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HAZARDS AGREEMENT**



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OPEN PARTIAL AGREEMENT ON THE PREVENTION OF, PROTECTION AGAINST AND ORGANISATION OF RELIEF IN MAJOR NATURAL AND TECHNOLOGICAL DISASTERS

Successive and joint meetings of the Committee of Permanent Correspondents and Centre Directors of the EUR-OPA Major Hazards Agreement

Council of Europe Office,
55 Avenue Kléber, Paris 16e
7 to 9 March 2005

Memorandum by the Executive Secretary

This memorandum may be used especially for consideration of items III.3 and V of the agenda

An initial discussion of the strong points of the EUR-OPA Major Hazards Agreement's action was initiated with an overall assessment of the work under the Agreement and the draft Ministerial Declaration, both of which the Permanent Correspondents had examined at their meeting on 4 and 5 November 2004 in Strasbourg. These documents were published in a booklet circulated in January 2005 on the occasion of the Kobe Conference.

The participation of a Council of Europe and EUR-OPA Major Hazards Agreement delegation in this Conference, and the exchanges held in that context enabled us to verify the conclusions and suggestions emerging from the overall assessment. At the same time, the Executive Secretary engaged in consultations and made a number of useful contacts. On 8 February 2005 he met with the officials responsible for the Civil Protection Unit of the European Commission's Directorate of the Environment in Brussels. Further contacts should be made with other European Commission sectors (particularly the education, training and information society sectors) co-operating with the Agreement during the next few phases of the process. Furthermore, the Secretariat has received a discussion paper drawn up by Colonel Lionel Lecléi as a contribution to this debate. This paper is appended hereto.

The present document endeavours to outline an overall plan of action to be discussed on a preliminary basis by the Permanent Correspondents on 8 and 9 March 2005 and re-examined at a second meeting in 2005 geared to preparing a ministerial session for the beginning of 2006. This session should affirm the Agreement's specific mission alongside the huge number of international bodies involved.

Four themes are set out below as possible main lines for the future development of activities, on the understanding that the Agreement is already active on the prevention and "post-crisis management" fronts, leaving the relief organisation phases to the other relevant organisations.

Moreover, the fact that the Agreement is managed by the Council of Europe, which is the Human Rights Organisation *par excellence*, should perhaps lend particular kudos to its action. The concepts of human security and human development promoted by the United Nations and the linkage between human security, environment and sustainable development could be extended to take in the human right to a safer environment.

I. Potential development of the activity "comparative analysis of legislation on major risk management"

A. Stocktaking

1. The Executive Secretary made contact with the Belgian Permanent Correspondent and held a working session in Brussels on 8 February 2005 on the state of progress in the work conducted by the Higher Institute of Emergency Planning (ISPU).

The discussions with Ms Monique Bernaerts and Ms Kathleen Van Heuverswyn brought out the following points:

- With an eye to the meeting of centre directors and Permanent Correspondents (7-9 March 2005, Paris):
 - preparation of an addendum to the volume published in November 2003 on the study [AP/CAT (2003) 39], comprising an introduction and a comparative summary. This will complete the exercise and make it more easily exploitable;
 - completion, after verification in the countries concerned, of the four monographs on “inter-departmental major risk management” (Bulgaria, France, Russia and Belgium).
- The work of the ISPU in 2005 should comprise the following stages:
 - An initial trial phase designed to identify good practices suited to circulation in all member countries of the Agreement. On this occasion, consideration should be given to the optimum means of disseminating these good practices, eg in the form of a compendium of targeted thematic files or data sheets;
 - Seminar on inter-departmental major risk management. Such an event might facilitate setting up a network of partners within the Agreement in order to capitalise on the ISPU’s achievements. Special co-operation should be considered with Morocco and other countries that backed the idea of an international legal instrument at the Kobe Conference in January 2005;
 - An inventory of existing databases dealing with the fields in question. This investigation would herald proposals on the possible setting up of an overall data exchange system based on the ISPU’s analysis of national legislations.
 - Possible launch of an additional sectoral thematic project on the treatment of systemic risks in 26 different countries.

