



United Nations Environment Programme



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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

Tunis, 2-3 November 1994

RECOMMENDATIONS ON SPECIFIC ISSUES

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INTRODUCTION

As decided by the Bureau during its Ankara meeting (2-3 February 1994), the present document covers only the recommendations of the Secretariat vis-à-vis a few issues included in the Agenda of the meeting. Details of progress achieved towards each of these issues were reflected in document UNEP/BUR/45/2, "Progress Report by the Coordinator".

A. STATUS OF CONTRIBUTIONS TO THE MEDITERRANEAN TRUST FUND (MTF)

Unpaid pledges for 1993 and prior years

1. The unpaid pledges to the Mediterranean Trust Fund, as at 31 December 1993, amounted to US \$4,282,392. As at 31 August 1994, US \$1,260,630 has been collected in the MTF for unpaid pledges for prior years.
2. Concerning the unpaid pledges of the Government of Italy (representing an amount of US \$1,133,721 for the balance of the 1992 contribution and US \$1,158,080 for the 1993 contribution), the Bureau and the Secretariat initiated contacts with the Italian Authorities on this issue (Annex J). Unfortunately, the elections and the change of government have further postponed the approval by Parliament of the payment of this contribution. However, the Secretariat was informed, orally, by the Ministry of Foreign Affairs of Italy that the new senate has approved the contribution bill. It still has to go to the other body of parliament for approval.
3. As at 31 August 1994, the unpaid pledges for 1993 and prior years amount to US \$3,021,754 (Annex II-a).

Pledges for 1994

4. A total amount of US \$2,452,402 was received as at 31 August 1994. This amount includes the contributions of the Governments of France (US \$1,534,937), Turkey (US \$90,956), Israel (US \$59,425), Cyprus (US \$5,660), Algeria (US \$34,593), Lebanon (US \$2,830), Malta (US \$2,830), Monaco (US \$2,818), Morocco (US \$11,319), Spain (US \$605,971) and EEC (US \$101,063 - pledge).
5. The total of 1994's unpaid pledges amounts to US \$2,151,230, but of this amount, the Italian contribution represents an amount of US \$1,268,132. Concerning the voluntary contribution of the EEC (US \$568,984), the payment is expected in October 1994.

Status of 1994 Commitments (as at 20 September 1994)

6. Mediterranean Trust Fund
As indicated in Annex II-b attached, a total of US \$3,246,600 have been allocated from the MTF for activities and operating cost in 1994.
7. UNEP Reserve Allocation
In view of the acute shortage of funds in the MTF in the beginning of 1994, US \$998,000 were exceptionally allocated from the Reserve allocation to urgently cover the part of the salaries and operating cost in the Mediterranean Action Plan. US \$287,000 have been reimbursed however from the Reserve allocation. US \$711,000 are still allocated in 1994 to cover part of the salaries for 1994 and should be reimbursed by the end of the year.

8. Host Country Contribution

An amount equivalent to US \$400,000 has been fully received from Greece.

9. The status of the Mediterranean Trust Fund as at 20 September 1994 shows a positive balance of US \$880,476. However, US \$711,000 from the Reserve allocation still have to be reimbursed.

Recommendation

10. The Bureau is requested to intensify its pressure on the Contracting Parties that have not yet paid their contributions, in particular Italy. The limited funds collected during the period under consideration was mainly to cover running costs of the Coordinating Unit and the Regional Centres and a few priority activities. This is a matter of great concern for the trust and credibility of MAP vis-à-vis the Contracting Parties and the aspirations and expectations of the people of the Mediterranean region. This situation is susceptible to threaten, in the short term, the future of the Secretariat and the actions in progress.

B. REVIEW OF THE RESULTS OF THE CONFERENCE OF PLENIPOTENTIARIES ON THE OFFSHORE PROTOCOL

1. The Conference of Plenipotentiaries on the Offshore Protocol was convened in Madrid (Spain) on 13-14 October 1994. It was preceded by the fourth meeting of experts which was held in Madrid 11-12 October 1994. The Spanish Government hosted and fully financed the two meetings.

Recommendation

2. The Bureau will have before it the views of the Secretariat on the follow-up action.

C. DRAFT PROTOCOL ON HAZARDOUS WASTES IN THE MEDITERRANEAN

1. As requested by the last meeting of the Bureau (Rabat, 8-9 June 1994), the Second Meeting of Experts on the Preparation of a Draft Protocol on the Protection of the Mediterranean Sea against Pollution Resulting from the Transboundary Movements of Hazardous Wastes and their Disposal was convened in Rome (Italy), on 21-24 September 1994, under the auspices of the Ministry of Foreign Affairs of Italy. The Italian Government partially financed the meeting (Annexes III and IV).
2. The meeting was able to agree on a clean text with no brackets or alternatives. However, due to principal position, few Contracting Parties expressed reservations on certain issues. The report of the meeting has been submitted to the Bureau in document UNEP(OCA)/MED WG.79/4.

Recommendation

3. The Secretariat is of the opinion that much progress has been achieved in finalising the draft Hazardous Wastes Protocol. However, in order to assist these Contracting Parties who encounter certain problems vis-à-vis the protocol, the Secretariat proposed to the Bureau that before going to the Conference of Plenipotentiaries for the adoption of the draft protocol, the Bureau may allocate some time to the President of the Bureau (Turkey), the Chairperson of the Second Meeting of Experts on Hazardous Wastes (Tunisia) and the Secretariat to use their good offices with a view to conducting informal consultations with these Contracting Parties who expressed certain reservations on the draft protocol, in order to reach a formula which might be acceptable to all parties.

D. REVIEW OF THE RESULTS OF THE TUNIS CONFERENCE ON AGENDA 21 FOR THE MEDITERRANEAN

1. The third meeting of the Steering Committee for the conference was held in Tunis on 30 September - 1 October 1994. The meeting reviewed all preparatory work including the provisional agenda for the conference and for the Second Preparatory Meeting (Tunis, 29-30 October 1994). The meeting also discussed all details concerning the organisation of the conference.
2. The Ministerial Conference on the Preparation of an Agenda 21 for the Mediterranean will be convened on 1 November 1994. It is expected that the conference will adopt the following documents:
 - Tunis Declaration;
 - Resolution on Agenda Med. 21; and
 - Resolution on the proposal to establish a Mediterranean Commission for Sustainable Development.

