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Land-Based Pollution

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Community environmental policy and legislation, provides financing for, *inter alia*: priority actions in the field of the environment within the Community; actions for technical assistance to third countries of the Mediterranean region or to coastal third countries of the Baltic Sea; and exceptionally, actions concerning global or regional environmental problems envisaged in international conventions.

In 1994, the Commission issued communication (94/C/139) which identifies as "priority actions" for 1995, including the protection of habitats and of nature (including actions to halt coastal erosion and to protect the marine environment) within the Community. The Commission lists technical assistance to establish policies and programmes of action in the field of environment as the only priority action outside the Community for 1995.

Maria Marotta

2. MARINE POLLUTION

A. LAND-BASED POLLUTION (RIVERS/AIR)

(1) *Preparations for the Washington Program of Action*

The Meeting of Government-Designated Experts Focusing on the 1985 Montreal Guidelines for the Protection of the Marine Environment from Land-Based Sources of Marine Pollution took place in Montreal, 6-10 June. This was the second meeting in the preparatory process leading up to the Intergovernmental Conference on Protection of the Marine Environment from Land-Based Activities, which will take place in November 1995 in Washington DC. This conference should result in the adoption of a global program of action on land-based pollution. The Meeting's main task was to consider the future role of the 1985 Montreal Guidelines, a question arousing considerable controversy. The Meeting reviewed the Guidelines in general terms and offered suggestions for improving some of them as a basis for further work. It was not decided whether, or in what form, the Montreal Guidelines would survive after adoption of the global program of action in 1995.

It was further decided to develop a framework for the global program of action. The Meeting accepted as a basis for further work a draft outline prepared by a working group. This outline was to be further refined in the intersessional period leading up the final preparatory meeting in Reykjavik in March 1995.

(2) *Small Island States*

The UN Global Conference on the Sustainable Development of Small Island Developing States met in Bridgetown, Barbados, 25 April to 6 May

((→) *see* Report of the Global Conference). Sustainable development of coastal and marine resources, including prevention of marine degradation from land-based activities, was one of its focal points. The Conference adopted two main documents. The first of these, the Barbados Declaration, says that small island states share with all nations "a critical interest in the protection of coastal zones and oceans against the effects from land-based sources of pollution." The Declaration is drafted in general terms and does not elaborate on the 1992 Rio Declaration on Environment and Development.

The second document, the Programme of Action for the Sustainable Development of Small Island Developing States, defines environment and development priorities to be addressed jointly by small island states and other states in a number of priority areas, including coastal and marine resources. The Programme of Action envisages several policies on the national, regional, and global levels, with strong emphasis on coastal zone management and improved information gathering.

(3) The North-East Atlantic

The Sixteenth Joint Meeting of the Oslo and Paris Commissions (OSPAR-COM) took place in Karlskrona, Sweden, 13–17 June. Because only the Netherlands, Spain, Sweden, and Switzerland had ratified the 1992 Convention for the Protection of the Marine Environment of the North-East Atlantic at the time of the meeting, the Commission technically continued to operate (as far as land-based pollution is concerned) under the 1974 Convention on the Protection of the North-East Atlantic against Pollution from Land-Based Sources. In practice, however, OSPARCOM put most of its effort into developing standards for "best available techniques" for point sources and "best environmental practices" for nonpoint sources, pursuant to the 1992 Convention.

OSPARCOM adopted nine recommendations relating to land-based sources. It established best available techniques for new aluminum electrolysis plants, the organic chemical industry, and wet processes in the textile-processing industry. It adopted best available techniques and best environmental practices for the integrated and non-integrated sulphite paper pulp industry and the kraft pulp industry, and it adopted best environmental practices for the reduction of inputs of potentially toxic chemicals from aquacultural use and of pesticides from agricultural use.

The Commission also adopted two recommendations on the controversial issue of nuclear discharge. The first concerns environmental impact resulting from discharges of radioactive substances and the second concerns the management of spent nuclear fuel. These recommendations were induced by concern by some contracting parties over the operation of the THORP installation in the United Kingdom. Both France and the United

Kingdom contest OSPARCOM's competence, asserting that the issue is covered by the Euratom Treaty, and for this reason, maintained their reservations to Recommendation 93/5 concerning increases in radioactive discharges from nuclear reprocessing plants. Other delegations urged France and the United Kingdom to reconsider their positions and comply with the provisions of this Recommendation.

