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Intergovernmental Review Meeting of Mediterranean Coastal States and First Meeting of the Contracting Parties to the Convention for the Protection of the Mediterranean Sea against Pollution and its related protocols

Geneva, 5 - 10 February 1979

Note by the Executive Director

The attached report is submitted to participants for their information.

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Meeting of experts on Mediterranean Trust Fund and other institutional and financial matters

Geneva, 18 - 22 September 1978

REPORT OF THE MEETING OF EXPERTS ON THE MEDITERRANEAN TRUST FUND AND OTHER INSTITUTIONAL AND FINANCIAL MATTERS

GE.78-9947

Introduction

1. At the Intergovernmental Review Meeting of Mediterranean Coastal States on the Mediterranean Action Plan, held in Monaco from 9 to 14 January 1978, delegations from the Mediterranean States adopted forty-seven recommendations for the future development of the Mediterranean Action Plan. In recommendation 47:

> "the Meeting welcomed the intention of the Executive Director to convene in 1978 a meeting of Government-nominated representatives to examine the Executive Director's report on the budget for the 1979/1980 biennium."

2. In accordance with this recommendation, the Executive Director convened a meeting of experts on the Mediterranean Trust Fund and other institutional and financial matters in Geneva from 18 to 22 September 1978.

Attendance

3. The meeting was attended by experts nominated by twelve Mediterranean coastal States and the European Economic Community.

4. Representatives from the United Nations, two United Nations bodies, four specialized agencies, and one non-governmental organization also attended the meeting. A complete list of participants is attached as Annex I to this report.

Agenda item 1 : Opening of the Meeting

5. The meeting was opened, on behalf of the Executive Director of UNEP, by Mr. H. P. Oltmanns, Assistant Executive Director of the Environment Fund and Administration. In his opening statement, Mr. Oltmanns outlined UNEP's position on the three main issues presented for discussion by the experts: namely, the draft rules of procedure for meetings of the Contracting Parties to the Convention for the Protection of the Mediterranean Sea against Pollution, the financial arrangements to be made for funding the Mediterranean Action Plan, including the Convention and its related protocols, and the proposed budget of the Mediterranean Action Plan for the 1979/1980 biennium.

6. In summarizing the objectives of the meeting, Mr. Oltmanns reminded the experts that they had been invited to the meeting in order to advise the Executive Director on the financial and institutional aspects of the future Mediterranean programme. He emphasized that the meeting itself was not being asked to take any final decisions on the issues to be discussed, but only to advise UNEP as to the initial reactions of their Governments to the information and proposals set forth in the documentation prepared for

the meeting and of any additional preparations which should be undertaken before the first meeting of the Contracting Parties. The primary objective of the meeting, he said, was to inform UNEP as to how it may assist the Mediterranean States to send to the first meeting of the Contracting Parties to the Barcelona Convention scheduled to be convened in February 1979, delegations authorized to commit their Governments to a two-year work programme for 1979 and 1980 and to an agreed scheme for defraying the costs of such a programme.

Agenda item 2 : Organization of the meeting

7. The meeting adopted mutatis mutandis the rules of procedure for the UNEP Governing Council as contained in document UNEP/GC/3/Rev.1.

8. On behalf of the Executive Director, Mr. Oltmanns chaired the meeting during the first three days, and Mr. P. S. Thacher, Deputy Executive Director, chaired the meeting on the fourth and fifth days.

9. The meeting agreed to establish a small working group to study the proposed draft rules of procedure for the meetings of the Contracting Parties to the Barcelona Convention and its related protocols and to prepare a revised proposal. It was agreed that all other items would be discussed by the meeting in plenary session.

Agenda item 3 : Adoption of the agenda

10. The meeting adopted the agenda as contained in Annex II to this report.

Agenda item 4 : Review of draft rules of procedure for meetings of the Contracting Parties to the Convention for the Protection of the Mediterranean Sea against Pollution

11. After a preliminary debate by the meeting, the draft rules of procedure were referred to a working group for revision. Experts from France, Greece, Italy, Tunisia and Yugoslavia, and representatives from FAO and WHO participated in the working group.