Recommendation

3. The Bureau should examine the main outputs of the conference with a view to proposing a follow-up action, in particular on how to incorporate the results of the conference within the framework of MAP.

E. STATUS OF YUGOSLAVIA REGARDING THE BARCELONA CONVENTION AND THE MEDITERRANEAN ACTION PLAN

1. In recent months, the Government of the former Yugoslavia (Serbia and Montenegro) has launched a noticeable movement in various capitals as well as with UNEP, with the aim of reinviting Yugoslavia to meetings convened in the framework of MAP
2. When discussing the issue of the unpaid pledges of the former Yugoslavia to the Mediterranean Trust Fund (MTF), the Bureau decided at its last meeting to defer this matter to the forthcoming meeting of the Contracting Parties (Barcelona, June 1995).
3. As regards the status of the former Yugoslavia, the Ankara meeting of the Bureau (2-3 February 1994) decided that the United Nations resolutions on this subject should be respected.

Recommendation

4. In consultation with UNEP Headquarters (Annex V) and in conformity with UN resolutions (Annex VI) and the decisions of the Bureau of the Contracting Parties, the Bureau may wish to decide the following:
 - a. New Yugoslavia has first to be accepted as a member of the United Nations;
 - b. After which, it may apply to the Barcelona Convention and its related protocols.

F. TERMS OF REFERENCE OF THE BUREAU

1. During its last meeting (Rabat, 8-9 June 1994), the Bureau considered a draft Terms of Reference of the Bureau of the Contracting Parties, and requested the members of the Bureau to submit by 15 July 1994, their comments and suggestions to the Secretariat for a new revision of the text in question.

2. The Secretariat has received the following replies.

Turkey:	The text was found appropriate.
Spain:	Modifications to the text.
Lebanon:	General comments
Tunisia:	Suggestions for modifications.
France:	Comments received during the Bureau meeting
Morocco:	Suggestions for modifications.

Recommendation

3. On the basis of the comments received from the members of the Bureau, the Secretariat has prepared a third revised version of the draft Terms of Reference of the Bureau for the consideration and approval of the Bureau (Annex VII).

G. MEDITERRANEAN PROGRAMME OF ACTION FOR THE PROTECTION OF THE MARINE ENVIRONMENT FROM LAND-BASED ACTIVITIES

1. The UNEP Governing Council, in its decision 17/20 of 21 May 1993, authorised the Executive Director of UNEP to organise a structured and sequenced preparatory process leading to a two-week intergovernmental meeting in late 1995 for the purpose of adopting a programme of action for the protection of the marine environment from land-based activities. The preparatory process was to include:
 - a preliminary meeting of experts to assess the effectiveness of selected regional agreements;
 - a one-week meeting of government-designated experts, focusing on the 1985 Montreal Guidelines for the Protection of the Marine Environment from Land-based Sources of Pollution, to be hosted by the Government of Canada in June 1994;
 - a final preparatory meeting of government-designated experts in March 1995 (hosted by the Government of Iceland, in Reykjavik) to review and revise the draft of a programme of action prepared during the intersessional period; and
 - a two-week intergovernmental conference for the purpose of adopting a programme of action (to be hosted by the Government of the United States in Washington, D.C., in November 1995).
2. The first two of the above-mentioned meetings are sequenced so as to provide input for a draft programme of action, the preparation of which is to be coordinated by UNEP, to be prepared in the intersessional period prior to the final preparatory meeting of government-designated experts in March 1995.
3. In accordance with Governing Council decision 17/20, the Executive Director of UNEP convened:
 - the Preliminary Meeting of Experts to Assess the Effectiveness of Regional Seas Agreement, Nairobi, 6-10 December 1993. The Report of the Meeting is available as UNEP/LBS/WG.1/1/L.3; and
 - the Meeting of Government-designated Experts Focusing on the 1985 Montreal Guidelines for the Protection of the Marine Environment from Land-based Sources of Pollution, Montreal, 6-10 June 1994.

4. The UNEP Governing Council decision 17/20 is
- stressing that the preparatory process should take into account the experience of regional and sub-regional agreements; and
 - encouraging regional conventions and programmes for the protection of the marine environment, including the Regional Seas Programme of the United Nations, to contribute recommendations to a proposed programme of actions prior to the final preparatory meeting in March 1995.

5. The Secretariat was informed that OCA/PAC will provide US \$10,000 to assist the Mediterranean region in preparing a Regional Position Paper/Regional Programme of Action to be incorporated as an element or component in the Global Programme of Action to be reviewed and revised at Reykjavik (March 1995) and approved in Washington, D.C. (November 1995).

The above considerations clearly indicate that it would be advisable that such a meeting be held on time so that the outcome of such meeting can be used as an input to the meetings in March and November 1995.

6. The MAP Secretariat was approached by Dr. I. Peleg, Director General, Ministry of Environment, Israel, with the proposal that the meeting "Mediterranean Programme of Action for the Protection of the Marine Environment from Land-based Activities" be held in Israel, 30-31 January 1995.

Israel is ready to cover the cost of accommodation and Daily Subsistence Allowance for one participant from each country and provide premises, facilities and secretarial assistance for this meeting.

Recommendation

7. Taking into account the above considerations, the Secretariat is proposing that the Bureau approves that up to US \$20,000 be spent from MTF for the meeting "Mediterranean Programme of Action for the Protection of the Marine Environment from Land-based Activities", to be held in Israel, 30-31 January 1995.

8. This meeting will be a UNEP/MAP meeting with MAP sending invitations and being responsible for the preparation of documents. The host country agreement will be signed between MAP and the Ministry of Environment of Israel to regulate all details about the organisation of the meeting.

