatives favoured this approach, while others pointed out that governments might hesitate to adopt a framework convention comprising such an obligation.

55. The Committee further considered various proposals to improve the formulation of Article 3, including a suggestion to state as a goal in paragraph 1 the protection of the marine environment and to delete paragraph 2 or to adapt it as far as suitable along the lines of Article 3, paragraph 2, of the Helsinki Convention. It further appeared that the place of paragraph 3 could be reconsidered.

56. The Chairman then invited comments on the specific obligations outlined in draft Articles 4 to 7, and on their relationship with the draft protocols. There was agreement that the obligations could be dealt with either in one or in several articles; provided they were properly harmonized. Most representatives expressed themselves in favour of the adoption by the Conference of Plenipotentiaries of a "package" containing a framework convention with at least one or two binding protocols, though recognizing the need to avoid a situation where a country might be prevented from accepting the package, due to some protocol unacceptable to it. After extensive discussion, a very large majority of delegates expressed their preference for a provision in the framework convention that would merely envisage co-operation for the formulation and adoption of protocols (alternative B). Certain representatives favouring that alternative were, however, of the opinion that the framework convention should come into force only after at least one of the protocols had also come into force. In the event of alternative A being chosen, that alternative would imply an obligation to sign one or more protocols from among those open for signature at the same time as the convention.

57. Several representatives supported the idea of a protocol on combating pollution originating from ships, and one representative envisaged a protocol concerning the burning of wastes at sea.

58. Regarding the institutional and financial arrangements contained in Articles 13 to 15, the representative of Spain explained that he did not insist on the creation of a commission as envisaged in the draft protocol for the prevention of pollution by dumping, provided the secretariat functions were centralized in a single body. Several representatives expressed themselves in favour of an existing organization, and one representative formally suggested UNEP as a natural choice for that purpose.

59. There was agreement to distinguish between the administrative and executive functions of the secretariat, the ordinary functions of the meetings of contracting parties on the application of the convention and the extraordinary functions of diplomatic conferences for the conclusion of protocols.

60. The Committee then proceeded to an examination of Article 8 on co-operation in pollution emergencies. It was agreed to extend the scope of the co-operation envisaged from accidents to all types of massive pollution emergencies at sea, and to consider the obligations specified in Article 8, as binding on contracting parties of the framework convention regardless of any further provisions that might be accepted by parties to a protocol on this subject.

61. The Committee took note of several detailed suggestions for the redrafting of Article 9 on monitoring (e.g., a proposal to distinguish between monitoring in territorial waters and on the high seas). While some representatives favoured a more flexible formulation without reference to technical annexes, others supported the present draft article in view of the considerable latitude of its formulation, which allowed for alternative solutions in the light of further review and future developments. The important role of existing international organizations competent in that field was acknowledged.

62. After a discussion of Article 10 on scientific and technical co-operation, there was a consensus that the provision was to be mandatory rather than optional, thus implying an obligation to co-operate. Suggestions were made that particular priority should be given to the needs of developing countries regarding technical assistance as envisaged in draft paragraph 3, and particularly the training of personnel for anti-pollution operations.

63. The Committee took the view that the remainder of the Articles of the draft framework convention mostly concerned matters of legal technique and procedure, and could be left to the working group of experts to be convened in the near future.

(b) Draft Protocols

64. The Committee first discussed the draft protocol for the prevention of pollution of the Mediterranean Sea by dumping from ships and aircraft (UNEP/WG.2/INF.5), prepared by the Spanish delegation. In presenting the draft, the representative of Spain pointed out that amendments and adaptations (particularly as regards institutional matters) should be made in certain articles - especially 2, 13, 14, 15, 16 in order to take into account the discussion on the framework convention.

65. The Committee generally approved the structure of the protocol, supporting the concept that the protocol should provide for stricter measures as necessary in view of the special requirements of the area, while keeping them in conformity with the general provisions of the 1972 London Dumping Convention. The Committee then gave some indications of views on the main articles of the protocol.

66. Some suggestions were made on the definition of terms, in particular the inclusion of a definition of "harmful substances" and as regards an extensive meaning of the term "ships". (Article 3). The principle of prohibiting or restricting dumping of harmful substances in accordance with lists of priority pollutants was accepted (Articles 4, 5, 6).

67. With regard to the exemption clauses (Articles 8, 9), some representatives expressed concern over the lack of precision of the concept of force majeure. It was suggested that Article 9 could be deleted. Clarification of the distinction between "critical" and "urgent" situations was also thought necessary. It was felt that a report on such exceptionally permitted cases of dumping should also be sent to the states likely to be affected, and the report should contain details of the position where such dumping took place. Some jurisdictional implications of the provisions for issuing of permits by the Parties to ships operating under their authorities were briefly discussed (Article 10).

