



United Nations Environment Programme



UNEP/BUR/40/4
15 January 1992

Original: ENGLISH

MEDITERRANEAN ACTION PLAN

Meeting of the Bureau of the Contracting Parties
to the Convention for the protection of the
Mediterranean Sea against pollution and its
related protocols

Cairo, 25-26 February 1992

RECOMMENDATIONS ON SPECIFIC ISSUES EMANATING FROM THE SEVENTH ORDINARY MEETING OF THE CONTRACTING PARTIES

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INTRODUCTION

The Seventh Ordinary Meeting of the Contracting Parties to the Barcelona Convention (Cairo, 8-11 October 1991) thoroughly reviewed the progress achieved in the implementation of the MAP programme during the biennium 1990-1991 and adopted the necessary decisions with a view to improve effectiveness, reinforce transparency and ensure the geographic balance of the various components of MAP.

During this review process, many requests and obligations were addressed and entrusted to the Bureau for follow-up. The present document describes the Bureau's obligations and suggest specific recommendations pertaining to each of the issues raised during the Cairo Meeting.

I. DRAFT PROTOCOL FOR THE PROTECTION OF THE MEDITERRANEAN SEA AGAINST POLLUTION RESULTING FROM EXPLORATION AND EXPLOITATION OF THE CONTINENTAL SHELF AND THE SEA-BED AND ITS SUB-SOIL (OFFSHORE PROTOCOL)

Background

1. At their Fourth Ordinary Meeting (Genoa, September 1985), the Contracting Parties to the Barcelona Convention for the protection of the Mediterranean Sea against pollution requested the Secretariat to initiate preparation of a protocol concerning the protection of the Mediterranean Sea against pollution resulting from exploration and exploitation of the continental shelf and the sea-bed and its sub-soil (offshore protocol). Accordingly, a Technical Consultation on the offshore protocol was convened in Athens from 22 to 26 September 1986. The meeting reviewed the main issues dealt with in the proposed protocol in order to secure adequate protection of the marine environment in the Mediterranean Sea area (UNEP/WG.155/1).

On the basis of the recommendations of that meeting, a draft protocol was prepared by the Secretariat in co-operation with the International Juridical Organization for Environment and Development (IJO) (UNEP/IG.74/Inf.9) and was submitted to the Fifth Ordinary Meeting of the Contracting Parties (Athens, September 1987), which decided that "the draft protocol should be reviewed by the national authorities, whose comments should reach the Secretariat by the end of September 1988, with a view to the convening of a Working Group in early 1989, and if preparations are sufficiently advanced, to the convening of a Plenipotentiary Conference to consider the text later in 1989". By the end of 1989, only seven Contracting Parties had sent their comments on the draft protocol. In the light of these comments, a new document was prepared embodying the text of the draft protocol and the comments received.

2. The Sixth Ordinary Meeting of the Contracting Parties to the Barcelona Convention (Athens, 3-6 October 1989), decided to convene the Working Group of Experts nominated by the Contracting Parties during 1990 in order to review and finalize the draft offshore protocol and recommend its text to a conference of plenipotentiaries to be held for this purpose at a later stage.

The First Meeting of the Working Group of Experts met in Athens from 7 to 11 May 1990 and thoroughly reviewed and amended the draft Offshore Protocol (UNEP(OCA)/MED WG.15/4).

3. During the Joint Meeting of the Technical Committees (May/June 1990), it was agreed that the Bureau of the Contracting Parties would review the draft of the Protocol contained in the report of the Meeting of the Working Group and would decide whether a Conference of Plenipotentiaries should be convened in early 1991 or whether technical consultations should continue.

4. During its meeting in Rome (6-7 September 1990), the Bureau of the Contracting Parties in the light of developments and of the written comments concerning the draft Protocol, decided that another meeting of the Working Group should be convened. The Second Meeting of the Working Group of Experts was convened in Athens (8-11 January 1991). Controversial provisions were placed within brackets for further negotiation by the conference of plenipotentiaries (UNEP(OCA)/MED WG.18/4).

