MEDITERRANEAN ACTION PLAN

UNITED NATIONS ENVIRONMENT PROGRAMME

THE MEDITERRANEAN ACTION PLAN IN A FUNCTIONAL PERSPECTIVE: A QUEST FOR LAW AND POLICY

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Ce volume constitue le vingt-cinquième numéro de la série des Rapports techniques du Plan d'action pour la Méditerranée.

Cette série comprend certains rapports élaborés au cours de diverses activités menées dans le cadre des composantes du Plan d'action pour la Méditerranée: Programme de surveillance continue et de recherche en matière de pollution (MED POL), Plan Bleu, Programme d'actions prioritaires, Aires spécialement protégées et Centre régional de lutte contre la pollution par les hydrocarbures.

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PREFACE

This treatise is a theoretical attempt to analyze the Mediterranean Action Plan in a functional perspective and, accordingly, to identify its legal nature in terms of process rather than in terms of state, since law cannot be dissociated from its social, political and economic context, if it is to play a constructive role in the explanation of the realities of international relations. The generally admitted need for the legal and policy component of the Mediterranean Action Plan to be further developed, has thrown into relief the concomitant need for a pragmatic reconsideration of its legal nature, which simultaneously appraises the contextual implications of such an enterprise. Putting forward a proposal which outlines the public trust nature of the Mediterranean Action Plan and presents a model of compilation of the relevant environmental legislation (applied in its first "mapping" aspect in the case of Greece), this treatise focuses on the importance of the continuing implementation of the public purpose of the Mediterranean Action Plan, thus responding to the requirements imposed by a functional perspective. Originating from a consultancy offered to the Mediterranean Action Plan, UNEP, during the term between June-December 1987, most of the basic themes of this treatise were elaborated and developed through my participation in conferences and lectures supported by UNEP, though the responsibility for the public trust analogy and subsequent analysis must be assigned solely to myself.

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INTRODUCTION

The Mediterranean Action Plan, as adopted in Barcelona in 1975, recognizes the key importance of the legal aspects, on an equal footing with the socio-economic, scientific and institutional ones, for the protection of the Mediterranean Sea against pollution. It mentions, however, only international legal instruments and takes for granted the role of the national law in its wider sense. This may serve to explain the late development of this first compilation of the Greek legal text relevant to the Mediterranean Action Plan, and this study aiming at placing it in a wider perspective.

This study by Dr. Raftopoulos marks a novel approach to the MAP offering a thorough and deep analysis of its legal-and-policy component and is expected to contribute to the better understanding of how law can play an effective role in the process of international environmental cooperation.

This publication has several objectives:

- to propose a functional analysis of the MAP offering the methodological tools for the understanding of the pragmatic dimensions of its interdisciplinary components, highlighting the role of law in this process;
- to emphasize the special legal nature of the MAP as an effective instrument in the process of international co-operation aiming at the protection of the Mediterranean Sea area from pollution - and in this context his proposed construction of the MAP as an international trust might be useful for reconsidering certain problems concerning its implementation;
- to work out a model of compilation of national legislations implementing the Barcelona Convention system with due account of those contextual factors which may influence the legislative behaviour of the Contracting Parties;
- to enable the reader to find, in a concise and well-structured manner, reference to the legislative texts in Greece which deal with the protection of the coastal and marine environment;
- to promote a similar analysis and compilation in other Mediterranean coastal states in order to enable a direct comparison to be made between different Contracting Parties.

The many volumes already published in the MAP Technical Publication Series bear witness to the fact that an extensive programme of monitoring, research and exchange of information could be developed on a basin-wide scale without the need for a great deal of national legislation.

At present, the Contracting Parties and UNEP place renewed emphasis on the implementation of concrete measures to reduce pollution of the Mediterranean Sea and its causes, especially through the proper management of the coastal areas. This, however, involves the field of planning, the use of environmental impact assessment, the adoption of common emission standards and environmental quality criteria, the setting up of specially protected areas, etc., all of which require national legislation.

In the light of this, the present study has attempted, by placing this requirement in a functional perspective, to trace the interlinking between the goals of the Barcelona Convention system and the relevant - caused, or not, by the Barcelona Convention - legislative portrait of one of the Contracting Parties, Greece.

It is hoped that the present study will offer some grounds for a fresh consideration of certain central legal and policy issues of the MAP and that it will encourage additional compilation to be carried out. Only a detached analysis of national legislation will reveal the true pace at which the objectives of the Barcelona Convention are being introduced into the day-to-day practice of national authorities at various levels. Absence of legislation will similarly reveal areas of special resistance to change and assist the Contracting Parties to clarify together their common will.

The strengthening of the legal component is, in fact, a precondition for the progress of MAP, as a whole, given the close interdisciplinary nature of exercise that this study clearly shows.

Part One

THE MEDITERRANEAN ACTION PLAN IN A FUNCTIONAL PERSPECTIVE

I. THE MEDITERRANEAN ACTION PLAN AS A RELATIONAL MODEL

The development of the Mediterranean Action Plan stemmed from the *Stockholm Conference*[1] and subsequent *UN General Assembly Resolutions* and UNEP Governing Council Decisions[2] which favoured a regional approach to the solution of marine environmental problems: these in fact have strongly encouraged legal and institutional attempts at the regional level to deal with marine pollution. The Mediterranean was singled out as a high priority area.

Since late 1974, the United Nations Environment Programme (UNEP), which is the global environmental organization of Government level and a subsidiary organ[3] of the United Nations with an autonomous status, has

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(1) For the texts of the Stockholm Declaration and the Action Plan, see REPORT OF THE UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT (Stockholm, 5-16 June 1972), A/CONF. 48/14/Rev. 1; see also, *ANNEX III* to this REPORT entitled "General Principles for Assessment and Control of Marine Pollution".

(2) *UN GENERAL ASSEMBLY RESOLUTIONS* 2994 (XXVII), 2995 (XXVII), 2996 (XXVII), 2997 (XXVII), 3000 (XXVII) and 3002 (XXVII), of 15 Dec. 1972, General Assembly XXVII Session, Official Records, Supplement No. 30 (A/8730). See also, the following Decisions adopted by the Governing Council of UNEP: DECISION G.C. 1(I), First Session, 12-22 June 1973; DECISION G.C. 8(II), Second Session, 11-22 March 1974; DECISION G.C. 58(IV), Fourth Session, 30 March-14 April 1976; DECISION G.C. 6/7, Sixth Session, 9-25 May 1978; DECISION G.C. 7/14, Ibid.; DECISION G.C. 8/13, Eighth Session, 16-29 April 1980; DECISION G.C. 9/17, Ninth Session, 13-26 May 1981; and DECISION G.C. 13/34, Thirteenth Session 14-24 May 1985.

(3) UNEP was established by General Assembly Resolution 2997(XXVII) of 12 Dec. 1972 in accordance with Article 22 of the Charter and constitutes an integral part of the United Nations system.

assumed a catalytic, co-ordinating and stimulating role in order to make efficient and effective the intergovernmental and inter-agency response to Mediterranean pollution. Its endeavours have attracted international interest because they were distinguished by two essential and interrelated elements. Firstly, an unprecedented institutional framework for environmental co-operation among the Mediterranean countries was established, offering, by its mutually reinforcing law-and-policy and scientific aspects, a platform which brought together the efforts of all relevant actors in the region (States, International Organizations, Non-governmental Organizations) and for dealing with all relevant issues (technical, managerial, legal, policy and financial) in a comprehensive manner. Simultaneously, this institutional framework was sufficiently open-ended to allow regional particularities to influence substantially the integrating effects of its function.

By virtue of its sufficiently comprehensive and contextual characteristics (as described above) the Mediterranean Action Plan has, first and foremost, set up an operational model which could be effectively used by UNEP in stimulating similar action plans in other regions. For instance, within the framework of the Regional Seas Programme initiated by UNEP in 1974, there are presently nine areas where regional action plans are operative and in two more areas similar action plans are under development.(4)

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(4) Six out of the nine operative regional action plans have already entered into force covering the following regions: the Mediterranean Region (Action Plan adopted in 1975/Convention for the Protection of the Mediterranean Sea against Pollution, signed in 1976 and entered into force in 1978); the Kuwait Action Plan Region (Action Plan adopted in 1978/Kuwait Regional Convention for Co-operation on the Protection of the Marine Environment from Pollution, signed in 1978 and entered into force in 1979); the West and Central African Region (Action Plan adopted in 1981/Convention for Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region, signed in 1981 and entered into force in 1984); the Wider Caribbean Region (Action Plan adopted in 1981/Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, signed in 1983 and entered into force in 1986); the South East Pacific Region (Action Plan adopted in 1981/Convention for the Protection of the Marine Environment and Coastal Area of the South East Pacific, signed in 1981 and entered into force in 1986); the Red Sea and Gulf of Aden Region (Action Plan adopted in 1982/Regional Convention for the Conservation of the Red Sea and Gulf of Aden Environment, signed in 1982 and entered into force in 1985). The three regional action plans which have not yet entered into force cover the following areas: the Eastern African Region (Action Plan adopted in 1985/Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region, signed in 1985); the South Pacific Region (Action Plan adopted in (cont.)

The modelling aspect of the Mediterranean Action Plan requires special attention: it derives from the combination of three relational elements which form a proper conceptual base for all policy, legal and technical considerations. Comprehensiveness, contextuality and the balanced development of the interdisciplinary components, reflect intensification of the regional purpose as exemplified by the Mediterranean Action Plan and from this point of view they provide the relational foundation upon which all subsequent regional action plans were to be elaborated.

In fact, these relational elements can be traced back to the very concept of the Regional Seas Programme. As is recorded, the Regional Seas Programme "was conceived as an action-oriented programme encompassing a comprehensive, trans-sectoral approach to marine and coastal areas and to environmental problems concerning not only the consequences but also the causes of environmental degradation. Each regional programme is shaped according to the needs of the region concerned..... The regional programmes promote the parallel development of regional legal agreements and of action-oriented programme activities as embodied in the action plans".(5)

Comprehensiveness refers to the programmatic structure of the regional action plan emanating from three interrelated components, the institutional, normative and technical. In the framework of the Mediterranean Action Plan, the technical component covers all activities directed to the assessment and management of the environmental situation in the Mediterranean Basin. Its normative component covers not only the Barcelona Convention and its specific technical Protocols but also, significantly, the relation between the Barcelona Convention system and other "related" Conventions or support measures expressed through the network of National Laws of the Mediterranean States relevant to the protection of the marine environment. Finally, its institutional component covers the "sui generis" institution established by the Barcelona Convention and its overall function in co-ordinating intergovernmental and inter-organizational policies and measures. The balanced development of these three interdisciplinary components is another basic condition for the protection and promotion of those interests concordant with the implementation of the purposes of the Mediterranean Action Plan.

Contextuality, on the other hand, refers to a series of variables

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1982/Convention for the Protection of the Natural Resources and Environment of the South Pacific Region, Signed in 1986); the East Asia Seas Region (Action Plan adopted in 1981). The remaining two regions, where similar regional action plans are under development, are: the South Asian Seas Region which is expected to be adopted in 1988, and the South West Atlantic Region, which is to be developed. For a more detailed analysis on the status of Regional Agreements and the Protocols implementing them, see UNEP: STATUS OF REGIONAL AGREEMENTS NEGOTIATED IN THE FRAMEWORK OF THE REGIONAL SEAS PROGRAMME, Rev. 1, 1988.

(5) UNEP: ACHIEVEMENTS AND PLANNED DEVELOPMENT OF UNEP's REGIONAL SEAS PROGRAMME AND COMPARABLE PROGRAMMES SPONSORED BY OTHER BODIES, UNEP REGIONAL SEAS REPORTS AND STUDIES No. 1, UNEP, 1983, pp.2-3.

which appear to complement the contribution made by the programmatic structure of the regional action plan with regard to its overriding purpose, i.e., the effective and efficient protection of the marine environment taken as a regional system. It implies in other words, a pragmatic framework within which the regional action plan is to be considered. This pragmatic framework itself appears to be determined by the operation of certain variables, such as, the temporal and spatial location of the regional action plan in the process of international co-operation (whether institutionalized or not), the roles of the participants in the determination and implementation of the regional action plan and the instrumentality of the appropriate subject matter associated with the diverse sources of pollution.

Finally, to aim for the balanced development of the interdisciplinary components implies that the perceived way of approaching the issues concerning the origination and the functional evolution of regional action plans is problem-oriented. Their understanding and their treatment requires participation and consensus aimed at minimizing the dysfunctional potential and maximizing the constructive consequences of such interdisciplinary action plans. This is achieved by means of the management of the flow of information, the recommendations for appropriate policies, the application of these policies by launching specified programmes, actions and works, the monitoring of their operation and the evaluation of their results. Moreover, the balanced development of the interdisciplinary components presupposes a multi-method approach to the relevant issues. It implies, in other words, an effective combination of legal, policy and scientific methods, so that the knowledge indispensable for the environmental management of the marine environment of a certain region will be acquired. As JOHNSTON rightly remarks,

> "the collaboration between environmental lawyer and scientist might usefully begin with an exchange of gifts: the scientist's talent for hypothesis on the basis of uncertain facts, and the lawyer's dexterity in the reformulation of social norms....In the making of international environmental law, each must acquire something of the other's special skill. The lawyer involved in this creative task needs to appreciate the value of working assumptions when the scientific facts are still uncertain. The scientist's inquiry is futile without the lawyer's engagement in word battles for the design of new commitments that will enlarge the scope of authoritative action".(6)

A final remark should be made regarding the nature of the combination of the three relational elements of the model of the Mediterranean Action Plan as analysed above: they are inextricably interwoven and each presupposes the other. Thus, comprehensiveness is

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(6) JOHNSTON, D.M. "Facts and Value in the Prevention and Control of Marine Pollution", in TOWARD WORLD ORDER AND HUMAN DIGNITY-ESSAYS IN HONOR OF MYRES S. McDOUGAL (ed. by W.M. Reisman and E.H. Weston), The Free Press, 1976, pp.534-535.

always contextually placed, contextuality always proceeds comprehensively, and both of them support the balanced development of the interdisciplinary component; on the other hand, the latter can only operate comprehensively and contextually.

II. ANALYSIS OF THE CONTEXT-RELEVANT VARIABLES

Embarking now on a more systematic review of the variables concerning the contextuality of regional action plans, it should be stressed from the outset that this is directly connected with the relational nature of the corresponding international conventions providing a legal framework for co-operative regional and national action. Placing, thus, the Mediterranean Action Plan under review in terms of its temporal and spatial location, of the roles of the participants and of the instrumentality of the appropriate subject matter, it immediately becomes clear that what actually matters with regard to the operation of its conventional legal-and-policy component (that is, the so-called Barcelona Convention) is the effective implementation of its public purpose by a means of a consensus achieved in a time-space context and among public entities. To put it differently, one should sufficiently identify the public law nature of the conventional component(7) and reveal those relational characteristics which intricately inter-connect its legal operation with the social process regarding the protection of the marine environment.

A fuller analysis of the public law nature and the relational characteristics of the conventionally expressed legal and policy component of the MAP will be attempted in Part Two. The purpose of this section is to explain the ramifications of the contextuality of the MAP model as encoded by the above specified variables.

In the case of the first variable (i.e. temporal and spatial location) comprehensive consideration should be given, within a time-space context, to the structural and operational characteristics of the system of international co-operation relevant to the protection of the marine environment. Looking into them from a historical perspective, it has been realized that the existing system of multilateral co-operation by means of international conventions for the control of marine pollution was inadequate. The reason for this was threefold: state-participation in these international conventions was low, something occasionally due to political considerations having little to do with the substantive issues involved; the policies and normative controls propounded by these international conventions were not adequate for the

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(7) "(International Law) still is, and is essentially, public law. And the relations of public bodies inter se, whether within the State or without, are not governed by rules of law related to market or money economies..... A treaty, therefore, is wrongly classified if it be assigned to the (private law contract) category. This the Vienna Convention tacitly concedes. And this the practice of States sufficiently establishes." PARRY C. "Of Treaties", in MULTUM NON MULTA. FESTSCHRIFT FÜR KURT LIPSTEIN (ed. P. Fenerstein-C. Parry), Heidelberg, 1980, p.238.

purpose, leaving, as a result considerable gaps from the point of view of their substantive coverage; and, finally, the co-operative effort was not institutionalized with the effect that states could not effectively deal with issues requiring a degree of normative and policy integration (that is, co-operation for pollution emergencies, maintainance of records of discharges from all sources or establishment of monitoring systems based on the geophysical region rather than circumscribed by national boundaries).(8)

On the other hand, in view of the functional interlinking of purposes pursued at a global and regional level, it has been equally realized that the promotion of trans-national schemes of co-operation, integrating the regional perspective into international community policies for the effective protection of the marine environment and its resources from pollution, would strengthen, and even serve to elaborate, principles, measures and policies adopted at the global level. In practice, states participating in regional schemes of co-operation have progressively taken the step of becoming contracting parties to global Conventions in order to safeguard their region from a particular source of pollution.(9) Furthermore, regional schemes of co-operation seem to have effectively introduced a process of an aggregate but, at the same time, context-dependent, cumulative global control; through co-operative regional schemes in the North Seas, Baltic, Mediterranean, Kuwait region, South-East Pacific, West and Central Africa or the wider Caribbean an aggregate international control system has been established responding to regional particularities and not subsuming them to the requirements of a bloodless consensus which can be achieved at the level of an agreement expressing the lowest common denominator.

Furthermore, the existing institutional frameworks of international co-operation presented in-built difficulties in dealing effectively with the complexity of the issues related to the protection of the Mediterranean marine environment. Underlying the policy thinking of International Organizations and Institutions (especially the UN Specialized Agencies) was the sectoral approach to environmental management, and this was, of course, a natural consequence of their development-related sectoral objectives and responsibilities. Because they are concerned with one aspect of a value process and thus treat it as a separable and discrete phenomenon (i.e. shipping, fisheries and living resources, health, meteorology, cultural heritage, education etc.), international organizations appear to have a limited ability to build environmental considerations into their specialized or limited value programmes. Besides, their regional involvement in the protection

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(8) For a general analysis of the processes of international control of marine pollution and of their relevance to the Mediterranean before the establishment of the Mediterranean Action Plan, see MOORE, G.K. "Existing and Proposed International Conventions for the Control of Marine Pollution and their relevance to the Mediterranean", Background Paper No.8, Food and Agriculture Organization of the United Nations, Rome, 1975.

(9) UNEP: Achievements and Planned Development of UNEP's Regional Seas Programme and Comparable Programmes Sponsored by other Bodies, op. cit., p.29.

of the marine environment was further restricted by the different policy decisions affecting the division of their budgets between global and regional activities. However, by its very nature the environment cannot be dealt with sectorally but requires an interdisciplinary approach covering the whole range of human activities.(10) It was, therefore, realized that, in order to accommodate environmental considerations with their traditional structural characteristics, international organizations should have their inherent sectoral approach guided by an integrated approach. In other words, their sectoral environmental management should be decisively determined by an integrated regional effort whereby the Mediterranean marine and coastal environment would be treated as an entity. And this could only be ensured by the development of a system of co-ordination. The establishment of UNEP marks the institutional response to such a need. In Resolution 2997(XXVII), Part II, the UN General Assembly decided to establish UNEP "to serve as a focal point for environmental action and co-ordination within the United Nations system in such a way as to ensure a high degree of effective management".(11) In Part IV of the same Resolution, the organizations of the United Nations system were invited "to adopt the measures that may be required to undertake concerted and co-ordinated programmes with regard to international environmental problems", whereas "other intergovernmental and those non-governmental organizations that have an interest in the field of the environment" were also invited "to lend their full support and collaboration to the United Nations with a view to achieving the largest possible degrees of co-operation and co-ordination".(12)

What is of significance in the light of all this, is that the development of an integrated approach to the management of marine environmental problems was essentially preconditioned by the evolution of a novel institutional ad hoc structure which, by its unprecedented functional intervention in the international process, could positively contribute to such an approach. UNEP, therefore, emerged as a new type of international "managerial" agency in the UN system endowed with "catalyzing", "co-ordinating" and "directing" functional powers and operating as the major catalytic instrument for global environmental co-operation. In a resolution adopted by the Governing Council of UNEP at its session of a special character, in 1982, UNEP's three overall basic orientations were pronounced as follows:

(a) UNEP should "stimulate, co-ordinate and catalyze monitoring and assessment of environmental problems of world-wide concerns and initiate and co-ordinate international co-operation in dealing with such matters";

(b) UNEP should "promote and co-ordinate appropriate policies and programmes for rational resource and environmental management as an integral part of economic and social development with particular attention to the needs of developing countries";

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(10) UNEP: REPORT TO THE GOVERNING COUNCIL ON THE WORK OF ITS FIRST SESSION (12-22 June 1973), G.A.O.R., 23th Session, Suppl. No. 25 (A/9025), para.66, pp.14-15.

(11) G.A. Resolution 2997 (XXVII), 15 December 1982, G.A.O.R., 28th Session, Supplement No. 30 (A/8730).

(12) G.A. Resolution 2997 (XXVII), ibid..

(c) UNEP should "promote, co-ordinate and direct activities in the field of information, education, training and national institution-building especially for developing countries, as well as the further development of environmental law and guidelines and methodologies of environmental management, and, where supplementary funds are available, assist in the implementation of these activities".(13)

As an organizational framework catalyzing, co-ordinating and directing assessment of environmental problems, environmental management and other institutional, legal and informational aspects of environmental co-operation, UNEP obviously plays a unique role. Being neither an executing agency (like FAO, ILO, UNESCO or WHO) nor a financing agency (like UNDP),(14) UNEP operates, in fact, as a managerial agency, although some executive or financing functions are not out of its purview especially if these are deemed to provide an indispensable support for its primary orientations.

In fulfilling its catalytic, co-ordinating and directing role vis-a-vis other United Nations' agencies and organizations, UNEP developed an important mechanism called "thematic joint programming". By this mechanism, emphasis is given "in joint programming to consideration of subjects of mutual interest to a number of agencies"(15) and this approach, in the context of the UN system, "has permitted a degree of programme co-ordination and cross-fertilization which..... is so far without parallel in the United Nations system".(16) This creative co-ordination has, it seems, largely contributed to the promotion of an integrated approach, because now the various bodies of the United Nations system despite their varying traditions and interests, are able to influence, under UNEP's direction, each other's environmental programmes and undertake a joint review of each other's detailed environmental programmes in selected areas in order to harmonize their future activities. In this creative co-ordination UNEP is substantially assisted by the existing UN system-wide co-ordinating structure expressed by the Administrative Committee on Co-ordination (ACC) which deals with the co-ordination of UN environmental activities at the highest policy-making level, after appropriate consultations with another mechanism entitled the Designated Officials on Environmental Matters (DOEM). Thus, each year the ACC submits a relevant report to the UNEP Governing Council to which the latter attaches great value.(17) On the other hand, the DOEM is designed to fulfil the need for co-ordinating environmental activities in the UN system at the working level and, as such, takes the form of meetings where each specialized agency and

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(13) RESOLUTION I (IV), UNEP: REPORT OF THE GOVERNING COUNCIL ON ITS SESSION OF A SPECIAL CHARACTER (10-18 May 1982), G.A.O.R., Thirty-Seventh Session, Suppl. No. 25(A/37/25), Annex I, p.35.

(14) ANNUAL REPORT OF THE EXECUTIVE DIRECTOR 1985, UNEP/GC.14/2, Nairobi, 1986, p.25.

(15) ANNUAL REPORT OF THE EXECUTIVE DIRECTOR 1982, UNEP/GC.11/2, Nairobi, 1983, p.19.

(16) UNEP/GC.10/4/Add.1, para.8.

(17) ANNUAL REPORT OF THE EXECUTIVE DIRECTOR 1985, op. cit., p.26.

relevant UN body has designated an official to represent it.(18)

The catalytic, co-ordinating and directing role of UNEP is also fulfilled by an appropriate creative co-ordination between intergovernmental organizations outside the UN system (such as, OECD, EEC, CMEA, THE NORDIC COUNCIL, THE HELSINKI COMMISSION, OAU, LEAGUE OF ARAB STATES, ALESCO, ASEAN, THE COUNCIL OF EUROPE, THE EUROPEAN INVESTMENT BANK, etc.) and UNEP. This creative co-ordination takes place at the working level, in the form of specific projects and co-operative activities and is structurally facilitated by the fact that, currently, 40 intergovernmental organizations have official observer status with the Governing Council of UNEP.(19) Finally, a special type of creative co-ordination is developed between UNEP and non-governmental organizations in view of the prominent role of the latter in stimulating public concern for the environment and their capacity of extending environmental concerns and activities to grassroots level. Thus, through the Environment Liaison Centre (ELC), a network of over 6,000 environmental NGOs has been co-ordinated and this constitutes the most effective channel of communication and co-operation between UNEP and international regional and national NGOs.(20) Moreover, creative co-ordination between UNEP and the major international environmental NGOs (such as IUCN, WWF, the INTERNATIONAL INSTITUTE FOR ENVIRONMENT AND DEVELOPMENT (IIED), the SCIENTIFIC COMMITTEE ON PROBLEMS OF THE ENVIRONMENT (SCOPE), etc.) continues at the working level in the form of specific projects and activities.(21)

The second variable relates to the diverse nature of the sources of pollution and the need for developing a comprehensive control strategy aimed at protecting the marine environment as a manageable ecological system and, thus, controlling all the possible polluting sources in their interrelation rather than in separation from each other. Identification of the sources of pollution is, therefore, the first thing to be tackled in order to apply a comprehensive strategy.

Thus, the major source of contemporary marine pollution, accounting for up to 80% of all pollution, is land-based activities.(22) The development of strategies which will effectively control the polluting impact of land-based activities requires their identification under certain criteria. Thus, land-based sources may be classified as those which:

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(18) For the strengthening of the DOEM's role and recent developments, see, ANNUAL REPORT OF THE EXECUTIVE DIRECTOR 1986, Part one, UNEP/GC.14/3, Nairobi 1987, pp.15-16.