H. EURO CHLOR TECHNICAL SEMINAR ON EMISSION CONTROL IN THE CHLORINE INDUSTRY

1. On 25 May 1994 two representatives of EURO CHLOR, a member of CEFIC, namely, Mr. Arseen Seys and Mr. Jacques Verdier, visited the MED Unit to present to the professional staff a study which was prepared on their behalf and sponsorship by CanTox Consultants (Canada). The study dealing with the adverse effects of organochlorines is entitled "Interpretive Review of the Potential Adverse Effects of Chlorinated Organic Chemicals on Human Health and the Environment".
2. During the meeting, Mr. Seys explained that their members in Western Europe have a lot of experience in the field of pollution reduction and that they would be willing to organize a seminar to transfer this information to Mediterranean chlorine industries not belonging to the E.U. They would arrange the programme and pay for the cost of all lecturers if MAP would be ready to organize it in one of the Maghreb countries. They would even consider covering the cost of participants. It was agreed that they would submit a formal proposal to MEDU.

3. On 5 October 1994 a proposal was received at MEDU for the organization of a 2 day Technical Seminar on Emissions Control in the Chlorine Industry. EURO CHLOR states that this seminar would be their contribution to MAP in its goal to achieve continuing improvement of environmental control and quality of the Mediterranean sea. They propose that the programme includes the following topics:
- a. Use and application of chlorine:
 - Chlorinated products and their occurrence in the Mediterranean sea.
 - b. Chlorine Production:
 - Emission reduction of mercury electrolysis;
 - Process control and housekeeping;
 - Transport.
 - c. Emission from point and diffuse sources
 - Risk assessment;
 - Collection and treatment of PCB disposal;
 - PCB incineration.
 - d. Chlorinated solvents
 - Collection and waste treatment;
 - Users guidelines of chlorinated solvents.
 - e. PVC
 - Waste treatment;
 - recycling.
 - f. Chlorine and pesticides.
Water treatment: Drinking & Industrial Water
 - g. The pulp bleaching case.
 - h. Conclusions for the Mediterranean sea.

Recommendation

4. **It is true that many chlorine industries in the Mediterranean developing countries could benefit from such a seminar and it is therefore recommended that their proposal is accepted on the following conditions:**
- a) **The seminar will not be organised by MAP but by EURO CHLOR in cooperation with MAP.**
 - b) **EURO CHLOR undertakes all the expenses for such a seminar ie.**
 - **provide and pay for the lecturers;**
 - **cover the travel and subsistence of one participant from each developing country;**

- pay for simultaneous English/French interpretation;
 - cover general meeting expenses.
- c) the lecture material will be seen by MAP in advance
- d) MAP will contact countries and invite participants.
- e) *MAP will assist in the organization of the seminar and be represented by one staff member and one expert/consultant.*

ANNEX I

Letter from the President of the Bureau to the Ministry of Foreign Affairs
of Italy concerning the contribution to the Mediterranean Trust Fund (MTF)

JUL-18-'94 MON 14:19 ID:11 EIP INTCOOP ANI TR TEL NO:90 312 3411556 H200 F02

**REPUBLIC OF TURKEY
MINISTRY OF ENVIRONMENT**

H.E. Antonio MARTINO
Minister of Foreign Affairs
Rome-ITALY

July 1994

Your Excellency,

As you will recall, the Mediterranean Action Plan (MAP) has been carried out for almost twenty years with the participation of nineteen Mediterranean countries and European Union under the umbrella of United Nations Environment Programme. This cooperation is of utmost importance for both the protection of our common sea and coastal areas, which is in a delicate situation and the achievement of sustainable development to which we committed ourselves at the Earth Summit.

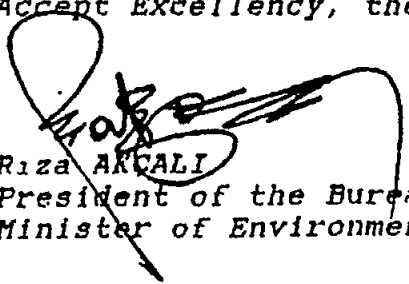
Being a Contracting Party to the Barcelona Convention, Italy has significantly contributed to the MAP both substantially and financially for the attainment of our common objectives.

We deeply appreciate the contributions of Italy for improving the situation of the Mediterranean Basin which is considered as an "Eco-Region" model by United Nations.

However, the Bureau of the Contracting Parties, that meets twice a year and takes decisions regarding the MAP, expressed at its last meeting its concern regarding the unpaid pledges of Italy to the Mediterranean Trust Fund for the years of 1992, 1993 and 1994. Italian contribution represents %31.37 of the MTF for 1994-1995 in accordance with the decisions of the last ordinary meeting of the Contracting Parties. According to the information given by the MAP Secretariat, total contribution of Italy amounts to US \$ 3.559.933 and as you will also agree, it causes an important deficit in the budget of the MAP. As the President of the Bureau, I have no doubt that Italy will make every effort to fulfil its commitments at the outset of the twentieth anniversary of our cooperation.

I will appreciate Your Excellency's earliest response and necessary action on this matter.

Accept Excellency, the assurances of my highest consideration,


Rıza AKCALI
President of the Bureau
Minister of Environment

Ministero degli Affari Esteri

Roma, 22 AGO 1994

Dear Minister,

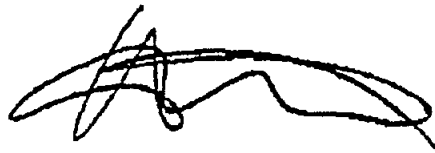
with reference to your letter of July, 1994, I wish to confirm to you the great importance that the Italian Government attaches to the solution of the problems arising from the protection of the Mediterranean Basin. It represents a specific ecosystem to be preserved through an integrated approach in the general framework of a sustainable development.

The co-operation with both Northern and Southern Coastal Countries of the Mediterranean has been significantly implemented through the Mediterranean Action Plan's activity to which the Italian Government is willing to provide its full support.

The Italian Government is deeply concerned by the delay in the payment of the contributions pledged to the Mediterranean Trust Fund for 1992/93 and 1994/95 and has requested the recently elected Parliament - to which the relevant bill has been already forwarded - to adopt a fast-track procedure for prompt approval.

In view of the next important events scheduled by FAO, namely the Agenda Med 21 and the Conference of the Contracting Parties to the Barcelona Convention, I wish to assure you that the Ministry for Foreign Affairs is doing its best to make sure that the Italian commitments will be fulfilled.