12. In presenting the revised draft rules, the following specific points were noted:

(a) that in accordance with Article 18 of the Convention the rules of procedure were drafted to apply to meetings and conferences of the Contracting Parties;

(b) that rules 5 to 8 concerning invitations to the meetings and conferences of the Contracting Parties were studied with particular attention in order to take into account:

- the specific aims of the Convention and Protocols and of the Mediterranean Action Plan as a whole;

- the unique interest and unquestionable right of the coastal States to safeguard their marine environment;

- the small number of coastal States; and finally,

- the need to keep the meetings and conferences of the Contracting Parties as efficient and effective as possible.

(c) that brackets appeared in rule 41 since the Contracting Parties should decide whether a Contracting Party should be automatically denied the right to vote if it is in arrears of its contribution or whether the Contracting Parties should expressly decide to deny such a Contracting Party the right to vote; and

(d) that although it is hoped that the rule of consensus will prevail in all meetings, the Contracting Parties should decide upon the majority required for decisions, recommendations, and resolutions as foreseen in rule 42.

13. The working group stressed that the draft rules of procedure were only put forward for discussion and strongly recommended each Government to examine closely the draft rules before the first meeting of the Contracting Parties. It was emphasized that the rules of procedure should reflect the spirit and objectives of the Convention and should not conflict with any of its provisions.

14. The meeting agreed that the draft rules of procedure required further study both by the Governments and the Secretariat.

15. UNEP was requested to seek advice and precedents from other United Nations agencies, including the United Nations Office of Legal Affairs, and in particular with regard to Rule 7 of the working group's draft text.

16. The Secretariat assured the meeting that the draft rules would be circulated for comments and suggestions well in advance of the first meeting of the Contracting Parties.

Agenda item 5 : Review of financial arrangements

17. As an introduction to the discussion on financial arrangements, the meeting felt it essential to draw to the attention of the Executive Director past decisions or recommendations which have a bearing on the issue.

18. The first such recommendation is recommendation 46, adopted by the Monaco Intergovernmental Review Meeting as follows:

> "The Governments convened at Monaco requested the Executive Director to prepare a report on the budget provided for the Mediterranean Action Plan. They endorsed the principle of a separate trust fund to ensure the harmonious development and effective co-ordination of jointly agreed activities. This fund could be financed as follows:
>
> - 50 per cent to be covered by Governments of the region and the EEC. Contributions from Governments will be determined by the United Nations assessment scale and for the EEC by agreement between it and UNEP.
>
> - 50 per cent by UNEP and the international organizations concerned.

19. The second reference brought forward relates to the Governing Council of UNEP, and in particular to decision 6/7B adopted by the Governing Council at its sixth session entitled "Regional Seas Programme: The Mediterranean". The parts of the report of the Governing Council relating to the debate on the financing of the Mediterranean programme and decision 6/7B in its entirety are contained in Annex III to this report. The three operative paragraphs of this decision by the Governing Council:

> 1. Calls upon the Mediterranean coastal States involved in the Mediterranean Action Plan to take increasing financial responsibility for the secretariat costs, with the objective of assuming full financial responsibility for such costs at the earliest possible date and no later than the end of 1983;
>
> 2. Nevertheless invites the Mediterranean coastal States to submit to the Environment Fund proposals for research and other projects which would assist in the effective implementation of the Plan;
>
> 3. Urges the Executive Director to seek ways of supplementing the Oceans budget line from within existing resources, to meet the legitimate requests of various regional seas programmes.

20. In document UNEP/WG.19/4, entitled "Financial Arrangements and the Establishment of a Mediterranean Regional Trust Fund for the Implementation of the Convention for the Protection of the Mediterranean Sea against Pollution and its related Protocols", the Executive Director set forth his proposal for financing the Mediterranean Action Plan programme from the following sources:

(a) Mediterranean Regional Trust Fund composed of assessed contributions from the Contracting Parties to the Convention for the Protection of the Mediterranean Sea against Pollution and of voluntary contributions from those Mediterranean coastal States that are not Contracting Parties to the Convention;

(b) Contribution of UNEP of not more than 25% of the total cost of the Mediterranean Programme provided that UNEP's contribution does not exceed a maximum of 10% of the budget allocated for Oceans by the UNEP Governing Council; and

(c) Voluntary contributions from the Mediterranean coastal States and contributions from international organizations other than UNEP on a project funding basis for those activities not covered by the Mediterranean Trust Fund.