(19) Ibid, pp.18 et seq..

(20) ANNUAL REPORT OF THE EXECUTIVE DIRECTOR 1985, op. cit. p.30.

(21) Ibid., p.31. Also, ANNUAL REPORT OF THE EXECUTIVE DIRECTOR 1983, UNEP/GC.12/2, Nairobi 1984, p.20.

(22) The importance of land-based sources of marine pollution is well-emphasized in UNEP: MARINE POLLUTION, UNEP REGIONAL SEAS REPORTS AND STUDIES No.25, UNEP, 1982. pp.1-8. See, also, BARSTON R.P.-BIRNIE, P., "The Marine Environment", in THE MARITIME DIMENSION (ed. Barston R.P. and Birnie P.), 1980. pp.108-127.

(i) by their discharges may affect directly or indirectly the marine environment: industrial discharges, factory effluents, municipal wastes, agricultural wastes on the one hand, watercourses (rivers, canals, irrigation waters, and water resources in general, that is, surface underground waters, fresh water reservoirs, table waters) on the other hand;

(ii) by their developmental planning may have an effect on the marine environment: industrial planning, urban planning-zones of urban control, city planning, construction of touristic installations, designation of protective zones in certain areas, organizational plans of major urban areas- planning of agro-industry, onshore coastal and near-coastal, mining operations;

(iii) by their pollution through transportation in the atmosphere may eventually contribute to marine pollution: testing of nuclear weapons producing fallout which adds to the level of radio-active pollution and many other pollutants (persistent chemicals, DDT, heavy metals etc) discharged into the atmosphere;

(iv) by their pollution through disposal of waste which takes place by direct dumping at sea, directly affect the marine environment: toxic and dangerous wastes, solid wastes.

The second source, which has received most attention from the international community, is pollution by oil and other harmful substances from vessels caused either by deliberate discharges at sea (DUMPING) or by maritime casualties polluting or threatening to pollute the seas. The reason why the international regulation of marine pollution from this source is comparatively advanced may be attributed to two factors: to the visibility of pollution by oil spills posing a threat to fisheries, public amenities and the health of the coastal population; and to the international nature of shipping, for ships not only navigate the high seas but also cross areas within other states' jurisdiction.

The third source is a relatively recent phenomenon which is associated with the development of the technological potential: that is, marine pollution caused by the exploration and exploitation of offshore seabed resources. The development of offshore oil and gas industry has generated new types of marine policy issues having a political, economic, legal and, indeed, an environmental dimension. This last dimension relates to the effects of oil and gas developments on other uses of the marine environment as well as on the environment itself.(23) In fact, the construction of thousands of offshore installations has created new environmental hazards mainly associated with blow-outs, tanker spillage, oily water discharges, dumping of oil-related debris or fracture of the pipelines generated from offshore structures.

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(23) See ODELL, P. "Offshore Resources: Oil and Gas", in THE MARITIME DIMENSION (ed. Barston R.P. and Birnie P.), 1980, pp.76-77.

Nevertheless, source identification is not by itself sufficient for the application of a comprehensive control strategy. What is even more necessary, is the "pragmatic" identification of sources concerned with the relations between sources and context. Such a context-dependent approach of the above-identified sources should be instrumental: that means that context should be taken into account concerning the extent of its possible contribution to the effectiveness of a comprehensive control strategy.

Thus, it appears that, in pragmatic terms, land-based sources of marine pollution are, compared to the other two categories of sources, far more difficult to subject to an internationally-agreed system of controls. One reason for this is the "developmental policy condition" which indicates the severe problem of primacy of development over the protection of the environment in each national context. This problem is clearly aggravated by the level of the economic development of a country and by the tendency to diminish the social control over the national productive processes so that national industries will be kept competitive in the world market. A second reason is the "state-centred legal control condition" which denotes that, since this type of pollution is almost always under the exclusive jurisdiction of one state, the legal controls are inescapably within the domain of national law and, hence, their submission to direct international control presents considerable difficulties.(24) Moreover, since Governments' predispositions seem to be determined by the level of whatever national legislation is already in existence, any effort at an inter-state level should adequately take into account the widely differing national legislative frameworks authorizing governments to implement pollution control measures against pollution from land-based sources.

Finally, a third reason is the complexity of selecting those technical strategies which are available to states, a situation indicating the problem of selecting appropriate strategies and control instruments before embarking on a pollution control programme. The employment of priority-setting strategies applying the use of lists of prohibited and restricted substances (black/grey lists), and, indeed, the question of alternative applications of strategies in use, such as marine environmental quality controls, emission or source controls and environmental planning controls, is largely determined by a set of socio-political, economic and technical factors.(25) Thus, the infrastructure of the state, its political realities, the perception of social/cultural values of its population, its general economic conditions and trends, the availability and accessibility of scientific data, technology and expertise, and sensitivity of the ecosystems to be affected, coupled with climatic considerations and population trends, are among the most prominent factors which decisively affect the decision-making process in this respect.

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(24) For an analysis, see KUWABARA, S. "The Legal Regime of the Protection of the Mediterranean against Pollution from Land-based Sources," Tycooly International Publishing Limited, Dublin, 1984. Ch. 4, pp.78 et seq..

(25) See, generally, HIRVONEN, H. and COTE, R.P. "Control Strategies for the Protection of the Marine Environment", MARINE POLICY, Vol. 11, 1987, pp.19 et seq..

III. THE PROGRAMMATIC STRUCTURE OUTLINED

The strategy for the development of this regional approach in the context of the Mediterranean Sea is built on two fundamental elements:

(i) on a political integration scheme institutionalizing the co-operation among the Governments of the region in terms of a Framework Convention, that is the Barcelona Convention and its four accompanying Protocols. The underlying premise is that the efficient and effective protection of the Mediterranean environment requires corrective and preventive policies and measures stemming from multi-national political acceptance of a common responsibility.

(ii) on a balanced development of the legal and technical components operating as a means of intensifying the integration process already achieved at the political level. The basic premise here is that the legal basis for protection of the marine environment can be effectively clarified through scientific determination of the nature and extent of pollution.

This strategy is implemented through a comprehensive "Action Plan" which has a distinctive programmatic structure containing four main aspects:

(a) a co-ordinated Programme for research, monitoring and exchange of information, and assessment of the state of pollution and of protection measures. This programme is now known as the Mediterranean Pollution Monitoring and Research Programme, or MED POL;

(b) a socio-economic integrated Programme for the development and management of the resources of the Mediterranean Basin aiming at reconciling vital development priorities with a healthy Mediterranean environment. This programme operates, more specifically with the BLUE PLAN Programme at the research and planning level, and with the PRIORITY ACTIONS PROGRAMME at a more practical and applied level;

(c) a programmatic Framework Convention and related Protocols with their technical Annexes, committing the Contracting Parties to take all appropriate measures to prevent, abate and combat pollution and to protect the marine environment. This legal-and-policy aspect of the structure of the MAP is expressed by the BARCELONA CONVENTION FOR THE PROTECTION OF THE MEDITERRANEAN SEA AGAINST POLLUTION, 1976, (henceforward referred to as the Barcelona Convention) and its four Related Protocols, which are:

- THE PROTOCOL FOR THE PREVENTION OF POLLUTION OF THE MEDITERRANEAN SEA BY DUMPING FROM SHIPS AND AIRCRAFT, 1976 (henceforward referred to as the Dumping Protocol);
- THE PROTOCOL CONCERNING CO-OPERATION IN COMBATING POLLUTION OF THE MEDITERRANEAN SEA BY OIL AND OTHER HARMFUL SUBSTANCES IN CASES OF EMERGENCY, 1976 (henceforward referred to as the Emergency Protocol);
- THE PROTOCOL FOR THE PROTECTION OF THE MEDITERRANEAN SEA AGAINST POLLUTION FROM LAND-BASED SOURCES, 1980, (henceforward referred to as the LBS Protocol) and,
- THE PROTOCOL CONCERNING MEDITERRANEAN SPECIALLY PROTECTED AREAS, 1982, (henceforward referred to as the SPA Protocol);

(d) the programmatic institutional and financial arrangements which deal with the structural and functional characteristics of the decision-making process (Organs, Committees, questions of co-ordination) and with the resources used for this purpose and the technique of their use (the Mediterranean Trust Fund).

All four aspects, of the above-specified programmatic structure of the Mediterranean Action Plan are inter-dependent. In other words, the Mediterranean Action Plan is basically conceived as an action-oriented programme, designed to link, in an effective integrating scheme, the assessment of the quality of the marine environment and the causes of its deterioration with activities for the management and development of the marine and coastal environment. Moreover, it is equally important to stress that any conflict, arising within the context of this integrating scheme, is perceived and handled by the national decision-makers as a "non-zero sum" situation, which means that the Mediterranean Action Plan is in practice a problem-oriented programme: conflict of interests among the Contracting Parties are exclusively approached and negotiated in terms of the resolution of a common environmental problem rather than in terms of competition. They all look for the superordinate goal, that is, the goal which accommodates both their individual and their collective interests. Pursuing such a goal, desired by all parties individually but achievable only by securing their co-operation, they inevitably view their conflict as instrumental in the accomplishment of a public purpose, that is, the comprehensive protection of the marine environment in the Mediterranean Basin. The persistent question is, therefore, about how environmentally sound and accommodating solutions can be achieved and not whether they should be achieved.

Yet the parallel development of the technical on the one hand, and the legal-and-policy components on the other hand, well-designed and illustrated in the programmatic structure of the Mediterranean Action Plan, has proved to be a difficult operation in practice. In fact, whereas with regard to the technical component a fast and rather sophisticated progress has taken place, similar progress has not occurred in respect of the legal-and-policy component.

Part of the explanation may be attributed to the nature of the catalytic role played by UNEP in the development of the MAP. It was highlighted by strongly-held technical considerations in view of the particularities of the overall context of reference: the Mediterranean Basin constitutes a microcosm of interaction between developed and developing countries, between north and south; moreover, the rivalries and political conflicts among some of its coastal States are notorious, appearing to defy solution or resolution and setting the whole international system in crisis.

Trying, therefore, to by-pass intergovernmental tensions UNEP has, from the outset, emphasised the development of a basis for regional scientific communication on environmental matters independent of National Foreign Ministries. The neutrality of International Agencies involved in the region (FAO, IMO, WMO, WHO, IOC, UNESCO, IAEA) as well as their service responsibilities on behalf of Governments was underlined in UNEP's initial attempts to gain political acceptance of its regional effort.(26) By intensifying technical and technological co-operation among the Mediterranean countries UNEP was considered to have a high

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(26) BOXER, B. "The Mediterranean Sea: Preparing and Implementing a Regional Action Plan", in ENVIRONMENTAL PROTECTION - THE INTERNATIONAL DIMENSION (Ed. by D.A. Kay and H.K. Jacobson), 1983, pp.267-309.

probability of increasing the prospect of a more intense legal and policy integration.

1. THE TECHNICAL ASPECT

(a) The Level of Environmental Assessment Integration

The development of the MED POL Programme reflects an immediate response to this strategy. Priority was given to the necessity for a co-ordinated monitoring and research Programme which would provide a basis for environmental assessment. Towards this end, scientists in 85 Laboratories from 16 Mediterranean Countries have joined forces under a masterplan elaborated by UNEP and some specialized United Nations Organizations (FAO, WHO, ECE, UNIDO, UNESCO, IAEA, WMO, IMO and IOC).

The first phase of the MED POL Programme lasted from 1976 through 1980 and involved a commendable transfer of environmental technology and exchange of information. With assistance from UNEP and co-operating Specialized Agencies, participating National Laboratories were equipped with the necessary equipment and materials for monitoring the quality of the waters, sediments and marine organisms in the Mediterranean; scientists and technicians received training and a network for ready exchange of results and experience was established.

Today, MED POL continues to monitor concentrations, pathways, and effects of pollutants at hundreds of sampling stations around the Mediterranean. The second phase of MED POL (1981-1991) covers five different and complementary activities: monitoring, research, assessment of the state of pollution, common protection measures and implementation of LBS protocol.

The monitoring programme consists of: monitoring of sources of pollution; monitoring of coastal areas including estuaries; monitoring of off-shore reference areas; and monitoring of transport of pollutants through the atmosphere. Common principles and guidelines setting out how and when to measure pollution levels in order to understand and assess their effects were developed. By 1987 ten Mediterranean Countries had signed Technical Agreements with UNEP and implemented their national monitoring programmes (Algeria, Cyprus, Israel, Lebanon, Egypt, Libya, Malta, Morocco, Syria and Yugoslavia), three countries had agreed to send regularly results of their national monitoring programmes (France, Monaco and Spain), whereas the other Contracting Parties are in the process of finalizing their respective Agreements with UNEP.(27)

The research component of the MED POL constitutes an additional important tool in the provision of a better understanding of processes and phenomena involved in pollution and is a bid to demonstrate the scientific rationale for such measures as the establishment and enforcement of Protocols, standards and Environmental Quality Criteria.

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(27) REPORT OF THE EXECUTIVE DIRECTOR ON THE IMPLEMENTATION OF THE ACTION PLAN AND OF GENOA DECLARATION IN 1986-1987 AND RECOMMENDATIONS FOR ACTIVITIES TO BE UNDERTAKEN IN THE 1988-1989 BIENNIUM WITH RELATED BUDGET PROPOSALS, UNEP/IG.74/3, 30 June 1987, p.48.

During 1987, there were 109 ongoing research projects. At the same time, during 1987, 35 research projects were completed.(28)

Assessment of the state of pollution, common protection measures and implementation of LBS protocol are all interlinked, since for each of about 50 substances listed in annexes I and II of the LBS protocol documents on the assessment of the state of pollution in the Mediterranean Sea by particular substance, common protective measures have been proposed since 1985 and have been submitted to the Contracting Parties for consideration and adoption of common measures.

(b) **The Level of Environmental Management Integration**

The second major step in the strategy of intensification of technical integration was made in 1979 through the BLUE PLAN Programme (BP). Its purpose was to explore the long-term evolution of the relationship between development and environment of the Mediterranean and thereby to assist Mediterranean countries in making appropriate decisions for the protection of their marine and coastal environment, taking into account their cultural and socio-economic development objectives. Accordingly, subjects such as fresh water resources, industrial growth, energy, population movements, urbanization, rural development and tourism have been analyzed in a number of special reports.

The BLUE PLAN (BP) is now moving toward fulfilling its most important function, i.e., the preparation and formulation of realistic national scenarios for sustainable, integrated social and economic development of the Mediterranean basin. From the beginning of 1988, the content, results and conclusions of the BLUE PLAN will be disseminated and the period of its gradual implementation will have been inaugurated.

Simultaneously initiated with the BLUE PLAN (BP), the PRIORITY ACTIONS PROGRAMME (PAP) also promotes sound environmental management but on a more practical-oriented level. The fields of activity selected for this Programme were those considered to represent the common experience and needs of the Mediterranean countries so that technical co-operation and exchange of know-how could be more effectively carried out. Activities in this context include: guidelines for integrated planning and management of coastal zones; projects on development of aquaculture; case studies on rehabilitation and reconstruction of historic settlements; water resources development for islands and isolated coastal areas; mitigation of seismic risk in the Mediterranean region; solid and liquid waste management; soil protection; development of tourism harmonized with environment; renewable sources of energy; environmental impact assessment, and coast-hinterland relations. The results of case studies, experts' meetings, seminars and workshops are made available to all Mediterranean countries, while sending expert missions to countries, formulation and promotion of proposals of co-operation programmes to be implemented in selected fields, or training of experts, constitute the current methods of implementing the PAP.

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(28) PROGRESS REPORT ON THE IMPLEMENTATION OF MED POL DURING 1987/1988 AND PROPOSED ACTIVITIES AND BUDGETARY REQUIREMENTS FOR 1989, UN DOC. UNEP (OCA)/MED WG.1/3, para.24.

2. THE INSTITUTIONAL ASPECT

The strategy of intensifying integration at the technical level of the Mediterranean Action Plan initiated a parallel institutional evolution, and a corresponding infrastructure, guaranteeing these developments, emerged. Looked at in perspective, it is characteristic that UNEP's initial role as the secretariat of the MAP and the Barcelona Convention and as the subsidizer of meetings, treaty-drafting, the preparation of various documents and the initiation of MED POL,the BLUE PLAN and the PAP gradually became transformed: as was expected, it gave way to an assumption by individual governments of programme-operating costs through some kind of trust fund. Hence, by 1979, the Mediterranean Countries set up a special Trust Fund, the Mediterranean Trust Fund, to be administered by UNEP. At present, their annual cash contributions to the Trust Fund amounts to a total of 4,5 million dollars, making the Action Plan virtually self-sufficient and independent of UNEP funds.

Moreover, the Mediterranean Governments, in order to face the ever-increasing number of activities of the fast-developing Mediterranean Action Plan were led to the establishment of the Mediterranean Co-ordinating Unit in 1980, which moved to its permanent headquarters in Athens in 1982. The Mediterranean Co-ordinating Unit operates as part of UNEP and constitutes the nerve centre of the Action Plan and the Barcelona Convention. It co-operates with the International Organizations which assist the Action Plan. It co-ordinates the work of the specialized Centres of the Action Plan in Malta, Sophia Antipolis, Split and Tunis. It serves as a centre for the gathering and processing of information from all sources. It organizes periodic intergovernmental meetings which review progress and makes decisions concerning all programmatic aspects of the Mediterranean Action Plan.

The highest authority in the decision-making process of the MAP resides in the Meetings of the Contracting Parties which are specifically addressed in Part Two.(29) Besides, through the establishment and operation of the Regional Centres a certain degree of decentralization is achieved, whereas integration at the technical level of the MAP is intensified. It is worth mentioning here that the establishment of these Regional Centres is to be perceived in a functional perspective. Their institution is not determined exclusively by the specific provisions of the Barcelona Convention system, but, indeed, by the consensus ascertainment of the requirements of its public purpose. Thus, unlike the Regional Oil Combating Centre (ROCC), in Malta, which is specifically provided with the Emergency Protocol to further its objectives (Articles 6,7,8 9 and 10), the establishment of the Centre of the Regional Activities for the Protected Areas of the Mediterranean, in Tunis, was not provided for by the SPA Protocol.

Finally, attention should be drawn to the fact that a substantive creative co-ordination takes place between UNEP/MAP and a number of international organizations, (FAO, IAEA, IMO, UNDP, UNESCO, WHO, WMO, UNCHS, UNIDO, IUCN, EIB) taking the form of specific projects and co-operative activities; this co-ordination largely contributes to the promotion of the objectives of the MAP. Of special importance is the

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(29) See post, pp.35 et seq..

recent undertaking by the EEC, a Contracting Party, to define, within 1989, a strategy and an action plan for the protection of the environment of the Mediterranean region (MEDSPA programme) having as its main objective the co-ordination of the various Community structural funds which can also finance projects that will have a beneficial impact on the environment not only in Community Mediterranean regions but also in certain non-Community countries of the Southern and Eastern side of the Mediterranean.(30)

3. THE LEGAL-AND-POLICY ASPECT

Turning now to the legal-and-policy component, it is worth noticing that the degree of the effected integration is minimal. The above-mentioned intensification of co-operation in the technical domain of the MAP does not seem to have any spillover or "multiplier" effect on the legal-and-policy component. In fact, the main concern of UNEP here was strictly limited to the eventual ratificaton of the Barcelona Convention and its Related Protocols by all the Mediterranean countries. Looked at more closely the overall pattern of the Barcelona Convention System,may be outlined in the following way.

In the first place, the Barcelona Convention is a constitutive Agreement: it integrates community environmental policies with national expectations and its real implementation is to be achieved through ratification of the separate concretizing Protocols. Recognizing the importance of this operative interlinking between constitutive and concretizing aspects of their consensus, the Parties have declared that no state may become a Contracting Party without also becoming a party to at least one of the Protocols (Article 23).

In the Barcelona Convention System the "concretizing" language of the Protocols is of special interest. Thus, the DUMPING PROTOCOL deals with "any deliberate disposal at sea of wastes or other matter from ships or aircraft", except when these ships and aircrafts are not used on government non-commercial service. In this latter case, the extent of compliance with the Protocol lies exclusively within the judgement of each Party. The Protocol prescribes lists of substances which are either blacklisted and their dumping is completely prohibited, or greylisted and their dumping depends on the issuance of a previous special permit from the competent national authorities, after considering carefully a number of prescribed factors.

The EMERGENCY PROTOCOL deals with cases of grave or imminent danger to the marine environment, the coasts or related interests (i.e., activities in coastal waters, the historical and tourist appeal of the area in question, the health of the coastal population or the preservation of living resources). This type of danger is due to accidents or accidental spills of oils or other dangerous chemicals, which are polluting or are threatening to pollute the sea. This Protocol underscores the importance of developing a programmed co-operation among

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(30) REPORT OF THE MEETING ON THE CONTRIBUTION OF BILATERAL AND MULTILATERAL PROGRAMMES TO THE OBJECTIVES OF THE MEDITERRANEAN ACTION PLAN, UNEP/WG.165/4, 5 June 1987, p.7.

the Parties for these cases. Thus it commits the Parties to maintain and promote their contingency plans to develop and apply monitoring activities, to disseminate effectively all relevant information and to co-ordinate the utilization of the available means of communication in order to ensure the reception, transmission and dissemination of all reports and urgent information. To facilitate this process a Regional Oil Combating Centre was established in Malta as part of the Action Plan.

The LAND-BASED SOURCES PROTOCOL is seen by UNEP as the major legal instrument for controlling Mediterranean pollution. This Protocol was reached only after lengthy negotiations due to the immense difficulties in determining the meaning of "Land-source" with any degree of precision, and to the underlying sensitive political element, because both southern developing states and industrial polluters to the north have been wary of the intent of the Protocol and its legal implications relating to determination of national liability and compensation responsibilities. Thus, when the Protocol was finally agreed and adopted, in 1980, it was considered as a significant step forward.

The Protocol identifies measures to control pollution caused from land-based sources, within the territories of the Parties, either directly, from outfalls discharging into the sea or through coastal disposal or indirectly through rivers, canals or watercourses. To these should be added pollution transported by the atmosphere and polluting discharges from fixed man-made offshore structures under the jurisdiction of a Party. The Protocol has a "black" and "grey" list of substances similar to those of the Dumping Protocol and it commits the Parties to exchange information on estimates of pollutant discharges and on the location of controlled discharges.

Criteria for adequate waste treatment or acceptable levels of discharge have still not been addressed specifically. However, the Protocol calls on the Signatories to develop regulatory procedures to control discharges and it is assumed that the Parties will work toward the adoption of "common guidelines criteria or standards" relating to the position of coastal outfall pipelines, effluent separation and pretreatment requirements, sea water quality and waste treatment processes and installations. Within this framework, new factories will be permitted to operate only if they observe the strict standards of the Protocol. Each Government is responsible for enforcing the Protocol in its territory and bearing the associated expenses.

Finally, the SPECIALLY PROTECTED AREAS PROTOCOL was signed in 1982 and came into force in 1986 after being ratified by 9 Contracting Parties. It affords special protection to endangered Mediterranean animals and plants as well as to whole areas considered vital for their survival; it also aims at safeguarding sites of particular importance because of their scientific, aesthetic, historical, archaeological, cultural or educational interest. An important part of the Protocol is that which commits the Parties to formulate and adopt common guidelines, standards or criteria for the selection, establishment, management and notification of information of Protected Areas and a full recommendation for such guidelines has already been adopted by the recent Meeting of the Contracting Parties. Another important aspect of the Protocol is the indicative prescription of measures progressively to be taken by the Parties to conform with the objectives of this Protocol. A Regional Centre has been established in Tunis to assist the Governments in applying the Protocol.

An interesting development of this aspect of the Mediterranean Action Plan is the recent preparation of a 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 subsoil. This Draft Protocol was prepared at the request of UNEP and the Mediterranean Action Plan, by the International Juridical Organization (IJO)[31] to implement the "framework" type of stipulation formulated in Article 7 of the Barcelona Convention and in consideration of the need to maintain a balance between two perspectives: the concerns and interests of the coastal Mediterranean States to protect and improve the marine environment and their special economic interests as consuming and producing countries, taking into account the differences in their levels of development as well as in their legal and political systems.[32] At present, the Draft Protocol is under consideration by the Contracting Parties[33] and there are signs that it may constitute a useful negotiating text for their deliberations in a future conference to be convened around 1989.

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(31) At the Fourth Ordinary Meeting of the Contracting Parties (Genoa, 1985), the secretariat was requested "to initiate preparation for a Protocol on the protection of the Mediterranean Sea against pollution from off-shore exploration and exploitation", REPORT OF THE FOURTH ORDINARY MEETING OF THE CONTRACTING PARTIES TO THE CONVENTION FOR THE PROTECTION OF THE MEDITERRANEAN SEA AGAINST POLLUTION AND ITS RELATED PROTOCOLS, UNEP/IG.56/5, 30 Sept. 1985, Recommendation A.6, p.23. Acting on this request, the UNEP/MAP and the IJO have concluded a contract for the preparation of a relevant Draft Protocol, see PROGRESS REPORT ON THE PREPARATION OF A 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 SUBSOIL, UNEP/IG.74/Inf.9, 15 July 1987, p.1.

(32) PROGRESS REPORT ON THE PREPARATION OF A DRAFT PROTOCOL, ibid, pp. 1-2.

(33) For the attitudes and the first responses to this Draft Protocol expressed by the Contracting Parties, see REPORT TO THE FIFTH ORDINARY MEETING OF THE CONTRACTING PARTIES TO THE CONVENTION FOR THE PROTECTION OF THE MEDITERRANEAN SEA AGAINST POLLUTION AND ITS RELATED PROTOCOLS, UNEP/IG.74/5, 28 Sept. 1987, pp.9-10, 51.