Please accept, Minister, the assurances of my highest consideration.



H.E.

Riza Akcali
Minister of Environment
Republic of Turkey



Ministero degli Affari Esteri

IL DIRETTORE GENERALE DEGLI AFFARI ECONOMICI

069/A 12463

Rome, 17 090 1994

Dear Master Chabason,

allow me to congratulate you on your appointment as Coordinator of the Mediterranean Action Plan of the United Nations Environment Programme.

I take this opportunity to reiterate that the Italian Government is willing to maintain its factual support to the activity of the Unit, the relevance of which has been increasing as well as the awareness of a necessary urgent intervention in order to solve the problems arising from the protection of the Mediterranean Sea.

On this occasion, I would like to reaffirm the engagement of the Italian Government as to the payment of the outstanding contributions to the MAP for the biennia 1992/93 and 1994/95. The relevant bill has been already brought to the attention of the new Parliament, that has been requested to adopt a fast-track proceedings for prompt approval.

I will keep you informed on the matter. In the meantime, please accept, Mr. Chabason, the assurances of my highest consideration.

Roberto Nigido
(Roberto Nigido)

Roberto Nigido

Mr. Lucien Chabason
Coordinator of the Mediterranean Action Plan
U N E P
A T H E N S

H. Prof. Stoff

ANNEX II (a - b)

Status of contributions to the Mediterranean Trust Fund
as at 31 August 1994

REGIONAL TRUST FUND FOR THE PROTECTION OF THE
MEDITERRANEAN SEA AGAINST POLLUTION
Status of Contributions as at 31 August 1994
(in United States Dollars)

COUNTRIES	Unpaid pledges as at 31 Dec. 1993	Adjustments for prior years	Pledges for 1994	Collections during 1993 and fut. years	Collections during 1994 for prior years	Collections in 1994 for 1994 & fut. years	Unpaid pledges for prior years	Unpaid pledges for 1994
Albania	2,695.00	0.00	2,830	0	0	0	2,695	2,830
Algeria	0.00	0.00	42,446	7,853	0	34,593	0	0
Bosnia Herzegovina	0.00	0.00	12,128	0	0	0	0	12,128
Croatia	0.00	0.00	39,212	0	0	0	0	39,212
Cyprus	0.00	0.00	5,660	0	0	5,660	0	0
Egypt	0.00	0.00	19,808	0	0	0	0	19,808
France	0.00	0.00	1,534,937	0	0	1,534,937	0	0
Greece	0.00	0.00	113,594	0	0	0	0	113,594
Israel	0.00	0.00	59,425	0	0	59,425	0	0
Italy	2,291,801.00	0.00	1,268,132	0	0	0	2,291,801	1,268,132
Lebanon	2,695.00	0.00	2,830	0	2,695	2,830	0	0
Libyan Arab Jamahiriya	257,283.00	0.00	79,637	0	0	0	257,283	79,637
Malta	0.00	0.00	2,830	0	0	2,830	0	0
Morocco	0.00	0.00	2,830	0	0	2,818	0	12
Morocco	0.00	0.00	11,319	0	0	11,319	0	0
Slovenia	0.00	0.00	27,085	0	0	0	0	27,085
Spain	577,115.00	0.00	605,971	0	577,115	605,971	0	0
Syrian Arab Republic	10,780.00	0.00	11,319	0	10,780	0	0	11,319
Tunisia	0.00	0.00	8,489	0	0	0	0	8,489
Turkey	0.00	0.00	90,956	0	0	90,956	0	0
Yugoslavia	469,975.40	0.00	0	0	0	0	469,975	0
European Economic Community pledge	96,250.00	0.00	101,063	0	96,250	101,063	0	0
Total	3,708,594.40	0.00	4,042,501	7,853	686,840	2,452,402	3,021,754	1,582,246
EEC Voluntary Contribution	573,798.00	(8.00)	568,984	0	573,790	0	0	568,984
Total	4,282,392.40	(8.00)	4,611,485	7,853	1,260,630	2,452,402	3,021,754	2,151,230

Total collections during 1994 as at 31 August 1994: USD 3,713,032.00.

A. APPROVED COMMITMENTS:

PROJECT NO. AND TITLE	1993	1994	1995	1994/95
1 ME/5101-89-02(2911)/Rev. 9 The Mediterranean Action Plan: 1990-1995	3,512,403	0	0	0
2 ME/5101-94-01 Coastal Area Management Programme for the Island of Rhodes-Greece	0	10,000	0	10,000
3 ME/5101-93-03 Rev. 3 Technical Support to Global Regional Prevention Control and Abatement of Marine Pollution (IASA)	0	337,100	0	337,100
4 ME/0401/94-03 Rev.1 The Mediterranean Action Plan 1990-1995	0	917,000	0	917,000
5 ME/0401-94-09 Rev.1 Support RAC Priority Action Programme (PAP/RAC)	0	420,000	0	420,000
6 ME/0401-94-04 Rev.1 Support to Blue Plan RAC (BP/RAC)	0	327,500	0	327,500
7 ME/0401-94-08 Support to RAC for Specially Protected Areas	0	12,000	0	12,000
8 ME/0401-94-10 Mediterranean Pollution Emergency Centre (IMO)	0	16,000	0	16,000
9 ME/0401-94-07 Rev.1 Technical Support for the Implementation MEDPOL PH. II (UNESCO/IOC)	0	48,000	0	48,000
10 ME/0401-94-11 Rev.1 Monitoring Modelling and Assessment of Airborne Pollution (A Continuation of MEDPOL PH.II-WHO)	0	66,000	0	66,000
11 ME/0401-94-06 Rev.1 Technical Support for the Implementation of MEDPOL PH.II Programme (FAO)	0	210,500	0	210,500
12 ME/0401-94-05 Technical Support for the Implementation of the HEALTH-Related Aspects of MEDPOL PH.II (WHO)	0	69,000	0	69,000
TOTAL APPROVED COMMITMENTS	3,512,403	2,433,100	0	2,433,100