68. On the question of applying the protocol provisions to ships and aircraft entitled to sovereign immunity, one view expressed was that more restrictive provisions were needed for the Mediterranean than those of the 1972 London Convention. As regards Article 12, it was suggested that the term "high seas" should be replaced by "zones of application".

69. The Committee agreed to leave the remaining articles of a juridical nature for review by the experts. General observations were made on the annexes. It was pointed out in particular by some representatives that the contents of the annexes should be stricter than those of the 1972 London Convention.

70. The Committee then proceeded to discuss the draft protocol on co-operation in combating pollution of the Mediterranean by oil and other harmful substances. The consultant from IMCO, in presenting his draft, indicated that the draft should be harmonized with the framework convention and identified some of the sources of the draft protocol, (particularly the Bonn Agreement, the Helsinki Convention and the Neuilly Draft). He commented in particular on the proposal for the creation of a regional operational centre (Article 7) and commented on the provisions concerning the division of the Mediterranean into two basins (Article 11). The Chairman then invited comments from representatives, especially on those two points.

71. As regards the operational centre, some representatives thought its creation necessary and envisaged its role mainly in the field of co-ordination as provided in the draft. Other representatives favoured the establishment of a Centre, the role of which would be limited to the transmission of information. The view was also expressed that a Centre could be established as an "intermediary" provided that its use was optional and its operation imposed no financial burdens on States.

72. The majority of representatives considered that a division of the Mediterranean into two basins as provided in Article 11 should not be accepted. Nevertheless, some representatives stated that the concept of basins might be retained for operational purposes.

73. It was agreed that these comments, as well as those made during the discussion of the draft protocol on dumping and of the framework convention would be transmitted to the competent expert working groups.

B. RECOMMENDATIONS

74. The Committee then considered two draft recommendations presented by the delegations of Malta and France respectively.

75. During the discussion of these recommendations, several representatives requested that certain comments made by them be recorded in the report. The representative of Lebanon pointed out that in his view it was desirable to initiate as soon as possible the drafting of an additional protocol for the prevention of marine pollution from land-based sources. Furthermore, the representative of Lebanon, the representative of Spain and the representative of Turkey stated that the adoption of a recommendation relating to the 1973 IMCO Convention should not prevent the preparation of a protocol for combating pollution of the Mediterranean caused by the operation of ships.

76. In addition, with reference to paragraph 2 of the draft recommendation relating to the 1973 IMCO Convention, the representative of Turkey recalled the objections of his delegation as regards the choice of the 41° N parallel as one of the limits of the Mediterranean.

77. Having been studied and amended, the draft recommendations were adopted by the Committee and submitted to the Plenary Meeting for approval.

78. The representative of Spain, speaking on behalf of the Spanish Government, extended an invitation to hold the Plenipotentiary Conference in Barcelona. The meeting accepted that invitation with gratitude and decided that the Conference would be held from 2 to 13 February 1976. The Meeting was also informed that it was planned to call a meeting of intergovernmental legal and technical experts to consider the framework convention, protocols and annexes in Geneva from 7 to 11 April 1975.

V. INSTITUTIONAL AND FINANCIAL IMPLICATIONS OF THE ACTION PLAN

79. The meeting discussed the various aspects of the financial and institutional implications of the Action Plan including the proposals submitted by the delegations of Malta and Monaco in this respect. Two draft texts were submitted, one by the delegation of Malta, another jointly by the delegations of Egypt, Spain and Yugoslavia, and were considered by the Meeting which finally approved the text appearing under Section IV of the Action Plan. 1/

Agenda item 6 - Adoption of the report

80. The Meeting adopted the report and authorized the Executive Director to complete it in all languages, and:

- (a) to adjust the translation of all languages to conform to the original texts;
- (b) to introduce minor editorial changes which would not affect the substance.

Agenda item 7 - Closure of the session

81. On 4 February the Chairman declared the Meeting closed.

1/ See the Annex to this report.

Annex

ACTION PLAN

The Intergovernmental Meeting on the Protection of the Mediterranean, convened by the Executive Director of the United Nations Environment Programme in Barcelona from 28 January to 4 February 1975, to consider an Action Plan for the Mediterranean, has reached agreement on the recommendations set forth below, based on consideration of four main aspects:

- I. Integrated planning of the development and management of the resources of the Mediterranean Basin
- II. Co-ordinated programme for research, monitoring, and exchange of information and assessment of the state of pollution and of protection measures
- III. Framework convention and related protocols with their technical annexes for the protection of the Mediterranean environment
- IV. Institutional and financial implications of the Action Plan

