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Second Intergovernmental Consultation
concerning a draft Protocol for the
Protection of the Mediterranean Sea
against Pollution from Land-Based Sources

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PRINCIPLES RECOMMENDED FOR INCLUSION IN THE DRAFT PROTOCOL FOR THE PROTECTION OF THE MEDITERRANEAN SEA AGAINST POLLUTION FROM LAND-BASED SOURCES

The principles contained herewith were recommended by the Intergovernmental Consultation concerning a draft Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources, Athens, 7-11 February 1977. Square brackets have been put around principles or clauses that were not adopted by all delegations at the meeting. Principle 7, as drafted herewith, has been modified since the Athens meeting in parallel with the revisions that have been made to the recommended technical annexes (see document UNEP/IG.9/4, Annex IV).

The principles are intended to serve as a basis for the drafting of a protocol on pollution from land-based sources, and the main objective of the second consultation is to produce the first text of a draft protocol. Subsequently, the draft text will be presented for consideration by the Intergovernmental Review Meeting of Mediterranean coastal States to be convened by the Executive Director of UNEP in Monaco in January 1978.

PRINCIPLES RECOMMENDED FOR INCLUSION IN THE DRAFT PROTOCOL
FOR THE PROTECTION OF THE MEDITERRANEAN SEA AGAINST
POLLUTION FROM LAND-BASED SOURCES

Principle 1. General obligation

The Contracting Parties to this Protocol (hereinafter referred to as "the Parties") should take all appropriate measures to prevent, abate and combat pollution of the Mediterranean Sea Area caused by discharges from rivers, coastal establishments or outfalls, or emanating from any other land-based sources within their territories.

Principle 2. Scope and geographical coverage

(a) The area to which this Protocol applies (hereinafter referred to as the "Protocol Area") should be the Mediterranean Sea Area as defined in article 1 of the Convention and should include the [territorial seas and] waters on the landward side of the base lines from which the breadth of the territorial sea is measured, extending, in the case of watercourses, up to the freshwater limit. "Freshwater limit" means the place in the watercourse where, at low tide and in a period of low freshwater flow, there is an appreciable increase in salinity due to the presence of sea-water.

(b) The Protocol should apply to all polluting discharges reaching the Protocol Area from the territories of the Parties:

- (i) directly from the coast through coastal dumping or from coastal establishments or outfalls;
- (ii) through run-off from land;
- (iii) through rivers, canals and other watercourses;
- [(iv) from man-made off-shore structures which are under the jurisdiction of a Party and which serve purposes other than the exploration and exploitation of mineral resources in the sea;]
- [(v) through the atmosphere (wherever this is specified in the Protocol or in any annex thereto).]

Principle 3. Reduction of pollution from existing sources

The Parties should undertake to elaborate and adopt programmes for the progressive reduction of pollution from existing land-based sources which will lead to an improvement in the quality of the environment and which will take place according to a time-table agreed upon by the Parties.

Principle 4. Substances listed in annex I

(a) The Parties should undertake to adopt strict measures in order to eliminate pollution of the Protocol Area from land-based sources by the substances listed in annex I. To this end they should elaborate, jointly or individually as appropriate, programmes and measures capable of leading to such elimination, if necessary in stages.

(b) The Parties should, within a period of ... years from the date of entry into force of this Protocol, prepare and adopt a time-table for the application of standards for emissions and/or standards of use as appropriate. The standards and time-table would be fixed by common agreement and periodically reviewed for each of the substances of annex I.

Principle 5. Substances listed in annex II

(a) The Parties should combat and strictly limit pollution from land-based sources in the Protocol Area by substances listed in annex II and should elaborate, jointly or individually as appropriate, programmes and implement measures towards this end.

[(b) All discharges should be made subject to the issue of an authorization by the competent national authorities, which will take into account the criteria laid down in annex III.]