Part Two

ON THE LEGAL NATURE AND IMPLEMENTATION OF THE MEDITERRANEAN ACTION PLAN

I. THE MEDITERRANEAN ACTION PLAN AS A PUBLIC TRUST

The above functional analysis of the Mediterranean Action Plan seems to call for a proper understanding of its legal nature. The central question in this case is not simply to try to classify the Barcelona Convention system under a familiar legal category but, indeed, to render it an effective instrument in the implementation of its public purpose, that is, the control and protection of the marine environment in the Mediterranean. In other words, the question is how the Barcelona Convention and its related Protocols can legally cope with the continuous operation and promotion of a purpose which is recognized as benefiting the international community. It may therefore be asked on what basis can the normative integration process be legally explained.

Indeed, any attempt to explain the legal nature of the Barcelona Convention system on the analogy of private law contract - an analysis so popular among the theorists of the traditional so-called Law of Treaties - is fraught with insurmountable difficulties.(1) The legal analogy which can best explain the question of implementation of the Barcelona Convention system in a normative integration perspective is, it is submitted, the legal institution of the public trust.(2)

In fact, the Barcelona Convention and its Related Protocols constitute an international trust of public purpose, a trust, in other words, which is beneficial to the international community. It is the

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(1) See esp. PARRY, C. "The Sources and Evidences of International Law", 1965, Manchester University Press, pp.28-55; RAFTOPOULOS, E.G. "The Inadequacy of the Contractual Analogy in the Law of Treaties", Ph.D. Dissertation, University of Cambridge, 1983.

(2) On the notion of public trust and of trust in general, see cf. HANBURY,H.G. and MAUDSLEY, R.H. "Modern Equity" (12th ed. by J.E. Martin), London, 1985; PARKER, D.B. and MELLOWS, A.P."The Modern Law of Trusts" (5th ed.), London, 1983; PETTIT, P.H. "Equity and the Law of Trusts" (5th ed.), London, 1983.

public trust nature of its overriding purpose which places the Barcelona Convention system into an altogether different legal perspective.

In terms of its format, the Barcelona Convention and its related Protocols conform to an "association". The Contracting Parties intending to promote common interests declare their common will to establish a pattern of co-operation constitutive of certain powers and duties linked to the implementation of a public benefit purpose, which then regulates their conduct in an associative manner. In other words, the Contracting Parties have "constituted" a relational pattern of co-operation based on the consensus-implementation of the underlying public benefit purpose and their role integrity. Aiming at achieving an equitable management of this purpose, they have agreed on the allocation of their common authority and powers of action in terms of standardized stipulations, the exercise of which is conditional upon a consensus ascertainment of the purpose: in order to become operative, these stipulations should be sufficiently specified by the common will of the Contracting Parties implementing the public benefit purpose. All this assumes that the Contracting Parties should not act in a single role operating within the constraints of the rigid rules of the contractual analogy but in a role which effectively serves the whole relation established by the Barcelona Convention system, keeping its continuous implementation contextually relevant. Setting up a relational pattern of co-operation, the Contracting Parties are, in fact, endowed with a role of functional integrity: they are entrusted with powers and duties which refer to the progressive determination and effective administration or management of a common purpose; evidently, therefore, the maintainance or, indeed, the enhancement of the role integrity of the Contracting Parties is of primary importance if their relation is to continue.(3) The analogy between the Barcelona Convention system and the institution of the public trust is founded on a number of common characteristics.

First, the Barcelona Convention system is established and operates like a public trust: it is set up, administered and its purpose is progressively determined by the consensus of the Contracting Parties acting in a hybrid capacity, as settlors and trustees. This indicates the necessity of the role integrity requirement for the effective implementation of the common purpose.

Second, the overall breadth of purpose of the Barcelona Convention system reflects a trust purpose, the objects of which need not be immediately precise. The Barcelona Convention comprises framework provisions which are specified by separate related Protocols (Articles 5, 6, 8, 9, 10, 11, 18) or are in the process of being specified (Article 7) or may, for the time being, remain unspecified (Article 12).

Third, the Barcelona Convention system may be perpetual due to the recurring nature of its public purpose: like many public trusts, the Barcelona Convention system aims at the continuous operation of its purpose, and this appears to be procedurally facilitated by those

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(3) MACNEIL underlining the importance of maintaining and enhancing the role integrity in relations characterizes it as a major job of social engineering, see MACNEIL, I.R."The New Social Contract - An Inquiry into Modern Contractual Relations", 1980, Yale University Press, pp.65-66.

provisions which deal with amendments to the Convention or Protocols (Article 16) or with the harmonization of the internal conflicts and the settlement of disputes (Article 22).

Fourth, the purpose of the Barcelona Convention system involves two interrelated elements: an element of benefit, that is the protection and enhancement of the marine environment in the Mediterranean Sea area, as well as an element of public benefit, where the protection of the Mediterranean Environment is to be advanced in a way that will benefit the Mediterranean Community and respond effectively to the claims of the international community that the marine environment be protected. In fact, the public benefit purpose refers to all four aspects of the distinctive programmatic structure of the MAP, as explained in Part One.

Fifth, the continuing normative quality of the Barcelona Convention system and the programmatic implementation of the MAP as a whole is directly connected with the establishment and operation of a trust fund, called the Mediterranean Trust Fund. In fact, the Mediterranean Trust Fund is intended to secure the harmonious development, continuous operation and effective co-ordination of both those activities derived from the Barcelona Convention and its related Protocols, and those activities accepted as part of the MAP. As a result, it is tied up with the overall effective implementation of the public benefit purpose for the protection of the Mediterranean marine environment. Yet certain paradoxes seem to have arisen in the conceptualization and operation of the Mediterranean Trust Fund, which will be considered below.

The legal status of the Barcelona Convention system as a public trust may be found in the indispensable interrelation between its public benefit purpose and the funds available for the implementation of the purpose. In fact, the intensification of the common purpose and the related promotion of technical and normative integration in this field of co-operation presupposes the continuous availability of funds devoted for this purpose: in other words, a trust fund. Briefly, the continuing normative quality of the public benefit purpose is tied up with the establishment and operation of a trust fund, and from this may be inferred the importance of the Mediterranean Trust Fund in the implementation of the Barcelona Convention and its related Protocols.

At the First Meeting of the Contracting Parties, held in Geneva, in 1979, it was decided that a Mediterranean Regional Trust Fund for the Protection of the Mediterranean Sea Against Pollution should be established and the terms of reference for its administration were declared.(4) According to them, the administration of the Fund was entrusted to the Executive Director of UNEP who was empowered to delegate responsibility for its management to the Co-ordinator of the MAP.(5) It

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(4) REPORT OF THE INTERGOVERNMENTAL REVIEW MEETING OF MEDITERRANEAN COASTAL STATES AND FIRST MEETING OF THE CONTRACTING PARTIES TO THE CONVENTION FOR THE PROTECTION OF THE MEDITERRANEAN SEA AGAINST POLLUTION AND ITS RELATED PROTOCOLS, UNEP/IG.14/9, 20 April 1979, pp.15-20 and Annex IX.

(5) Ibid., para.2. See also DECISION G.C.7/14(D), Seventh Session, 18 April-4 May 1979, UNEP, Report of the Governing Council, GAOR: Thirty-Fourth Sess., Suppl. No.25(A/34/25).

is still administered in this way today.[6] By the establishment of the Mediterranean Trust Fund the Contracting Parties have declared themselves as public trustees, taking up progressively the initial financing responsibility of UNEP. The official establishment of the Mediterranean Trust Fund on 24 July 1979 marked the fact that, from a legal perspective, purpose and fund were to be regarded as inextricably interwoven: the organization and the complex interdisciplinary activities and programmes of the MAP, the efficiency of the infrastructure established for this purpose and the very implementation of the Barcelona Convention system, were inevitably the output of an effective administration of the Mediterranean Trust Fund securing a continuous flow of funding.

However, in the inception of the Mediterranean Trust Fund certain paradoxes arose. Thus, although the Barcelona Convention and its related Protocols were constituted,in view of their public benefit purpose, as perpetual patterns of co-operation, containing no provisions for termination but only provisions for withdrawal from its operation, the Mediterranean Trust Fund was, in turn, established "for an initial period of two years to provide financial support for the MAP"[7] as if it were purposively independent from the implementation of the Barcelona Convention system. As a result, the operation of the Mediterranean Trust Fund was to be re-approved every two years by the Meeting of the Contracting Parties whereas a formal decision to extend the Mediterranean Trust Fund every two years was subsequently to be taken by the Governing Council of UNEP. At the same time, a perpetual agreement exists among them to implement a public purpose by intensifying the balanced development of the interdisciplinary components of the MAP. Moreover, the Mediterranean Trust Fund, being composed of pledges, that is written commitments by the Contracting Parties to make a contribution to the Trust Fund, is entirely dependent on promises of funding. The implication of this is that any delay of payments on the part of the Contracting Parties may have a crippling effect on the whole MAP and eventually lead to unnecessary crises.

Hence neither predictability nor regularity of financing is secured by the Mediterranean Trust Fund in its present form. From this point of view it would seem that the public trust nature of the Barcelona Convention system suffers from flaws with regard to its operation. What is therefore required is that serious reconsideration should be given to reinforce the indispensable interrelation between the continuity of purpose of the Barcelona Convention system and the continuity of financing, guaranteed naturally by the legal concept of a trust fund.

The nature of the Barcelona Convention system as a public trust is further to be borne out by its object, that is, the interests, resources and activities which are to be protected and which are, of course, of

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(6) Proposals for alternative solutions for the administration of the Mediterranean Trust Fund were developed by COSTA J.P. in his "Study of the Feasibility of Administration of the Mediterranean Trust Fund by Organizations or Bodies other than UNEP", UNEP/IG.23/5, 1981.

(7) Ibid., Annex IX, para.1.

importance to the entire international community. These include the protection of the Mediterranean Sea area from pollution caused by dumping from ships and aircraft, by pollution from ships, by discharges from land-based sources, by exploration and exploitation of the continental shelf and the sea-bed and its subsoil, or by emergencies, the establishment of a pollution monitoring system, the co-operation in the fields of science and technology and the exchange of scientific information developing regional and international research programmes and giving priority to the special needs of the developing countries of the region,and finally the establishment of specially protected areas for the protection of the natural resources, natural sites and cultural heritage of the Mediterranean Sea. These interests, resources and activities are managed by a relational equitable mechanism, the Meetings of the Contracting Parties convened by UNEP and the Co-ordinating Unit performing secretariat functions.

The Contracting Parties are in effect operating as public trustees for the Mediterranean Region in protecting and promoting the values of the entire international community. In fact, the management of these values by the Contracting Parties of the Barcelona Convention is functionally interlinked with the management of the same values at other levels, and this is indicated by direct reference to the intrinsic interrelationship between the Barcelona Convention and other International Agreements having the same public benefit purpose. Thus, under Article 3(1) of the Barcelona Convention, the Contracting Parties may enter into bilateral or multilateral agreements for the protection of the marine environment of the Mediterranean Sea against pollution provided that they are consistent with the Barcelona Convention. Moreover, Article 3(2) provides that the Barcelona Convention shall not prejudice the codification and development of the Law of the Sea by the United Nations Conference on the Law of the Sea, conceding, as a result, to the general directing force of the LOS Convention.

This functional interlinking is also evidenced in the fourth preambular paragraph of the Dumping Protocol where it is stated that the Contracting Parties have constituted this Protocol "bearing in mind" the global Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter, adopted in London in 1972.(8) It should be noted that, in view of their common public benefit purpose, both instruments contain largely standardized substantive and procedural provisions. Similarly, under the fourth preambular paragraph of the Emergency Protocol, the Contracting Parties expressly indicate that the constitution of that Protocol be carried out "bearing in mind" the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969,(9) and the Protocol Relating to Intervention on the High Seas in Cases of Marine Pollution by Substances Other than Oil, 1973.(10)

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(8) Text in SELECTED MULTILATERAL TREATIES IN THE FIELD OF THE ENVIRONMENT (ed. by Kiss, A.Ch.), UNEP Reference Series 3, UNEP 1983, p.283.

(9) Ibid., p.230.

(10) Ibid., p.400.

The management of values which are of interest to the international community as a whole can also be evidenced in the implied functional interlinking between the Barcelona Convention and the International Convention for the Prevention of Pollution from Ships, 1973 and the Protocol of 1978 relating to it (MARPOL 73/78).(11) In fact, Article 6 of the Barcelona Convention intends to establish a process of standardization whereby the implementation of global standards regulating pollution from ships may be inferred from the scope of the operation of that Convention. The wording of this Article is quite clear in this regard: "The Contracting Parties shall take all measures in conformity with international law..... to ensure the effective implementation in that Area of the rules which are generally recognized at the international level relating to the control of this type of pollution". This implied reference highlights the necessity for the complementary function of the Barcelona Convention and the MARPOL 73/78: the public benefit purpose pursued by the former cannot be effectively carried out if vessels flying different flags from that of the Mediterranean states cannot be controlled.(12) The implication of such an implied functional interlinking is twofold. On the one hand, it is clear that negotiation between the Contracting Parties of the Barcelona Convention on this issue is displaced by externally fashioned and universalized standards and policies contained in the MARPOL 73/78. It is after all the latter which has proclaimed the Mediterranean Sea a special area, where, for recognized technical reasons in relation to its oceanographical and ecological condition and to the particular character of its traffic, the adoption of special mandatory methods for the prevention of sea pollution by oil is required".(13) On the other hand, in view of the nature of the Contracting Parties as public trustees, it follows that the implementation of the MARPOL 73/78 requires the adhering consensus of the Contracting Parties, thus facilitating the execution of the trust power prescribed by Article 6. For the time being, nine Mediterranean countries have ratified MARPOL 73/78.

It is therefore obvious that the Contracting Parties are, as public trustees, endowed with certain trust powers for the continuous operation and equitable implementation of the public benefit purpose evidenced in the Barcelona Convention. In fact, these trust powers refer to the behaviour of the Contracting Parties which typifies their role incidental to the protection of the marine environment. Moreover, they refer to the behaviour of the Contracting Parties which may procedurally contribute to the preservation of their relation and the advancement of the underlying purpose in time, as well as to the interconnection with other, purposively corresponding, instruments of international co-operation.

Looked at in perspective, the trust powers set out in the Barcelona Convention and its related Protocols have something to do with the relational characteristics of this conventional system. They seem to

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(11) Ibid., pp.320 and 382.

(12) VUKAS, B. "The Protection of the Mediterranean Sea Against Pollution", in THE INTERNATIONAL LEGAL REGIME OF THE MEDITERRANEAN SEA (ed. by Leanza U.), Milano, 1987, pp.413-435, 424.

(13) MARPOL CONVENTION 73/78, ibid., Annex I, regulation I.10, p.328.

reflect all those normative characteristics which actually intensify the preservation of the established relation and the distinctive role of the Parties to which is left a large degree of discretion in the management of their common purpose, being at the same time consonant with the interests of the international community.

Besides, these trust powers seem to indicate limitations on the Contracting Parties in the sense that they impose a series of relational duties directly connected with the implementation of the public benefit purpose of the Barcelona Convention system. Ovbiously, the legal nature of these trust powers is normative rather than contractual, setting up terms and conditions for the advancement of the purpose. Accordingly, their constitution requires specification based on a jointly-reached consensus. Otherwise, they are only partially constituted. This distinction is of central importance and seems to explain, from the legal point of view, the applicability of the provisions of the Barcelona Convention system quite satisfactorily. Whereas in the case of trust powers the Contracting Parties have their terms properly specified this is not the case with regard to the partially constituted trust powers. In fact, if the power prescribed in the agreed instrument is capable of giving direct effect to the underlying public benefit purpose, it should be considered as trust power. If, on the other hand, the prescribed power is, due to the generality of its terms, incapable of giving effect to the purpose, requiring instead a further specifying instrument based on consensus, it should be viewed as an incomplete trust power.

Looking thus into some of those provisions which typify the roles of the Contracting Parties, the so-called "substantive" provisions, one should at first sight notice the following: the framework Article 5 of the Barcelona Convention prescribes the trust power of the Contracting Parties to prevent and abate pollution of the Mediterranean Sea area caused by dumping from ships and aircraft; also Article 6 sets up the trust power of the Contracting Parties to prevent, abate and combat pollution of the Mediterranean Sea area caused by discharges from ships, whereas Articles 8 and 9 refer to the trust powers of the Contracting Parties to prevent, abate and combat pollution of this area from land-based sources and to co-operate in dealing with pollution emergencies in this area and reducing or eliminating damage resulting therefrom.

These Articles refer to powers contained within the Barcelona Convention, framed in permissive language but nonetheless generally "instituted" : the Contracting Parties "shall take all appropriate measures" and "shall co-operate in taking the necessary measures", but their framework formulation is further specified by a "concretizing" consensus which illustrates a series of international common norms and policies to be attached to the thereby instituted powers stating in detail the terms and conditions under which the generally instituted powers are to become effective. Thus, the Dumping Protocol states the inferential normative relations and policies which are to make effective the powers instituted under Article 5. It normatively concretizes it by defining "dumping" and other key concepts (Article 3) and establishing a series of relational duties as follows: by describing detailed lists of wastes, and other materials which either cannot be dumped (Article 4 and Annex I) or require a prior special permit (Article 5 and Annex II); by requiring the establishment of appropriate national mechanisms to issue the special and general permits for dumping after taking into account a series of specifically determined factors (Articles 5 and 7 and Annex

III); by providing for exceptional dumping in cases of force majeure (Article 8) and for the behaviour of the Contracting Parties in cases of critical situations of an exceptional nature concerning the disposal of wastes and other materials which are blacklisted (Article 9); by prescribing the functions of the designated competent authorities (Article 10); by stating the scope of the application of this Protocol (Article 11); and by requiring that all the appropriate maritime inspection services of each Contracting Party are instructed to report incidents or even suspicions that dumping in contravention of this Protocol has occurred or is about to occur (Article 12).

Nor is this the end of the matter. Since Article 5 of the Barcelona Convention and the specifying Dumping Protocol set up a trust power relevant to the implementation of a public benefit purpose in the international domain, it remains to be seen how the Contracting Parties, in the discretionary exercise of their trust power, have behaved. It is at this level that the National Legislation of the Contracting Parties relevant to the protection of the marine environment surfaces. The question, therefore, that properly arises is how the Contracting Parties in the exercise of their discretionary legislative power, conform with the obligation arising from the trust power prohibiting dumping into the Mediterranean Sea area.

Equally, the framework provision of Article 8 of the Barcelona Convention stating the power to prevent, abate and combat pollution from land-based sources is constituted as a trust power by the subsequent consensus-establishment of the LBS Protocol. This Protocol concretizes the framework Article 8 by stating a series of inferential common norms and policies which lead the intention of that Article to a comprehensive and specific ascertainment and make, as a result, the public benefit purpose effective.

Thus, the LBS Protocol, after giving the necessary definitions (Articles 2 and 3), prescribes, in precise terms, the types of activities it covers (Article 4) and the relational duties of the Contracting Parties referring to: the regulatory measures either to eliminate or to strictly limit pollution from land-based sources by substances specifically listed in either case ("black-listed" and "grey-listed" substances) (Articles 5 and 6 and Annexes I and II); the methods for marine pollution control by the progressive formulation and adoption of common guidelines, standards or criteria (Article 7); the essential monitoring requirements needed to make the respective monitoring programmes more efficacious (Article 8); the requirements for exchange of information and for effective scientific and technological co-operation giving special attention to the needs of the developing countries by offering technical or other assistance (Articles 9 and 10); the conditions for special co-operation on international watercourses which are likely to cause pollution of the marine environment in the Protocol Area (Article 11); the development of consultation procedures for trans-frontier pollution (Article 12); and, finally, the requirements for adoption of regional control programmes and measures (Article 13). What remains to be seen is the extent and the quality of the exercise of this trust power by each Contracting Party. The means for such an appraisal exists in the legislative behaviour of each Contracting Party with regard to the extent and quality of its national normative control of land-based pollution.

The power to co-operate in combating pollution by oil and other harmful substances in cases of emergency, as formulated in the framework

Article 9 of the Barcelona Convention is similarly constituted as a trust power by virtue of the specifying formulation and operation of the related Emergency Protocol. Again, this Protocol states a series of inferential common norms and policies which indicate the determination of the intent of Article 9 in terms of concretization of its subject matter. Thus, the Emergency Protocol prescribes the normative content of this trust power in terms of the following relational duties attached to the trustee role of the Contracting Parties: their duty to develop appropriate contingency plans and monitoring activities (Articles 3 and 4), and to co-operate in the salvage and recovery of harmful substances in packages, freight containers, portable tanks or road and rail tank wagons (Article 5); their duty to exchange certain kinds of information and to communicate such information to the regional centre (Article 6) as well as to co-ordinate the utilization of their means of communication, placing in this co-ordinated effort the functions assigned to the regional centre (Article 7); their duty to instruct the masters of their ships and the pilots of their aircraft to report, in a specified manner, all emergency situations and, thereafter, to communicate this information to the Contracting Parties likely to be affected by the pollution (Article 8); and finally, their duty to take certain measures and actions and call for assistance under prescribed terms, when faced with an emergency situation (Articles 9 and 10).

How this trust power is to be exercised by each Contracting Party is, again, a matter which can be appraised by reference to the related legislative behaviour of each of them. Such a reference is, as will be explained later, of a functional rather than of a positivist nature.

Similar considerations are to be given to the framework Article 6 of the Barcelona Convention. The trust power established by this Article, however, requires special attention for two reasons: firstly because, by the nature of things, its specifying normative aspect may be seen in the formulation and operation of the global MARPOL 73/78 (as explained earlier, pollution caused by discharges from ships inevitably calls for global rather than regional control); secondly, because nine Contracting Parties have so far ratified the MARPOL 73/78.

The MARPOL 73/78 covers all forms of pollution caused by discharges from ships and sets up all the necessary legal and technical details relating to pollution by oil, noxious liquid substances carried in bulk, harmful substances carried in freight containers, sewage and garbage from ships etc. It includes four technical Annexes of which only Annex I (which contains detailed regulations for the prevention of pollution by oil) is obligatory, whereas Annex II (which comprises detailed regulations for the control of pollution by noxious liquid in bulk), Annex III and Annex IV (which embody a series of detailed regulations for the prevention of pollution by harmful substances carried by sea in packaged forms or in freight containers, portable tanks or road and rail tank wagons, or by sewage from ships) are optional. Further improvements to the Convention and, especially, to the regulations for the prevention of pollution by oil contained in Annex I were carried out by the related Protocol of 1978.(14)

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(14) For the texts, see, SELECTED MULTILATERAL TREATIES IN THE FIELD OF THE ENVIRONMENT (ed. by Kiss, A.Ch.), op. cit.,pp.320 et seq. and 382 et seq..

The Third Meeting of the Contracting Parties, held in Dubrovnik, 1983, recommended that all the Contracting Parties should become parties to the MARPOL 73/78, thus pointing to the fact that the implementation of this Convention is to be regarded as giving actual effect to Article 6 of the Barcelona Convention.(15) However, the trust power in this case, although fully constituted, cannot be fully enforced for only half of the Contracting Parties have adhered to it.

It seems, therefore, that, from this point of view, the trust power is, with regard to the implementation of the public benefit purpose, an executory trust power. For its execution, the ratification of the MARPOL 73/78 by the rest of the Contracting Parties is required and this is a matter of time rather than of substance. Thus, although all Contracting Parties have endorsed the recommendation mentioned above, some of them have declared that they could not be committed to any immediate action "in view of the fact that becoming a party to the Convention would imply a number of complex and expensive measures",(16) implying that, for the time being, they considered the formality of adhesion to this Convention rather premature. In effect, the trust power to prevent, abate and combat pollution of the Mediterranean Sea area caused by discharges from ships is only partially enforceable, i.e., among those Contracting Parties who have so far adhered to it.

The trust power to protect those marine areas which are important for the safeguarding of the natural resources, natural sites and the cultural heritage of the Mediterraean Sea area arises from the implied common will of the Contracting Parties and is constituted and effectively declared by the SPA Protocol. Thus, although no express provision to that effect is included in the Barcelona Convention, the power to establish and manage Mediterranean specially protected areas is based upon the presumed intention of the Contracting Parties; it results, in other words, from the recurring implementation of the underlying public benefit purpose and, as such, it may be characterized as a resulting or implied trust power.

The general authorization for this resulting or implied trust power is formulated in Article 4(2) of the Barcelona Convention which provides that the Contracting Parties should co-operate in the formulation and adoption of additional protocols prescribing agreed measures, procedures and standards for the implementation of this Convention. This is to be coupled with the institutional framework established by Article 14 of the Barcelona Convention, offering a continuing forum for negotiation and for facilitating the consensus ascertainment of the implied common intention of the Contracting Parties. As is clearly stated in Article 14(2)(iv) the Meeting of the Contracting Parties can, in the exercise of its function, make recommendations regarding the adoption of any additional protocols. The adoption of such additional protocols will be effected, according to the terms of Article 15, at a diplomatic conference to be convened by the

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(15) REPORT OF THE THIRD MEETING OF THE CONTRACTING PARTIES TO THE CONVENTION FOR THE PROTECTION OF THE MEDITERRANEAN SEA AGAINST POLLUTION AND ITS RELATED PROTOCOLS, UNEP/IG.43/6, 15 March 1983, p.12.

(16) Ibid., p.12.

Organization and at the request of two thirds of the Contracting Parties. As a result, the consensus determining the implied common intention (and in effect the public benefit purpose of the Barcelona Convention) was gradually consolidated in a series of Meetings which, in the form of recommendations, initiated[17] the Draft SPA Protocol, prepared by the Intergovernmental Meeting on the Mediterranean Specially Protected Areas,[18] and subsequently submitted[19] to a diplomatic conference which adopted it on 2 April 1982.