21. After examining the proposals put forward by the Executive Director, the experts expressed the view that the Mediterranean Governments:

(a) would not be in a position to accept the principle embodied in paragraph 20(b) above, concerning the upper limit set by UNEP to its share of the cost of the Mediterranean Action Plan at a maximum of 10 per cent of the budget allocated for "Oceans" by the UNEP Governing Council: a proposal which was not retained by the sixth session of the Governing Council;

(b) hold the view that certain activities of the Mediterranean Action Plan should be financed from other budget lines (environmental management, environment and development, earthwatch, etc.) and consequently, should recommend that the Executive Director implement the recommendation contained in the Governing Council Decision 6/7B: namely, to seek means to find the necessary funds to increase UNEP's contribution by drawing on other budget resources in order to bring UNEP's participation

up to the percentage initially agreed to for its total participation in the Mediterranean Action Plan;

(c) should assure that the cost sharing scheme which they will adopt for Government contributions takes into account a contribution from UNEP of at least 25% of the total budget;

(d) should assure that this cost sharing should be compatible with recommendation 46 of the Monaco Intergovernmental Review Meeting and with the pledges previously made by UNEP, in particular those related to integrated planning (see paragraphs 57 to 65 of the report of the intergovernmental meeting at Split, UNEP/IG.5/7, and recommendations 25 to 29 of the Monaco meeting, UNEP/IG.11/4).

22. Regarding the participation of the Mediterranean coastal States in the Mediterranean Regional Trust Fund, several experts spoke in favour of sharing costs according to either Alternative I or Alternative III in document UNEP/WG.19/4. When a harmonization of views proved impossible to achieve, a number of other alternatives were suggested. In the final analysis, no single formula could be agreed upon, and the experts suggested that the two alternatives set forth below be considered further by Governments.[1/]

(a) Alternative I applies the United Nations scale of assessment and will be revised according to the scale to be adopted by the United Nations General Assembly at its thirty-third session in 1978.

(b) Alternative II is meant to assure that no one State pays more than 25%, or less than 1%, of the Governments' contribution to the Mediterranean Action Plan.

1/ One expert noted some inaccuracies in the determination of percentages based on the United Nations scale of assessment and recommended that the tables be revised for the first meeting of the Contracting Parties.

Contributor	Alternative I (%)	Alternative II (%)
Albania	0.08	1.08
Algeria	0.80	1.82
Cyprus	0.80	1.08
Egypt	0.64	1.65
France	46.44	25.00
Greece	2.79	6.50
Israel	1.84	4.20
Italy	26.97	25.00
Lebanon	0.24	1.24
Libyan Arab Jamahiriya	1.28	2.80
Malta	0.08	1.08
Monaco	0.32	1.32
Morocco	0.40	1.41
Spain	12.21	11.30
Syria	0.16	1.16
Tunisia	0.16	1.16
Turkey	2.39	5.00
Yugoslavia	3.11	7.20

23. For both alternatives, the contribution of the European Economic Community needs to be determined. The expert from the EEC indicated that the Community would contribute a lump sum payment to the administrative and co-ordinating costs derived from the Barcelona Convention and its related Protocols. He continued that the size of the EEC's contribution to the trust fund should be negotiated with UNEP, as agreed at the Monaco Intergovernmental Review Meeting.

24. Several experts expressed the view that as a Contracting Party the EEC should contribute its share to the regional trust fund in accordance with the economic capabilities of its member States. It was suggested that the EEC contribution should be fixed at a certain percentage as it is proposed for each Government's contribution and for UNEP, and not as a lump sum payment. One expert expressed the view that the contribution of the Community should be included in the contribution of its member States.

25. The experts agreed that the Government contributions should be incorporated into a Mediterranean Regional Trust Fund which should be established to cover the Governments' share of the cost of implementing the Mediterranean Action Plan activities. The cost sharing scheme to be applied in determining the contributions of the States should be agreed to at the first meeting of the Contracting Parties in February. The agreed cost sharing scheme would be applied to the percentage of the costs of the Mediterranean Action Plan activities that is to be met by the Governments

for all components of the Action Plan, while respecting the tentative agreement adopted by the Intergovernmental Meeting of Mediterranean Coastal States on the Blue Plan, Split, 1977, and the discussions and conclusions of the Intergovernmental Review Meeting of Mediterranean Coastal States, Monaco, January 1978.