Principle 6. Special guidelines, criteria or standards

(a) The Parties should progressively elaborate and adopt, in co-operation with the competent international organizations, common guidelines, criteria or standards dealing, inter alia, with:

(i) the length, depth and position of pipelines for coastal outfalls;

(ii) special requirements for separate treatment of hazardous types of sewage, such as sewage from hospitals and industrial wastes which may be harmful to man or living resources or which may create difficulties for the biological treatment of municipal waste waters;

(iii) quality of waters used for specific purposes and necessary for the protection of human health (fish and shellfish, bathing water), of living resources (fisheries, fishing activities, aquaculture) and of ecosystems;

(iv) a control and progressive replacement of products, installations and industrial and other processes contributing significantly to water pollution either directly or through rivers or the atmosphere;

(v) special requirements concerning the quantities of discharges of substances referred to in principles 4 and 5, the concentration of such substances in effluents and the methods of discharging them.

(b) Without prejudice to the provisions of principle 4, such guidelines, criteria or standards should take into account subregional features, local geographical and physical characteristics, the economic capacity of States and their need for economic development, the level of existing pollution and the local environmental capacity of the marine environment.

They may be adopted either in the form of recommended practices or in the form of provisions to be incorporated in annexes to the Protocol.

Principle 7. Discharges from new installations (revised version)

[The Parties should, through the implementation, jointly or individually as appropriate, of programmes and measures, ensure within ... year(s) from the entry into force of the Protocol that domestic or industrial wastes reaching the Protocol Area from newly established installations as defined in Annex IV are discharged in such manner or, as necessary, after such treatment as to avoid deleterious effects on the marine environment which interfere with any existing or foreseeable legitimate uses.]

Principle 8. Specially protected areas

The Parties should take all appropriate measures, through the establishment of marine parks, zoning provisions and similar means, to protect to the largest extent possible, from any land-based pollution, certain areas selected because of particular ecological conditions, uses or conservation requirements.

Principle 9. Monitoring

Within the framework of the monitoring programmes provided for in article 10 of the Convention, and if necessary in co-operation with the competent international bodies, the Parties should implement at the earliest possible date monitoring activities to ensure:

- as far as possible, systematic assessments and periodic information on the levels of pollution along their coasts, in particular with regard to the substances listed in annexes I and II;
- an evaluation of measures for the reduction of marine pollution taken under the present Protocol.

Principle 10. Scientific and technological co-operation

In conformity with article 11 of the Convention, the Parties should undertake to co-operate as far as possible in fields relating to science and technology related to pollution from land-based sources, including research on inputs, pathways and effects of pollutants and on the development of new methods for treatment, disposal and reduction. To this end the Parties should, in particular, endeavour to:

- (i) exchange scientific and technical information;
- (ii) co-ordinate their research programmes.

Principle 11. Training and assistance

[The Parties should, as far as possible, directly or if necessary with the assistance of regional organizations or qualified international organizations:

- (a) Promote programmes of assistance for developing countries in the fields of science, education, technology, etc., with a view to preventing pollution from land-based sources and its harmful effects on the environment.
- (b) Such technical assistance could, on a favourable financial basis, cover for example the training of scientific and technical personnel, and the acquisition, utilization and production by the countries themselves of appropriate equipment.]

Principle 12. Watercourses shared by several States

(a) If the discharge from a watercourse which flows through the territories of two or more Parties or forms a boundary between them is liable to cause pollution of the marine environment of the Protocol Area, the Parties concerned should endeavour to take appropriate measures in common in order to prevent, abate and combat as far as possible such pollution.

(b) The provisions of the Protocol may not be invoked against a Party to the extent that the latter is prevented, as a result of pollution having its origin in the territory of a non-contracting State, from ensuring their full application.

Principle 13. Discharge affecting other Parties

[(a) Each Party should ensure at all times that discharges of wastes from its territory do not prejudice the interests of one or more of the other Parties and should, whenever necessary for this purpose or whenever requested by any other Party concerned, enter into mutual consultation with a view to reaching an agreed solution.]