I. INTEGRATED PLANNING OF THE DEVELOPMENT AND MANAGEMENT OF THE RESOURCES OF THE MEDITERRANEAN BASIN

1. The Meeting, having studied and discussed document UNEP/WG.2/2, entitled "Integrated Planning of the Development and Management of the Resources of the Mediterranean Basin", took note of it and considered that it raised delicate and vital problems, having regard to the inequality in economic and social levels prevailing as between the various coastal countries.
2. Consequently and taking into account the need to avoid hindering the inevitable development of the Mediterranean developing countries, the countries of the region declared themselves ready to make a joint, thorough study of any proposal aimed at reconciling the demands of development with the need to protect and improve the quality of the Mediterranean environment, with a view to the optimal utilization of its potentialities.
3. The Intergovernmental Meeting on the Protection of the Mediterranean requested the Executive Director of UNEP in collaboration with the Governments of the region, the organizations of the United Nations system and intergovernmental and regional organizations concerned, to draw up a co-ordinated programme of concerted activities, aimed at a better utilization of resources in the interest of the countries of the region and of their development, while being in accordance with sound long-term environmental management rules.
4. It would be appropriate, in particular, to develop programmes of activities or to amplify those which are already being implemented; for example:
 - (a) The development and application of rational techniques from the point of view of the economy, ecology and health in various fields such as;

- (i) treatment, use and safe disposal of organic and industrial waste resulting from various human activities;
 - (ii) restoral of degraded natural communities, in particular the protection, improvement and stabilization of soils, the arrangement of hydrographic basins and the regulation of torrents;
 - (iii) best use and recycling of fresh water;
 - (iv) improvement and better utilization of the living resources of the sea, in particular by aquaculture.
- (b) The study of the costs and of the economic and social advantages of taking the environment factor into consideration in development projects, such a study being carried out on the basis of environmental assessments of certain projects which are at present being carried out or have already been completed.
 - (c) The study of the repercussions of economic development, particularly of the development of tourism and industry, on the environment of the region, taking into account national sovereignty and the level and policies of development in each country.
 - (d) The study of a system of vocational training at all levels.

5. These programmes would be supported by training and technical assistance activities, particularly in favour of developing countries, designed to enable all countries of the region to undertake activities in those fields themselves and to participate fully in regional activities. The Executive Director of UNEP is requested to proceed with the compilation of an inventory of the needs of the developing coastal countries of the Mediterranean, and of the training possibilities available through both the international organizations and the developed countries of the Mediterranean region experienced in research and the campaign against pollution, in order to pinpoint the possible fields and methods of co-operation.

6. In the preparation and implementation of this programme, the Executive Director of UNEP, in co-operation with the Governments and organizations mentioned in paragraph 3 above is requested:

- (a) to organize meetings of national experts in order to guide the development of the various parts of the above programme;
- (b) to provide assistance for national institutions of the region in programming and implementing the projects adopted, or to help them to obtain such assistance;
- (c) to take necessary steps, with a view to maximum efficiency and within the budgetary framework laid down for the purpose by the Governing Council of UNEP, for the implementation and co-ordination of this programme of activities.

II. CO-ORDINATED POLLUTION MONITORING AND RESEARCH PROGRAMME IN THE MEDITERRANEAN

1. Having considered the research and monitoring projects, as set forth in document UNEP/WG.2/3, entitled "Co-ordinated programme for research, monitoring, and exchange of information and assessment of the state of pollution and of protection measures".

2. Agrees that, due to limitations in facilities and scarcity of trained scientists the seven proposed programmes, not listed in order of priority:

- Baseline studies and monitoring of oil and petroleum hydrocarbons in marine waters
- Baseline studies and monitoring of metals, particularly mercury, in marine organisms
- Baseline studies and monitoring of DDT, PCB's and other chlorinated hydrocarbons in marine organisms
- Effects of pollutants on marine organisms and their populations
- Effects of pollutants on marine communities and eco-systems
- Coastal transport problems of pollutants
- Coastal water quality control programmes

should be, in the first stage, pilot projects.

3. Calls upon the Executive Director of UNEP, in consultation with Governments, and with the co-operation of appropriate organizations of the United Nations system as well as of competent intergovernmental regional organizations, to convene a limited number of meetings of experts selected from institutions expressing their desire to participate in the various programmes, to draw up documents describing in detail the operations for each pilot project. The pilot projects should have an operational phase of at least two years.

4. Invites the Executive Director of UNEP, in order to increase the number of participants in the various programmes, to organize, as a first priority, an intensive in-service training of scientists and technicians and to provide additional equipment, this being the best basis for the development of the abilities of national laboratories and institutions. The in-service training should be organized and confined within the Mediterranean countries to the largest possible extent.

5. Requests the Executive Director of UNEP to keep Mediterranean Governments informed of these programmes as they are formulated and developed.