B. PROPOSED COMMITMENTS:

PROJECT NO. AND TITLE	1993	1994	1995	1994/95
1 ME/5101-93-03 Rev.4	0	0	0	0
2 ME/0401-94-03 Mediterranean Action Plan 1990-1995	0	0	0	0
3 ME/0401-94-09 Rev.2 Support RAC Priority Action Programme PAP/RAC	0	0	0	0
4 ME/0401-94-04 Support Blue Plan RAC(France) BP/RAC Rev.2	0	0	0	0
5 ME/0401/94-08 Rev.1 Support to RAC for Specially Protected Areas	0	249,000	0	249,000
6 ME/0401-94-10 Rev.1 Mediterranean Pollution Emergency Centre(IMO)	0	405,500	0	405,500
7 ME/0401-94-07 Rev.2 Implementation of the MEDPOL PH II UNESCO/IOC	0	0	0	0
8 ME/0401-94-11 Rev.2 Assessment of Airborne MEDPOLPH.II-WHO	0	0	0	0
9 ME/0401-94-06 Implementation of MEDPOL PH.II-FAO	0	0	0	0
10 ME/0401-94-05 MEDPOL PH.II-WHO Rev.1	0	159,000	0	159,000
TOTAL PROPOSED COMMITMENTS	0	813,500	0	813,500

TRUST FUND FOR THE PROTECTION OF THE MEDITERRANEAN SEA
AGAINST POLLUTION
STATUS AS AT
20/09/94
=====

- B -

	U.S. \$
INCOME: =====	
Balance available as at 01.01.1994	818,759
Contributions received in 1994/95	3,715,862
Interest accrued in 1994/95	14,513
A. TOTAL INCOME OF TRUST FUND AS AT 20/09/94	4,549,134
COMMITMENTS: =====	
1994/95 allocation issued by the Executive Director	3,510,458
APPROVED COMMITMENTS: =====	
Approved commitments for 1994/95	2,433,100
Approved provisions for programme support costs for 1994/95	316,303
B. TOTAL APPROVED 1994/95 COMMITMENTS/PROVISIONS	2,749,403
C. BALANCE AVAILABLE (A - B)	1,799,731
PROPOSED COMMITMENTS: =====	
Proposed commitments for 1994/95	813,500
Proposed provisions for programme support costs for 1994/95	105,755
D. TOTAL PROPOSED COMMITMENTS/PROVISIONS AS AT 20/09/94	919,255
E. TOTAL APPROVED/PROPOSED COMMITMENTS/ PROVISIONS (B + D)	3,668,658
F. SURPLUS/(DEFICIT) OF TRUST FUND (A - E)	880,476

ANNEX III

Letter dated 15 June 1994 from MAP Secretariat to the Ministry of Foreign Affairs
of Italy concerning the Second Meeting of Experts on Hazardous Wastes



UNEP

United Nations Environment Programme
Programme des Nations Unies pour l'environnement

TELEFAX

Coordinating Unit for the Mediterranean Action Plan
Unité de coordination du Plan d'Action pour la Méditerranée

Vas Konstantinou 48 • P O Box 18019, 11610 Athens, Greece • Tel [30-1] 7253190-5 • Facsimile: [30-1] 7253196-7
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A-To: F. Marri-Caciotti
Head, Environment Office
Directorate General of Foreign Affairs
Ministry of Foreign Affairs, Rome

Ref: ID/al

Fax N°: 39 6 322 2851

Date: 15 June 1994

Par-Through:

Fax N°: [30-1] 7253196-7

De-From: L. Jetic
Officer-in-charge

Page 1 of 7

Objet-Subject: Second Meeting of Mediterranean experts on the preparation of a draft protocol on hazardous wastes for the Mediterranean

Further to the decision of the Bureau (Ankara, 2-3 February 1994) (copy attached), my fax of 7 February 1994 (attached) and your reply of 11 April 1994 (attached), I would like to inform you that the Bureau of the Contracting Parties to the Convention for the Protection of the Mediterranean Sea against pollution has discussed this issue during its last meeting (Rabat, Morocco, 8-9 June 1994). In view of the importance of this subject, the Bureau took the following decision:

...the Secretariat take the necessary action to organize the meeting in Athens before the end of September 1994 through Mediterranean Trust Fund (MTF) funds. However, it was also decided that the Secretariat write immediately to the Italian Ministry of Foreign Affairs asking that the agreement concerning this meeting be signed by UNEP and the Italian Government rather than by UNEP and the NGO in question. Should a positive reply be given to this request within two weeks, action could be taken in order to convene the said meeting in Italy, otherwise the meeting should be held in Athens as mentioned above.

Therefore, I would appreciate receiving, as soon as possible but no later than 27 June, your decision on whether the Ministry of Foreign Affairs or the Ministry of Environment is ready to host this meeting in Italy at the end of September 1994 and accepts to sign the usual Memorandum of Understanding (MOU) with UNEP/MAP, which will specify the responsibilities of the two parties related to the meeting in question.

In order to be fully aware of the situation and taking into consideration the critical financial situation of MAP, we are expecting the host government (Ministry of Foreign Affairs or the Ministry of Environment of Italy) to partially cover the costs of this meeting, specifically:

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- a. to make available an adequate Conference room for about 50 participants with simultaneous English/French interpretation facilities (booths);
- b. to cover full hotel accommodation (food and bed) for one expert from each Contracting Party (21), the Secretariat staff (4) and the revisors (2);
- c. to cover economy class plane tickets for Secretariat staff (4) and the revisors (2);
- d. to make arrangements for proper and efficient running of the meeting (secretarial and administrative support, IBM compatible computer with printer, photocopier with sorter, two offices for the Secretariat)

Once we agree on these procedural issues and after the MOU is signed, this office will send invitation letters as well as the documents of the meeting to all Contracting Parties and relevant IGOs and NGOs.

Thank you for your cooperation.

ANNEX IV

Letter dated 22 July 1994 from the Ministry of Foreign Affairs of Italy
concerning the Second Meeting of Experts on Hazardous Wastes



Ministero degli Affari Esteri

IL DIRETTORE GENERALE DEGLI AFFARI ECONOMICI

069 a/

11396

Rome, 22nd July 1994

Dear Mr. Jęftić,

with reference to your letter dated 15th June 1994, I have the honour to confirm that the Italian Government is willing to host in Rome the Second Meeting of Mediterranean Experts on the preparation of a Draft Protocol on Hazardous Wastes for the Mediterranean from the 20th to the 25th of September next.