26. The experts advised that such a Mediterranean Regional Trust Fund should be composed of assessed contributions from the Contracting Parties to the Convention for the Protection of the Mediterranean Sea against Pollution, of pledged contributions from those Mediterranean coastal States that are not Contracting Parties to the Convention, and of voluntary contributions from other States not referred to in Article 24 of the Convention for the Protection of the Mediterranean Sea against Pollution. Some experts expressed the view that all cash contributions should only be made in convertible currency.

27. In discussing the presentation of the budget for the implementation of the Mediterranean Action Plan to the first meeting of the Contracting Parties, UNEP was requested to present a table of cost estimates which would clearly indicate:

(a) what resources would be provided by UNEP from budget lines other than "Oceans" for activities contributing to UNEP's global programme;

(b) what resources would be provided by other organizations, in particular those of the United Nations family, in accordance with paragraph 20(c) above; and

(c) which activities would be funded by a Mediterranean Regional Trust Fund and the contribution from UNEP's "Oceans" budget.

28. The meeting agreed with the proposal that the regional trust fund should be administered by UNEP. However, the Secretariat was called upon to prepare a set of draft financial rules for the administration of the fund. While recognizing that these rules would have to be based upon the Financial Regulations and Rules of the United Nations and the Financial Rules of the Fund of UNEP, the experts felt it necessary to modify these existing rules to suit the particular requirements of the Contracting Parties to the Barcelona Convention. It was recommended that these modifications be incorporated into a proposal to be submitted for consideration to the first meeting of the Contracting Parties.

29. The problem of funding activities in the transitional period between the first meeting of the Contracting Parties when a trust fund is to be established, and the actual deposit by Governments of their contributions into the trust fund was also raised. UNEP expressed the view that since

the question of increasing financial responsibility being assumed by the Mediterranean Governments in 1979 had been discussed at several earlier meetings, and in particular at the Monaco Intergovernmental Review Meeting in January 1978 and the sixth session of the UNEP Governing Council in April 1978, the Mediterranean States should be prepared to start contributing in 1979 to the Mediterranean Trust Fund according to the decisions expected to be adopted by the first meeting of the Contracting Parties.

Agenda item 6 : Review of proposed budget for the biennium 1979-1980

30. The experts reviewed the proposed budget for the Mediterranean Action Plan for the two-year period 1979-1980 as set forth in document UNEP/WG.19/5. In introducing the budget, UNEP stated that the estimated costs were based on the expenditures incurred during the past three years of activities, on the programme activities recommended at the Intergovernmental Meeting in Monaco, and taking into account the variation of these costs in connection with the final location of the co-ordinating unit.

31. While recognizing that the cost estimates presented by the Secretariat in document UNEP/WG.19/5 provided an acceptable basis for discussion, the experts suggested that these estimates be accompanied by further clarification for the first meeting of the Contracting Parties. It was noted by several delegations that certain activities which are placed on the budget of the Mediterranean Action Plan could more appropriately be covered from funds allocated for UNEP's global programmes, such as GEMS. The secretariat put forth the view that the Mediterranean programme costs should be presented in a unified budget regardless of the UNEP budget lines from which they may be financed, or other financial arrangements previously agreed.

32. In reviewing the proposed functions and staffing of the co-ordinating centre, the Secretariat stressed that this unit would be responsible for the technical implementation of the agreed activities of the Mediterranean Action Plan. Consequently, the proposed staffing of the centre in document UNEP/WG.19/5 reflects the technical needs of the programme on the assumption that the political co-ordination would be the responsibility of the Executive Director of UNEP. Several experts supported the suggestion that a steering committee composed of selected Government representatives be created to advise UNEP on policy matters in the interim period between the meetings of the Contracting Parties. One expert put forth the idea that the steering committee to be established under the Blue Plan could assume this role.

33. A proposal was made that the senior programme co-ordinator should have proven administrative and managerial experience. Such a co-ordinator should be responsible for maintaining contacts with the Governments of the region on policy matters.

34. Another alternative which was set forth is to invest in the President of the meeting to the Contracting Parties a responsibility for consulting with UNEP on policy issues during the two-year period between the meetings of the Contracting Parties.

