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MEDITERRANEAN ACTION PLAN

Tenth Ordinary Meeting of the Contracting Parties
to the Convention for the Protection
of the Mediterranean Sea against Pollution
and its Protocols

Tunis, 18-21 November 1997

**DRAFT RESOLUTION OF THE MEETING OF
THE CONTRACTING PARTIES
ON THE REGIONAL STRATEGY AS REGARDS
THE PREVENTION OF THE POLLUTION OF THE MARINE
ENVIRONMENT BY SHIPS**

INTRODUCTION

The Meeting of Focal Points of the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC) held in Malta from 22 to 26 October 1996 examined the issue of regional co-operation in the field of prevention of and response to pollution of the marine environment from sea-bed activities in accordance with the request made by the Extraordinary Meeting of Contracting Parties (Montpellier, 1-4 July 1996).

After having considered this issue, the Meeting of REMPEC's Focal Points:

- a) prepared a proposal for a regional strategy on prevention of the pollution of the marine environment by ships (Appendix I to the draft resolution);
- b) proposed that the Emergency Protocol should be amended so as to include the provisions necessary to implement this strategy;
- c) proposed that these amendments should be adopted at the occasion of the Meeting of Contracting Parties in 1999;
- d) requested the Director of REMPEC to prepare a draft revision of the Annex to Resolution 7 concerning the objectives and functions of REMPEC taking into account the proposed regional strategy;
- e) wished REMPEC to commence implementing this strategy without awaiting the adoption and entry into force of the amendments to the Protocol.

These proposals of the Meeting of REMPEC's Focal Points are reflected in a draft resolution which is being proposed for adoption at the Meeting of the Contracting Parties.

During their last meeting (Athens, 7-9 July 1997), the MAP National Focal Points reviewed the proposed draft resolution concerning the Regional Strategy and recommended to the present meeting for its adoption.

The draft resolution contained in this document includes the proposed regional strategy (Appendix I).

AMENDMENT OF THE PROTOCOL TO THE BARCELONA CONVENTION CONCERNING COOPERATION IN COMBATING POLLUTION OF THE MEDITERRANEAN SEA BY OIL AND OTHER HARMFUL SUBSTANCES IN CASES OF EMERGENCY WITHIN THE NEW CONTEXT OF MAP PHASE II

(Note by REMPEC)

1. At the Extraordinary Meeting of the Contracting Parties to the Barcelona Convention that was held in Montpellier from 1 to 4 July 1996, the representative of IMO recommended and the meeting agreed that the need to revise the Protocol on Emergency Situations be examined at the next meeting of REMPEC Focal Points.
2. MAP Phase II advocates a global approach to the problems of environmental protection and emphasizes both pollution prevention and pollution response. The prevention of pollution of the marine environment by ships is an important part of MAP Phase II and should be appraised with regard to article 6 of the Barcelona Convention on pollution by ships.

3. It is within the new context brought about by the adoption of MAP Phase II that the matter of the revision of the Protocol on Cooperation in Case of Emergency has been discussed by the meeting of REMPEC Focal Points (Malta, 22-26 October 1996) based on documents prepared by the Centre. The meeting of REMPEC Focal Points considered on the one hand the extension of the Protocol to the field of the prevention of pollution by ships, and on the other, the streamlining of the present Protocol.
4. It was emphasized that the Emergency Protocol had been established under article 9 of the Barcelona Convention. Article 6 of the Barcelona Convention regarding pollution by ships stipulates that: "The Contracting Parties shall take all measures in conformity with international law to prevent, abate and combat pollution of the Mediterranean Sea Area caused by discharges from ships and to ensure the effective implementations in that Area of the rules which are generally recognized at the international level relating to the control of this type of pollution". The meeting of REMPEC Focal Points felt that it is now opportune to examine how to introduce and adopt specific legal provisions so as to lend effect to article 6 as has already been the case for articles 5,7,8,9,10 of the Convention. The meeting was of the view that if activities related to the prevention of pollution by ships are to be carried out under article 6 of the Convention, this had to be reflected in a Protocol, by amending the Emergency Protocol rather than by adopting a new Protocol. The amended Protocol would then deal with regional cooperation in the fields of prevention of pollution by ships, preparedness and response to accidental marine pollution.
5. Regarding the streamlining of the present Protocol concerning cooperation in case of emergency, some concern was expressed as to the extent of the amendments to be introduced, taking into account for instance the position of some Mediterranean States with regard to certain international instruments. Therefore due to the position of those delegations who were not favourable to the revision of the present Protocol, the Meeting was of the opinion that, beyond the extension to the field of the prevention of pollution by ships, it was premature to decide on the amendments to be included.
6. The meeting of REMPEC Focal Points, after having considered the issue of regional cooperation in the field of prevention of and response to pollution by ships, prepared a proposal for a regional strategy on prevention of the pollution of the marine environment by ships. It was felt essential to build the proposed regional strategy on a sound legal basis. Therefore, the Meeting unanimously considered it necessary to amend the Emergency Protocol in order to introduce in it the provisions necessary to implement the regional strategy, keeping in mind the above restrictions with regard to the scope of the revision.
7. Regarding the introduction into the Protocol of provisions related to regional cooperation on the prevention of pollution by ships, the meeting of Focal Points stressed that it is important to bear in mind the International Maritime Organization (IMO) and the objective of regional cooperation is to ensure their effective application in the spirit of a number of Resolutions adopted by the Organisation on this subject. As regards the normative character of the possible amendments, this would be limited as no regional rules should be imposed on ships' construction and equipment, such being international by nature and the exclusive responsibility of the IMO. There should be no additional specific safety requirements for ships plying the Mediterranean Sea over and above those agreed upon under the IMO aegis, since shipping is a world-wide activity and standards have to be global; this, however should not prevent concerted action on the side of Mediterranean States at the IMO whenever they have common interests to forward to the IMO.