The Italian Ministry of Foreign Affairs will take care of the organization of the above meeting, the details of which will be given in due course. The financial support given by Italian Regional and Local Governments will meet all the expenses relevant to the organization of the event, that is for a Conference room including all the facilities for about 50 persons, hotel accommodation for 27 persons and airplane tickets for 6 persons.

Whilst waiting for your kind and prompt reply, please accept, Sir, my best regards.

*Yours sincerely
Roberto Ugoletti*

Mr. Ljubomir JEFTIĆ
Officer-in-Charge
U N E P
Coordinating Unit for the
Mediterranean Action Plan
A t h e n s

ANNEX V

Letter from UNEP Headquarters dated 22 September 1994 concerning the Status of Yugoslavia
regarding the Barcelona Convention and the Mediterranean Action Plan



UNEP

United Nations Environment Programme
Programme des Nations Unies pour l'environnement

TELEFAX

Coordinating Unit for the Mediterranean Action Plan
Unité de coordination du Plan d'Action pour la Méditerranée

Vas Konstantinou 48 • P O Box 18019, 11610 Athens, Greece • Tel [30-1] 7253190-5 • Facsimile [30-1] 7253196-7
Telex 222564, 222611 MEDU GR • Cable UNITERRA, ATHENS • Elec Mail UNET UNEP MEDU USER ID. UNE058

A-To:	D. Kaniaru Officer-in-charge ELI/PAC, UNEP Nairobi	Ref	LC/al
Fax N°:	254 2 230198	Date:	06.09.1994
Par-Through:		Fax N°:	[30-1] 7253196-7
De-From:	L. Chabason Coordinator	Page 1 of 1	

Objet-Subject: Participation of Yugoslavia in meetings convened under the Barcelona Convention

Dear Mr. Kaniaru,

Further to your fax of 2 September 1994, I agree with your draft issue paper which constitutes an excellent analysis.

Considering the proposed strategy, I understand that the Bureau should be consulted before the meeting on the Offshore Protocol (11-14 October 1994). As I cannot formally convene the Bureau, I suppose that you suggest a consultation, informal or written. Please would you be so kind as to specify the details on this point.

Before receiving your paper, I had several informal consultations regarding this matter, during my presentation and curtesy visits.

My interpretation of the position of the Contracting Parties has received the approval of Turkey and France (in the name of the European Union countries) in private conversations. Greece and Algeria are of the same opinion (recent private conversations). All these countries, members of the Bureau or not, are of the opinion that:

1. new Yugoslavia has to be accepted as a member of the United Nations;
2. after which, it may apply to the Barcelona Convention.

Thank you for your attention.

Best regards.



*11 Sept
H. + Dharat for - Jan*

*We must now
refer the case
to the Summary*

MENT PROGRAMME

3 POUR L'ENVIRONNEMENT

AND INSTITUTIONS
VITY CENTER

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MISSION



UNITED
TEL (

FAX (254 2) 230198
TX 22068 UNEP KB

To: Mr. L. Chabason Coordinator UNEP/MAP		Date: 22 September 1994 23 SEP 1994 ACTION LC Drafter: MKB/BR	
Telefax No: + 30.1.7253196/7		From: Sun Lip Director, ELU/PAC	
Subject: THE PARTICIPATION OF YUGOSLAVIA IN MEETINGS CONVENED UNDER THE BARCELONA CONVENTION		Co-ordinating Unit of the MEDITERRANEAN	

Thank you for your fax of 6 September 1994.

With regard to the issues raised therein, I would make the following points. We would indeed agree with your interpretation of the position of the Contracting Parties. As we understand the facts in the case, recent practice has been not to invite Yugoslavia to past meetings. The Bureau has decided "(...) that as regards the former Yugoslavia, the UN resolutions on this subject should be respected". The Parties to the Convention have made no objection to not inviting Yugoslavia to earlier meetings.

As you are aware, UNEP's Executive Director received correspondence dated 6 May 1994 regarding the issue from Ambassador Djokic, Yugoslavia's Charge d'Affaires to the United Nations in New York. At this time, the Executive Director is not responding to the Ambassador. You may wish to circulate the relevant information to the Bureau members. Unless the Bureau gives clarification prior to the next meeting, the status quo will be maintained.

I would also like to refer to the opinion of 14 July 1994 provided by Mr. Ralph Zacklin, Director, Office of Legal Affairs, New York. He points out that in a growing number of cases, meetings of State Parties to treaties to which Yugoslavia is a Party, have taken action to the effect of excluding the Yugoslav representatives from participating in that meeting.

I hope these comments help clarify this issue. In addition, I have recently returned from home leave and have not had the opportunity to congratulate you on your new post. We look forward to continue the good cooperation between ELU/PAC and MAP in the future.

THE PARTICIPATION OF YUGOSLAVIA IN MEETINGS CONVENED UNDER THE BARCELONA CONVENTION

Issue

The position of UNEP regarding inviting Yugoslavia for coming meetings convened under the framework of the Barcelona Convention and its Mediterranean Action Plan (MAP), and reply to letter of the Ambassador, Yugoslavia's Permanent Mission to the UN in New York regarding this issue.

Background

At 6 May 1994, Yugoslavia's Ambassador sent a letter addressed to you, in which he expresses, inter alia, the regrets of the Government of Yugoslavia that it has not been invited to the latest meetings of Contracting Parties to the Barcelona Convention. ELI/PAC asked the Office of Legal Affairs for guidance, especially concerning the interpretation of UN Resolutions on the subject, to ensure a harmonized UN-approach. Also frequent communication took place with the Coordinating Unit MAP.

The issue if the Parties have already taken a decision not to invite Yugoslavia for meetings in the framework of the Barcelona Convention and its Mediterranean Action Plan can be looked upon from different points of view. The Bureau of the Contracting Parties decided that UN resolutions on the subject of Yugoslavia should be respected. In line with the opinion of OLA, this decision needs clarification from the Bureau as to whether it means that Yugoslavia is excluded from participation in meetings under the Barcelona Convention. The UNEP Secretariat is not authorized to interpret itself.

