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REPORT OF THE INTERGOVERNMENTAL CONSULTATION OF EXPERTS ON A REGIONAL OIL-COMBATING CENTRE

Malta, 15 to 19 September 1975

A. INTRODUCTION

1. The Intergovernmental Meeting on the Protection of the Mediterranean, held in Barcelona from 28 January to 4 February 1975, recommended in section IV (A) of the Action Plan (UNEP/WG 2/5) that the Executive Director of UNEP should 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".

2. In accordance with this decision, and at the kind invitation of the Government of the Republic of Malta, the Executive Director convened an Intergovernmental Consultation of Experts on a regional oil-combating centre which took place in Malta from 15-19 September 1975.

B. ATTENDANCE

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

Representatives of the following also attended:

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

Specialized agencies: Intergovernmental Maritime Consultative Organization (IMCO), Food and Agriculture Organization (FAO), United Nations Educational, Scientific and Cultural Organization - Intergovernmental Oceanographic Commission (UNESCO -IOC), World Health Organization (WHO).

Intergovernmental organizations: Commission of the European Communities, Arab Maritime Transport Academy.

Agenda item 1.

C. OPENING OF THE MEETING

4. After the opening of the meeting by Dr. M.K. Tolba, Deputy Executive Director of UNEP, his Excellency Dr. Daniel Piscopo, Minister of Post and Electricity and Minister responsible for environmental matters, welcomed the participants to the meeting and

renewed his Government's offer to host the regional oil-combating centre for the Mediterranean in Malta. Dr. Piscopo said that while "oil may not be the most noxious pollutant in the Mediterranean, it certainly presents a serious menace which continuously and increasingly threatens the marine environment. It is of special significance in our sea, and if left unchecked can do untold harm to our economies". He added that the establishment of the proposed centre would probably be the most effective means of coping with the growing threat of oil pollution.

5. In his opening statement, Dr. Tolba noted that the centre would deal not only with oil pollution accidents but also with situations where an accumulation of pollution discharges reaches a threatening level of danger to the condition of the marine environment. He stated that UNEP's basic assumption in convening the meeting was that the Governments favour the establishment of a regional centre, and he called upon the participants to provide UNEP with specific recommendations on how to proceed with the development of such a centre. He also expressed his thanks to the Intergovernmental Maritime Consultative Organization for its role in preparing the working paper on the development of a regional oil combating centre in the Mediterranean which was before the meeting as document UNEP/WG.4/2.

D. RULES OF PROCEDURE

6. Before dealing with the Provisional Agenda, Dr. Tolba suggested and the meeting agreed that its rules of procedure should be those of the Governing Council mutatis mutandis.

E. APPROVAL OF AGENDA

7. The meeting approved the Agenda as follows:

1. Opening of the consultation by the Deputy Executive Director of UNEP.
2. Briefing by UNEP on activities being developed pursuant to the Barcelona Action Plan.
3. Objectives and functions of a centre.
4. Phases for the development of a centre.
5. Institutional and financial implications, including location of a centre.
6. Other business.

Agenda item 2.

F. BRIEFING BY UNEP ON ACTIVITIES BEING DEVELOPED PURSUANT TO THE BARCELONA ACTION PLAN

8. Mr. P. Thacher, Director of UNEP's Geneva Office, gave a brief summary of the steps which UNEP has taken towards the implementation of the Action Plan since the intergovernmental meeting in Barcelona. He recalled that the Action Plan consisted of 4 chapters: integrated planning; research and monitoring; legal aspects; and institutional and financial arrangements. Under each of these four chapters there will be a need to identify Mediterranean institutions which could serve as focal points for co-operation and exchange of information among other institutions engaged in similar work. The regional oil-combating centre would be but one of several centres which would be responsible for various components within the Action Plan.

Agenda item 3.

OBJECTIVES AND FUNCTIONS OF A CENTRE

9. Before discussing Agenda item 3, a question was raised about the scope of the present Consultation. It was agreed that the Consultation was asked only to express its views on "the possible establishment of a regional oil-combating centre to deal with ever-present and growing threats of a major oil spillage in the Mediterranean", but not to take any final decisions. It was agreed that the Executive Director was generally responsible for making the decisions necessary to implement the recommendations of the Action Plan. However, the experts also suggested that since the decision to establish a regional oil-combating centre was closely related to the draft Protocol on Co-operation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency, it should be before the Plenipotentiary Conference in Barcelona, 2 - 13 February 1976. In order to facilitate the work of that Conference, the Executive Director should prepare a report setting forth his recommendations based on the results of this Consultation.