2. On 8 and 9 March 2005, and also at their subsequent meeting for preparing a future ministerial session, the member countries of the Agreement could discuss the Agreement’s objectives over the next few years, exploiting its investments in terms of the comparative analysis of legislation. The following points should be borne in mind here:

- The Council of Europe has a specific role to play in the fields of activity which remain under the jurisdiction of the individual States, by virtue, for instance, of the European Union Constitution. The Council of Europe is a forum for exchange

and rapprochement vis-à-vis legislative work and policy debates. This consideration obviously applies to European States which do not belong to the EU and Mediterranean States which do belong to the EUR-OPA Major Hazard Agreement;

- Appropriate co-operation processes will have to be gradually established with the European Union and the various United Nations agencies, given that the Agreement has a clearly demarcated field of action which might eventually achieve consensus among the various international players in the field of risk management. This activity would be part of the Council of Europe's overall contribution to the fields of sustainable development, human development and human security;
- It would probably be better to work on "integrated management policies" for major hazards than on "legislation" as such. "Policies" use legislation as an instrument and cover not only the purely legislative aspects (the reference "texts") but also the practicalities. This would assure the continuing work on legislation of its proper place on the policy front.

Euro-Mediterranean work on integrated risk management policy and the corresponding legal instruments might be organised on the basis of the following functions:

- The function of analysing and processing data relating to the sector. It would be a case of both updating the data collected and analysing them from a co-operation angle, eventuating in joint policy thrusts;
- The function of European consultation and joint policy-making. The work on data would be geared to some degree of harmonisation, or consultation at the very least, rather than to complete standardisation. This might lead to the dissemination of good practices within the Agreement and its member countries, and circulation of "Agreement guidelines" targeting specific aspects, or even Recommendations by the Committee of Ministers of the Council of Europe having legal force without being binding. Another possible legal level, more difficult to implement, would be a framework Euro-Mediterranean convention (this point should be seen in conjunction with some of the proposals put forward in the United Nations framework);
- The function of technical assistance and co-operation. The main criterion for developing this function is for the ISPU to pursue its work under a partnership network, providing the various countries with expertise and helping them to adjust their policies, legislations and practices.

II. Potential development of activities in the education and vocational training field

1. The assessment booklet on the activities of the agreement, which is based on the report by Mr Jean-Pierre Massué (2004), summarises the initiatives taken under the Agreement using various public awareness campaigns to instil a “risk culture”. This “risk culture” concept is precisely one of the ideas that were highlighted at the Kobe Conference. The head of the Council of Europe delegation spoke during the debate on the theme of education and sustainable development for effective risk prevention and reinforcement of human security, co-ordinated by UNESCO and Kyoto University. In his statement, he mentioned the various types of potential input from the EUR-OPA Major Hazards Agreement into the United Nations Action Plan over the coming decade.

2. The UNESCO document “Proceedings of the thematic session on Education for Sustainable Development towards Effective Disaster Reduction and Reinforcing Human Security” reports on the numerous educational approaches being implemented at the national and international levels, eg the Global Alliance for Disaster Reduction (GADR), the Global Open Learning Forum on Risk Education (GLOFRE), the Disaster Reduction Alliance (DRA) and the International Institute of Earthquake Engineering and Seismology (IIEES). The idea which UNESCO is promoting of an international alliance defining and disseminating good practices in matters of education and a global open learning forum on risk education” cannot but attract the support of our Agreement, which could contribution to it on behalf of the Euro-Mediterranean area.

3. The Agreement’s projects in the field of education and awareness-raising emerged from the need for responses to crisis situations, initiatives taken by centres, new partnerships and fund-raising. In view of the fact that a multitude of initiatives co-exist at any given time, the Agreement would do well to secure an overall strategy in this field, conducting an inventory in order to pinpoint the education/awareness aspects which it should and could cover. It has emerged, for instance, from wide-ranging talks between the Executive Secretary and the European Union’s Civil Protection Unit that while the said Unit produces further vocational training courses leading to qualifications (though not to diplomas), it does not deal with linking up specialist postgraduate or general school courses. This leaves an opening for the Agreement to expand its activities in these fields. The documentary sources for overall discussions are:

- “International institutions and major risk management”, AP/CAT (2003) 12 rev.;
- “Market study ‘occupations-employment-profiles’, European Training Programme in Risk Sciences”, AP/CAT (1996) 14.