The SPA Protocol illustrates the concretization of an implied trust power associated with the role of the Contracting Parties as international trustees in the implementation of a public benefit purpose. As such, it prescribes a series of inferential common norms and policies determining the implementation of this purpose in time and in space.

Thus, the SPA Protocol after determining the geographical coverage of its application (Article 2)[20] carries on to prescribe the duty of the Contracting Parties to establish protected areas and to undertake the necessary action for their protection and restoration, indicating at the same time the qualitative characteristics of such areas (Article 3).[21] It then typifies the consensus referring to the implementation

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(17) REPORT OF THE INTERGOVERNMENTAL REVIEW MEETING OF MEDITERRANEAN COASTAL STATES ON THE MEDITERRANEAN ACTION PLAN, UNEP/IG.11/4, 23 JANUARY 1978, ANNEX IV, pp.4-5; REPORT OF THE INTERGOVERNMENTAL REVIEW MEETING OF MEDITERRANEAN COASTAL STATES AND FIRST MEETING OF THE CONTRACTING PARTIES TO THE CONVENTION FOR THE PROTECTION OF THE MEDITERRANEAN SEA AGAINST POLLUTION AND ITS RELATED PROTOCOLS, op.cit., Annex V, p.6.

(18) In that ad hoc Meeting, held in Athens in 1980, the Draft SPA Protocol was prepared with the co-operation of FAO, IUCN and UNESCO; see REPORT OF THE INTERGOVERNMENTAL MEETING ON MEDITERRANEAN SPECIALLY PROTECTED AREAS, UNEP/IG.20/5, 1980, Annexes IV and VI.

(19) REPORT OF THE SECOND MEETING OF THE CONTRACTING PARTIES TO THE CONVENTION FOR THE PROTECTION OF THE MEDITERRANEAN SEA AGAINST POLLUTION AND ITS RELATED PROTOCOLS AND INTERGOVERNMENTAL REVIEW MEETING OF MEDITERRANEAN COASTAL STATES ON THE ACTION PLAN, UNEP/IG.23/11, 23 March 1981, pp.12-13.

(20) On the question of compatibility of this Article with the geographical coverage laid down in Article 1 of the Barcelona Convention, see GEOGRAPHICAL COVERAGE OF THE DRAFT PROTOCOL RELATING TO THE MEDITERRANEAN SPECIALLY PROTECTED AREAS-STUDY BY A GROUP OF LEGAL EXPERTS, DESIGNATED BY UNEP, UNEP/IG.23/10, 8 Dec. 1980.

(21) Article 3 para.2 reads:
Such Areas shall be established in order to safeguard in particular
a) - sites of biological and ecological value;
- the genetic diversity, as well as satisfactory population levels of species, and their breeding grounds and habitats;
- representative types of ecosystems, as well as ecological processes; (cont.)

of the public benefit purpose by setting out a series of relational duties which concern: the formulation and adoption of common guidelines and standards or criteria for the selection, establishment, management and notification of information on protected areas (Article 4); the establishment of buffer areas in which activities should be less severely restricted while remaining compatible with the purposes of the protected area (Article 5); the terms and conditions for the establishment of protected areas contiguous to neighbouring states which are or are not parties to this Protocol (Article 6); an indication of measures to be taken progressively for the proper management of each protected area taking into account its characteristics (Article 7); the appropriate publicity to the establishment of protected areas and the organization of all relevant information (Article 8); the need to take into account the traditional activities of the local population when promulgating protective measures and the limits of allowing exemptions for that reason (Article 9); the development of scientific and technical research (Article 10); the spread of information to the public on the significance and interest of the protected areas and the promotion of its participation in the formulation of appropriate protective measures (Article 11); the establishment of a co-operation programme to co-ordinate the establishment, planning, management and conservation of protected areas with a view to creating a network of protected areas in the Mediterranean region (Article 12); the exchange of scientific and technical information concerning research and its co-ordination and the standardization of scientific methods to be applied in the selection, management and monitoring of protected areas (Article 13); the conditions of reporting to the Organization of all relevant information and of designating persons responsible for protected areas (Article 14); and the conditions of co-operation in carrying out programmes of mutual assistance and of special assistance to the developing countries (Article 15).

The extent as well as the quality of the exercise of this trust power in each national context can be further identified in the relevant legislative behaviour of each Contracting Party.

In a similar manner a number of other framework Articles of the Barcelona Convention may be regarded as containing and thus constituting trust powers since they set out duties directly connected with the effective implementation of the underlying public benefit purpose and their content has been adequately specified by the concretizing consensus of the Contracting Parties. Yet their distinctive characteristic may be further attributed to the generally subservient nature to the effective operation of the trust powers described above and, therefore, their specification is, in effect, attached to the consensus concretizing the latter. Thus, the duty to establish pollution monitoring programmes and system for the Mediterranean Sea Area, designating national competent authorities, participating as far as practicable in relevant international arrangements and prescribing common procedures and standards for pollution monitoring (Article 10) belongs to this category.

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b) sites of particular importance because of their scientific, aesthetic , historical, archaeological, cultural or educational interest.

Its effectual declaration is further to be associated with Article 4 of the Emergency Protocol, Article 8 of the LBS Protocol and Article 12 of the SPA Protocol where the essence and the extent of specific monitoring activities are prescribed. Also, the general duty set out in Article 11 can be similarly construed: the duty to co-operate in the fields of science and technology, developing research programmes and giving priority to the special needs of the developing countries of the region appears to be effectively declared as a trust power in view of its specific association with the Emergency Protocol (Article 6), the LBS Protocol (Articles 9 and 10) and the SPA Protocol (Articles 10, 13 and 15). Finally, similar characteristics present in Article 20 set out the duty to transmit to the Organization reports on the measures adopted in the implementation of the Barcelona Convention system: it is, also, effectively declared as a trust power in view of its specific association with the operation of the LBS Protocol (Article 13) and the SPA Protocol (Article 14).(22)

When the trust powers contained in the Barcelona Convention remain substantially unspecified due to the lack of a concretizing consensus making them effective, then it could be argued by analogy, that these trust powers are incompletely constituted. Unlike the trust powers described above, the trust powers in this case are not wholly created, and require a further specifying agreement among the Contracting Parties which would make them enforceable. In the meantime and until their completion, they can operate only as agreements to create specific trust powers.

Instances of incompletely constituted trust powers in the context of the Barcelona Convention can be easily identified. Thus, the framework provision of Article 7, setting out the general duty to prevent, abate and combat pollution resulting from exploration and exploitation of the Continental Shelf and the Sea-Bed and its subsoil, is so far, and despite the process already initiated of producing consensus for the establishment of a specifying Protocol,(23) an incompletely constituted trust power. Similarly, the framework provision of Article 12, is to be regarded as an incompletely constituted trust power: it sets up a general duty, that is, the duty to co-operate in the formulation and adoption of appropriate procedures for the determination of liability and compensation for damage resulting from pollution deriving from violations of the Barcelona Convention system, without being accompanied by a concretizing consensus setting out comprehensively those terms and conditions which would make it effective. It appears that "a prerequisite for any attempt to establish compensation machinery for the various sources of pollution in the Mediterranean in order to supplement the

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(22) These reports are to be considered at the meetings of the Contracting Parties and "if systematically and thoroughly done, can be quite an effective means of promoting compliance", KUWABARA,S. "The Legal Regime of the Protection of the Mediterranean against Pollution from Land-based Sources", op. cit., p.28.

(23) See above pp.19-20.

existing machinery is undoubtedly a genuine political will on the part of the Mediterranean States to remove any possible obstacle to the implementation of such measures".(24) But the development of such a consensus among the Contracting Parties and the establishment of a Mediterranean inter-state Guarantee Fund is still under consideration(25), though the latter has been envisaged from the inception of the MAP.(26)

Because of the special nature of the underlying public benefit purpose and, particularly, of the distinct nature of the Contracting Parties as subjects of trust powers and administrators of the interests protected by them, special powers have been formulated in the Barcelona Convention specifically concerning the control and administration of this purpose. These administrative powers vested in the Contracting Parties as public trustees aim at the contextual effectiveness of the operation of the public benefit purpose, the procedural harmonization of conflicting interests and the co-ordination of correlative patterns of co-operation.

Some reference has already been made with regard to the administrative power concerning the conditions of co-ordination of correlative patterns of co-operation, as stated in Article 3 of the Barcelona Convention. In order to obtain the best results from the point of view of the operation and promotion of the public benefit purpose at various levels of co-operation and the rationalization of the corresponding activities, the Contracting Parties are, as public trustees, endowed with two administrative powers: the power to enter into bilateral or multilateral agreements for the protection of the Mediterranean marine environment against pollution, provided that they

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(24) STUDY CONCERNING THE MEDITERRANEAN INTER-STATE GUARANTEE FUND AND LIABILITY AND COMPENSATION FOR DAMAGE RESULTING FROM THE POLLUTION OF THE MARINE ENVIRONMENT, UNEP/IG.23/INF.3, 3 November 1980, p.48.

(25) It is worth noticiing that in the 1984 Athens Extraordinary Meeting of the Contracting Parties the question of establishing a Mediterranean Inter-state Guarantee Fund was declared to be still a theoretical question which ought to be examined and since then there has been no progress so far. According to the recommendation of that Meeting, the Contracting Parties had approved "the preparation by the secretariat of a study that would evaluate the adequacy of the existing coverage for environmental pollution damage in the Mediterranean and advise the Contracting Parties..... on the need, if any, for an Inter-State Guarantee Fund, on its proposed coverage, method of funding and operation". REPORT OF THE EXTRAORDINARY MEETING OF THE CONTRACTING PARTIES TO THE CONVENTION FOR THE PROTECTION OF THE MEDITERRANEAN SEA AGAINST POLLUTION AND ITS RELATED PROTOCOLS, UNEP/IG.49/5, 30 April 1984, p.29.

(26) See, REPORT OF THE INTERGOVERNMENTAL REVIEW MEETING OF MEDITERRANEAN COASTAL STATES AND FIRST MEETING OF THE CONTRACTING PARTIES TO THE CONVENTION FOR THE PROTECTION OF THE MEDITERRANEAN SEA AGAINST POLLUTION AND ITS RELATED PROTOCOLS, op. cit., Annex V, pp.8-9.

review their consistency with the Barcelona Convention;(27) and the power to review the nature of the functional interlinking of the Barcelona Convention with the LOS Convention, as is clearly implied from the wording of paragraph 2 of this Article.(28)

Significant administrative powers, deriving from the distinct nature of the Contracting Parties as subjects of trust powers and administrators in the effective implementation of the public benefit purpose, are also constituted in the Barcelona Convention. Of special importance is the power of the Contracting Parties to hold, according to the terms of Article 14 of the Convention, ordinary and extraordinary meetings in order to keep under review the implementation of the Barcelona Convention system. This is without doubt a fundamental power of administration because it sets up an institutional structure for a continuing review of the MAP as a whole and, correspondingly, for a gradual build-up of consensus for actions, norms and policies advancing its purpose. As Article 14(2) further states, the meetings of the Contracting Parties should, in particular, review the inventories carried out by the Contracting Parties and competent international organizations on the state and effects of marine pollution in the Mediterranean Sea; should consider reports by the Contracting Parties; should adopt, review and amend the annexes; should make recommendations on the adoption of any additional protocols or any amendments to the Barcelona Convention system; should establish working groups; and should consider and undertake any additional actions required for the achievement of the purpose of the Barcelona Convention system. A more particular description of the function of the meetings of the Contracting Parties is indicatively declared in the instrument of each Protocol,(29) for

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(27) It is worth noting that three sub-regional agreements are expected to be fully implemented by 1990: the Italian-Yugoslav Agreement for Co-operation on the Protection of the Adriatic Sea and the Coastal Regions against Pollution (1974), the RAMOGE Agreement on the Protection of the Ligurian Sea (France, Italy and Monaco, 1976) and the Greece-Italy Agreement of Co-operation on the Protection of the Environment of Ionian Sea and the Coastal Areas; see REPORT TO THE FIFTH ORDINARY MEETING OF THE CONTRACTING PARTIES TO THE CONVENTION FOR THE PROTECTION OF THE MEDITERRANEAN SEA AGAINST POLLUTION AND ITS RELATED PROTOCOLS, op. cit., p.25.

(28) Article 3(2) reads: "Nothing in this Convention shall prejudice the codification and development of the Law of the Sea by the United Nations Conference on the Law of the Sea convened pursuant to resolution 2750 C(XXV) of the General Assembly of the United Nations...". After the conclusion of the LOS Convention in 1982, the Contracting Parties have recommended the study by the secretariat of the bearing of the relevant provisions of this Convention "on the co-operation of the States in the framework of the Mediterranean Action Plan and the Barcelona Convention." REPORT OF THE EXTRAORDINARY MEETING OF THE CONTRACTING PARTIES TO THE CONVENTION FOR THE PROTECTION OF THE MEDITERRANEAN SEA AGAINST POLLUTION AND ITS RELATED PROTOCOLS, Athens 1984, op. cit., p.30.

(29) See Article 14(2) of the Dumping Protocol, Article 12(2) of the Emergency Protocol, Article 14(2) of the LBS Protocol and Article 17(2) of the SPA Protocol.

this seems to require the ad hoc administration of the special objectives set out by each of them.

The effective administration of the public benefit purpose is also facilitated by the power of the Contracting Parties to decide at diplomatic conferences certain issues specifically provided by Articles 15 and 16 of the Barcelona Convention. Thus, the Contracting Parties may decide at a diplomatic conference on the adoption of additional protocols at the request of two-thirds of the Contracting Parties (Article 15). They also have the administrative power to decide at a diplomatic conference on the adoption of amendments either to the Convention or Protocols at the request of the same majority. On the other hand, the meetings of the Contracting Parties has, with one exception,(30) the power to decide on the more technical issues related to the adoption of annexes, or amendments to annexes, to the Convention or to any protocol (Article 17).

Since the implementation of the public benefit purpose is entrusted to all the Contracting Parties it follows that the acts or decisions in the administration of the Barcelona Convention system as a public trust should therefore be those of all the Contracting Parties given their identity as public trustees. Here is the crux of the matter. The administrative powers conferred upon the Contracting Parties by Articles 14-17, can only be effective if their exercise reflects acts or decisions by all of them. After all, this also seems to be a natural consequence of the high level of interdependence of the issues at stake and, indeed, of the political necessity of operating at all levels by the gradual building-up of consensus. The clarification of these points will serve to assist in the explanation of how the effectiveness of administration is, in this context, actually guaranteed.

In the first place, it was deemed necessary to have voting rules in order to safeguard the position that, in the exercise of their administrative powers, the Contracting Parties would be able to reach decisions, in the name of the implementation, continuous operation and furtherance of the Barcelona Convention system. By Article 18(1) of the Convention, the Contracting Parties were specifically invested with the power to adopt rules of procedure for their meetings and conferences and, at their First Meeting, 1979, they adopted their Rules of Procedure for Meetings and Conferences, subsequently amended at their Second Meeting, 1981.(31) The rules on voting included therein followed the traditional pattern: after defining the voting rights (Rule 42) they specify the

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(30) As Article 17(4) provides, amendments to the annex on arbitration inserted in the Barcelona Convention as Annex A should be considered to be amendments to this Convention and, consequently, to be adopted at a diplomatic conference and under the terms of Article 16.

(31) Rules of Procedure for Meetings and Conferences of the Contracting Parties to the Convention for the Protection of the Mediterranean Sea Against Pollution and its Related Protocols, REPORT OF THE INTERGOVERNMENTAL REVIEW MEETING OF MEDITERRANEAN COASTAL STATES AND FIRST MEETING OF THE CONTRACTING PARTIES, 1979, op. cit., Annex VII and REPORT OF THE SECOND MEETING OF THE CONTRACTING PARTIES, 1981, op. cit., Annex VII.

required majorities. Thus, a two-thirds majority of the Contracting Parties present and voting, is necessary for the making of the Protocols,(32) the financial terms of reference, substantive decisions, recommendations and resolutions "unless otherwise provided by the Convention" (Rule 43(1)), whereas a simple majority is required for decisions on procedural matters (Rule 44(1)). The Convention itself prescribes voting rules for the adoption of amendments to the Convention or the Protocols requiring a three-fourths majority (Article 16) and for the adoption of annexes and amendments to annexes also requiring a three-fourths majority but with one important qualification: the decision of the majority, here, can become effective for all Contracting Parties concerned if, on expiry of the period determined by them, the objecting Contracting Party has not notified its intention in writing (Article 17).

It should however be noted immediately that the system of the above-stated formal voting rules comes, in practice, into operation when consensus cannot be achieved. This, in fact, was clearly indicated in the Report of the Working Group on the Rules of Procedure for the Meetings and Conferences of the Contracting Parties where with regard to Rule 43(1) it was stated that in its view a consensus should be sought before going on to vote and that when the vote could not be avoided the prescribed majority should be required.(33) Although, therefore, not explicitly stated, consensus procedure was, in practice, considered to be the normal method of reaching decisions on substantive issues. One obvious reason for this was the strong political perspective permeating through the co-operative effort of the Contracting Parties: the necessity of reaching a commonly acceptable compromise by mutual adjustment of their interests in view of their close interdependence in the implementation of the Barcelona Convention system. Another reason is the nature of the negotiating process itself concerning issues consequential to an already established general regime of co-operation. Thus the necessity to decide on implementing aspects of the Barcelona Convention system, specifying in other words on what has been called "referent principles",(34) can be naturally met by the consensus of the Contracting Parties: reaching decision by consensus seems to be, in this regard, functionally facilitated by the very implementational quality of the issues involved. A third interrelated reason is that in many cases, decisions of the administration of the trusteeship established by the Barcelona Convention system culminate, in reality, in an institutionalized process of co-operation among various areas of expertise

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(32) The requirement for the vote of two-thirds majority of the States present and voting is stated as a general rule for the adoption of the text of a treaty at an international conference (Article 9(2) of the Vienna Convention on the Law of Treaties, 1969). For a discussion on the extensibility of this Article to regional conferences, see SINCLAIR I.M. "The Vienna Convention on the Law of Treaties", 1973, Manchester Univ. Press, pp.32-35.

(33) REPORT OF THE INTERGOVERNMENTAL REVIEW MEETING OF MEDITERRANEAN COASTAL STATES AND FIRST MEETING OF THE CONTRACTING PARTIES, 1979, op. cit., Annex VI, p.3.

(34) ZARTMAN,W. "Negotiations: Theory and Reality", 29 JOURNAL OF INTERNATIONAL AFFAIRS, 1975, pp.69, 71-77.

constituencies with the effect that the issues under consideration be adequately prepared and clarified. As a result, the Contracting Parties are in the position of making decisions by consensus which may implement specifically and effectively the various co-operative aspects of the MAP.

From all this it follows that, despite the formulation of formal rules on voting, the Contracting Parties, operating as public trustees, exercise the administrative powers described above, first and foremost, jointly, on the basis of consensus. Of course, voting rules must necessarily exist, even if mainly for their symbolic power: as such, they apply pressure on the Contracting Parties to come to a commonly accepted decision, thus averting a possible deadlock to which consensus procedure may have led. They are also necessary to make the adoption of additional protocols, amendments or annexes more instrumental than contractual when on the one hand, by the preceding negotiating process only insignificant substantive difficulties still remain and on the other hand, consensus cannot be achieved. After all, as the analogy of public trusts suggests, the Contracting Parties, in some circumstances, may, as public trustees, take decisions by majority since, in the last analysis, emphasis is to be laid upon the effective implementation of the public benefit purpose underlying the Barcelona Convention system.(35) Finally, the Contracting Parties may resort to the use of voting rules in relation to procedural issues asssociated with political difficulties which hamper the progress of their meeting and are impossible to overcome by consensus.(36)

The effective administration of public benefit purpose as enshrined in the Barcelona Convention system is further facilitated by the power of the Contracting Parties to delegate certain secretariat functions to UNEP. Thus, under Article 13 of the Barcelona Convention the Contracting Parties have designated UNEP as responsible for carrying out certain specified secretariat functions, i.e. to convene and prepare the meetings and conferences of the Contracting Parties, to transmit notifications to them, reports and any other information received according to the terms of the Convention, to consider inquiries by them or any information coming from them and to consult with them on any question relating to the Barcelona Convention system, and to ensure the necessary co-ordination with other international bodies which the Contracting Parties consider competent (Article 13(i)-(iii),(vi)). Besides, there is a provision that UNEP may perform whatever functions may be assigned to it either by the Protocols or by the Contracting Parties (Article 13(iv)-(v)). In sum, UNEP is charged with the function of carrying out most of the routine administration of the Barcelona Convention system (convening and preparing the meetings and conferences, transmitting information, etc.) as well as the function of giving to the Contracting Parties an opinion or advice on any matter affecting the performance of their duties in

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(35) HANBURY, H.G. and MAUDSELY, R.H. "Modern Equity", op. cit., p.465; PARKER, D.B. and MELLOWS, A.P. "The Modern Law of Trusts", op. cit., p.272.

(36) Thus, in the Fifth Ordinary Meeting of the Contracting Parties, the election of officers in accordance with rule 20 of the Rules of Procedure, was the result of a vote since consensus could not be achieved during the informal consultations.

the context of the Barcelona Convention system. Special reference should be made to UNEP's duty to submit to the Meetings of the Contracting Parties a report of considerable importance. The Report of the Executive Director plays an important role, not only because it offers a complete and comprehensive picture of the state of the MAP and the problems related to its administration but also because it encourages the development of better methods of administration, it recommends activities to be undertaken and it may even arrive at policy recommendations proposing the central strategy, its implications and the steps to be taken for its implementation.(37) UNEP, operating as a public authority on the analogy of the public trust, has established the Co-ordinating Unit for the MAP which is under the authority of the Executive Director and within the mandate and decisions of the Contracting Parties and performs de facto secretariat functions. Yet it should be stressed that UNEP has no power to act in the administration of the Action Plan or of the Barcelona Convention system. As in the public trust, UNEP acting, to a large extent, as a public authority may perform certain executive and advisory functions delegated to it by the Contracting Parties but it is they who must make the decisions. In fact, due to the hybrid nature of the Contracting Parties as public settlors and public trustees, as rulers and ruled in the Aristotelian expression, UNEP has fairly restricted powers, compared to those of the public authorities operating in the context of public trusts of Municipal Law,(38) and that is the reason why the functions entrusted to UNEP are rather delegated by the Contracting Parties.

As public trustees, each Contracting Party has the express power to withdraw from the Barcelona Convention system at its own discretion. Article 28 provides that the discretionary exercise of the power to withdraw is subject to only two formal limitations: that a lapse of three years from the date of entry into force of the Convention has occurred and that withdrawal is expressed by giving written notification to the rest of the co-trustee Contracting Parties. This power to withdraw is the analogue of the power to retire, vested in the public trustees of Municipal Law; its exercise does not affect the operation of the established public trust among the rest of the Contracting Parties and it amounts to a repeal of the concrete participation in the Barcelona Convention system.

Like the public trusts of Municipal Law, the public trust established by the Contracting Parties should be registered in some way. In the former case, registration raises a conclusive presumption that a

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(37) Such a strategy concerning the re-focusing of the MAP for the purpose of adapting their ongoing activities and structures to its central goal was proposed by the Executive Director in the REPORT OF THE EXECUTIVE DIRECTOR ON THE IMPLEMENTATION OF THE ACTION PLAN AND OF THE GENOA DECLARATION IN 1986-1987 AND RECOMMENDATIONS FOR ACTIVITIES TO BE UNDERTAKEN IN THE 1988-1989 BIENNIUM WITH RELATED BUDGET PROPOSALS--POLICY RECOMMENDATIONS OF THE EXECUTIVE DIRECTOR, UNEP/IG.74/3/Add.2.

(38) Comp. HANBURY, H.G. and MAUDSLEY, R.H." Modern Equity", op. cit., pp.458-463; PARKER, D.B. and MELLOWS, A.R. "The Modern Law of Trusts", op. cit., pp.233-242.

public trust is established.(39) In the latter case, a series of provisions comprised in the Barcelona Convention states that the formal instruments of ratification, acceptance, approval or accession should be deposited by each Contracting Party with the Government of Spain which will assume the functions of a Depository (Articles 25-26) and that the Depository will be charged with certain responsibilities as specifically mentioned in Article 29. In this context and unlike the public trust in Municipal Law, the decision to deposit the above formal instruments of participation lies with each Contracting Party and reflects the exercise of a discretionary power given its hybrid nature as a public settlor and trustee. On the exercise of this power by a specified number of the Contracting Parties finally depended the entry into force of the Barcelona Convention system, according to Article 27.

Special attention should be drawn to the powers of the Contracting Parties to administer questions of disputes between them as to the interpretation or application of the Barcelona Convention system. These powers enable the Contracting Parties either by themselves or under the auspices of a third party, whether legal or political, to solve their dispute so that the public benefit purpose underlying the Barcelona Convention system will continue to be effectively administered. These powers, ascribed to the role of the Contracting Parties as public trustees, may adequately be identified only as powers for settling disputes between them related to the management or administration of this purpose. A direct consequence of this is that the dispute settling procedure associated with these powers can be effective, when resorted to, if regarded as an integral part of the autonomous system established by the Barcelona Convention and its related Protocols.

It is in this perspective that the operation of Article 22 of the Barcelona Convention should be approached. Indeed, the outcome of a dispute (whose resolution has been reached through the settlement procedure prescribed thereby) should, in order to be viable, be creatively linked with the recurring implementation of the public benefit purpose co-operatively pursued by the Contracting Parties. An immediate implication of the instrumental character of Article 22 is that the traditional settling processes of this Article can be used with regard to these disputes concerning specific issues of words' construction needing to be clarified, or issues resulting from the administration or management of the public benefit purpose. Looked at and placed in context Article 22 substantiates all the above points well.