10. Under the present conditions, the centre's functions should include information, training, and other forms of assistance, co-ordination and communications, as set forth in the Annex. Although States would not be obligated to use the facilities of the centre, they should keep it informed of the actions which they take in the region to combat massive accidental oil spillage.

11. The view was also expressed that the functions of such a centre should be in harmony with the provisions of the draft Protocol on Co-operation in Combating Pollution of the Mediterranean Sea by Oil and other Harmful Substances in Cases of Emergency.

12. There was general agreement that the proposed centre should deal with accidental massive oil spillage and accumulated oil pollution which present a grave and imminent danger to the marine environment. It was agreed that, pending further consideration and decision by governments, the centre should not concern itself with the problem of other harmful substances.

13. Following detailed discussions the meeting agreed that a regional oil-combating centre, with the possibility of supporting sub-regional centres, should be established as a co-operative effort among the Mediterranean States. The centre would have the objectives and functions given in the Annex to this report.

14. During the discussions of the objectives and functions of the centre, the following views were expressed by certain delegations:

(a) The possibility of the centre having a limited operational capability should be explored, as well as the encouragement of other bilateral, multilateral and similar co-operative activities.

(b) Means should be provided to facilitate consultations with governments on major policy decisions, if and when such issues arise.

(c) Several delegations stressed the need to have adequate communications facilities between the centre and countries of the region. The host country should guarantee the availability of the required facilities. The representative of Malta assured the meeting of the availability of the required communication facilities in Malta and indicated that his Government agreed to provide detailed information on that aspect before the plenipotentiary conference. These questions should be carefully studied by UNEP in co-operation with the organizations which have competency in this field, particularly the International Telecommunication Union.

(d) In connexion with the training requirements, the view was expressed that the centre should include an office to organize training programmes. It was also stressed that the principal objective of the training programme would be to strengthen national capabilities by locating and assisting attendance at training institutions so that co-operative action for oil combating would be more effective.

(e) It was proposed that IMCO be invited, pending the operation of the centre, to collect and disseminate information concerning means of combating massive accidental spillages of oil and to organize a workshop for this purpose.

(f) The view was expressed that the functions of the centre should include the surveillance of the movements of large oil slicks. In this connexion, it was noted that according to Article 10 of the draft Protocol on Co-operation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency, States themselves should "make the necessary assessments of the nature and extent of the casualty or emergency, or, as the case may be, of the type and approximate quantity of oil or other harmful substances and the direction and speed of the drift of the spillage".

In connexion with the inventory of organizations, national plans, experts and facilities, it was agreed that the inventory should include information on the availability of such experts and facilities to assist other countries in combating oil pollution, as well as an indication of the conditions under which this assistance could be extended.

Agenda item 4.

H. PHASES FOR THE DEVELOPMENT OF A CENTRE

16. While the meeting agreed that the functions of the centre shall be those indicated in the Annex to this Report, it also suggested that after enough experience had been gained, an evaluation of the results should be made. On the basis of the evaluation, UNEP, in co-operation with other United Nations agencies concerned, should prepare recommendations to Governments of the Mediterranean on the ways and means of achieving or developing other main objectives of the centre, such as the establishment of a regional oil-combating unit or task force.

The meeting considered some of the possible tasks which would need to be performed by the centre as suggested in the working paper, but it came to the conclusion that these tasks deserve further study in the light of objectives and functions it had earlier agreed upon as set forth in the Annex.

Agenda item 5.

I. INSTITUTIONAL AND FINANCIAL IMPLICATIONS, INCLUDING LOCATION OF A CENTRE

17. There was general agreement that the offer of Malta to host the regional centre should be favourably considered. It is understood that the decision for establishing a centre in Malta will be made by the governments at the Plenipotentiary Conference in Barcelona. At the same time the Conference will take into consideration any other offers which may be submitted by States to host the regional or sub-regional centres. The UNEP secretariat will submit any such offers it may receive before 15 November 1975 to that Conference.