6. Calls upon Governments and appropriate international bodies to help the national institutions concerned to participate in the preparation and implementation of these monitoring and research activities.

III. FRAMEWORK CONVENTION AND RELATED PROTOCOLS WITH THEIR TECHNICAL ANNEXES FOR THE PROTECTION OF THE MEDITERRANEAN ENVIRONMENT

A

Deeply concerned about the alarming state of the environment in the Mediterranean, due to the deliberate or unintentional neglect which has aggravated environmental pollution in this important part of the world.

Having regard to the note by the Executive Director of UNEP containing an analysis of the draft framework convention and related protocols with their technical annexes for the protection of the Mediterranean environment (UNEP/WG.2/4).

1. Considers it to be particularly necessary and urgent to provide a legal basis for international co-operation to protect the marine environment in the Mediterranean;
2. Endorses the principle regarding the setting up of a framework convention and related protocols and technical annexes;
3. Notes with satisfaction the preparatory work undertaken by FAO for a draft framework convention for the protection of the marine environment against pollution in the Mediterranean, by the consultant from IMCO for a draft protocol on co-operation in combating pollution of the Mediterranean by oil and other harmful substances, and by the Spanish delegation for a draft protocol for the prevention of pollution of the Mediterranean Sea by dumping from ships and aircraft, all of which was submitted for information and given careful examination;
4. Requests the Executive Director of UNEP, in co-operation with the Governments and United Nations agencies concerned, to convene working groups of governmental legal and technical experts as required, with the eventual collaboration of other international organizations concerned, to put into definitive form the draft legal instruments enumerated in paragraph 3 above, with a view to their adoption by a conference of plenipotentiaries. These working groups should take due account of the debates of the Barcelona meeting, without prejudice to the codification and elaboration of the law of the sea by the United Nations Conference on the Law of the Sea;
5. Further requests the Executive Director of UNEP, in co-operation with FAO and other United Nations agencies concerned, to convene such a conference of plenipotentiaries, to invite to this conference the coastal States of the Mediterranean region as well as observers in accordance with United Nations practice, and to provide the necessary support for the preparation and completion of the conference;
6. Recommends that the Executive Director of UNEP, in co-operation with the Governments and United Nations agencies concerned, convene as soon as practicable working groups of governmental experts to prepare additional protocols, taking into account the work of the present meeting.

B

Recognizing the need to give special protection to the Mediterranean against pollution due to the operation of ships;

Mindful of the 1973 International Convention on the Prevention of Pollution from ships,

1. Expresses the wish that all States become parties to the said convention.
2. Recommends that all coastal States of the Mediterranean become parties to the 1973 Convention and use their concerted efforts by appropriate measures within the framework of IMCO to have the Mediterranean designated as a special area for the purposes of Annex II of that Convention.

3. Recommends that the coastal States of the Mediterranean provide the shore facilities envisaged in Annexes I and II of the said Convention and to establish technical co-operation for this purpose.

IV. INSTITUTIONAL AND FINANCIAL IMPLICATIONS OF THE ACTION PLAN

A

In establishing the institutional arrangements for carrying out these recommendations the Executive Director of UNEP is requested to:

1. Use available funds with minimum allocation for staffing and other administrative costs.
2. Establish simple co-ordinating mechanisms which use, to the greatest extent possible, existing international organizations and co-ordinating bodies and which would deal with national institutions through the appropriate national authorities of the country concerned.
3. Keep under review, as the programme develops, the possible need for the strengthening of appropriate institutions in the region. This review, which should be carried out in consultation with the Governments of the region, should take into account the question of establishing specialized regional organisms to undertake particular tasks of the programme, or play a co-ordinating role, taking into account offers already made in the course of this meeting such as those of Malta and Monaco and others yet to be made. Such organisms should only be established if no appropriate regional organism already exists, and should be based on existing national institutions which could be strengthened and given a regional role.
4. Have early consultations with the Governments of the region on the possibility of establishing a regional oil-combating centre to deal with the ever-present and growing threat of a major oil spillage in the Mediterranean, and takes note of the proposal of Malta to host such a centre.

B

In establishing the financial arrangements for carrying out the Action Plan, the Executive Director of UNEP should work within the budgetary and institutional framework and within the methods of work established by the Governing Council.

The Intergovernmental Meeting on the Protection of the Mediterranean,

V. Requests the Executive Director to inform the Governing Council of UNEP at its next session of the recommendations agreed to by the coastal States of the Mediterranean region and to keep the Council and these States informed of steps taken by UNEP in co-operation with the Governments concerned and with United Nations agencies and other relevant international organizations to give effect to these recommendations.

VI. Wishes to record its profound gratitude to the Government and people of Spain for the hospitality and support shown throughout this Meeting in Barcelona.