5. After reviewing the work of the experts, the Bureau at its Brussels meeting (9-10 April 1991), decided to place the Secretariat's proposal to convene a Conference on the offshore protocol on the agenda of the Seventh Ordinary Meeting of the Contracting Parties (Cairo, 8-11 October 1991) and to convene a third meeting of Mediterranean experts in Cairo, shortly before the Seventh Ordinary Meeting of the Contracting Parties, to review the annexes and the issues still pending in order to facilitate a decision at the Seventh Meeting. The Third Meeting of the Working Group of Experts convened in Cairo 4-5 October 1991, shortly before the Seventh Ordinary Meeting of the Contracting Parties and discussed the pending issues of the draft Protocol (UNEP(OCA)/MED WG.30/4).

6. During the Seventh Ordinary Meeting of the Contracting Parties (Cairo, 8-11 October 1991), the Secretariat voiced the hope that this meeting would authorize the Executive Director to convene a Conference of Plenipotentiaries in 1992 for the adoption of the draft Offshore Protocol. One delegation considered that it was premature to envisage the convening of a Conference of Plenipotentiaries in 1992, and suggested that another meeting of experts should precede such a conference to settle outstanding issues. Several delegations were of the opinion that the draft protocol as it stood was satisfactory and that any pending issues were of a political nature which could be dealt with only by a plenipotentiaries' conference. After further discussions it was agreed that the Contracting Parties authorize the Bureau to determine whether a further meeting of experts would be needed or whether to recommend the convening of the conference of Plenipotentiaries at the appropriate time, in full consultation with the Contracting Parties. The meeting allocated US \$ 160,000 from the MTF funds for this purpose (UNEP(OCA)/MED IG.2/4).

Proposal for action

7. At this stage, it is the views of the Secretariat that there is no need for convening a fourth meeting of experts to review the pending issues (mostly of political nature) in the draft protocol. This review could be undertaken by the Conference of Plenipotentiaries.

Therefore, the Secretariat proposes that the Bureau authorizes the Executive Director of UNEP to convene the Conference of Plenipotentiaries during the second half of 1992 utilizing the funds allocated for this purpose by the Seventh Ordinary Meeting. However, in order to comply with the wishes of the Contracting Parties expressed during the Cairo Meeting, the decision of the Bureau should be communicated first to the Contracting Parties requesting their comments on the decision of the Bureau.

II. DRAFT PROTOCOL FOR THE PREVENTION OF POLLUTION OF THE MEDITERRANEAN SEA BY TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL

Background

1. The Sixth Ordinary Meeting of the Contracting Parties to the Barcelona Convention (Athens, October 1989), requested the Secretariat to prepare an assessment of the nature of the transboundary movement of hazardous wastes in the Mediterranean including the carriage of hazardous wastes by ships transiting the Mediterranean Sea, and requested the Secretariat to suggest a mechanism to assist Contracting Parties in monitoring the movement of hazardous wastes in and through the Mediterranean and their disposal and in the light of the assessment to proceed with the preparation of a draft legal instrument or a protocol on the subject applicable to the Mediterranean region.
2. During the Joint Meeting of the Scientific and Technical Committee and the Socio-Economic Committee (Athens, 6-10 May 1991), the issue of the hazardous wastes was discussed. The meeting requested the Secretariat to submit to the Seventh Ordinary Meeting of the Contracting Parties (Cairo, 8-11 October 1991) a concrete draft proposal on this issue and to explore the possibility of acquiring external resources in 1991. The representative of Greenpeace offered, and the Meeting accepted, to assist the Contracting Parties in this respect.
3. Pursuant to these discussions, Greenpeace prepared a draft protocol for the prevention of pollution of the Mediterranean Sea by transboundary movements of hazardous wastes and their disposal. The draft protocol was reviewed by the UNEP Secretariat and submitted to the Seventh Meeting of the Contracting Parties to the Barcelona Convention (Cairo, October 1991) for its consideration (UNEP(OCA)/MED IG.2/3/Add.1).
4. The Seventh Ordinary Meeting of the Contracting Parties authorized the Secretariat to convene, in 1992, a meeting of a working group of technical experts on the preparation of the draft Protocol for the Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and their Disposal. Moreover it urged the Secretariat to seek outside financial support for such a meeting. If external financial support cannot be found, the Bureau should try to accommodate the required expenditure in the budget for 1992. In the event that the draft Protocol is approved by the Working Group, the Bureau should also consider authorizing the Executive Director of UNEP to

convene a conference of Plenipotentiaries for the adoption of the Protocol, provided that the financial resources for such a conference can be found. During the adoption of the report of the meeting one delegation held a reservation concerning the above decision.

