

Saving the Sea
Negotiating Binding Regional Seas Regimes

By

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We all know that the vastness of the oceans gave rise to the myth that they had an infinite capacity to absorb and dilute whatever was put into them, leading to their being treated as a dump for all mankind's waste. Pollution has become a serious problem, with all attendant risks to human health and the environment.

Historically, international marine agreements regulated navigation and fishing; it has only recently been recognized that the world's oceans should be regulated and protected as natural resources. This important change from a user- oriented to a resource – oriented approach has come about only since 1970. Most legal regimes adopted since 1971 have included the protection, conservation, and management of the marine and coastal environment and their resources.

In the late 1960s and early 1970s, scientific findings were widely publicized that the Mediterranean was a dying sea, that the Caribbean Sea and the Arab / Persian Gulf were heavily polluted, and that the Pacific fishing grounds had been overexploited. Alarmed, governments in these areas cooperated to find durable solutions. With the UNEP acting as catalyst and coordinator, the Regional Seas Programme was launched in the mid 1970s, its basic strategy was to deal with the causes as well as the effects of coastal environmental damage. It is not easy.

Let me give one specific example: our sea here- The Mediterranean Sea.

Once a symbol of the sea's benefits to man, it becomes a symbol of man's destructive impact on the seas. Efforts to save it began with an assessment of its condition, carried out by a team of technicians from all the relevant UN organizations. Their prognosis was bleak.

The question then became, in the midst of wars, political antagonisms, and national feuds, to what extent would countries around the Mediterranean be willing to enter an environmental agreement that would benefit them all? This was a time when all the Arab States, including Egypt were in a state of war with Israel. Turkey and Greece were disputing ownership of Cyprus. Algeria and Morocco were at odds over the Sahara and finally, the Cold War was still shaping international relations. In spite of these difficulties, and in the face of the belief that the Mediterranean was getting beyond saving, the UNEP decided to go forward. Spain offered to host meetings to negotiate regional cooperation in an effort to save the Mediterranean. To the astonishment of many, almost all of the basin states not only attended the negotiating sessions, but also in 1975 succeeded in adopting a joint plan of action that would slow and ultimately reverse the threat.

Countries disagreed about the thrust of the program and about what would constitute appropriate supporting institutional arrangements. In Barcelona, Less Developed Countries (LDCs)

argued for a program which would enhance their marine science capabilities. They wanted a regional operational center that would perform both a switchboard function for the transmission of information and coordinate the various on going activities, as well as actually providing technical assistance and transferring pollution monitoring equipment to the LDCs. They also supported the development of comprehensive regional arrangements for pollution control, which would be legally binding on the participants. Spain, Italy and France, already possessing effective marine laboratories, and represented with very powerful and highly qualified delegations, wanted only minimal, flexible, and mostly sub-regional cooperation schemes, and preferred a weak organization that would only facilitate information exchange. They thought that further responsibilities should be purely voluntary and bilateral. Yet, because of these disagreements the meeting approved stronger monitoring and assessment proposals than the developed countries wished, but the supporting administrative arrangements remained unspecific.

All this is history. Co-operation now is completed between the developed North and the developing South and East.

Delegates refrained from criticizing other countries polluting habits, in an implied recognition that all are guilty. This is due to the nature of the negotiations, which were intended rather to save the Mediterranean than to assign blame.

For UNEP, the most encouraging aspect of the Mediterranean negotiations was the political breakthrough, which did not mean, however, that results flowed automatically or easily. Political barriers remained, and it was impossible to get the forty-odd participating institutes to work together. It was necessary to establish seven networks, one or more of them under the aegis of a specialized UN agency, principally the FAO and WHO. The networks were carefully designed to avoid political conflict. In none of them was it necessary for Arab and Israeli institutes to work together- while ensuring that the flow of information and data would continue to show everyone in the region the seriousness of the situation.

These arrangements worked so successfully that UNEP was encouraged to proceed to reach a legally binding convention . A year of intensive negotiations, during which there was a general agreement that the parties needed to work together, led in 1976 to the adoption and signing of the Barcelona Convention for the Protection of the Mediterranean Sea against Pollution. The first successful effort I have achieved as Executive Director of UNEP.