One or more states entered reservations to virtually every new recommendation, and several parties maintained reservations to older decisions. Further, several draft instruments submitted to OSPARCOM could not be agreed upon, including one on phasing out short-chained chlorinated paraffins, which is critical to the Action Plan's objective of eliminating inputs of organohalogenes to the marine environment. The Commission continues to adopt best available technologies in the form of legally non-binding recommendations rather than as legally binding decisions.

With the growth in the number of recommendations and decisions that OSPARCOM has adopted, the organization is increasingly focusing on contracting parties' compliance. The procedures for assessing compliance were found to be in need of improvement. The Working Group on Industrial Sectors had not been able to assess the level of compliance with a long list of recommendations "because of the nature and the complexity of the requirements." The Commission discussed ways to improve and harmonize the quality of the drafting of decisions and recommendations. It also considered issuing new guidelines for the preparation of implementation reports.

(4) The Baltic Sea

The Baltic Marine Environment Protection Commission (Helsinki Commission) held its 15th Meeting in Helsinki, 8-11 March. Pending the ratification and entry into force of the 1992 Convention on the Protection of the Marine Environment of the Baltic Sea Area, the Helsinki Commission continued to prepare and adopt specific recommendations for priority pollution sources and sectors on the basis of the 1974 Helsinki Convention.

Significantly, at a time when land-based pollution (LBP) is increasingly considered part of the broader phenomenon of marine degradation, the Commission adopted two recommendations relating to the protection of nature from these land-based activities. (→) Recommendation 15/1 on protection of the coastal strip recommends that the contracting parties establish protected zones seaward of at least 100 to 300 metres from the mean water line, in which potentially harmful activities such as mining and construction should not be allowed. It also recommends that the parties establish a zone of at least 3 kilometers landward from the mean water line, where activities must be preceded by appropriate planning, including environmental impact

assessment. Recommendation 15/5 recommends the establishment of a system of coastal and marine Baltic Sea protected areas, and provides some guidance for management plans for such areas.

The Commission adopted two further recommendations specifically relating to LBP. (→) Recommendation 15/2 on pollution load compilation aims to improve the availability of reliable data on the waterborne load of pollutants to the Baltic Sea from land-based sources. (→) Recommendation 15/3 recommends measures aimed at the reduction of discharges from marine fish farming and is particularly relevant in view of the importance of nutrients from marine fish farms as LBP. Draft recommendations relating to paper mills and municipal sewage treatment plants were still pending at year's end.

(5) The Wider Caribbean Region

The Second Meeting of Experts on Land-Based Sources of Marine Pollution in the Wider Caribbean Region convened in San Juan, Puerto Rico, 21–25 March. It was agreed that the LBP strategy would consist of three main steps: first, the development of an Action Plan to support the formulation and implementation of the protocol on LBP; second, the completion and adoption of the protocol itself by 1996; and third, the ensuring that there is adequate financial support for developing and implementing the protocol.

The protocol, as outlined at the Meeting, will generally follow the structure of other recent instruments on LBP, with general principles and obligations to be included in the protocol and the annexes for source categories and related substances. The Meeting of Experts made numerous suggestions, including application of best available techniques and best management practices (with emphasis on clean production and pollution prevention), timetables for implementation that may be adjusted to the economic and technical capacity of each country, water quality and environmental quality criteria, environmental impact assessment, nondiscrimination and education.

The Meeting's recommendations have been adopted as guidelines for a protocol of the Seventh Intergovernmental Meeting on the Action Plan for the Caribbean Environment Programme and the Fourth Meeting of the Contracting Parties to the Convention for the Protection of Development of the Marine Environment of the Wider Caribbean Region, which convened in Kingston, 12–14 December. The next steps in the process will be the convening of a regional meeting of legal, policy, and technical experts to develop a draft protocol in August 1995, and a regional meeting to negotiate the draft protocol in December 1995.

André Nollkaemper

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