5. Pursuant to the decisions of the Seventh Ordinary Meeting of the Contracting Parties, the Secretariat has already initiated contacts with a view to secure total or partial financial resources for the Meeting of Experts to be held during 1992 (Greenpeace, International Juridical Organization for Environment and Development-IJO, Worldwide Fund for Nature-WWF, and the European Association of Art and Science of Italy).

6. In preparation for such a meeting, and in consultation with the UNEP Secretariat of the Basel Convention on the Control of the Transboundary Movements of Hazardous Wastes and their Disposal, a consultant is being selected to prepare an assessment of hazardous wastes in the Mediterranean and an overview of different national, regional and international agreements on the subject. The assessment paper as well as a draft protocol will be submitted by the Secretariat to the Meeting of Experts.

Proposal for action

7. The Bureau is requested to authorize the Secretariat:

(a) to continue the searching for co-sponsors of the Meeting of Working Group of Experts which should be held during the second half of 1992. In the event that no external funds were secured, the Bureau is requested to authorize the Secretariat to shift the unspent funds allocated for the assessment document on the implementation of the Basel Convention as well as part of the funds allocated to the activity concerning liability and compensation for damages from the pollution of the marine environment.

(b) in the event that the draft Protocol is approved by the Meeting of the Working Group of Experts during 1992, the next Meeting of the Bureau (Sept./Oct. 1992) would review the issue of convening a Conference of Plenipotentiaries during 1993 for the adoption of this protocol, provided that the external financial resources for such a Conference can be found.

III. STAFF OF UN AGENCIES OUTPOSTED TO ATHENS

1. During the Seventh Ordinary Meeting of the Contracting Parties (Cairo, 8-11 October 1991), some representatives, referring to the budget estimates of the costs of staff outpost to Athens by the cooperating Agencies and while acknowledging the need to ensure continuation of their cooperation in any case, considered that the Agencies should be invited by the Bureau and UNEP to pay the costs of such staff at least as from 1993.

2. After listening to the arguments and detailed views of the representatives of WHO and FAO and the Secretariat on this issue, the Meeting requested the Bureau to explore with WHO and FAO the possibility of financing of the salaries of the Agencies' personnel outpost in Athens through regular funds of the respective agencies as from 1993.

Proposal for action

3. The Secretariat proposes that the President of the Bureau should send a letter to the Directors General of WHO and FAO informing them of the critical financial resources of MAP and while acknowledging the excellent cooperation that exists between the two organizations and MAP in their efforts to protect the Mediterranean Sea against pollution, which should be continued, requesting that they examine the possibility of financing their salaries through regular funds of the respective agencies as from 1993. In this respect a draft letter, from the President to the Agencies will be available to the members of the Bureau for their consideration.

IV. AMENDMENT TO THE DUMPING PROTOCOL

1. Regarding the proposed amendments to the Dumping Protocol concerning the banning of incineration of wastes at sea and the dumping of industrial wastes in the Mediterranean, it was agreed by the Seventh Ordinary Meeting of the Contracting Parties (Cairo, 8-11 October 1991) that the Bureau should be asked to explore the possibility of dealing with this proposal through the Conference of Plenipotentiaries that would be asked to finalize the Offshore Protocol.

Proposal for action

2. The Bureau is requested to authorize the Secretariat to explore the feasibility to broaden the subject of the Plenipotentiaries Conference on Offshore Protocol, to be convened, with the approval of the Bureau, during the second half of 1992, with amendments to the Dumping Protocol in order to include banning of incineration at sea and banning of dumping of industrial wastes in the Mediterranean.

V. ASSISTANCE TO COUNTRIES TO IMPLEMENT THE LAND-BASED SOURCES PROTOCOL (LBS)

1. While approving the budgetary allocation for the implementation of the LBS Protocol during 1992-1993 biennium, the Seventh Ordinary Meeting of the Contracting Parties requested that an amount of US \$ 55,000 out of US \$ 85,000 allocated for 1993, is subject to approval by the Bureau following requests by countries.