35. In concluding the discussion on the proposed budget, UNEP was requested to revise the estimates set forth in document UNEP/WG.19/5, bearing in mind the fluctuating exchange rate of the US dollar and other currencies and the inflation rates which would affect the costs of locating the co-ordinating unit in the various cities offered as sites for the co-ordinating unit by certain Governments. It was noted that the figures to be presented by UNEP to the meeting of the Contracting Parties would probably vary from those presented to the meeting of experts as a result of the revisions to be carried out.

Agenda item 7 : Other business

36. Under this agenda item the experts discussed the organization of the first meeting of the Contracting Parties. Many experts supported the suggestion that the meeting be held for one week, and the dates of 5 - 10 February 1979 were tentatively proposed. The experts noted the confirmation from the representative of France that his Government would welcome the convening of the meeting in France.

37. UNEP was called upon to prepare carefully for the meeting and to include in the provisional agenda for the meeting those priority questions which could be thoroughly addressed during the course of a six-day meeting.

Agenda item 8 : Adoption of the report

38. The experts adopted the report of the meeting.

Agenda item 9 : Closing of the meeting

39. The meeting was closed by the Chairman on 22 September 1978.

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LIST OF PARTICIPANTS

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AGENDA

1. Opening of the meeting

2. Organization of the meeting

3. Adoption of agenda

4. Review of draft rules of procedure for meetings of the Contracting Parties to the Convention for the Protection of the Mediterranean Sea against Pollution

5. Review of financial arrangements

6. Review of proposed budget for the biennium 1979-1980

7. Other business

8. Adoption of the report

References from the Report of the Governing Council of UNEP at its sixth session (UNEP/GC.6/19) concerning the financing of the Mediterranean Action Plan:

37. The guidance of the Governing Council was needed on two specific proposed Fund activities. The first problem was that of the contribution by UNEP to the trust fund which the Governments convened at the recent Monaco Intergovernmental Meeting of Mediterranean Coastal States on the Mediterranean Action Plan had decided to establish to ensure the development and co-ordination of agreed activities. In view of the importance of supporting activities in other regional seas and of the constraints on the financial resources of UNEP, and in accordance with the Governing Council's previous decisions concerning a progressive transfer of executive responsibilities to the Governments of the region, the Executive Director had proposed at the meeting that the contribution by UNEP to the trust fund should be limited to 25 per cent of the total, and should not exceed 10 per cent of the allocation approved by the Governing Council at its fifth session for the Oceans budget line. The representatives of the Mediterranean countries, however, had suggested that 50 per cent of the trust fund could be financed by UNEP and the other international organizations concerned. The second problem was the contribution by UNEP towards the secretariat for the Convention on International Trade in Endangered Species of Wild Fauna and Flora. The Executive Director had advised the Parties to the Convention that UNEP would be prepared to meet 20 per cent of the total cost of the secretariat, up to a maximum of approximately $1 million for a two-year period. There was also the question of financial support for meetings of the Conference of the Parties: UNEP had met the cost of holding the first such meeting and was prepared to meet the expenses (around $170,000) of the second, but could not accept that responsibility on a continuing basis without a policy directive from the Council. If the Council agreed to a higher level of funding for the Mediterranean and the Convention, it should determine which allocations to the different budget lines should be reduced, should that be necessary.

76. Delegations of the coastal States of the Mediterranean expressed particular interest in the continuing development of the Mediterranean programme. A few such delegations voiced concern at the intention of UNEP to disengage itself progressively from the programme; that would, in their view, adversely affect the Mediterranean programme and set a regrettable precedent for the other regional seas programmes. One representative reiterated his Government's continuing interest in locating the centre for priority action for the protection of the Mediterranean at Split, Yugoslavia.

261. A number of delegations expressed regret at the reduction in the Oceans budget line for 1979 as against 1978, as approved by Governing Council decision 98 B (V) of 24 May 1977, though it was recognized that, at that time, it had not been envisaged that the programmes and activities in regional seas other than the Mediterranean would develop as quickly as they had done. It was thought that the reduction would affect the Mediterranean Action Plan adversely, and the Executive Director's intention to limit the level of Fund support for further implementation of that plan to 10 per cent of the Oceans budget line, and to 25 per cent of the total requirements for the region, was noted with concern.