In the first place, the formulation of Article 22 is typical in the sense that it sets out a standard dispute settlement procedure which can be found, with a few variations, in almost all treaties. As is specifically stated, the Contracting Parties, in the case of a dispute between them as to the interpretation or application of the Convention or the protocols, should, in the first instance, seek a settlement through direct negotiation or by any other peaceful means of their own choosing; in the case of a deadlock, the Parties concerned should, by common agreement, submit their dispute to the arbitration procedure the

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(39) HANBURY, H.G. and MAUDSLEY, R.H. "Modern Equity", op. cit., pp.461-462; PARKER, D.B. and MELLOWS, A.R. "The Modern Law of Trusts", op. cit., pp.235-236.

conditions of which are laid down in annex A of the Barcelona Convention. As is further provided, "the Contracting Parties may at any time declare that they recognize as compulsory ipso facto and without special agreement, in relation to any other Party accepting the same obligation", the application of the above stated arbitration procedure.

From this formulation it is evident that the choice of a specific arrangement for dispute settlement is left to the parties of the dispute. In other words, the operation of the traditional settling processes of Article 22 is at the discretion of the Parties concerned. This discretion can be exercised in connection with disputes of a specific nature, that is, disputes which the Contracting Parties as public trustees may consider as "positional"(40) because their zero-sum character(41) is clearly perceptible in the context of the implementation of the public benefit purpose. As instances of positional disputes of this sort one should mention, taking up the analogy of public trust in Municipal Law, those which refer to the meaning of words in the text of the Convention or the protocols which need to be precise in order to enable the Contracting Parties to act as public trustees, as well as those which refer to acts in the administration of the public benefit purpose underlying the Barcelona Convention system.

On the other hand, it should also be noted that disputes arising in respect of the ascertainment or the effective implementation of the public benefit purpose itself should, in the first place, be "resolved" rather than "settled". As was already stated in Part One, the MAP is, in practice, a problem-oriented programme(42) where conflicts of interests are, by virtue of its institutional structure, converted into shared problems with the effect that a process is set up in which accommodation of interests and reallocation of values is construed in terms of a creative consensus ensuring the effectiveness of the public benefit purpose. Such a consensus ascertainment is, as DE REUCK observes, "a process of 'discovery' that cannot be taught, even by a conciliator: it can only be reached by the parties themselves".(43) In fact, the settlement of disputes concerning the determination of the public benefit purpose cannot be decided on set principles but the terms can only be adjusted from time to time: the inevitable clashes between the settling aspect and the relational aspect of the Barcelona Convention system can be resolved by further negotiations, to arrive at a new level of consensus thus effectively implementing the underlying public benefit purpose. In other words, the quest for harmony within the Barcelona Convention system should be accommodative rather than integrative: consensus has a public character, consisting of an agreement on a publicly-acknowledged purpose, while, at the same time, the contending interests are recognized and not submerged within its realm.

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(40) DE REUCK, A. "The Logic of Conflict: Its Origin, Development and Resolution", in CONFLICT IN WORLD SOCIETY-A NEW PERSPECTIVE IN INTERNATIONAL RELATIONS, 1984 (ed. by M. Banks),p.107.

(41) A conflict is of a zero-sum character when the Parties in dispute are in a situation of strict competition due to the scarcity of values which must be shared and, in consequence, its settlement involves a win-or-lose outcome.

(42) See above, p.14.

(43) DE REUCK, A., ibid., pp.109-110.

If, however, the Contracting Parties interpret their disputes as "positional", then the procedure of Article 22 and the arbitration procedure in particular can only operate creatively. When, therefore, the autonomous system of the Barcelona Convention risks a breakdown and the public benefit purpose is in danger of being discontinued, then the procedure of Article 22 is to be resorted to in order to preserve the relation. If, therefore, a resort to arbitration is being made, this might be well regarded as an extension of the administration of the public benefit purpose, helping the Parties in dispute to determine the latter. Since it is an integral part of the Barcelona Convention system the arbitration procedure may well be regarded as providing some kind of interstitial rules subject to later revision by the Contracting Parties.

II. A RELATIONAL MODEL FOR COMPILING NATIONAL IMPLEMENTING LEGISLATION

1. TECHNICAL v. LEGAL/POLICY COMPONENTS

In the light of the above-mentioned matters, the question of the specific implementation of the Barcelona Convention and its four Related Protocols in the context of the national jurisdictions of the Mediterranean Countries is crucial for the future advancement of the policies and purposes propounded by the Mediterranean Action Plan. It now seems that the protection of the Mediterranean may lie not so much on the progress which has undeniably been achieved on the technical side but rather on an in-depth review and functional analysis of the present state of the law-and-policy making process.

So far, the technical component of the Mediterranean Action Plan (MED POL, BLUE PLAN, PAP) has reached a commendable state of co-ordinated development and effectiveness. However, this one-sided progress of the technical component, although satisfying for the technically-minded Representatives of the 18 Contracting Parties (17 Mediterranean countries plus the European Community) cannot by itself promote policy and normative integration among the participants. It seems that at this stage of development, the MAP has become a framework of consistent technical co-operation lacking, however, countervailing insights into the contemporary legal-and-policy necessary advancements. It should be admitted that to bring about the integration of environmental policies at the policy-normative level is far more difficult. It does not escape our attention that the first steps in the promotion of some degree of integration can take place at the technical level, given the delicate political issues which actually disturb the relations of the participants dangerously at other levels.

This last observation needs to be further qualified.

In view of the heterogeneity of the Contracting Parties in political, economic and socio-cultural terms, it was considered as more tangible and, indeed, more workable to stress the technical aspects of the constituted pattern of environmental co-operation and to place, correspondingly, less emphasis on its non-technical aspects. This clearly discernible trend could be explained by the undeniably strong perception of symmetry underlying the process of technical co-operation. Thus, it was evident that the heterogenous Contracting Parties, expressing widely differing individual and collective identities, were

prepared to associate the support of their common environmental problem with the development of the technical dimension of the MAP because only at this level could they easily envisage themselves as complementing each other and keeping the size of payoffs small.(44)

By designating national institutions to carry out the technical work of the MAP and, further, by organizing these in co-operative networks, the Contracting Parties could then more readily assume that each had something to offer needed by the rest, despite their particularities and their special collective-individual interests. Symmetry takes on here the meaning of "complementarity" and refers to the structural aspect of the relation of the Contracting Parties. Furthermore, this concept of symmetry seems to be coupled with another operational aspect of that relation: the perception of an equal distribution of payoffs, which, in view of the heterogeneity of the Contracting Parties on the one hand and the need for a comprehensive solution on the other hand, can be satisfied if the size of payoffs of the envisaged co-operation are comparably small. Thus, the concentration on the development of the technical component of the MAP seems to be, among other things, attributable to the requirements of a co-operative strategy suitable for the kind of co-operation relating to smaller payoffs so that the Contracting Parties will not have to concern themselves about possible assymetries in payoffs at their expense. In this perspective, it is easily understood why co-operation was most highly developed not only with regard to the technical component but also in relation to the assessment level of the latter as compared to its management aspect.

However, the environmental protection of the Mediterranean Sea and of the coast of the Mediterranean Basin is a pressing common problem and the MAP has been, for many years now, the main instrument of a joint co-ordinated policy in this regard. It is agreed by all that it should remain so. Otherwise, the prospects for the Sea of Civilizations are daunting, to the considerable detriment of the developing countries of the region. Taking full advantage of the past achievements of the Action Plan as well as of the ongoing activities and structures, one would expect a furtherance and strengthening of its central tenet: that is, the environmentally sound integrated planning and management of the Mediterranean Basin. So far "most of the activities are mainly oriented towards assessment of the region's environmental problems, and only some of them directly contribute to the solution of these problems through management action", remarks the Executive Director of UNEP in his latest Report.(45) In the light of this, the legal-and-policy component of the

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(44) For the importance of these two factors for the growth of co-operation finally leading to integration, see FREI, D. "Evolving a Conceptual Framework of Inter-Systems Relations" UNITAR, Research Report No.25, 1980.

(45) UNEP: REPORT OF THE EXECUTIVE DIRECTOR ON THE IMPLEMENTATION OF THE ACTION PLAN AND OF THE GENOA DECLARATION IN 1986-1987 AND RECOMMENDATIONS FOR ACTIVITIES TO BE UNDERTAKEN IN THE 1988-1989 BIENNIUM WITH RELATED BUDGET PROPOSALS, POLICY RECOMMENDATIONS OF THE EXECUTIVE DIRECTOR, UNEP/IG.74/3/Add.2, 31 August 1987, para. 10, p.2.

MAP, as a major tool of environmental management and a "sine qua non" element of the overall integrative process, has been called upon to establish itself in the institutional network of communication and co-ordination of the Contracting Parties. A positive step in this direction has been made by the recent initiation of a Project on developing a Model of Compilation of all legal instruments which refer to the current environmental action, national and international, as well as to the respective institutional structures of the Contracting Parties in the context of the Barcelona Convention. The case study on Greece has been approved of as the starting point of this compilation process.(46)

2. DEVELOPING A MODEL OF COMPILATION OF NATIONAL IMLEMENTING LEGISLATION

It must be stressed from the outset that the aim of the Project is the establishment of a Model of Compilation which is intended to be applied to the rest of the Contracting Parties. What underlies this aim is the progressive development of a methodology which will guide the compilation process, envisaging it not merely as a mechanical exercise but, indeed, as a well-structured and functionally effective "mapping" operation, highlighting, and in some cases even revealing, the particularities of the national contexts: i.e., the distinctive institutional and administrative settings for the protection of the marine environment as well as the respective legislative "portrait" of each Contracting Party.

It is essential that the proposed methodology should grant a breathing space to all aspects of the model it is wished to establish. For it is the functional effectiveness of the model, tested in various contexts, and not its shape that is important in the methodological appraisals. The need for such a breathing space may well be appreciated if one considers seriously the fact that national environmental legislation individuating and intensifying the collective standards, policies and procedures set out by the Barcelona Convention and its related Protocols does not take place in a vacuum. It operates in context and has meaning as to the extent that it functions in context. In fact, the national environmental legislation has its own macro-context, the socio-economic, political and physical environment in which it is to operate. After all, behind the words "Environmental Legislation" and the function, stands a whole series of socio-economic and legal assumptions and a whole system of Justice which is distributive rather than merely remedial. It is, therefore, pertinent to take into account the process of making decisions in conformity with the national expectations of appropriateness of those who are politically relevant. These expectations

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(46) UNEP: REPORT OF THE EXECUTIVE DIRECTOR ON THE IMPLEMENTATION OF THE ACTION PLAN AND THE GENOA DECLARATION IN 1986-1987 AND RECOMMENDATIONS FOR ACTIVITIES TO BE UNDERTAKEN IN THE 1988-1989 BIENNIUM WITH RELATED BUDGET PROPOSALS, UNEP/IG.74/3, 30 June 1987, paras 80-86, pp.11-13. See also, UNEP: REPORT TO THE FIFTH ORDINARY MEETING OF THE CONTRACTING PARTIES, op. cit., para.64, p.11, and Recommendation D(8), p.51.

relate to the following variables which reflect the programmatic use of the Compilation Model for the purposes of analysis:

-who is making the Environmental Legislation;
-when the Environmental Legislation was made and to whom it applies;
-how environmental information is processed;
-how the environmental conflicts are dealt with and resolved;
-how existing environmental practices are changed;
-how the environmental activities of non-governmental organizations and groups are appraised.

Disentangling systematically the national context in terms of the above-specified, though by no means exclusive, variables we may throw some light on the effective, but frequently neglected, referential link between the Environmental Legislation, promulgated by each Mediterranean country, and the socio-economic political and physical context to which it applies.

Since the compilation process is at an early stage of development and comprises the legislative portrait of only one Contracting Party, i.e., Greece, it would be rather premature, without the necessary comparative perspective, to elaborate further in this direction. After all, one would expect that, through the learning experience of using the Compilation Model by the rest of the Contracting Parties and by the continuous communication with their competent authorities, the already mentioned variables could be further developed.

On the other hand, it should be noted that comparable developments and difficulties have been already experienced during the evolution of the co-ordinated technical response to the pollution problem within the context of the Mediterranean Action Plan. Whereas at the level of technical and scientific information the co-ordinated process has been smooth, fast-developing and broadly effective, at the level of integrating technical and scientific standards into a normative language and a standardized methodology the co-ordinated process has been, by virtue of its distinct interactive nature, markedly difficult and complicated. The giving of information, equipment and instruments and the offer of training and assistance, reflect the necessary first, less-demanding technical level, where the Contracting Parties move on a non-imposition of communication process. Conversely, establishing or adopting norms or common criteria and methods on how to measure certain aspects or on where to set the limits of what is dangerous and what is not, constitutes the second and more sophisticated technical level. Here the Contracting Parties proceed to the analysis of the technical information already collected and, furthermore, are called upon to accommodate their interests through the creation of a common normative language. In other words, the Contracting Parties are expected to move on an overall imposing communication process requiring an advanced degree of integration of their relative technical and scientific policies. Not surprisingly, this has been proved immeasurably more demanding.

Correspondingly, the disconcerting lack of information with regard to the legislative implementation of the Barcelona Convention and its related Protocols within the national context and the lack of any systematic review of the legal-and-policy response to the pollution and conservation problem in the Mediterranean Basin, calls for a programmatic use of the Compilation Model for the purposes of information (or gathering of intelligence). Here, the Compilation Model is expected to perform its heuristic function in order to:

i) throw light on the current state of the Legislation in force in each Mediterranean country dealing, directly or indirectly, with the protection of the Mediterranean Sea from pollution, or prescribing the competences and functions of the implementing institutional machinery;

ii) highlight the breadth of the subjects relating to this Legislation by indicating what subjects appear to be richly legislated, due to strenuous socio-economic and political pressures and expectations and what subjects appear to be either under-legislated or lacking any legislative attention;

iii) identify the link of the relevant subjects which is shaped not only by strictly environmental but also by developmental issues which could be considered as functionally relevant.

These considerations may suggest that the proposed Model of Compilation contains a clear implication: that a relational view of the nature of the Barcelona Convention System and the related National Environmental Legislation will finally emerge. The context of reference will play a leading role and its relevant aspects will be concretized programmatically, by the above described two-level methodical use of the Compilation Model.

Thus, a comparatively developing compilation process will demonstrate, in context, how the Contracting Parties of the Barcelona Convention System appear to translate into domestic legislative language its policy prescriptions and normative pronouncements together with those of other related International Conventions. It will, furthermore, underline the contextually arising significance of problems and issues linked with the marine environment in each Mediterranean country: in what intensity they appear, how they are legally identified and to what extent the policies applied can be effectively harmonized at a regional level.

We need, therefore, to investigate very carefully the process of individuating the policies, standards and normative prescriptions of the Barcelona Convention in each national context. We also need to evaluate the translating of scientific data into national environmental policies and laws.

Any understanding of both is inescapably context-dependent. The reason for this is evident, for both are directly related to an interest-protection dimension which points to the time and space reference of the internationally-agreed policies, rules and standards. Hence, when national decision-makers individuate the policies, rules and standards of the Barcelona Convention system they are destined to function in a context of the specific social, economic and political assumptions which underly this process. The level of economic development, the degree of social organization, the overall effectiveness and efficiency of public administration, public awareness, the institutional procedures implementing environmental policies and the cultural condition represent the most dynamic aspects of this context.

Equally, when national decision-makers translate scientific data into environmental laws and policies, they can scarcely ignore the socio-economic context of the decision to legislate and, especially, the accommodation of the conflicting interests which are involved. Frequently, they may be led to the promulgation of environmental leges imperfectae, that is, Laws with little or no possibility of enforcement. It should not, however, be forgotten that even these kinds of environmental laws are not, given their broad context of reference, devoid of value. In fact they constitute communications from legislative

bodies which give rise to expectations for appropriate future behaviour.(47) More important, they may promote, progressively, a kind of social discontent which will be appeased only through their effectiveness.

Coming to the literature of the National Environmental Legislation relevant to the Barcelona Convention system, it is worth emphasizing that, whether it has been thought fit, or found necessary, to inaugurate a distinct Environmental Legislation Series, it is a matter on which there has been considerable variation from state to state. In fact, with very few exceptions, the overwhelming majority of the Mediterranean states, developed and developing, do not satisfy this need. Hence, the primary task of the compiler is to look into the more comprehensive official Legislation series which contain relevant Environmental Legislation only incidentally.

One unfortunate consequence of this is that some Environmental Legislation may be not included in this series and, therefore, the Compiler must communicate with all possible official sources, and, especially, with the network of competent Ministries, public organizations and local authorities, in order to complete his collection task meticulously. Another, more important consequence is that this procedure favours unnecessary duplications and seriously restricts the flow of information not only horizontally (that is, among the competent law-prescribing and law-enforcing bodies) but, also, vertically (that is, from the legislative source to the public). From this point of view, it may be argued with some force that the usefulness of the Compiler's work is immense, for it eliminates phenomena of exclusion of information which undermines equally the effectiveness of the national decision-making process and the power of the mobilization and participation of the public.

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(47) REISMAN, W.M. "International Lawmaking: A Process of Communication", The Harold D. Lasswell Memorial Lecture, Proceedings of the 75th Anniversary Convocation, American Society of International Law, Washington, D.C., 1981, pp.101-120.

Part Three

LEGISLATIVE DIMENSIONS OF IMPLEMENTING THE BARCELONA CONVENTION SYSTEM IN GREECE

I. APPLICABILITY OF THE MODEL OF COMPILATION OF NATIONAL IMPLEMENTATING LEGISLATION

The Case Study of Greece has been carried out in terms of an exposition of the synchronic state of the "purposive" function of the Barcelona Convention System and of the relevant Greek Environmental Legislation. This kind of exposition corresponds to the first-step programmatic use of the relational model concerning the gathering of intelligence or its informational aspect.

In order to achieve this aim, a Model of Compilation has been established whereby it is proposed to state the current Greek Environmental Legislation on the basis of two inter-related criteria.

1. THE CONSTRUCTIVE CRITERION

The collection of the Greek Environmental Legislation in force is based upon an investigation into the relational link between the policies, guidelines, procedures and measures formulated in the Barcelona Convention and its Protocols and those promoted and applied in the context of the relevant Greek Legislation. In other words, the question is the extent to which the collectively-agreed terms enshrined in the system of the Barcelona Convention are, in fine, individuated by the Greek Legislative process, and furthermore, the extent to which collectively-agreed terms, contained in other related International Conventions or in related Acts of the European Community, and having a complementary function to the Barcelona Convention system, are also individuated by the Greek Legislation.

This relational link can be identified operatively, either directly or indirectly, and it effectively refers to a comprehensive process of integration whereby policies and standards comprised in the Barcelona Convention and its Protocols appear to be variably individuated by Greek Legislation. In this process, certain programmatic provisions of the Barcelona Convention and its Protocols appear to be functionally individuated by Greek Legislation introducing, either as a result of domestic decision-making processes or as a direct effect of international decision-making processes, correlative public policies and standards. It

is, in effect, this purposive or policy-oriented function set out by the Barcelona Convention system which by virtue of its pattern rather than of its substance is closely related to the purposive function of the corresponding pattern of Greek Legislation.

In the light of this, functional individuation of the policies and standards formulated in the Barcelona Convention system implies, in fact, a certain correspondence with Greek Legislation based on the implementation of their common purpose: i.e., the protection and promotion of public interest perceived as an effective management for the protection of the Mediterranean Marine Environment system.

2. THE FORMAL CRITERION

The bulk of the compiled Environmental Legislation in Greece is classified in accordance with three formal categories corresponding to the generic programmatic functions of the system of the Barcelona Convention. These categories are:

(i) Protection Against Pollution from the Uses of the Sea, which is further subdivided in three directions:

a) Programmes and Procedures for the Control of Marine Pollution

Under this subdivision, Greek Environmental Legislation is compiled in view of its purposive correspondence with certain programmatic provisions of the Barcelona Convention. Classification is thus carried out on the basis of the relational link between Articles 3, 6, 10-12 of the Barcelona Convention and a considerable number of Laws, Presidential Decrees, Legislative Decrees and, especially, Ministerial decisions which establish correlative policies and standards stemming either from the internalization of rules, policies and technical standards, contained in International Conventions or from domestic decision-making processes.

b) Control of Pollution by Dumping from Ships and Aircraft

This sub-division includes a small number of Laws and Ministerial decisions which seem functionally to individuate certain standards and procedural provisions of the Dumping Protocol of the Barcelona Convention. Thus, the classification is here established on the basis of the purposive correspondence between certain collective substantive terms, which set up the standards prohibiting or restricting dumping into the Mediterranean Sea, and certain collective procedural terms, which provide methods of handling the substantive issues, with the relevant Greek Legislation containing standards, policies and procedures emanating either from international or from domestic decision-making processes.

On the whole, it should be noted that the integrative process in this field refers to risk-oriented policies, standards and procedures which have a specific preventive protective function; to preserve specified quality standards of the marine environment in view of the specified risks emanating from ships and aircraft.

c) Control of Pollution by Oil and Other Harmful Substances in case of Emergency

Several Laws, Legislative Decrees, Presidential Decrees and Ministerial decisions are classified under this sub-division. They include policies, standards and procedures having their source either in domestic or in international decision-making processes. The "subjective" normative language and the underlying public policy proposed by this kind of Legislation prescribes the terms and conditions for the prevention and control of pollution threatening the marine environment, the coast or related interests, and caused by the accidental (or otherwise) discharge of oil or other harmful substances from ships; it also prescribes the terms and conditions for the supervision and control of trans-frontier (by means of the sea) shipment of hazardous waste (toxic and dangerous wastes and PCBs, properly defined) within the European Community, or on its entering or leaving the Community, when Greece is the state of despatch, of destination or of transit. Emphasis should be placed on the fact that in all these cases the relevant Greek Legislation seems, mainly, to internalize internationally accepted standards and policies formulated either at a universal (MARPOL 73/78) or at a regional (EEC Directives) level.

The criterion for their classification herein is their "purposive correspondence" with certain substantive but more especially procedural terms contained in the Emergency Protocol of the Barcelona Convention. In effect, the relational link refers to the functional individuation of certain provisions of this protocol, prescribing the scope of its application and the development of concrete methods for the co-operative combating of pollution of the sea by oil and other harmful sbustances (contingency plans, monitoring activities, co-ordination of information and communication etc.), as it appears in the context of the relevant Greek Legislation. It is characteristic that the integrative process, under this sub-division, refers to risk-oriented policies and standards: in other words, the policies, standards and procedures put forward by the Emergency Protocol and the Greek Legislation relationally linked to it aim, by their preventive-protective function, at preserving specific quality standards of the marine environment against specific risks emanating from human activities.

(ii) Protection Against Pollution from Land-based Sources, which is further sub-divided in the following six directions:

a) Control of Industry

This sub-division includes a number of Laws, Presidential Decrees, Royal Decrees, Legislative Decrees and Ministerial decisions which, like the above-stated sub-divisions b) and c), formulate risk-oriented policies and standards: they regulate the terms and conditions for the designation of industrial areas, the establishment and operation of industries, craft industries, machine installations and warehouses; they also deal with the establishment and enforcement of limit values of dangerous substances in liquid wastes discharged from industries and with the terms and conditions for concerted action and effective treatment of major accident hazards due to certain industrial activities; and finally, they set up the incentives for the promotion of the economic and regional development of the country where the environmental dimension is effectively integrated. Another important characteristic of this kind of Legislation is that it emanates exclusively from domestic decision-making

processes. The relational link, in this sub-division, refers to the functional individuation of certain substantive and procedural terms contained in the LBS Protocol by the above stated legislative process. More explicitly, a "purposive correspondence" is established between the respective Greek Legislation and certain provisions of this Protocol, prescribing the scope of its application (Articles 1, 4(1)(a)), the implementation of certain technical standards concerning the elimination or strict limitation of certain substances polluting the sea from land-based sources (Articles 5 and 6 and their respective Annexes), and the procedure for the formulation of standards and criteria for the control and progressive replacement of installations and industrial processes causing significant pollution to the marine environment (Article 7(1)(d)). The overall integrative process, under this sub-division, basically comprises risk-oriented policies and standards which, by their preventive-protective function, intend to preserve specific quality standards for the marine environment against specific risks due to industrial development.

b) Urban Planning

This formal sub-division includes a considerable number of Laws, Legislative Decrees, Presidential Decrees, Ministerial decisions and general guidelines which, taking into account the inter-dependence of land uses and the environment, set up a comprehensive framework whereby land use planning and control systems and protection of the respective environment system (natural, man-made and cultural) are interactively approached. More specifically, Urban Planning Legislation contains policies, standards and procedures which are system-oriented: they regulate the terms and conditions for the designation of Zones of Urban Control and of building outside the Area Plan in a number of urban regions, for the city planning and the expansion of urban areas, for the construction of touristic installations and for the designation of Protective Zones in certain areas of the country; they also set up the organizational plans for certain major urban areas, the general conditions for housing, and the methods for designating the boundaries of certain urban areas and the conditions/restrictions regarding the building outside these areas; at the same time, however, they integrate the relevant environmental concern within the framework of the above-stated land use planning and control systems. It is to be noted that, in some instances, this integration is explicitly prescribed as the central tenet of the Urban Planning Legislation (e.g. in cases of Legislation setting up the organizational plans of certain major urban areas or the general conditions of housing) whereas in some other instances integration is to be identified more operatively, in view of the effect and the inclusion of specific environmental provisions in this Legislation. Furthermore it is also worth noticing that this pattern of Legislation emanates exclusively from domestic decision-making processes.