Pro's and con's

It can be argued that, since there is no explicit decision by the (Bureau of the) Contracting Parties, Yugoslavia should be invited for coming meetings. Probably this would legally be more correct. However, the possible practical and political consequences such an invitation would arouse have to be considered seriously. The Parties did not object to the omission of not inviting Yugoslavia at earlier meetings. It is to be expected that if Yugoslavia will be invited, and if Yugoslavia will come to the meeting, the Parties at the meeting will decide to not allow it to participate.

Proposed strategy for UNEP

1. The Coordinating Unit MAP to consult, as soon as possible, with the Bureau of the Contracting Parties of the Barcelona Convention concerning the participation of Yugoslavia under the Convention, including clarification of decisions already made by the Parties. This urgency is necessary because the first upcoming meeting under the Barcelona Convention will be held before the forthcoming Bureau Meeting.
2. To hold the invitation of Yugoslavia for participation in the Meeting of Plenipotentiaries on the Offshore Protocol (Madrid, 11-14 October 1994), until the Bureau of the Contracting Parties of the Convention provides UNEP with the outcome of the consultations, and to act accordingly.
3. To hold the reply to the letter of Ambassador, Yugoslavia's Permanent Mission to the UN in New York of 6 May 1994, until the Bureau of the Contracting Parties of the Convention provides UNEP with the outcome of the consultations, and to reply correspondingly.

- 2 -

resolution 47/1 by which the Assembly considered that the Federal Republic of Yugoslavia cannot continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations; and therefore decided that the Federal Republic of Yugoslavia should apply for membership in the United Nations and that it shall not participate in the work of the General Assembly.

(b) On 29 September 1992, my predecessor addressed separate letters to the Permanent Representatives of Bosnia and Herzegovina and Croatia to the United Nations setting out the considered view of the United Nations Secretariat regarding the practical consequences of the adoption by the General Assembly of resolution 47/1 (subsequently issued as a Note by the Secretary-General, document A/47/485). Those letters stated that "the resolution neither terminates nor suspends Yugoslavia's membership in the Organization....The resolution does not take away the right of Yugoslavia to participate in the work of organs other than Assembly bodies". Since the publication of that statement of the practical consequences of the adoption of resolution 47/1, that resolution has been recalled by the Security Council (resolution 821 (1993) and both recalled and reaffirmed by the General Assembly (resolutions 47/229 and 48/88, respectively), without any criticism of the interpretation given by the Secretariat.

(c) By paragraph 19 of its resolution 48/88 of 20 December 1993, the Assembly reaffirmed its resolution 47/1 of 22 September 1992, and urged Member States and the Secretariat in fulfilling the spirit of that resolution, "to end the de facto working status of Serbia and Montenegro". As indicated in the report of the Secretary-General submitted pursuant to paragraph 29 of that resolution, the considered view of the Secretariat noted in paragraph (d) above has not been affected by the adoption of paragraph 19 of the resolution 48/88. As stated in the report, "the Secretariat is not in a position to take action with regard to questions relating to the status of Member States in the absence of the appropriate decisions being taken by the competent organs of the Organization" (document A/48/847, para. 16).

(d) Similarly, while aware that various States reject or question the claim of the Federal Republic of Yugoslavia that it continues the international legal personality of the Socialist Federal Republic of Yugoslavia, including participation in international treaties ratified or acceded to by Yugoslavia, the Secretary-General as depositary is not in a position to

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reject or disregard that claim, which relates to the general international law question of succession of States, in the absence of any decision taken by a competent organ representative of the international community of States as a whole or by a competent treaty organ with regard to a particular treaty or convention. None of the General Assembly resolutions referred to above address this general international law question.

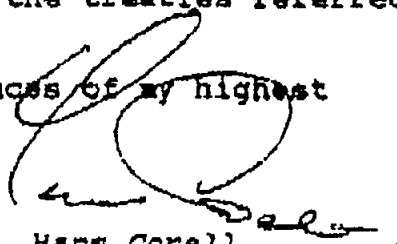
(e) In the absence of a decision of such an organ providing guidance on the matter, the Secretary-General maintains the status quo with regard to treaty actions and references in publications to Yugoslavia.

(f) The foregoing is, of course, without prejudice to the application of the law of treaties under general international law or of provisions of particular treaties affecting the participation of States as parties.

(g) In the letter you refer to the cases where meetings of the States Parties to particular international treaties have adopted decisions depriving the Federal Republic of Yugoslavia of the right to participate in their work. It is self-evident that contrary to what is implied in the letter, under the law of treaties the Secretary-General, as depositary to those treaties, does not have any authority, whatsoever, to respond to those decisions in a way which would question their validity. The issue as to whether such decisions have been taken in conformity with the relevant provisions of those treaties or of the international treaty law in general falls entirely within the competence of the States Parties to those treaties. If any dispute arises concerning the application or the interpretation of an international treaty it is to be resolved in accordance with the relevant provisions of that treaty, related to the settlement of disputes.

In the light of the above observations, I wish to convey to you that the Secretary-General cannot concur with the assertion that he has failed to fulfil his obligations as depositary to the treaties referred to in the letter.

Accept, Sir, the assurances of my highest consideration.



Hans Corell
Under-Secretary-General for Legal Affairs
The Legal Counsel

ANNEX VI

Resolutions of the General Assembly (47/1) and the Security Council (821)
concerning the status of Yugoslavia

NBF 206-09

**UNITED
NATIONS****General Assembly**Distr.
GENERALA/RES/47/1
24 September 1992Forty-seventh session
Agenda item 8**RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY**

[without reference to a Main Committee (A/47/L.1 and Add.1)]

**47/1. Recommendation of the Security Council of
19 September 1992****The General Assembly,**

Having received the recommendation of the Security Council of 19 September 1992 that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations and that it shall not participate in the work of the General Assembly, 1/

1. Considers that the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations; and therefore decides that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations and that it shall not participate in the work of the General Assembly;

2. Takes note of the intention of the Security Council to consider the matter again before the end of the main part of the forty-seventh session of the General Assembly.