The requisite diagnosis concerning coherent education programmes should highlight a number of priority fields in the Euro-Mediterranean area, taking account of activities conducted by other operators in the past at different levels.

4. The Agreement's modalities for intervention on the education theme should be clarified by splitting up the following two levels:

a. Granting a kind of label, accompanied by appropriate funding, albeit confined, if necessary, to the organisation of programmes launched by the centres. What selection criteria should be used for Agreement support (training with a genuinely European impact, multinational participants, knock-on effect in the country of origin and other states, plurinational trainers, etc?)

b. Multinational work upstream or downstream of the training courses held at the local level, involving specialists from several countries working on programme structure, teaching methods for educational intervention (training engineering). The Council of Europe's intergovernmental programme is usually called upon for this latter strand.

5. Following the forthcoming discussions between the centre directors and the Permanent Correspondents on 8 and 9 March, a new select working group will be proposed, mandated to take rapid stock of the situation and produce the basis for a decision to be taken by the Correspondents at a subsequent meeting on the objectives and resources which might be proposed at the ministerial session.

III. Early warning system and prevention strategies

1. In his statement at the Kobe Conference and as follow-up to the letter sent to Jan ENGELAND, Deputy Secretary General of the United Nations for Humanitarian Affairs and Emergency Relief Co-ordinator, the representative of the Secretary General of the Council of Europe (see doc. AP/CAT (2005) 6) pointed out that the EUR-OPA Major Hazards Agreement could offer its centres' expertise as a prospective contribution to the international action on the early warning systems project. The idea was put forward that the Agreement might cater for the Euro-Mediterranean strand of the Conference scheduled for 2004-2005 (date to be confirmed) in Germany.

2. In the meantime, the French Minister of the Environment and the Alpes-Maritimes Department took the initiative of organising a working day on 25 February 2005 in Nice on tsunami prevention in the Western Mediterranean. Several Agreement associate centres and the Executive Secretary were invited. The discussions in Paris on 8 and 9 March 2005 will take account of the latter elements in order to secure progress in the Agreement's position on the early warning/tsunami aspects and the possible input from the project under consideration in Germany. Potential organisers of the conference in Germany have been invited to send a representative for an exchange of views on the morning of 9 March.

The discussion on early warning systems should also cover the establishment of the GMES system developed by the Commission and the ESA, and reassess the position as regards the European warning system already initiated by the Council of Europe Agreement in this context.

IV. Possible new initiatives in the decision support field

Bearing in mind to the closing comments of Mr Lecléi's memorandum, as appended, we should consider, by the next ministerial session, if it would be useful to establish a lightweight think-tank within the Agreement to concentrate on *a posteriori* analysis of crisis situations, or on anticipating emerging threats of an unprecedented nature or impact (heat waves, certain indirect effects of terrorism, etc).

Other aspects might include the rights of victims in unprecedented situations with which States might potentially be faced (although this aspect might be approached under the work on national legislation).

The European Union might be contacted with a view to co-operation on this approach.

V. Organising the potential of the 26 centres

The great advantage of the EUR-OPA Major Hazards Agreement is that it is both "scientific" and "politico-administrative". The Agreement should continue to provide a forum for exchange among the centres, whose specific research projects could be highlighted on the website, which is currently being reorganised. From this angle, the Agreement could function as a platform for jointly disseminating and publicising the work of the various centres.

Furthermore, the centres should play an intensified role in implementing the Agreements priority objectives, on which the bulk of the medium-term efforts should be concentrated. The Agreement's success depends largely on the quality, originality and above all the effective monitoring of service provision over specified periods.

The foregoing comments are not intended as an exhaustive list. Delegations may add any further proposals on the future of the activities.

APPENDIX

***STRATEGIC ORIENTATIONS
AND PROPOSED ACTIONS
FOR 2005***

by
Lionel LE CLEI

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INTRODUCTION

On 26 December 2004 the coastlines of fifteen South-East Asian countries were laid waste by a tsunami of unprecedented violence, set in motion by an earthquake of extraordinary magnitude.

Such disasters, with their enormous toll of human lives, remind all public decision-makers responsible for protecting civilian populations of the seriousness of their role in terms of investigation, anticipation and initiative.