Now the relational link between the above-specified system-oriented Urban Planning Legislation and the LBS Protocol can be identified in the "purposive correspondence" of certain substantive and procedural terms of the latter with the structure and function of the former. Thus, apart from Article 4(1)(a), it appears that Article 7 of this Protocol is functionally individuated in the context of the Urban Planning Legislation. In other words, by virtue of the Legislation classified under this sub-division it appears that, in Greece, there is a consolidating process of policies, standards and criteria, integrated

into the land use planning and control systems, which, in fact, deal, variably, with those aspects of environmental protection as they are programmatically stated by Article 7 (appropriateness of pipelines for coastal outfalls, special requirements for effluents necessitating separate treatment, the quality of sea-water, the control and progressive replacement of installations and industrial and other processes causing significant pollution of the marine environment and specific requirements concerning the substances listed in Annexes I and II). From an overall perspective, the integrative process in the field of urban planning seems to refer to system-oriented policies, standards and procedures which in their public-service-promoting-function aim at safeguarding the symmetrical intensification of two interrelated perspectives: development (planning and public control of land uses) and protection of the environment. In this context, the impact of urban planning on the marine environment is confronted by a combination of policies, standards and procedures which directly (through their general planning and controlling effects) give tangible expression to the "functional correspondence" between Urban Planning Legislation and certain provisions of the LBS Protocol having a programmatic function.

c) Management of Wastes

This sub-division concerns the relational link between specific Legislation dealing with the management of all kinds of wastes which may affect the marine environment and certain substantive and programmatic norms of Protocol III which set up collectively-accepted common standards and frameworks introducing a functional concept of public interest.

The compilation of this Legislation is further carried out by its classification under three categories. The first category includes Legislation relevant to the management of industrial and municipal wastes. The second category contains Legislation relevant to the management of solid wastes. The third category refers to the management of toxic and dangerous wastes. The basic common characteristic of these three categories is that they are risk-oriented: their norms and policies have a defensive-protective function to preserve quality standards of sea waters against specific direct or indirect risks due to the use and disposal of wastes. Moreover, they originate either from domestic decision-making processes, responding to social needs and particularities, or from international decision-making processes, expressed in the form of EEC Directives.

Each category contains a subjective normative language, instrumental in the achievement of the common legislative intention to be found in the "purposive correspondence" between this kind of Legislation and the LBS Protocol. Thus, the first category, expressed in the form of Laws, Presidential Decrees, Ministerial decisions and Prefectural Decisions, generally prescribes: the terms and conditions for the disposal of sewage and effluent industrial waste, determining the maximum permissible limits of pollutants; the conditions for the establishment and operation of enterprises for the water supply and the sewage network in Athens, Thessaloniki and certain Municipalities and Communities of the country; the general and special conditions for the establishment and operation of enterprises of sanitary interest and of workshops and shops for food and beverages; and the specifications of beton armée pipes for the conveyance of domestic wastes, industrial wastes and rain waters. The second category deals, in the form of Ministerial decisions, with the

management of solid wastes in terms of their collection, transportation, recovery, recycling, re-utilization and storage; it also prescribes the competent authorities to plan and apply the management system at national and at regional level. The third category refers to Laws, Presidential Decrees and Ministerial decisions which concern the control of the uses of agricultural chemicals (fertilizers, insecticides and pesticides) and the adoption of broad preventive and corrective measures with regard to the uses of all commercial chemicals as well as of dangerous chemicals on a case-by-case basis.

In their "conflation", these three categories of Legislation seem functionally to individuate certain substantive and procedural provisions of the LBS Protocol. Thus, their relational link is forged by the "purposive correspondence" between the definitional provision (Article 4(1)(a)), the technical standards prescribing the substances to be eliminated or strictly limited (Articles 5 and 6) and the procedures or programmatic provisions setting out the methods of handling the related issues (Articles 7 and 8) on the one hand, and the detailed aspects of the above-stated Legislation on the other hand.

Taken together, the LBS Protocol and the related Greek Legislation refer to an integrating process of risk-oriented policies, technical standards and procedures which are instrumental in the achievement of a common purpose: i.e., the protection of the Marine Environment from risks connected with the uses of all kinds of waste originating from land-based sources.

d) Management of Watercourses

The legislative instruments contained in this sub-division deal with the control and reduction of pollution from watercourses which may indirectly reach and affect the marine environment. More specifically, the distinctive characteristic of this sub-division lies in the relational link between certain substantive and procedural provisions enshrined in the LBS Protocol and Greek Legislation which, in the form of a series of Laws, Legislative Decrees, Presidential Decrees, Sanitary Regulations, Acts of Ministerial Council and Ministerial decisions, aims to regulate three types of issues.

The first type comprises a number of risk-oriented Legislative instruments which in their preventive-protective function lay down quality objectives for water used for particular purposes (Surface, Water, Drinking Water, Bathing Water, Freshwater Fish, Shellfish, Groundwater) or set up the limit values of dangerous substances discharged into the aquatic environment (Cadmium, Mercury or HCH). The second type comprises a number of use-oriented legislative instruments which allocate the uses of international and national rivers or of irrigation waters, by establishing co-operative schemes between Greece and its neighbouring countries for their shared water resources or by instituting appropriate control machineries. Finally, the third type refers to a resource- oriented legislative instrument (Law 1739/1987) which sets up a framework for comprehensive management of the water resources (surface and underground waters, fresh water reservoirs and table waters) whereby water resources are defined in qualitative, quantitative, local and temporal terms and an effective system of measures and activities is elaborated, designed to control not only the use of water resources but also water supply and demand, giving special consideration to the importance of economic instruments stimulating the

rational use of water and promoting conservation of water resources from over-exploitation, losses or pollution; moreover, administrative and legal instruments are advanced equally through the co-ordination and co-operation of administrative authorities competent for water management and the establishment of an inter-ministerial consultative body for the development of a national policy for the management of water resources, whereas the overall planning procedure is prescribed; finally, the terms and conditions for research, development, uses, preservation and protection of water resources are specifically determined.

The substantive effect which all these three types of legislative instruments may have on the marine environment seems to correspond purposively to the consensus implementation of the LBS Protocol. Equally, these legislative instruments which either emanate from domestic decision-making processes or internalize relevant EEC Directives or Bilateral Treaties, seem functionally to individuate the definitional provisions of this Protocol (Articles 1,3, and 4(1)(a)), certain substantial provisions prescribing the elimination and strict control of pollution by hazardous or noxious substances (Articles 5 and 6) and certain procedural provisions setting out the methods of handling related issues where the results are not immediately operative in practice (Articles 7,8 and 11(1)).

In the light of all this, it is evident that the LBS Protocol and the Greek Legislation on Watercourses refer to an integrating process whereby the protection of the marine environment is effectively assured by the intensification of a pattern of risk-oriented and resource-oriented policies, standards and procedures concerning the control of the use and the rational operation of watercourses.

e) Management of Agro-Industry

This subdivision comprises a series of legislative instruments in the form of Laws, Presidential Decrees and Ministerial decisions which emanate from domestic decision-making processes and prescribe the terms and conditions for the establishment and operation of Agro-industry (Breeding birds and stock farms, slaughterhouses for livestock and poultry etc.) setting up along with economic, technical and sanitary environmental criteria for the granting of licences. From the point of view of the protection of the marine environment, the common characteristic of this kind of legislation is its risk-oriented function which purposively corresponds to the definitional and procedural provisions of the LBS Protocol. Thus, the relational link is hereby established between the definitional provision (Article 4(1)(a)) and the procedural terms of Article 7 setting out the method of handling related issues on the one hand, and their functional individuation by the legislative instruments of this sub-division. Taken together, the LBS Protocol and the Greek Legislation on the management of Agro-industry indicate an integrative process of risk-oriented policies and procedures which are instrumental in the protection of the marine environment from risks connected with the operation of Agro-industry.

f) Management of Mining and Quarrying Operations

The importance of the legislative instruments classified under this sub-division lies in the integration of the environmental perspective into the policies and regulation of mining and quarrying

operations. Originating from purely domestic decision-making processes, the Laws, Legislative Decrees, Presidential Decrees and Ministerial decisions, belonging to this sub-division, may be constructively regarded as protecting the marine environment in cases where on-shore (coastal or near-coastal) mining installations may, by their operation, have a direct impact on the marine environment. In this context, by regulating such issues as the terms and conditions of mining and quarry works, the exploitation of quarries, the technical specifications for environmental impact, the function of inspection councils for mining and quarrying enterprises or the terms and conditions for the exploration, research and exploitation of hydrocarbons from on-shore installations, these legislative instruments have a protective-preventive function and are, in effect, risk-oriented. Equally their relational link to the LBS Protocol is to be identified in the "purposive correspondence" between them and the definitional as well as certain procedural terms of this Protocol - that is, Articles 4(1)(a), 4(2), 7(d) and 8. Responding to the peculiarities of the context, the Greek Legislation on mining and quarrying operations seems functionally to individuate certain aspects of the LBS Protocol, protecting, when relevant, the marine environment.

A special note for this category should be made. Sub-divisions a), c), d), e), and f) are, apart from the above-mentioned sectoral legislative instruments, also covered by the recently enacted general Law 1650/1986 On the Protection of the Environment. This Law introduces a system-oriented approach and initiates a comprehensive management of all activities which may result in the pollution of the environment, establishing, among other things, policies, criteria and measures with regard to the protection of waters and the treatment of wastes and dangerous substances in general, and subjects them to common environmental policies and central procedures applied on a national scale. The "purposive correspondence" between this Law and the LBS Protocol is to be specifically identified in the first eight Articles of the latter.

(iii) Specially Protected Areas

a) Sites of Biological and Ecological Value

This sub-division comprises a number of Laws, Presidential Decrees, Legislative Decrees, Ministerial Decisions and Prefectural Decisions which seem functionally to individuate certain collectively formulated policies and norms of the SPA Protocol. The purposive correspondence between the legislative instruments of this sub-division and certain provisions of the SPA Protocol is largely the result of the operation of co-relative international or domestic decision-making processes establishing policies and standards for the protection and management of certain natural areas of the marine environment.

The legislative instruments of this sub-division are resource-oriented: they aim at regulating the terms and conditions of conservation of specific natural resources of biological and ecological value at an assumed minimum or optimum level, and set out, in more recent instances, the measures for their management. An exception to this body of sectoral resource-oriented legislation is the recent Law 1650/1986 "On the Protection of the Environment" which initiates a system-oriented approach: aiming at the promotion of a comprehensive and effective environmental policy on a national scale, it deals with the conservation

and management of all sites of biological and ecological value (Articles 18-20, 22) subjecting them to common ecological policies and central procedures applied nationally.

Thematically, the body of sectoral resource-oriented legislation deals with a variety of issues such as: the protection of wetlands of international importance; the conservation and management of coastal wetlands; the conservation of wildlife and natural habitats; the management of bird fauna, and their breeding grounds; the protection of loggerhead turtles; the establishment of a protected area in the Northern Sporades islands for the conservation, protection and management of the Mediterranean monk seal; the protection of waterfowl birds in certain marine areas, etc. Apart from the recent Law 1650/1986 which individuates the SPA Protocol as a whole, the existing sectoral resource-oriented legislation appears functionally to correspond with certain provisions of this Protocol, i.e. the definitional Article 3, or Articles 4,6 and 7 setting out the terms and conditions for the establishment and management of specially-protected areas and for the establishment of protected areas contiguous to the frontier of other States, and the measures to be progressively taken by the Parties for this purpose. In fact, only certain aspects of these provisions appear to be implemented at a national level and it is in their pattern rather than in their substance that their link to the relevant Greek Legislation should be traced.

b) Sites of Scientific, Aesthetic, Historical, Archaeological, Cultural and Educational Value

Finally, this sub-division also includes a number of Laws, Presidential Decrees, a Decision of the National Council of Physical Planning and the Environment and Ministerial Decisions which constitute a resource-oriented legislation dealing with the conservation and management of sites of particular importance because of their scientific, aesthetic, historical, archaeological, cultural or educational interest. Thematically, this body of sectoral resource-oriented legislation refers, in particular, to the protection of cultural, natural and archaeological heritage, buildings and works of art; the protection of caves; the protection and management of petrified forests of the country and the declaration of the area of petrified forest in the island of Lesbos as a "reserved natural monument"; the declaration of certain islands and islets as landscapes of special natural beauty; the declaration of rivers' passes as aesthetic forests; and the designation of sites of aesthetic value as protected areas in inhabited areas. This last thematic aspect forms part of the Urban Planning Legislation mentioned above. A system-oriented approach is, as in the previous sub-division, advanced by Law 1650/1968 under which the management of sites of particular importance, specifically provided in the Articles 21-22, is subject to common ecological policies and central procedures on a national scale taking into account the interdependence of all natural resources.

Now this sectoral resource-oriented legislation which is the product of international as well as domestic decision-making processes, along with the system-oriented Law 1650/1986, seems functionally to individuate the collective terms of the SPA Protocol. More specifically, a relational link can be traced between these legislative instruments and, apart from the definitional Article 3(2)(b), the Articles 4

(establishment and management of protected areas), 5 (establishment of protected areas contiguous to the frontier of other States), 7 (progressive adoption of measures indicated), 10 (development of scientific and technical research) and 11 (information and participation of the public). It should be stressed, once more, that it is the purposive correspondence between the SPA Protocol and the relevant Greek Environmental Legislation and the consequential patterned rather than substantive legislative response which generally points to the nature of their relational link.

(iv) Institutional Questions

In this sub-division, those Laws, Presidential Decrees, Acts of Legislative Content and Ministerial Decisions are included which specify the competences and functions of the institutions set up to develop and implement laws and policies for environmental protection in Greece. Since the effectiveness of the legal basis prescribed by the sub-divisions stated above (i-iii) depends significantly on the administrative structures set up to execute it, the systematic compilation of the legislative instruments concerning the latter is undoubtedly critical.

Thematically, the legislative instruments of this sub-division cover, in particular, four broad aspects. First, the establishment of a central agency, the Ministry of the Environment, Physical Planning and Public Works, which is entrusted with the authority of shaping and expressing the environmental policy in Greece comprehensively, managing and co-ordinating its implementation. Second, the co-ordination of competences among several Ministries sharing the environment administration for the effective implementation of the environmental policies shaped and expressed by the above ad hoc Ministry, given that the responsibility for such implementation lies with them. Third, the decentralization of environment administration which is marked by an increasing transfer of important competences to regional authorities and local communities: those are, therefore, called upon to play a substantial role in the overall scheme of implementation of Greek environmental policies. Finally, the establishment of certain public agencies supervised by the Minister of the Environment, Physical Planning and Public Works which complement the functions of the ad hoc Ministry in the two major urban centres of the country, the Greater Athens area and the Greater Thessaloniki area, mainly by monitoring the operation of the respective Organizational Plans and the implementation of other policies and measures for the protection of the environment. Towards this last aspect, the establishment of Teams for the Control of Environmental Quality (the so-called KEPPE) should be added, the provision of which should be carried out by a decision of a prefect.

This sub-division seems, therefore, to be significant in at least two fundamental respects: it presents the Greek model of administrative structure which is a necessary precondition for the understanding of the evolution and practice of the Greek Legislation relevant to the protection of the marine environment; and it forms the necessary component of Greece's legislative behaviour safeguarding the exercise of the trust powers, shown in Part Two, at a certain qualitative level.

II. ILLUSTRATION OF THE RELATIONAL LINK BETWEEN THE BARCELONA CONVENTION SYSTEM AND THE RELEVANT GREEK LEGISLATION: A CUMULATIVE ACCOUNT

1. PROTECTION AGAINST POLLUTION FROM THE USES OF THE SEA

(A) PROGRAMMES AND PROCEDURES FOR THE CONTROL OF MARINE POLLUTION

No.	FORM	TITLE	SOURCES	RELATION TO ARTS. 3-12 OF THE B.C.
1.	Law 314/1976	Ratification of the International Convention, signed in Brussels, in 1969, "On Civil Liability for Oil Pollution Damage"	G.G.106/A 1976	Art. 12
2.	Ministerial Decision 181051/536/80	On the Terms and Conditions concerning the Establishment and Operation of Land Facilities for the Reception and Processing of Oil Wastes	G.G. 364/B/ 11.4.80	Art. 6 Art. 11
3.	Ministerial Decision 181051/559/80	On the Regulations of the Organization and Operation of the Regional Stations for Combating Marine Pollution	G.G. 364/B/ 1980	Art. 6 Art. 10
4.	Ministerial Decision 181051/1985/80	On the Determination of Standards of Oil Dispersant Substances used for Combating Marine Pollution	G.G.1110/B/ 5.11.80, C.L.T.1980, p.1608	Art. 6 Art. 11
5.	Legislative Decree 1287/1949 as amended by Law 1146/1981	On the Ratification of the International Convention, signed in Geneva, in 1948 "On the Inter-Governmental Maritime Consultative Organization" (IMCO) as amended	G.G.294/A/ 31.10.49 C.C.C.L. 19.Ka.1	Art. 3
6.	Law 1269/1982	Ratification of the International Convention signed in London in 1973, "For the Prevention of Pollution from Ships" (1973) and Protocol (1978) - MARPOL 73/78	G.G. 89/A/82	Art. 6 Art. 10 Art. 11
7.	Ministerial Decision 181051/1090/82	Terms and Conditions for the Recognition of Ships, Tugs and other Floating Craft used as Reception Facilities to Residues from Ships	G.G. 266/B/ 17.5.82	Art. 6

No.	FORM	TITLE	SOURCES	RELATION TO ARTS. 3-12 OF THE B.C.
8.	Presidential Decree 666/82	Establishment, Administration and Allocation of the Fund on the Limitation of Civil Liability of a Shipowner for Oil Pollution Damages	G.G.138/A/ 26.11.82	Art. 12
9.	Law 1267/1982	Ratification of the Agreement of Co-operation between the Greek Republic and the Italian Republic on 6 March, 1979, regarding the Protection of the Environment of Ionian Sea and the Coastal Areas	G.G.85/A/ 1982	Art. 3 Art. 4 Art. 5 Art. 6 Art. 7 Art. 8 Art. 9 Art. 10 Art. 11
10.	Ministerial Decision 181053/3127/83	Technical Specifications for the Installation of Apparatuses for the Separation of Oil/Water, pursuant to the International Convention MARPOL 73/78	G.G. 673/B/ 21.11.83	Art. 6 Art. 11
11.	Ministerial Decision 181053/593/83	Determination of the Form for the "International Oil Pollution Prevention Certificate" (IOPPC)	G.G. 177/B/ 11.4.83	Art. 6 Art. 11
12.	Ministerial Decision 181053/434/83	Establishment of a New Type of Oil Book	G.G. 159/B/ 1983	Art. 6 Art. 11
13.	Ministerial Decision 18053/900/83	Technical Specifications of Oily Water Separating Equipment and Oil Discharge Monitoring System	G.G.239/B/ 1983	Art. 6 Art. 10 Art. 11
14.	Ministerial Decision 181053/3214/83	Technical Specifications of Oil Discharge Monitoring and Control Systems for Oil Tankers	G.G.695/B/ 2.12.83	Art. 6 Art. 10 Art. 11
15.	Presidential Decree 479/84	Terms and Details of Compliance with the Requirements of Annex I to the International Convention MARPOL 73/78 regarding Ships not subject to the Provisions thereof	G.G. 169/A/ 1.11.84	Art. 6 Art. 10 Art. 11

No.	FORM	TITLE	SOURCES	RELATION TO ARTS. 3-12 OF THE B.C.
16.	Ministerial Decision 181053/1741/84	Procedure and Particulars of Approval, Installation and Operation of Special Equipment (Systems, Apparatuses etc.) to the Greek Ships which are subject to Requirements of Annex I to the International Convention MARPOL 73/78	G.G. 381/B/ 12.6.84	Art. 6 Art. 11
17.	Presidential Decree 9/84	On the Establishment of Stations for the Prevention and Combating Marine Pollution at the Central Port Authority of Volos and the Port Authority of Isthmia	G.G. 3/A/ 10.1.84	Art. 6 Art. 10
18.	Ministerial Decision 181053/201/84	Technical Specifications of the System of Clean Ballast Tanks of Oil Tankers	G.G.73/B/ 1984	Art. 6 Art. 11
19.	Ministerial Decision 181053/960/84	Technical Specifications of Oil/Water Interface Detectors	G.G.204/B 1984	Art. 6 Art. 11
20.	Ministerial Decision 18053/2661/84	Terms and Conditions for Recognition of Ships and other Floating Craft as Reception Facilities for Oily Residues	G.G.635/B 11.9.84	Art. 6 Art. 11
21.	Ministerial Decision 181053/96/84	Specifications for the Design, Operation and Control of Crude Oil Washing Systems of Oil Tankers	G.G.224/B/ 10.4.84	Art. 6 art. 11
22.	Ministerial Decision 349/F.183535/85	Determination of the Form of the "Oil Pollution Prevention Certificate" (OPPC)	G.G.150/B/ 20.3.85	Art. 6 Art. 11
23.	Law 1514/85	Development of Scientific and Technological Research	G.G. 13/A/ 8.2.85	Art. 11
24.	Law 1528/1985	Ratification of the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and other Weapons of Mass Destruction on the Sea-bed and the Ocean Floor and in the Sub-soil thereof	G.G.41/A/ 12.3.85	Art. 3

No.	FORM	TITLE	SOURCES	RELATION TO ARTS. 3-12 OF THE B.C.
25.	Presidential Decree 417/86	Acceptance of the Amendments of the Provisions of the Annex to the Protocol 1978 related to the International Convention 1973 "For the Prevention of the Pollution from Ships" (MARPOL 73/78) and Codification of the Texts thereof	G.G. 195/A/ 5.12.86	Art. 6 Art. 11
26.	Presidential Decree 404/86	Acceptance of the Amendments of Protocol I " Provisions concerning Reports on Incidents involving Harmful Substances" and of Protocol II of the International Convention 1973, "For the Prevention of the Pollution from Ships" (MARPOL 73/78), Establishment of the Cargo Record Book and the Manual of Standards for the Procedures and Arrangements concerning the Discharge into the Sea of Noxious Liquid Substances	G.G.182/A/ 26.11.86	Art. 6 Art. 11
27.	Presidential Decree 167/86	Amendment and Supplement of the Provisions of the Presidential Decree 479/84 on "Terms and Details of Compliance with the Requirements of Annex I to the International Convention MARPOL 73/78 regarding Ships not subject to the Provision thereof	G.G. 63/A/ 15.5.86	Art. 6 Art. 11
28.	Ministerial Decision 1737/F.183534/86	Determination of Technical Specifications for the Construction of Tanks for Oil Residues in the Machinery Spaces of Greek Commercial Ships	G.G.542/B/ 5.8.86	Art. 6 Art. 11
29.	Presidential Decree 343/1986	Statute of Organisation of the National Centre of Maritime Research	G.G.151/A/ 3.10.86	Art. 11
30.	Law 1638/1986	Ratification of the International Convention, signed in Brussels, in 1971, "On the Establishment of an International Fund for Compensation for Oil Pollution Damage" and relevant Matters	G.G.108/A/ 18.7.86	Art. 12

No.	FORM	TITLE	SOURCES	RELATION TO ARTS. 3-12 OF THE B.C.
31.	Ministerial Decision 195/F.183570/87	Specification of the International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk	G.G.119/B/ 16.3.87	Art. 6 Art. 11
32.	Ministerial Decision 205/F.183571/87	Endorsement of the Cargo Record Book for Ships carrying Noxious Liquid Substances in Bulk	G.G.119/B/ 16.3.87	Art. 6 Art. 11
33.	Ministerial Decision 77/F.183568/87	Determination of the Form of a Manual for the Standards, Procedures and the Provisions concerning the Discharge into the Sea of Noxious Liquid Substances in Bulk carried by Chemical Tankers	G.G.41/B/ 3.2.87	Art. 6 Art. 11

(B) CONTROL OF POLLUTION BY DUMPING FROM SHIPS

No.	FORM	TITLE	SOURCES	RELATION TO PROTOCOL I
1.	Law 743/1977	On the Protection of the Maritime Environment and related Matters	G.G. 319/A/ 17.10.77	Art. 3(3) Art. 4 Art. 10 Art. 13
2.	Ministerial Decision 181051/2079/78	On the Lists of Substances whose Discharge into the Sea is prohibited	G.G. 1135/B/ 1978 C.L.T.1978, p.1281	Art. 3(3) Art. 4 Art. 5 Art. 7
3.	Ministerial Decision 1181051/559/80	On the Regulation concerning the Organization and Operation of Regional Stations for the Combating Marine Pollution	op. cit.	Art. 3(3) Art. 10
4.	Law 1147/1981	Ratification of the International Convention, signed in London, Mexico City, Moscow and Washington, in 1972, "On the Prevention of Marine Pollution by Dumping of Wastes and other Matters"	G.G. 110/A/ 23.4.81	Arts. 3-13
5.	Joint Ministerial Decision 515316/1981	On the Regulations concerning the Operation of Ports for Yachts and Cruising Ships	G.G. 265/B/ 11.5.81	Art. 3(3) Art. 4 Art. 11

(C) CONTROL OF POLLUTION BY OIL AND OTHER HARMFUL SUBSTANCES IN CASES OF EMERGENCY

No.	FORM	TITLE	SOURCES	RELATION TO PROTOCOL II
1.	Law 743/1977	On the Protection of the Marine Environment and related matters		Art. 1 Art. 3 Art. 4 Art. 6(1) Art. 8(1) Art. 9(1)(a)(b)
2.	Ministerial Decision 181051/2078/78	On the Facilities which must be Available at Sea Bathing Establishments to deal with Minor Marine Pollution Incidents	G.G. 1135/B/ 28.12.78	Art. 1 Art. 3 Art. 6(3)
3.	Ministerial Decision 181051/1985/80	On the Determination of Standards of Oil Dispersants Substances used for Combating Marine Pollution	op. cit.	Art. 3 Art. 6(1)(c)
4.	Ministerial Decision 181051/559/80	On the Regulations concerning the Organization and Operation of the Regional Stations for Combating Marine Pollution	op. cit.	Art. 1 Art. 2 Art. 4
5.	Presidential Decree 618/1981	On the Minimum Requirements of Certain Tankers sailing into or Departing from Greek Harbours	G.G.156/A/ 19.6.81 C.C.C.L. 19. Δ. ja.1	Art. 1 Art. 2 Art. 4 Art. 8
6.	Law 1269/1982	Ratification of the International Convention, signed in London, in 1973, "For the Prevention of Pollution from Ships" (1973) and Protocol (1978) - MARPOL 73/78	op. cit.	Arts. 3-10
7.	Ministerial Decision 181051/2771/82	Establishment, Organization and Operation of a Central Warehouse for Pollution-Dispersing Material	G.G. 38/B/ 1982	Art. 1 Art. 2 Art. 3 Art. 4
8.	Ministerial Decision 47325/1983	Approval of the Regulation concerning the Refloating of Shipwrecks- Organization of Piraeus Port Authorities	G.G.278/B/ 25.5.83 C.C.C.L.20 Δ.δ.99	Art. 1 Art. 2 Art. 3 Art. 5