(b) At the request of any Party concerned, the question should be considered at the next meeting of the Parties, which may make recommendations with a view to reaching a satisfactory solution.

Principle 14. Exchange of Information

(a) The Parties would undertake to inform one another, either directly or through the Organization designated in article 13 of the Convention (hereinafter referred to as the "Organization"), of measures taken under principles 4, [5], [7], 9 and [11] and of any difficulties encountered in their implementation.

(b) Information communicated through the Organization should be circulated to the other Parties, who would examine it at their meetings as indicated in principle 15 below.

(c) Parties which have agreed to exchange information directly between themselves shall nevertheless communicate such information to the Organization.

Principle 15. Meetings of the Parties

(a) Ordinary meetings of the Parties should be held in conjunction with ordinary meetings of the Contracting Parties held pursuant to article 14 of the Convention. The Parties may also hold extraordinary meetings as provided in the rules of procedure adopted under article 18 of the Convention.

(b) It should be the function of the meetings of the Parties:

- (i) to keep under review the implementation of the Protocol and to consider the efficacy of the measures adopted and the need for any other measures;
- (ii) to review and amend, as required, the annexes to the Protocol;

- (iii) to elaborate and adopt agreed programmes for the progressive reduction of pollution from existing land-based sources in accordance with principle 3 and to consider reports of the Parties on the implementation of these programmes;
- (iv) to consider the reports of the Parties on the measures taken for the prevention of pollution by substances in annex I in accordance with principle 4 and any difficulties encountered in the implementation of such measures;
- [(v) to review the statistical records of licences granted by the Parties for the discharge of substances of annex II in accordance with principle 5 and to determine, as may be found necessary, the intervals and manner for the submission of such records;]
- [(vi) to consider the reports of the Parties on the measures taken to ensure the treatment of all discharges from newly established installations or outfalls in accordance with principle 7 and any difficulties encountered in the implementation of such measures;]
- (vii) to adopt in accordance with principle 6 special standards, either in the form of recommended practices or in the form of annexes to the Protocol;
- [(viii) to consider information from the Parties on areas protected in accordance with principle 8 and to determine, as may be found necessary, the intervals and manner for the submission of such information, as well as any criteria for the various categories of areas and the protective measures applicable to them;]
- (ix) to consider reports of the Parties on the monitoring measures undertaken in accordance with principle 9 and to determine, if found necessary, the intervals and manner for the submission of such reports;
- (x) to make, in accordance with principle 13, recommendations regarding pollution from the territory of one Party affecting one or more other Parties;
- (xi) to receive through the Organization the information at its disposal under the Protocol, and to make recommendations as appropriate;
- (xii) to discharge such other functions as may be appropriate for the implementation of this Protocol.

Principle 16. Annexes and amendments to annexes

[The amendment of the annexes to this Protocol or the adoption of additional annexes pursuant to article 17 of the Convention should require, notwithstanding subparagraphs 2(ii) of that article, a ... majority of the Parties.]

Principle 17. Final clauses

(1) The provisions of the Convention relating to any Protocol should apply with respect to the present Protocol.

(2) The rules of procedure and the financial rules adopted pursuant to article 18 of the Convention should apply with respect to this Protocol unless the Parties to this Protocol agree otherwise.

(3) This Protocol should be open for signature in from to by any State invited to participate in the Conference of Plenipotentiaries at which it will be adopted. It should also be open for signature by the European Economic Community and by any similar regional economic grouping of which at least one member is a coastal State of the Mediterranean Sea Area and which exercises competence in fields covered by this Protocol.

(4) As from, this Protocol should be open for accession by States, by the European Economic Community and by any grouping referred to in paragraph 3 of this principle.

[(5) This Protocol should enter into force on the thirtieth day following the deposit of at least instruments of ratification, acceptance or approval of, or accession to, the Protocol by the Parties referred to in paragraph 3 of this principle.]