As regards costing, the general feeling of the meeting was that the preliminary figures which had been prepared were underestimated and did not adequately reflect the financial requirements of the centre. It was explained that these costs were only rough

estimates, based on many unknown factors. In order to have a more realistic idea of the cost, the location of the centre and the size of a possible contribution of the host government, were among the key factors to be taken into account. It was therefore agreed to ask UNEP and IMCO, in consultation with other United Nations agencies, the Government of Malta, and any other country who offers to host a centre, to provide detailed information which would include the financial aspects. This information should distinguish between the initial cost of establishing the centre and the repeated annual costs required for its operation. The estimate of costs should also include an indication of the contribution which the host government would be willing to provide, with a monetary value shown for all equipment and personnel provided by the host and other co-operating governments. The required information should be received by UNEP before 15 November 1975 with a view to submitting this information to the participants of the Barcelona Conference in good time.

19. The meeting then discussed the ways and means of apportioning the financing of the centre. A view was expressed that the centre would be principally financed by multilateral voluntary contributions from governments, international organizations and non-governmental organizations.

20. A representative proposed that the 'polluter-pays principle' should be applied after the initial phase and that oil importing States, oil companies and shipping companies should be asked to contribute to the cost of the centre. This representative proposed that the total cost might be apportioned, for example, in the following manner: 50 per cent to be paid by States importing oil into their ports in the Mediterranean, 25 per cent to be paid by Mediterranean States who either produce or load oil in their ports, and 25 per cent to be paid by States using the Mediterranean for shipping and refuelling. There were several reservations and the matter was not discussed further.

21. It was agreed that the subject of financial implications is worth further study by UNEP which should present proposals on this item for consideration to the Plenipotentiary Conference.

22. It was suggested that preparatory steps should be taken by UNEP together with the appropriate organizations and governments of the region to prepare a basis for decisions to be taken by governments at the Plenipotentiary Conference consistent with the statement of objectives and functions set forth in the Annex.

23. The participants at the meeting, unanimously expressed their appreciation to the Government of Malta for having hosted this meeting and for the excellent technical, administrative and social preparations which they had made to facilitate its work.

They requested the Head of the Delegation of the Government of Malta to convey to his Government their gratitude.

ANNEX

Objectives and Functions of a
Regional Centre for Combating Oil
Pollution in the Mediterranean

I. Objectives

1. To strengthen the capacities of the Coastal States in the Mediterranean region and to facilitate co-operation among them in order to combat massive pollution by oil, especially in case of emergencies in which there is grave and imminent danger to the marine environment.
2. To assist Coastal States of the Mediterranean region, which so request, in the development of their own national capabilities to combat oil pollution and to facilitate information exchange, technological co-operation and training.
3. A later objective, namely the possibility of initiating operations to combat oil pollution at the regional level, can be considered. This possibility should be submitted for approval by governments after evaluating the results achieved in the fulfilment of the previous two objectives and in the light of financial resources which could be made available for this purpose.

II. Functions

- A. To collect and disseminate information on:
 - (i) inventories of experts and equipment in each coastal State for combating massive accidental spillages of oil;
 - (ii) plans, methods and techniques used for combating oil pollution in order to assist as far as necessary countries of the region in the preparation of their national contingency plans;
 - (iii) those areas in the Mediterranean which are especially vulnerable to oil pollution and, with reference to these areas, specification of clean-up methods which can be used with minimum environmental damage in such areas.
- B. To prepare and keep up-to-date, in the light of information collected, emergency plans that could be implemented -
 - (i) in cases of massive oil pollution where there is an absence of bilateral or multilateral agreements between coastal States;
 - (ii) in sectors of the Mediterranean, yet to be identified, where the risk of massive accidental oil pollution is high or where the capability for prompt counter-action in times of emergency does not presently exist.
- C. To develop and maintain a Communications/Information system appropriate to the needs of States being served by the Centre.
- D. To develop and encourage technological co-operation and training programmes for combating oil pollution.

D. To assist in strengthening the IRS by developing the capacity to serve as a sectorial focal point which could collect data on the sources of information available in connexion with oil pollution with special emphasis on dealing with massive spills of oil and will make that data available.

F. To develop and maintain close working relationships with other Mediterranean centres of regional activities with the "specialized regional organisms" which play a co-ordinating role as set forth in the Barcelona Action Plan, particularly with the scientific institutions within the region.

G. To co-operate in all appropriate activities which are directed towards the prevention and reduction of pollution in the Mediterranean resulting from oil spills.