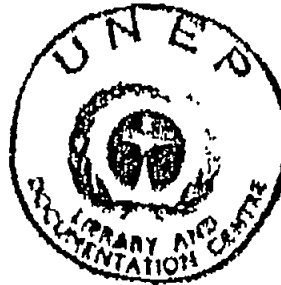
**7th plenary meeting
22 September 1992**

1/ A/47/486.

92-46011

UNITED
NATIONS

Security Council

Distr.
GENERALS/RES/821 (1993)
28 April 1993

RESOLUTION 821 (1993)

Adopted by the Security Council at its 3204th meeting,
on 28 April 1993

The Security Council,

Reaffirming its resolution 713 (1991) of 25 September 1991 and all subsequent relevant resolutions,

Considering that the State formerly known as the Socialist Federal Republic of Yugoslavia has ceased to exist,

Recalling resolution 757 (1992) of 30 May 1992 which notes that "the claim by the Federal Republic of Yugoslavia (Serbia and Montenegro) to continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations has not been generally accepted",

Recalling also its resolution 777 (1992) of 19 September 1992, in which it recommended to the General Assembly that it decide that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations and that it shall not participate in the work of the General Assembly,

Recalling further that the General Assembly by resolution 47/1 of 22 September 1992, having received the recommendation of the Security Council of 19 September 1992, considered that the Federal Republic of Yugoslavia (Serbia and Montenegro) could not continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations; and therefore decided that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations and that it shall not participate in the work of the General Assembly,

Recalling further that in its resolution 777 (1992) the Council decided to consider the matter again before the end of the main part of the forty-seventh session of the General Assembly, and that in December 1992 the members of the Council agreed to keep the subject-matter of resolution 777 (1992) under continuous review and to consider it again at a later date (S/1992/4),

S/RES/821 (1993)

Page 2

1. Reaffirms that the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations; and therefore recommends to the General Assembly that, further to the decisions taken in resolution 47/1, it decide that the Federal Republic of Yugoslavia (Serbia and Montenegro) shall not participate in the work of the Economic and Social Council;

2. Decides to consider the matter again before the end of the forty-seventh session of the General Assembly.

ANNEX VII

TERMS OF REFERENCE OF THE BUREAU

ARTICLE I

The Bureau of the Contracting Parties shall be composed of representatives of six Contracting Parties elected by the Ordinary Meetings of the Contracting Parties to the Convention for the Protection of the Mediterranean Sea against pollution and its related protocols.

ARTICLE II

The members of the Bureau, representing their respective countries, shall serve as the President, the four Vice-Presidents and the Rapporteur of the meetings and conferences of the Contracting Parties. The President, or in his absence one of the Vice-Presidents designated by him, shall serve as Chairman of the Bureau. The Co-ordinator shall set ex-officio in an advisory capacity on the Bureau. Each Bureau member may be accompanied by an advisor/s.

ARTICLE III

Contracting Parties represented on the Bureau in accordance with Article 1 shall hold office until the election of the new Bureau at the next Ordinary Meeting of the Contracting Parties. Exceptionally, these officers may be eligible for re-election for one further consecutive term.

ARTICLE IV

The Bureau shall meet at least twice a year in principle for a two day period, in regular meetings and in extraordinary meetings, upon one month's notice, as may be necessary for the efficient discharge of its duties upon the summons of its President or upon request by one of its members. Unless decided differently, it shall hold its meetings at the Headquarters of the Coordinating Unit.

ARTICLE V

The Bureau may invite any Contracting Party(ies) which so requests to participate as an observer in its deliberations on any matter of particular concern to that Party(ies).

ARTICLE VI

The Coordinating Unit shall, in consultation with the president of the Bureau, prepare the draft Agenda for each Bureau meeting, which can be completed or amended by the members of the Bureau, giving adequate advance notice to that effect.

ARTICLE VII

The Coordinating Unit shall prepare the documents needed for the discussion of the various agenda items. These documents shall be sent two weeks before the meeting and shall include as a minimum the following:

- draft agenda;
- status of contributions and letters requesting payment or reminders, as appropriate;
- status of funds committed;
- progress reports of the Coordinating Unit and the various Regional Activity Centres on activities carried out;
- recommendations on specific questions;
- identification of the main international and national events contributing to a better knowledge of environmental development and of sustainable development in the region and which may provide a sounder basis for decision making.

ARTICLE VIII

The Bureau shall give an indication on the budget and programme to the Secretariat and the relevant MAP institutional structures for the next biennium.

ARTICLE IX

The Bureau shall consider the draft work programme and budget proposals prepared by the Secretariat in the light of the proposals of the relevant MAP institutional structures for the next biennium. The Executive Director of UNEP shall transmit the Bureau's comments and recommendations to the meetings of the Contracting Parties, having regard to the general interest and priorities of the Mediterranean Action Plan.

ARTICLE X

The Bureau shall review the progress in the implementation of the Action Plan, the Convention and its related Protocols. It shall monitor the implementation of the decisions and orientations established by the meetings of the Contracting Parties. The Bureau shall supervise the work of the Secretariat and the Regional Activity Centres (RACs) in the implementation of the programme and budget management adopted by the meetings of the Contracting Parties, within the framework of available resources and priorities.

ARTICLE XI

The Bureau may, in periods between the meetings of the Contracting Parties, review the relations with similar regional Action Plans, International financial institutions and programmes and relevant Non-Governmental Organizations. In cooperation with the Secretariat, the Bureau may submit to the meetings of the Contracting Parties policy proposals concerning such a relationship.

ARTICLE XII

The Bureau shall decide, during its meetings or through correspondance with the Secretariat, on response of the Mediterranean Action Plan, in case of emergency situations and shall take emergency measures within the functions and financial resources of the Mediterranean Action Plan to deal with events requiring immediate action.

ARTICLE XIII

The reports of the Bureau meeting as adopted shall be submitted as soon as possible, but no later than two months after the meeting, to the focal points of the Contracting Parties.

ARTICLE XIV

The Bureau shall review and give its opinion on all matters that the meetings of the Contracting Parties may decide to delegate to it.