No.	FORM	TITLE	SOURCES	RELATION TO PROTOCOL II
9.	Legislative Decree 93/1974 as amended by Presidential Decree 233/ 5.7.83	Ratification of the International Convention, signed in London, in 1972, "On the International Regulations for Preventing Collisions at Sea"	G.G.293/A/ 7.10.74	Arts. 3-10
10.	Presidential Decree 9/1984	On the Establishment of Stations for the Prevention and Combating Marine Pollution at the Central Port Authority of Volos and at the Port Authority of Isthmia	op. cit.	Art. 1 Art 2 Art. 4
11.	Ministerial Decision 142510-11/3/85	Approval of the Regulation for the Construction and Equipment of Tankers carrying Liquidated Gases in bulk and Tankers carrying Noxious Liquid Substances in Bulk	G.G.82/B/ 21.2.85 C.C.C.L.19. Λja.2	Art. 1 Art. 2 Art. 3 Art. 6(1)(c)
12.	Ministerial Decision 195/F.183570/87	Specification of the International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk	op. cit.	Art. 1 Art. 2 Art. 6(1)(6)
13.	Ministerial Decision 205/F.183571/87	Endorsement of the Cargo Record Book for Ships carrying Noxious Liquid Substances in Bulk	op. cit.	Art. 1 Art. 2 Art. 6(1)(c)
14.	Ministerial Decision 77/F.183568/87	Determination of the Form of Manual for the Standards, Procedures, and Provisions concerning the Discharge into the Sea of Noxious Liquid Substances carried in Bulk by Chemical Tankers	op. cit.	Art. 1 Art. 2 Art. 4 Art. 6(1)(c)
15.	Ministerial Decision 19744/454/88	Supervision and Control of Transfrontier Shipment of Hazardous Waste	G.G.166/B/ 24.3.88	Art. 1 Art. 4 Art. 6(1) Art. 7

2. PROTECTION AGAINST POLLUTION FROM LAND BASED SOURCES

(A) CONTROL OF INDUSTRY

No.	FORM	TITLE	SOURCES	RELATION TO PROTOCOL III
1.	Law 3214/1955	On the Amendment and Completion of Law ΔΚΣΤ' of 1912 concerning the Terms of Establishment of Industries and other related Matters within the Competence of the Ministry of Industry	G.G.108/A/ 30.4.55 C.L.T 1955, p.351	Art. 4(1)(a) Art. 7(1)(d)
2.	Law 4458/1965	On Industrial Areas	G.G. 33/A/ 27.2.65 C.C.C.L. 13.Bj.1	Art. 4(1)(a) Art. 7(1)(d)
3.	Compulsory Law 207/1967	On the Establishment and Operation of Industries, Craft Industries, Machine Installations of all Kinds and Warehouses, and other related Matters	G.G.216/A/ 4.12.67 C.L.T. 1967, p.998	Art. 4(1)(a) Art. 7(1)(d)
4.	Royal Decree 750/1968	Law concerning the Approval of the Regulations regarding the Operation of the Thessaloniki Industrial Area	G.G. 255/A/ 9.11.68 C.C.C.L. 13.Bj.2	Art. 4(1)(a) Art. 7(1)(d)
5.	Legislative Decree 35/68	On the Conditions for the Establishment and Operation of Laboratories, Industries and Warehouses of Explosives	G.G. 284/A 3.12.62 C.C.C.L. 13. Εε .1	Art. 4(1)(a) Art. 7(1)(d)
6.	Law 742/1977	Law amending and completing the Law 4458/1965 "On Industrial Areas" and regulating related Matters	G.G. 319/A 17.10.77	Art. 4(1)(a) Art. 7(1)(d)
7.	Law 849/1978	On the Establishment of Incentives for the Promotion of the Economic and Regional Development of the Country	G.G.232/A 22.12.78 C.C.C.L. 13.Γ a.50	Art. 7(1)(d)
8.	Legislative Decree 181/79	On the Protection of Ionizing Radiation	G.G. 347/A/ 20.11.74 C.C.C.L. 34.Δκ .1	Art. 4(1)(a) Art. 7(1)(d)

No.	FORM	TITLE	SOURCES	RELATION TO PROTOCOL III
9.	Presidential Decree 1180/81	On the Regulation of Matters associated with the Establishment and Operation of Industries, Craft Industries, Marine Installations and Warehouses of all Kinds, and the Protection of the Environment in General in connection with the Latter	G.G. 293/A/ 6.10.81 C.C.C.L. 13.Bβ .18	Art. 4(1)(a) Art. 5 Art. 6 Art. 7
10.	Presidential Decree 189/81	On the Granting of Permits for the Establishment and the Expansion of Industries in Forests and Forest Areas and on the Concessions of the Latter for the Creation of Industrial Areas	G.G.54/A/ 4.3.81 C.C.C.L. 17 Zi.9	Art. 4(1)(a) Art. 7(1)(d)
11.	Law 1262/1982	On the Establishment of Incentives for the Promotion of the Economic and Regional Development of the Country and the Amendment of related Provisions	G.G. 70/A/ 16.6.82 C.C.C.L. 13.Γβ .33	Art. 7(1)(d)
12.	Presidential Decree 84/1984	Establishment, Expansion, Modernization, Merging and Relocation of Industries, Craft Industries and Warehouses within the Inland Part of the Attika Prefecture and the Islands of Salamis and Aegina	G.G.33/A/ 21.3.84 C.C.C.L. 13.Ba.15	Art. 4(1)(a) Art. 7(1)(d)
13.	Ministerial Decision 49206/2173/84	Limitations on the Operation of Industries and Craft Industries in the Major Athens Area	G.G.505/B/ 25.6.84	Art. 4(1)(a) Art. 7(1)(d)
14.	Decision of the National Council of Physical Planning and the Environment ΕΣΧΠ/ΓΧΠ /626/ 1985	Establishment of Industrial Areas in the Prefectures of the Country	G.G.316/B/ 23.5.86 C.C.C.L. 13.B Ζ.9	Art. 4(1)(a) Art. 7(1)(d)
15.	Presidential Decree 136/1986	Establishment of Industrial Areas in the Prefectures of the Country	G.G. 48/A/ 21.4.86 C.C.C.L. 13.Bζ .10	Art. 4(1)(a) Art. 7(1)(d)

No.	FORM	TITLE	SOURCES	RELATION TO PROTOCOL III
16.	Ministerial Decision B.17541/2000/86	Designation of the Boundaries of the Argostolion Industrial Area, Division A', in the Rural Area of the Argostolion Municipality, Kephalonia District	G.G.945/B/ 31.12.86 B.S.L.1987, No.4, p.278	Art. 4(1)(a) Art. 7(1)(d)
17.	Ministerial Decision	Measures and Restrictions for the Protection of the Aquatic Environment and, especially, on the Limit Values of Dangerous Substances in Liquid Wastes		
18.	Law 1650/1986	On the Protection of the Environment	G.G.160/A/ 16.10.1986	Art. 1 Art. 3 Art. 4(1)(a) Art. 5 Art. 6 Art. 7 Art. 8
18.	Ministerial Decision 18187/272/1988	Designation of Measures and Restrictions on the Major Accidents Hazards of Certain Industrial Activities	G.G. 126/B/ 3.3.88	Art. 1 Art. 4(1)(a) Art. 5 Art. 6 Art. 7(d) Art. 7(e) Art. 8 Art. 9 Art. 13

(B) URBAN PLANNING

No.	FORM	TITLE	SOURCES	RELATION TO PROTOCOL III
1.	Legislative Decree 1262/72	On the Organizational Plans of Urban Regions	G.G. 194/A/ 3.11.72 C.C.C.L. 23. Δ a.52	Art. 7(1)(d) Art. 14(1)(g)
2.	Law 947/1979	On Urban Regions	G.G.169/A/ 26.7.79 C.C.C.L. 23. Δνβ .1	Art. 4(1)(a) Art. 7(1)(d) Art. 14(1)(g)
3.	Ministerial Decision ΧΠ / ΓΧΠ 2659/80	On the Organization of the Area and Activities of KEPA Kavala and its Greater Area for the Approval of the Respective Organizational and City Plan	G.G. 486/B/ 20.5.80	Art. 4(1)(a) Art. 7(1)(d)
4.	Law 1337/1983	Expansion of City Plans, Urban Development and related Matters	G.G.33/A/ 14.3.83 C.L.T. 1983, p.212	Art. 4(1)(a) Art. 7(1)(d)
5.	Compulsory Law 2344/1940 as amended by Law 719/1977 Law 1078/1980 Law 1337/1983	On Shore and Seashore	G.G. 154/A/ 18.5.40 C.C.C.L. 20 Δ a.1	Art. 4(1)(a) Art. 7(1)(d) Art. 14(1)(g)
6.	Presidential Decree 7/8/83	Designation of Zones of Urban Control and of the Lowest Limit of Intersecting with regard to the whole Area of the Attica District extended outside the City Planning and outside the Boundaries of Residential Areas pre-existing the year 1923	G.G.284/D/ 7.8.83	Art. 4(1)(a) Art. 7(1)(d)
7.	Presidential Decree 13/3/81 as amended by the Presidential Decree 6/7/1984	On the Elements to be taken into account and on the Method of Determining the Conditions with regard to the Urban Areas existing before 16.8.23 and lacking any Approved Street Plan, as well as on the Determination of the Conditions for, and the Restrictions on, Building in the Respective Estates	G.G. 138/D/ 13.3.81 C.C.C.L. 23. Δa.102	Art. 7(1)(d) Art. 14(1)(g)

No.	FORM	TITLE	SOURCES	RELATION TO PROTOCOL III
8.	Presidential Decree 17/10/78 as amended by the Presidential Decree 27/2/1985	On the Determination of the Conditions for, and the Restrictions on, Building in Estates situated outside the Street Plan of the Towns and Boundaries of Urban Areas legally existing before 1923	G.G.538/D/ 17.10.78 C.C.C.L. 23.Δ a.87	Art. 7(1)(a) 7(1)(b) 7(1)(d) 7(1)(e) Art. 14(1)(g)
9.	Presidential Decree 3/5/85	On the Method of Establishing the Boundaries of the Urban Areas of the Country having up to 2000 Residents, their Categories and the Determination of the Conditions for, and the Restrictions on, their Building	G.G.181/D/ 3.5.81 C.C.C.L. 23.Δ a.118	Art. 7(1)(d) Art. 14(1)(g)
10.	Presidential Decree 31/5/85	Amendment of the Conditions for, and the Restrictions on, Building in Estates situated outside the Street Plan of Towns and outside the Boundaries of of Urban Areas Legally existing before 1923	G.G.270/D/ 31.5.85 C.C.C.L. 23 Δ a.120	Art. 7(1)(a) 7(1)(b) 7(1)(d) 7(1)(e) Art. 14(1)(g)
11.	Presidential Decree 47852/ 1872/1985	City Planning and Expansion of the Urban Areas of the Country having up to 2000 Residents and Amendment of the Presidential Decree 24.4.1985	G.G. 414/D/ 30.8.85 C.C.C.L. 23.Δ a.122	Art. 7(1)(d) Art. 14(1)(d)
12.	Law 1515/1985	Organizational Plan and Environmental Protection Programme for the Greater Athens Area	G.G.18/A/ 18.2.85 C.C.C.L. 23.Ea.67	Art. 4(1)(a) Art. 6(1)(3) Art. 7(1)(a) 7(1)(b) 7(1)(c) 7(1)(d) Art. 14(1)(g)
13.	Law 1561/1985	Organizational Plan and Environmental Protection Programme for the Greater Thessaloniki Area and related Matters	G.G. 148/A/ 6.9.85 C.C.C.L. 23.E β.57	Art. 4(1)(a) Art. 6(1)(3) Art. 7(1)(a) 7(1)(b) 7(1)(c) 7(1)(d) Art. 14(1)(g)
14.	Presidential Decree 30/8/85	City Planning of Areas of Second Residence inside the Zones of Urban Control (Z.U.C.) and related Matters	G.G. 416/D/ 30.8.85 C.C.C.L. 23.Δνβ 41	Art. 4(1)(a) Art. 7(1)(d) Art. 14(1)(g)

No.	FORM	TITLE	SOURCES	RELATION TO PROTOCOL III
15.	Presidential Decree 30/12/1985	On the Designation of Zones of Urban Control and the Restrictions on Building in Urban Areas existing before 1923 in the Argostoli Municipality and in Communities of the Kefalonia Prefecture	G.G. 2/D/ 20.1.86 B.S.L. 1986, No.3, p.130	Art. 4(1)(a) Art. 7(1)(d)
16.	Presidential Decree 24/4/1985	On the Method of Designating the Boundaries of the Urban Areas of the Country having up to 2000 Residents, their Categories and Determination of the Conditions for their Building	G.G.181/D/ 3.5.85 B.C.L. 1987, No.3, p.173	Art. 4(1)(a) Art. 7(1)(d)
17.	Law 1577/1985	General Housing Legislation	G.G. 210/A/ 18.12.85 C.C.C.L. 23. Δμ 16	Art. 4(1)(a) Art. 7(1)(d)
18.	Presidential Decree 23/9/1985	Designation of Protective Zone of the Area of Pegon-Loutraki	B.C.L. 1986, No.9, p.537	Art. 4(1)(a) Art. 7(1)(d)
19.	Presidential Decree 3/9/85	Designation of Zone of Urban Control with regard to the Lowest Limit of Intersecting and the Rest Conditions and Restrictions on Building outside the Area Plan and outside the Boundaries of Residential Areas pre-existing the year 1923 in the Major Area of Delphi at the Fokida and Boeotia Districts	G.G.417/D/ 3.9.85	Art. 4(1)(a) Art. 7(1)(d)
20.	Presidential Decree 5/1/1986	On the Designation of Zones of Urban Control, Minimum Limit of Intersecting etc, in regard to Urban Areas, existing before 1923, in Municipalities and Communities of the Kastoria Prefecture	G.G. 125/D/ 21.2.86 B.S.L. 1986, No.6, p.332	Art. 4(1)(a) Art. 7(1)(d)
21.	General Guidelines by the Greek Tourist Organization, 1986	General Guidelines for the Construction of Touristic Installations	B.C.L. 1986, No.5, p.257	Art. 4(1)(a) Art. 7(1)(d)

No.	FORM	TITLE	SOURCES	RELATION TO PROTOCOL III
22.	Presidential Decree 6/11/86	Designation of Land Uses and of the Conditions and Restrictions on Building outside the Area Plan of the "Island Spetsopoula" Area of the Spetses Municipality	G.G.1104/D/ 17.11.86 B.S.L.1987, No.4, p.250	Art. 4(1)(a) Art. 7(1)(d)
23.	Ministerial Decision 83809/3495/86	Designation of Zones of Urban Control and of the Lowest Limit of Intersecting outside the the Approved Area Plan of the Agioi Theodoroi Community at the Korinthia District	G.G.1308/D 31.12.86 B.S.L.1987, No.4, p.251	Art. 4(1)(a) Art. 7(1)(d)
24.	Ministerial Decision 88208/3237/87	Designation of Zones of Urban Control concerning the Lowest Limit of Intersecting and Rest Conditions and Restrictions on Building outside the approved Area Plan and outside the Boundaries of Residential Areas existing before 1923 in the Communities Vassilikos, Kalamaki, Lithakia and Pantokratoras (Zakynthos)	B.S.L.1987, No.8, p.535	Art. 4(1)(a) Art. 7(1)(d) 7(2)
25.	Ministerial Decision 28798/1432/87	Designation of Zone of Urban Control concerning the Lowest Limit of Intersecting and the Rest Conditions and Restrictions on Building outside the approved Area Plan and outside the Boundaries of Residential Areas of the year 1923 in the "Vlite" Area of the Suda Community at the Hania District	G.G.435/D/ 19.5.87 B.S.L. 1987, No.8, p.496	Art. 4(1)(a) Art. 7(1)(d)
26.	Presidential Decree 25410/ 19.6.1987	Designation of Zone of Urban Control with regard to the Lowest Limit of Intersecting and the Rest Conditions and Restrictions on Building outside the approved Area Plan and outside the Boundaries of Residential Areas pre-existing the year 1923 of the Almyropotamos Community (Euboea District)	G.G.689/D/ 23.7.87	Art. 4(1)(a) Art. 7(1)(d)

No.	FORM	TITLE	SOURCES	RELATION TO PROTOCOL III
27.	Presidential Decree 25/6/87	Designation of Zone of Urban Control, of the Lowest Limit of Intersecting and of the Rest Conditions and Restrictions on Building outside the approved Area Plan and outside the Boundaries of Residential Areas existing before 1923 in the Area of Rethymnon Municipality and of certain Communities (Gerani, Prine, Atsipopoulou, Armeni, Adele, Pigi, Maroula, Pangalohori Prinou, Hamalevri, Karotis, Episkopis Rethymnis)	G.G.720/D/ 31.7.87	Art. 4(1)(a) Art. 7(1)(d)
28.	Presidential Decree 14/2/87	Amendment by the P.D. of 24/4/85 concerning "The Method of designating the Boundaries of Residential Areas of the Country having up to 2000 Residents, their Categories and Determination of the Conditions for their Building" (G.G.181/D) and to the Presidential Decree 20/8/85 concerning "The City Planning and Expansion of the Residential Areas of the Country having up to 2000 Residents and Amendment to the Presidential Decree of 24/4/85" (G.G. 414/D)	G.G.133/D/ 23.2.87	Art. 4(1)(a) Art. 7(1)(b) 7(1)(d) 7(1)(e)

(C) MANAGEMENT OF WASTES

a) Management of Municipal and Industrial Liquid Wastes

No.	FORM	TITLE	SOURCES	RELATION TO PROTOCOL III
1.	Ministerial Decision Eiβ 221/1965	On the Disposal of Sewage and Industrial Waste	G.G.138/B/ 24.2.65	Art. 4(1)(a) Art. 5 Art. 6 Art. 7(1)(b) 7(1)(c) 7(1)(e)
2.	Ministerial Decision Γ1/ 17831/1971	On the Amendment of the Sanitary Ordinance No. Eiβ 221/1965	G.G.986/B/ 10.12.71	Art. 4(1)(a Art. 5 Art. 6 Art. 7(1)(b) Art. 7(1)(c) Art. 7(1)(e)
3.	Ministerial Decision Γ4 1305/1974	On the Amendment of the Sanitary Ordinances Eiβ 221/1965 and Γ 1 1305/1974 "On the Disposal of Sewage and Industrial Waste	G.G.801/B/ 9/8/74	Art. 4(1)(a Art. 5 Art. 6 Art. 7(1)(a) 7(1)(b)
4.	Presidential Decree 348/1976	On the Ratificaton of the Regulation on the Operation of the Sewage Network of the Thessaloniki Area	G.G. 126/A/ 28.5.76 C.C.C.L. 23. Hβ .9	Art. 4(1)(a) Art. 5 Art. 6 Art. 7(1)(a) 7(1)(b) 7((1)e)
5.	Ministerial Decision 338/1977	On the Conditions for the Disposal of Waste and Effluent Industrial Waste in Natural Waste Disposal Sites and on the Determination of the Maximum Permissible Limits of Toxic Substances contained therein	G.G. 483/B/ 25.5.77	Art. 4(1)(a) Art. 6 Art. 7(1)(a) 7(1)(b) 7(1)(e)
6.	Law 890/1979	On the Establishment of the Municipal Enterprise of Water Supply and Sewage for the Municipalities and Communities of the Major Volos Area	G.G.80/A/ 24.4.79 C.C.C.L. 3.ΔΖ .5	Art. 8
7.	Law 1069/1980	On the Incentives for the Establishment of Enterprises for Water Supply and Sewage	G.G.191/A/ 23.8.80 C.C.C.L. 3.ΔΖ .7	Art. 8

No.	FORM	TITLE	SOURCES	RELATION TO PROTOCOL III
8.	Prefectural Decision ΥΓ 5726/1980	On the Designation of Waste Disposal Site and the Conditions for the Disposal of Industrial Effluent Wastes of the Pig Farm "XEBAK" in Arta	G.G.1110/B/ 1980	Art. 4(1)(a) Art. 6 Art. 7(1)(a) 7(1)(b) 7(1)(e)
9.	Ministerial Decision Αιβ/8577/1983	Sanitary Control of Licences for the Establishment and Operation of the Premises of Enterprises of a Sanitary Interest, as well as of the General and Special Conditions for the Establishment and Operation of Workshops and Shops for Food and Beverages	G.G.526/B/ 8.9.83 C.C.C.L. 34. Δβ .21	Art. 4(1)(a) Art. 7(1)(a)
10.	Ministerial Decision 15549/1983	Terms of Disposal of Waste and of Effluent Industrial Waste in Natural Waste Disposal Sites and Determination of the Maximum Permissible Limits of Pollutants	G.G.455/B/ 8.8.83	Art. 4(1)(a) Art. 6 Art. 7(1)(a) 7(1)(b) 7(1)(e)
11.	Ministerial Decision ΕΔ.2a/02/44/ Φ I.I/1984	Approval of Specifications of Beton Armée Pipes with or without Protective Coating for the Conveyance of Domestic Wastes, Industrial Wastes and Rain Water	G.G.253/B/ 24.4.84 C.C.C.L. 23.Δμ .2	Art. 4(1)(a) Art. 7(1)(a) Art. 9
12.	Presidential Decree 6/1986	Regulation on the Operation of Sewage Network for Waste and Rain Water in the Area within the Competence of the Enterprise for Water Supply and Sewage of the Capital (Ε.Υ.Δ.Α.Π)	G.G.3/A/ 17.1.86 C.C.C.L. 23 Ha. 49	Art. 4(1)(a) Art. 5 Art. 6 Art. 7(1)(a) 7(1)(b) 7(1)(e) 8
13.	Law 1650/1986	On the Protection of the Environment	op. cit.	Art. 1 Art. 3 Art. 4(1)(a) Art. 5 Art. 6 Art. 7 Art. 8

b) Management of Solid Wastes

No.	FORM	TITLE	SOURCES	RELATION TO PROTOCOL III
1.	Ministerial Decision Elβ /301/1964	On the Collection, Transportation and Disposal of Solid Wastes	G.G.63/B/ 14.2.64 C.C.C.L. 34.Δ i.1	Art. 4(1)(a) Art. 5 Art. 7(1)(d) 7(1)(e)
2.	Ministerial Decision Γ_1/8233/1975	On the Terms of Sanitation of Wastes and Food Remainders used for Animals' Feeding	G.G.1409/B/ 21.11.75	Art. 4(1)(a) Art. 5 Art. 7(1)(e)
3.	Ministerial Decision 57363/1984	Establishment of the Inter-Municipal Enterprise for the Cleaning up and the Protection of the Environment of the Cephalonia Island	G.G. 703/B/ 1984	Art. 4(1)(a) Art. 7(1)(d) Art. 5 Art. 6
4.	Ministerial Decision 49541/1424/1986	Solid Wastes, in compliance with the Directive 75/442 of the Council of the European Communities of 15 July 1975	G.G.444/B/ 9.8.86	Art. 4(1)(a) Art. 5 Art. 7(1)(d) 7(1)(e)
5.	Law 1650/1986	On the Protection of the Environment	op. cit.	Art. 1 Art. 3 Art. 4(1)(a) Art. 7 Art. 8

c) Management of Toxic and Dangerous Wastes

No.	FORM	TITLE	SOURCES	RELATION TO PROTOCOL III
1.	Ministerial Decision 1434/1958	On the Prescription of Sampling Modes and of Methods for Qualitative and Quantitative Analysis of Chemical Fertilizers	G.G. 10/B/ 16.1.58	Art. 4(1)(a) Art. 7(1)(d)
2.	Ministerial Decision 231978/2018/72	On the Prohibition of Trading and Use of, DDT, ALDRIN, DIELDRIN, HEPTACHLOR, CHLORDANE, ISODRIN and ENDRIN for Agricultural Purposes	G.G. 221/B/ 13.3.72	Art. 4(1)(a) Art. 7(1)(d)
3.	Law 721/1977	On the Approval of Circulation and the Control of Agricultural Drugs and related Matters	G.G.298/A/ 7.10.77 C.C.C.L. 16.E β111	Art. 4(1)(a) Art. 6 Art. 7(1)(e) Art. 8
4.	Ministerial Decision 322706/1195/81	On the Prescription of the Maximum Level of Crop Residues of Agricultural Chemicals on/or in the Horticultural Products pursuant to Council Directives No. 76/895 EEC of 23 Nov. 1976, as amended by Dir. No. 80/428 EEC of 28 March 1980, and 81/36 EEC of 9 Feb. 1981	G.G. 728/B/ 4.12.81	Art. 4(1)(a) Art. 6 Art. 7(1)(d) Art. 7(1)(e)
5.	Presidential Decree 1381/81	Conditions Governing the Composition, Recognition, Stamping, Packaging and Control of Fertilizers with the Indication "Fertilizers of Common Market" as prescribed by EEC Council Directive No. 76/116 EEC of 18 Dec. 1975	G.G. 344/A 31.12.81	Art. 4(1)(a) Art. 6 Art. 7(1)(d) Art. 7(1)(e)
6.	Ministerial Decision 141965/1165/82	Spraying of Chemicals for the Control of Pests and Diseases of Products	G.G.97/B/ 3.3.82 C.C.C.L. 16.E β.132	Art. 4(1)(a) Art. 4(1)(b) Art. 6(3) Art. 7(1)(e)
7.	Presidential Decree 347/82	Regulations Governing the Technical Use of Aircraft for Agricultural Purposes	G.G. 61/A/ 20.5.82	Art. 4(1)(a) 4(1)(b) Art. 7(1)(d)
8.	Ministerial Decision 149318/1983	Spraying of Chemicals for the Control of Pests and Diseases of Products	G.G. 246/B/ 13.5.83	Art. 4(1)(a) 4(1)(b) 7(1)(d)