Proposal for action

2. The Secretariat suggests to the Bureau that this subject be considered at the first meeting of the Bureau in 1993.

VI. ADMINISTRATIVE AND BUDGETARY ISSUES

(a) Budget for 1990-1991 and 1992-1993

1. During the general discussion of the item concerning the budget for 1990-1991, a request was made that the Secretariat should present to the meetings of the Contracting Parties duly audited and certified accounts, signed by responsible officers. It was also emphasized that there is a need to have an accounts' document which would ensure genuine transparency with regard to expenditure and the allocation of resources of MAP.

2. It was suggested that the Bureau be allowed a certain latitude with respect to the budget estimates for 1993 and authorized to allow for shifting of some budgetary allocations between 1992 and 1993 without influencing the totals for 1992 and 1993 for each of the components of the budget.

3. Another point raised during the debate of the Cairo Meeting relates to the use of US dollar as the currency to keep MAP accounts and because the dollar is liable to violent fluctuations, the Secretariat was asked to consider the possibility of using an alternative currency and report to the 1993 Contracting Parties Meeting.

Proposal for action

4. As regards the auditing of MAP accounts, the official printout of 1991 expenditure for project ME/5101-89-02 (the Umbrella project) will be received from the Headquarters by April 1992. As per usual procedure, the real expenditures for 1991 will be reflected in a signed project document. A document encompassing MAP accounts for 1991 certified by Headquarters will be prepared by the Secretariat for the consideration of the Bureau at its next meeting. This document will take into account the comments made during the Cairo meeting of the Contracting Parties with the intention of improving the presentation of the budgetary requirements and details of expenditures together with the question of auditing.

5. In regard to the issue of the use of an alternative currency, the Secretariat agrees with the understanding that there are problems with continual changes in rates of exchange, particularly vis-à-vis the US dollars, but it is also a fact that the UN system of accounts is wholly in US dollars and to secure an agreement to depart from that for any particular Trust Fund will be very difficult to achieve within the present auditing procedures prevailing in UNEP. What the Secretariat can do at this stage is to seek the views of other Contracting Parties non-members of the EC. It is also possible to convert the figures back to ECU, at the rate of exchange at the prevailing rate at the end of the year, but even that is rather artificial. Moreover, the counterpart contribution of States hosting Regional Activity Centres could be reflected in ECU in MAP documents. Follow-up action depends on the decision of the Bureau and the insistence of the major contributors to the MTF.

(b) Administrative, maintenance and travel costs

1. There was also a request that the costs of meetings, maintenance and travel of the Co-ordinating Unit and the Regional Centres should be kept within reasonable limits.

Proposal for action

2. The Co-ordinator is now reviewing the whole structure of MAP and in consultation with UNEP Headquarters, he will undertake concrete steps with a view to upgrading the functions of the Unit and its Regional Centres. He will thoroughly review the administrative costs as well as costs of travel and meetings organized in the framework of MAP. The next meeting of the Bureau will have before it a document reflecting this approach.

(c) Rules of procedure of MAP

1. A third major issue was concerned with the need to review the Rules of procedure of MAP, with a view to improve effectiveness, reinforce transparency and ensure the geographic balance of the various MAP components.
2. During the Seventh Ordinary Meeting, an informal Working Group was established to carry out a preliminary review and make recommendations to the plenary of the Cairo Meeting. The delegations of Egypt, France, Greece, Italy, Morocco and Turkey volunteered to serve as members of such an informal Working Group.
3. The Group examined a number of subjects such as the procedures relative to the selection of the Co-ordinator and the professional staff of the Co-ordinating Unit, the personnel of the Regional Centres, the functions of the Bureau, the presentation and the procedures for approval the budget as well as the procedures for the allocation of funds.
4. After reviewing the informal paper which summarized the views of the Group on the above-mentioned topics, the Meeting asked the Secretariat, in co-operation with the Bureau, to take note of the remarks made and to circulate the informal paper to the Contracting Parties for their comments, and to study the feasibility of some of the suggestions made with a view to improving the functioning of MAP.

Proposal for action

5. The Secretariat has circulated the informal paper of the Working Group to all MAP focal points for their review and comments. The Bureau may authorize the Secretariat to review the comments of the Contracting Parties when received and make concrete suggestions on the matter to its next meeting.