8. The meeting of Focal Points discussed the possible calendar for the revision once the Contracting Parties have decided upon this matter during their meeting of November 1997. To reduce costs, it would be preferable that the adoption of the amendments be linked to the Contracting Parties meeting in 1999 and that one of the necessary experts' meeting be linked with the 1998 meeting of Focal Points, which should be preferably scheduled during the first quarter of the year. To reduce the costs further, France offered to provide consultancy free of charge. This was accepted by the meeting.

DRAFT RESOLUTION

**"THE REGIONAL STRATEGY AS REGARDS THE PREVENTION
OF THE POLLUTION OF THE MARINE ENVIRONMENT BY SHIPS"**

(to be submitted to the Contracting Parties for adoption)

The Contracting Parties, at their meeting in

Considering the importance to associate prevention of pollution of the marine environment by ships to preparedness and response to such pollution in order to contribute to sustainable development in the Mediterranean Sea and to implement Agenda 21;

Taking into account the relevant part of the "Action Plan for the protection of the marine environment and the sustainable development of the coastal areas of the Mediterranean" (MAP Phase II) adopted by the Conference of Plenipotentiaries held in Barcelona on 10 June 1995;

Acknowledging the conclusions of their extraordinary Meeting held in Montpellier 1 to 4 July 1996 which decided to ask the Meeting of Focal Points of REMPEC to study the question of regional co-operation in the field of prevention of pollution of the marine environment by ships;

Having noted the conclusions of this Meeting held in Malta 22 to 26 October 1996.

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- I. **Adopt** the regional strategy on prevention of the pollution of the marine environment by ships, here appended;
- II. **Decide** that, as a consequence, the Protocol on emergency is to be amended in order to introduce in it the provisions necessary to implement this strategy and desire to adopt the corresponding amendments on the occasion of their 1999 meeting;
- III. **Decide** that, pending the adoption and entry into force of these amendments, REMPEC be charged to implement this strategy as regards co-operation between Mediterranean States, supplementing in this way its action concerning preparedness for and response to accidental marine pollution;
- IV. **Decide that** the Annex to Resolution 7 regarding the objectives and functions of REMPEC is to be amended.

APPENDIX I

REGIONAL STRATEGY ON PREVENTION OF THE POLLUTION OF THE MARINE ENVIRONMENT BY SHIPS

More than 90% of world trade is shipped by sea. About 30% of the world's maritime trade either transits through the Mediterranean sea directly or leaves from or is directed to the 300 ports scattered along the basin's coastline. There are 58 major oil loading and unloading ports in the Mediterranean. Commercial shipping in the Mediterranean is so dense as to present high risk patterns likely to provoke massive pollution by oil or other hazardous substances in particular because of the insufficient or inadequate enforcement of international standards. Operational discharges from ships (oily wastes, noxious liquid substances, sewage and garbage) also constitute an important source of pollution.

The social and economic development of Mediterranean coastal countries is in particular linked to maritime safety and the quality of the marine environment. Consequently, in a sustainable development prospective, **it is more important to prevent accidents than to combat the pollution of the marine environment which might be a consequence of them.**

In the light of these considerations, **MAP Phase II** had decided to conduct a number of activities with the assistance of the Regional Centre and with the co-operation of the International Maritime Organization.

Accordingly, regional cooperation should be developed towards an effective implementation of International Conventions and in particular those adopted under the aegis of IMO, without adding normative provisions to those in these Conventions.

This regional co-operation shall take into account the regional framework for co-operation established by the Euro-Mediterranean Partnership as well as, within this context, the mutual commitments binding the European Union to its Mediterranean Partners.

This strategy aims at:

- a) strengthening national capacity
 - i) by improving the capacity of administrations (in charge of maritime transport and environment) to develop and implement prevention policies by:
 - training programmes
 - supplying information and expertise including access to technology
 - conducting pilot programmes
 - ii) by developing equipment and infrastructure resources by:
 - conducting technical and pre-investment studies
 - conducting pilot projects

- b) developing regional cooperation
 - i) by organising dialogue with a view to conducting co-ordinated activities at all levels: national, regional and global (within IMO)
 - ii) by implementing programmes that require concerted actions and measures at the regional level
 - iii) by conducting studies on subjects of regional interest.

This strategy will concentrate mainly on the following priority activities:

- a) monitoring the effective implementation of the relevant IMO Conventions by the Flag State, Port State and Coastal State;
- b) developing port reception facilities;
- c) safety of navigation;
- d) surveillance of discharges and prosecution of offenders;
- e) emergency towing.