No.	FORM	TITLE	SOURCES	RELATION TO PROTOCOL III
9.	Ministerial Decision 148570/1983	Method of Biological Control of Pesticides of Sanitary Importance in Slab Form	G.G. 246/B/ 13.5.83	Art. 4(1)(a) Art. 7(1)(d)
10.	Ministerial Decision 72751/3054/1985	On Toxic and Dangerous Wastes and Elimination of Polychlorinated Biphenyls, and Polychlorinated Terphenyls, Supplementing the Directives 78/319 and 76/403 of the Council of the European Communities	G.G.665/B/ 1.1.85	Art. 4(1)(a) Art. 5 Art. 6 Art. 7(1)(e) Art. 8
11.	Law 1650/1986	On the Protection of the Environment	op. cit.	Art. 1 Art. 4(1)(a) Art. 7 Art. 8

(D) MANAGEMENT OF WATERCOURSES

No.	FORM	TITLE	SOURCES	RELATION TO PROTOCOL III
1.	Law 608/1948	On the Administration and Management of Irrigation Waters	C.C.C.L. 16.Za.2	Art. 4(1)(a)
2.	Legislative Decree 4012/1959	On the Ratification of the Agreement of 18 June 1959 between Greece and Yugoslavia concerning Matters of Water Management	G.G. 232/A/ 1959	Art. 4(1)(a)
3.	Law 4393/1964	Law on the Administration and Management of Irrigation Waters	G.G.193/A/ 1964	Art. 4(1)(a) Art. 8
4.	Legislative Decree 4393/1964	On the Ratification of the Agreement of 9 July 1964 between Greece and Bulgaria on Co-operation in the Use of Water of the Rivers Crossing the two Countries	G.G.193/A/ 1964	Art. 4(1)(a) Art. 6 Art. 8
5.	Sanitary Decision Γ 3 β/1392/1966	On the Disposal of Wastes and Industrial Waste Effluents into the River Kifissos and its Tributaries	G.G.445/B/ 16.7.66 C.C.C.L. 34.Δϑ .2	Art. 4(1)(a) Art. 7(1)(b) 7(1)(c)
6.	Sanitary Ordinance Γ 1/18464/1969	On the Protection of Water used for the Water Supply of the Capital's Area from Pollution and Infection	G.G.624/B/ 29.9.69 C.C.C.L. 23.I β 25	Art. 4(1)(a) Art. 7(1)(b) 7(1)(e) Art. 8
7.	Ministerial Decision Φ.Γ.1/12132/1969	On the Amendment of No.Γ 3β / 1392/1966 Joint Decision "On the Disposal of Wastes and Industrial Waste Effluents into the River Kifissos and its Tributaries	G.G. 652/B/ 4.10.69 C.C.C.L. 34.Δϑ .3	Art. 4(1)(a) Art. 7(1)(b)
8.	Sanitary Regulation 1805/1969	On the Water Use Planning for the River Asopos	G.G.292/B/ 1969	Art. 4(1)(a) Art. 6(3) Art. 8
9.	Sanitary Regulation 15235/1969	On Water Use Planning for the River Alpheios	G.G.752/B/ 1969	Art. 4(1)(a) Art. 6(3) Art. 8
10.	Legislative Decree 420/1970	Fishing Code	G.G.27/A/ 31.1.70 C.C.C.L. 13.Zβ .7	Art. 4(1)(a) Art. 7(1)(c) Art. 6(3)

No.	FORM	TITLE	SOURCES	RELATION TO PROTOCOL III
11.	Legislative Decree 1207/72	On the Ratification of the Agreement, signed in Belgrade, on 12 June 1970, between the Government of the Kingdom of Greece and the Government of the Federal Socialist Republic of Yugoslavia relative to the Study of the Integrated Reclamation of the Axios/ Watershed	G.G.126/A/ 22.7.72	Art. 4(1)(a) Art. 11(1)
12.	Presidential Decree 499/1975	On the Policing Powers for Irrigation Waters and Works administered by the Organizations of Land Improvement (OEB)	G.G.163/A/ 5.8.75 C.C.C.L. 16.Za.13	Art. 4(1)(a) Art. 7(1)(b) Art. 8
13.	Law 366/1976	On the Ratification of the Agreement of 12 July 1973 between Greece and Bulgaria on the Establishment of a Greek -Bulgarian Committee for Co-operation in the Fields of Electric Power and the Use of the Water or the Rivers Crossing the two Countries	G.G.160/A/ 1976	Art. 4(1)(a) Art. 6 Art. 8
14.	Decision of the National Council of Physical Planning and the Environment 10/981	On the Administration of the Water Resources of the Country	G.G.551/B/ 15.9.81 C.L.T. 1981, p.1957	Art. 4(1)(a) Art. 8
15.	Ministerial Decision A5/3698/1981	On the Determination of the Water Use from the River Pinios and the Tributary River Lithaios	G.G. 17/B/ 1981	Art. 4(1)(a) Art. 7 Art. 8
16.	Ministerial Decision A5/2280/1983	Protection of the Water Supply of the Capital's Area from Pollution and Infection	G.G.720/B/ 1983	Art. 4(1)(a) Art. 7(1)(a) 7(1)(b) 7(1)(e) Art. 8
17.	Law 1650/1986	On the Protection of the Environment	op. cit.	Art. 1 Art. 3 Art. 4(1)(a) Art. 5 Art. 6 Art. 7 Art. 8

No.	FORM	TITLE	SOURCES	RELATION TO PROTOCOL III
18.	Ministerial Decision 46399/1352/1986	On the Quality required of Surface Waters intended for "Drinking Water","Bathing Water" Fish Life in Fresh Waters", and "Shellfish Waters", Methods of Measurements and Frequencies of Sampling and Analysis of Surface Water intended for the Abstraction of Drinking Water in Compliance with the Directives of the Council of the European Communities 75/440, 76/160, 78/659, 79/923, 79/869	G.G.438/B/ 3.8.86	Art. 4(1)(a) Art. 7(1)(b) 7(1)(c) 7(1)(e) Art. 5 Art. 6
19.	Act of the Ministerial Council 144/2.11.1987	Protection of the Aquatic Environment against Pollution caused by certain Hazardous Substances discharged into it and, especially, on the Limit Values of Water Quality in relation to discharges of Cadmium, Mercury and Hexachlorocyclolexane (HCH)	G.G. 197/A/ 11.11.1987	Art. 1 Art. 3 Art. 4(1)(a) Art. 5 Art. 6 Art. 7(c) 7(e)
20.	Law 1739/1987	Management of Water Resources and other provisions	G.G. 201/A/ 20.11.1987	Art. 1 Art. 3(b) Art. 4(1)(a) Art. 5 Art. 6
21.	Ministerial Decision 26857/533/88	Measures and Restrictions for the Protection of Groundwater against discharges of certain dangerous substances	G.G.196/B/ 6.4.1988	Art. 4(1)(a) Art. 5 Art. 6 Art. 7(e)
22.	Ministerial Decision 18186/271/88	Measures and Restrictions for the Protection of the Aquatic Environment and especially, on the Limit Values of Dangerous Substances in Liquid Wastes	G.G. 126/B/ 3.3.1988	Art. 1 Art. 3 Art. 4(1)(a) Art. 5 Art. 6 Art. 7(e) Art. 8

(E) MANAGEMENT OF AGRO-INDUSTRY

No.	FORM	TITLE	SOURCES	RELATION TO PROTOCOL III
1.	Law 111/1975	On the Establishment of Slaughterhouses for Livestock including Poultry	G.G.174/A/ 22.8.75 C.C.C.L. 17.Θω .3	Art. 4(1)(a) Art. 7(d)
2.	Presidential Decree 286/75	Terms and Conditions for the Issue of Permits for the Establishment of a Cattle and Poultry Slaughter-house	G.G.84/A/ 29.4.75	Art. 4(1)(a) Art. 7(1)(d)
3.	Presidential Decree 490/1976	On the Terms and Conditions for the issue of Permits for the Establishment and Operation of Poultry Slaughterhouses	G.G. 177/A/ 14.8.76 C.C.C.L. 17.Θω .4	Art. 4(1)(a) Art. 7(d)
4.	Presidential Decree 460/1978	On the Terms and Conditions for the issue of Permits for the Establishment and Operation of Slaughterhouses	G.G. 95/A/ 14.6.78 C.C.C.L. 17.Θω .5	Art. 4(1)(a) Art. 7(a) 7(b) 7(d)
5.	Presidential Decree 190/81	On the Granting of Licence for the Installation of Cattle Sheds, Poultry Runs and similar Installations as well as Beehives in Public Forests or Forest Areas	G.G. 54/A/ 4.3.81 C.C.C.L. 17.Zi.10	Art. 4(1)(a) Art. 6(3) Art. 7(d)
6.	Ministerial Decision 83840/3591/1986	On the Distances from Towns, Villages, Roads, Railways, Lakes and Coasts, Bathing Resorts, Touristic Places, Hospitals, and Benevolent Institutions for the Erection of New or the Expansion of Legally existing Breeding Birds and Stock Farms	B.S.L. 1987, No.1, p.29	Art. 4(1)(a) Art. 7(d)
7.	Ministerial Decision Ai /8181/1986	On the Conditions for the Establishment and Operation of Breeding Birds and Stock Farms	G.G.623/B/ 29.9.86 G.G. 57/B/ 5.2.87	Art. 4(1)(a) Art. 6(3) Art. 7(a) 7(b) 7(d)
8.	Law 1650/1986	On the Protection of the Environment	op. cit.	Art. 1 Art. 4(1)(a) Art. 7 Art. 8

(F) MANAGEMENT OF MINING AND QUARRYING OPERATIONS

No.	FORM	TITLE	SOURCES	RELATION TO PROTOCOL III
1.	Legislative Decree 210/1973	The Mining Code	G.G.277/A/ 1973 C.L., 1973, p.1363	Art. 4(1)(a) 4(2) Art. 6(3) Art. 7(1)(d) Art. 8
2.	Law 468/1976	On Exploration, Research and Exploitation of Hydrocarbons and related Matters	G.G.302/A/ C.L.T. 1976, p.582	Art. 4(2) Art. 7(1)(d) Art. 8
3.	Law 669/1977	Law for the Exploitation of of Quarries	G.G. 241/A/ 1977 C.L. 1977, p.773	Art. 4(2) Art. 7(1)(d) Art. 8
4.	Presidential Decree 285/1979	Establishment of State-owned Quarries of Industrial Minerals and Marble	G.G.83/A/ 1979	Art. 4(1)(a) Art. 7(1)(d) Art. 8
5.	Ministerial Decision 183037/5115/80	On the Approval of the Technical Specification for Environmental Impact and Environmental Restoration	G.G.820/B/ 28.8.80 C.L.T. 1980, p.1266	Art. 4(1)(a) Art. 7(1)(d) Art. 6(3) Art. 8
6.	Law 1385/1983	Inspection Councils for Mining and Quarrying Enterprises	G.G. 107/A/ 8.8.83 C.L.T., 1983, p.885	Art. 7(1)(d) Art. 8 Art. 6(3)
7.	Law 1428/1984	Exploitation of Quarries of Inactive Materials and related Matters	G.G. 43/A/ 11.4.84 C.L.T., 1984, p.256	Art. 4(1)(a) Art. 7(1)(d) Art. 6(3) Art. 8
8.	Ministerial Decree 17402/84	Regulations on Mining and Quarry Works	G.G.931/B/ 31.12.84	Art. 4 Art. 6(3) Art. 7(1)(d) Art. 8
9.	Law 1650/1986	On the Protection of the Environment	op. cit.	Art. 1 Art. 4(1)(a) Art. 7 Art. 8

3. SPECIALLY PROTECTED AREAS

(A) SITES OF BIOLOGICAL AND ECOLOGICAL VALUE

No.	FORM	TITLE	SOURCES	RELATION TO PROTOCOL IV
1.	Legislative Decree 191/74	On the Ratification of the International Convention, signed in Ramsar of Iran, in 1971, "On the Protection of Wetlands of International Importance especially as Waterfowl Habitat"	G.G.350/A/ 20.11.74 C.C.C.L. 40Γμ.1	Art. 3(1) 3(2)(a) Art. 4 Art. 7 Art. 8 Art. 12 Art. 13 Art. 17
2.	Ministerial Decision 205332/974/77	On the Prohibition of Hunting in the Maliakos Bay for the Protection of the Waterfowl Birds	G.G.147/B/ 26.2.77 C.C.C.L. 17.Ha.35	Art. 3(1) 3(2)(a) Art. 4 Art. 7(d)
3.	Ministerial Decision 200293/43/77	On the Prohibition of Hunting of Pelican endangered by Complete Extermination	G.G.30/B/ 21.1.77 C.C.C.L. 17.Ha.34	Art. 3(1) 3(2)(a) Art. 4 Art. 7(d)
4.	Ministerial Decision 204564/672/78	On the Prohibition of Hunting	G.G.689/B/ 18.8.78 C.C.C.L. 17.Ha.69	Art. 3(1) 3(2)(a) Art. 4 Art. 7(d)
5.	Presidential Decree 612/80	On the Protection of the Loggerhead Turtles	G.G.163/A/ 18.6.80	
6.	Decision of the National Council of Physical Planning and the Environment 6/1981	On the Temporary Protection of the Halkidiki Area	G.G.551/B/ 15.9.81	Art. 3(1) 3(2)(a) Art. 4
7.	Decision of the National Council of Physical Planning and the Environment 11/1981	On the Determination of the Guidelines for the Preservation, Protection and Ecological Management of Coastal Wetlands and Measures for the Protection of Some of those	G.G.551/B/ 15.9.81 C.L.T. 1981, p.1958	Art. 3(1) Art. 3(2)(a) Art. 4 Art. 7(a) 7(k)
8.	Ministerial Decision 44353/1812/83	Procedure concerning the Demolition of Fences obstructing the Access to the Coasts	G.G. 466/B/ 16.8.83	Art. 3(2)(a) Art. 7(f) 7(k)

No.	FORM	TITLE	SOURCES	RELATION TO PROTOCOL IV	
9.	Law 1335/1983	Ratification of the International Convention, signed in Bern, in 1979 "On the Conservation of European Wildlife and Natural Habitats"	G.G.32/A/ 14.3.83 C.L.T.,1983, p.310	Art. Art. Art. Art.	3(1) 3(2)(a) 4 6 7
10.	Presidential Decree 19/3/1984	Designation of Building Zones in the Areas of Lagana, Kalamaki, Sakania, Dafni, Geraka and the Islets of Peluzo and Marathonisi of the Island of Zakynthos and Determination of the Terms and Restrictions on Building	G.G.260/D 13.4.84	Art. Art. Art.	3(1) 3(2)(a) 4 7(h) 7(k)
11.	Ministerial Decision 414985/85	Measures for Management of the Wild Birds and their Breeding Grounds	G.G.757/B/ 16.12.85 C.C.C.L. 17.Za 67	Art. Art.	3(1) 3(2)(a) 7(a) 7(b) 7(f) 7(h) 7(j)
12.	Prefectural Decision 25/8/1986	Establishment of Protected Area in Northern Sporades with the Purpose of securing the Fishing Activity, the Preservation of the Ecological Balance of the Ecosystem of Northern Sporades, which is designed for the Establishment of a National Marine Park and the Protection of the Mediterranean Monk Seal	Prefecture of Magnesia, Decision, 28.8.86	Art. Art. Art.	3(1) 3(2)(a) 4 7(c) 7(d)
13.	Law 1650/1986	On the Protection of the Environment	op. cit.	Arts.	1-8

(B) SITES OF SCIENTIFIC, AESTHETIC, HISTORICAL, ARCHAEOLOGICAL, CULTURAL AND EDUCATIONAL IMPORTANCE

No.	FORM	TITLE	SOURCES	RELATION TO PROTOCOL IV
1.	Presidential Decree 24/8/1932	On the Codification of the Provisions of Law 5351 as well as of the Relevant Provisions in force of the Law 2447, 491, 4823 and the Legislative Decree of 12/16 June 1926 in a Single Text, under the Number 5351 and entitled "On Antiquities"	G.G.275/A/ 24.8.32	Art. 3(2)(b) Art. 7(i) 7(j)
2.	Law 1469/1950	On the Protection of a Special Category of Buildings and Works of Art posterior to 1830	G.G.169/A/ 7.8.50	Art. 3(2)(b) Art. 7(i) 7(j)
3.	Presidential Decree 1977	On the Declaration of the River Nestos Pass as an Aesthetic Forest	G.G.283/D/ 28.8.1977	Art. 3(2)(b) Art. 4 Art. 8(1)
4.	Ministerial Decision 17664/1980	On the Protection of Certain Areas	G.G.486/B/ 20.5.80	Art. 3(2)(b) Art. 4 Art. 5 Art. 7(d)
5.	Law 1126/1981	On the Ratification of the International Convention, signed in Paris, in 1972 "For the Protection of the World Cultural and Natural Heritage"	G.G.32/A/ 10.2.81	Art. 3(1) 3(2)(b) Art. 7(i) 7(j) Art. 10
6.	Law 1127/1981	On the Ratification of the European Convention, signed in London, in 1969, "For the Protection of the Archaeological Heritage"	G.G.32/A/ 10.2.81	Art. 3(1) 3(2)(b) Art. 4 Art. 5 Art. 7(i) 7(j) Art. 8 Art. 10 Art. 11
7.	Decision of the National Council of Physical Planning and the Environment 12/1981	On the Protection and Exploitation of the Petrified Forests of the Country	G.G.551/B/ 15.9.81	Art. 3(2)(b)

No.	FORM	TITLE	SOURCES	RELATION TO PROTOCOL IV
8.	Ministerial Decision 44353/1812/83	Procedure concerning the Demolition of Fences obstructing the Access to the Coasts	op. cit.	Art. 3(2)(b) Art. 7(h)
9.	Ministerial Decision 34593/1108/83	Protection of Caves	G.G.398/B/ 8.7.83 C.L.T.1983, p.1175	Art. 3(2)(b) Art. 7(i) 7(j) Art. 11
10.	Ministerial Decision ΔΙΑΑΠ /Γ/131 2934/1984	Declaration of the Island of Paxi together with the Islets of Antipaxi, Kaltsonisi and Moggonisi as Landscape of Special Natural Beauty	G.G.148/B/84	Art. 3(2)(b)
11.	Presidential Decree 443/85	Declaration of the Area of the Petrified Forest of the Island of Lesbos as "Reserved Natural Monument"	G.G.160/A/ 19.9.85	Art. 3(2)(b)
12.	Presidential Decree 24/4/85	On the Method of Designating the Boundaries of the Residential Areas of the Country having up to 2000 Residents, their Categories and Determination of the Conditions and Restrictions on their Building	op. cit.	Art. 3(2)(b) Art. 4 Art. 5 Art. 7(h)
13.	Presidential Decree 47852/1872/85	City Planning and Expansion of the Urban Areas of the Country having up to 2000 Residents and Amendment to the P.D. of 24/4/85	op. cit.	Art. 3(2)(b) Art. 7(h)
14.	Law 1650/1986	On the Protection of the Environment	op. cit.	Arts. 1-8
15.	Presidential Decree 14/2/1987	Amendment of the P.D. of 24/4/85 "The Method of Designating the Boundaries of Residential Areas of the Country having up to 2000 Residents, their Categories and Determination of the Conditions and Restrictions on their Building"(G.G. 181/D) and to the P.D. of 20/8/85 "City Planning and Expansion of the Residential Areas of the Country having up to 2000 Residents and Amendment to the P.D. of 24/4/85 (G.G.414/D)	op. cit.	Art. 3(2)(b) Art. 4 Art. 7(h)

4. INSTITUTIONAL QUESTIONS

No.	FORM	TITLE	SOURCES
1.	Ministerial Decision XII /1490/ ΓΧΙΙ 5121 /78	On the Establishment of a Regional Committee for the Protection of the Environment in Northern Greece, entitled "Council for the Protection of the Environment of Greece", and on the Establishment of a Governmental Laboratory for the Control of Environmental Quality	G.G.891/B/12.10.1978 C.C.C.L. 24.Γκ 3
2.	Law 1032/1980	On the Establishment of a Ministry of Physical Planning, Housing and the Environment	G.G. 57/A/14.3.1980
3.	Presidential Decree 574/1982	Redistribution of Competences among Ministries	G.G. 104/A/30.8.1982
4.	Act of Legislative Content 18/7/82	Confronting Extraordinary Incidents of Environmental Pollution and Regulation of related Matters	G.G. 73/A/18.7.1982
5.	Presidential Decree 332/1983	Transfer of Competences from the Minister of Agriculture and from the Heads of the Inter-Prefectural Services of the Ministry of Agriculture to the Prefects	G.G. 119/A/8.9.83 C.C.C.L. 2. Γα.134
6.	Ministerial Decision 30324/1175/1983	Establishment of Teams for the Control of Environmental Quality (KEPPE) - KEPPE for General Environmental Control	G.G. 337/B/14.6.1983 C.C.C.L. 24.Γκ .17
7.	Law 1327/1983	Law approving and completing the Act of Legislative Content of 18 June 1982: "Confronting Extraordinary Incidents of Environmental Pollution and Regulation of related Matters"	G.G. 21/A/7.2.1983
8.	Ministerial Decision 25027/1984	Determination of the Necessary Details for the Application of the Provisions of Articles 205 to 213 of the Law 1065/1980 etc.	G.G. 244/B/19.4.1984 C.C.C.L. 3. ΔΖ 13

No.	FORM	TITLE	SOURCES
9.	Presidential Decree 189/1985	Transfer of Competences from the Minister of Agriculture and from the Heads of the Inter-Prefectural Services of the Ministry of Agriculture to the Prefects	G.G. 75/A/26.4.1985 C.C.C.L. 2.Γ a.152
10.	Presidential Decree 437/1985	Determination and Redistribution of Competences among Ministries	G.G. 157/A/19.9.1985
11.	Law 1558/1985	Government and Governmental Organs	G.G. 137/A/26.7.1985
12.	Presidential Decree 76/1985	Codification in a Single Text of Law entitled "Municipal and Community Code" of the Provisions in force of the Municipal and Community Code, as amended and supplemented	G.G. 27/A/1.3.1985 C.C.C.L. 3. Aa. 59
13.	Law 1515/1985	Organizational Plan and Environmental Protection Programme for the Greater Athens Area and other Provisions	G.G. 18/A/18.2.1985 C.C.C.L. 23.Ea.67
14.	Law 1561/1985	Organizational Plan and Environmental Protection Programme for the Greater Thessaloniki Area and other Provisions	G.G. 148/A/6.9.1985 C.C.C.L. 23.E β57
15.	Presidential Decree 1/1986	Determination of Competences of the Ministry of the Aegean	G.G. 1/A/15.1.1986
16.	Law 1622/1986	Local Government - Regional Development and Democratic Planning	G.G. 92/A/14.7.1986 C.C.C.L. 3.A.a.a.1
17.	Circular 80972/3362/21.11.86	Circular concerning the Law 1650/1986 "On the Protection of the Environment"	B.S.L.1986, No.12, p.761
18.	Law 1650/1986	On the Protection of the Environment	G.G.160/A/16.10.1986

ABBREVIATIONS

ACC	Administrative Committee on Co-ordination
ALESCO	Arab League Economic, Scientific and Cultural Organization
ASEAN	Association of South-East Asian Nations
BP	Blue Plan
BSL	Bulletin of Structural Legislation (Greek)
CCCL	Continuous Code of Current Legislation (Greek)
CL	Code of Laws (Greek)
CLT	Code of Legal Tribune (Greek)
CMEA	Council for Mutual Economic Assistance (COMECON)
DOEM	Designated Officials on Environmental Matters
ECE	Economic Commission for Europe
EEC	European Economic Community
EIB	European Investment Bank
ELC	Environmental Liaison Centre
FAO	Food and Agriculture Organization of the United Nations
GAOR	General Assembly Official Records
GG	Government Gazette (Greek)
IAEA	International Atomic Energy Agency
IIED	International Institute for Environment and Development
IJO	International Juridical Organization
ILO	International Labour Office
IMO	International Maritime Organization
IOC	Intergovernmental Oceanographic Commission of UNESCO

IUCN	International Union for Conservation of Nature and Natural Resources
MAP	Mediterranean Action Plan
MARPOL 73/78	International Convention for the Prevention of Pollution from Ships, 1973, and Protocol of 1978 relating to it
MEDPOL	Co-ordinated Mediterranean Pollution Monitoring and Research Programme
MEDSPA	Mediterranean Special Protected Areas Programme (EEC)
NGOs	Non-Governmental Organizations
OAU	Organization of African Unity
OECD	Organization for Economic Co-operation and Development
PAP	Priority Actions Programme
ROCC	Regional Oil Combating Centre
SCOPE	Scientific Committee on Problems of the Environment
SPA	Specially Protected Areas
UNCHS	United Nations Centre for Human Settlements
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNIDO	United Nations Industrial Development Organization
WHO	World Health Organization
WMO	World Meteorological Organization
WWF	World Wildlife Fund

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