262. Several delegations felt that the Mediterranean programme was a pilot project from which lessons were being learned which could be applied, with suitable adaptation, to other regions. One delegation, supported by others, said that to ensure the plan's success, UNEP should continue its financial support at the previous level. It was also suggested that the developing countries in the region might be unable to shoulder the burden of the extra costs involved. Another delegation thought it would be undesirable if, as a result of reduction of the level of UNEP support, the costs of implementing the plan were to be very largely covered by two Mediterranean States members of EEC. Some speakers, however, said that if UNEP were to fulfil its catalytic role in other regions, and to avoid open-ended support for administrative services, such financial assistance to the Mediterranean project should be withdrawn gradually; they envisaged that a five- year period from 1978 would be appropriate for a shift of financial responsibility from UNEP to the countries involved. It was recognized that the continuing presence of UNEP in the Mediterranean programme was important, particularly in providing a setting for collaborative programme planning, but it was felt that that could be accomplished while still complying with the shift of responsibility. In addition, UNEP should continue to be associated with regional seas activities through catalytic support over a limited period of time for launching of such programmes and through support for research and other activities designed to implement the programmes. One delegation recalled that at the Monaco Conference the coastal States had rejected the joint cruise programme (MED CRUISE), which consequently should not appear in the section of the programme document on the work plan.

263. One delegation suggested that, in view of its great importance, the UNEP oceans programme as a whole should be expanded and financially reinforced. A proposal to transfer funds from the Human settlements budget line to that for oceans was supported by some delegations and opposed by others. Another delegation suggested an across-the-board reduction on all other budget lines in order to maintain the level of funding for oceans. Several speakers suggested that any deficiency in the Oceans budget could be met through the Executive Director exercising his authority to transfer funds from one budget line to another up to a maximum of 20 per cent; however, the Assistant Executive Director (Bureau of the Programme) pointed out that although that was possible, it entailed a corresponding reduction in the funds for other programme areas; moreover, the Executive Director had already used a good deal of the flexibility available to him, and some budget lines, for example for supporting measures, were already fully committed.

391. Several delegations expressed concern over the appropriateness of continued UNEP support for the secretariats of the Convention for the Protection of the Mediterranean Sea against Pollution and the Convention on International Trade in Endangered Species of Wild Fauna and Flora. Several delegations were of the opinion that once the secretariats were successfully established, the financial responsibility involved should be borne by the Parties to the Conventions. However, several other delegations stated that since the Mediterranean programme was a model project of a catalytic nautre, the secretariat of the Mediterranean Convention and related activities should be substantially supported by UNEP through its follow-up stages. The view was also expressed that, while UNEP had a statutory responsibility to support the Endangered Species Convention secretariat, such support should not be standard procedure.

DECISION 6/7 B

Regional Seas Programme: The Mediterranean

The Governing Council,

Considering that the successful achievements of the United Nations Environment Programme in the field of protection of the environment in the Mediterranean region afford a concrete example of both the integrated approach and the proper co-ordinating role that should be the major concern of the Programme in its activities,

Considering that the experience gained during the preparation and implementation of the Mediterranean Action Plan should be useful in other regional seas programmes,

Recalling its observations, in its decision 50 (IV) of 13 April 1976 on programme and Fund programme activities, on the need for the progressive transfer of executive responsibility for the Mediterranean Action Plan to the Governments of the region,

Taking into account the report of the Intergovernmental Review Meeting of Mediterranean Coastal States on the Mediterranean Action Plan,

Recognizing, however, that open-ended commitments of monies from the Environment Fund for administrative responsibilities are inconsistent with the catalytic role of the Programme,

1. Calls upon the Mediterranean coastal States involved in the Mediterranean Action Plan to take increasing financial responsibility for the secretariat costs, with the objective of assuming full financial responsibility for such costs at the earliest possible date, and no later than the end of 1983;

2. Nevertheless invites the Mediterranean coastal States to submit to the Environment Fund proposals for research and other projects which would assist in the effective implementation of the Plan;

3. Urges the Executive Director to seek ways of supplementing the Oceans budget line from within existing resources, to meet the legitimate requests of various regional seas programmes.