The EUR-OPA Major Hazards Agreement has implemented various projects on the earthquake and tsunami hazards and the requisite early warning systems, and it has in fact set up a number of centres specialising in this field. At its 9th Ministerial Session it hammered home the importance of the prevention strand of its work.

This obviously highlights the Agreement's capacity and legitimacy for helping to define a new framework for hazard management on an unprecedented scale. However, we must nevertheless begin by considering the arrangements for co-ordinating action under the Agreement.

The requisite debate might proceed on the basis of the two themes of acknowledging the current state of affairs and proposing future action to deal with it.

1. Risk prevention and management: the need for "aggiornamento" from a sustainable development angle

1-1. The vital need to upgrade facilities for developing countries

The recent catastrophe has provided a harsh reminder of the fact that the populations of "poor" countries are both more vulnerable to natural hazards and less well-equipped to recover from disaster when it strikes. Their complete destitution means that they are much worse affected than populations in the "wealthy" countries by disaster. Natural catastrophes interrupt or even completely annihilate any development processes which are under way, often wiping out the fruit of many years' endeavours.

However, while such disasters are often quite fatalistically accepted by the populations in question, they are not always unavoidable. There are ways and means of alleviating the effects of such violent phenomena; although natural hazards are difficult to prevent or control, upstream action to cut back on the risks is generally feasible.

In all types of natural disaster, an appropriate prevention policy could save many human lives, material resources and infrastructures.

Action to reduce risks is possible in a number of fields, eg:

- environmental management
- spatial planning
- regional policy-making
- tailoring the new technologies
- new legal and financial facilities
- new early warning systems, etc.

There are three basic mainstays to effective action at the local level:

- developing public education and preventive information campaigns on the risk(s) and the requisite response,
- establishing technologies affordable by low-income populations,
- reinforcing institutional capacities and civil protection agencies.

1.2 Insufficient involvement and co-ordination on the part of the international players

It has become obvious that there is far too little international co-operation in the hazard management sector.

Since the 1990s, more and more international institutions have been insisting that it is vital for development policies to include disaster prevention strands. Unfortunately, despite the increase in the costs inherent in natural disasters, these affirmations of principle (particularly the “Yokohama Strategy”) are being put into practice only very gradually. Nevertheless, it is likely that the “electric shock” caused by recent events will expedite this process.

Involvement by individual States in risk prevention still varies widely, although a new approach to risk management concentrating more on prevention and preparation is in fact creeping in. This new awareness of the prevention aspect will probably involve devising strategies that actively involve the local level.

On the other hand, only a small minority of NGOs have any practical experience in the prevention field. In their defence, we should remember that budget lines for this type of programme are still few and far between, which does not encourage the NGOs show ant great commitment to this area. We must nonetheless warmly welcome the action conducted by the International Federation of Red Cross and Red Crescent Societies, which has selected risk prevention as one of its strategic priorities in the run-up to 2010.

Lastly, the scientific community, and the private sector in general, are not yet closely involved in efforts at risk prevention. They still concentrate largely on post-disaster rescue and emergency work and tend to overlook the importance of preventive measures.

2. The prospective contribution of the EUR-OPA Major Hazards Agreement in the field of risk prevention and disaster impact reduction

2-1. The sustainable development approach

The World Summit in Johannesburg in 2002 proclaimed loud and clear that prevention was the “keystone” of development policies. National Sustainable Development Strategies (NSDSs) were subsequently devised, comprising risk prevention and management strands and a marked international dimension.

It is perfectly legitimate to imagine the EUR-OPA Major Hazards Agreement joining in the general activities of by the United Nations specialist bodies’ programmes for the protection of crisis- and disaster-stricken populations. Moreover, the budgetary resources required for such a policy might be secured under the general procedures used for maintaining the main solidarity funds and financing the European programmes.

It would be advisable, initially, to mandate a specified entity (a member country, a centre or network of centres, etc) to head the activity and compile all the international reference experiments and/or possible analogous programmes.

The next step would be to pinpoint and list all the initiatives by other sponsors in this field, and also to identify all public and private parties able and willing to become involved in the prevention field.

2.2 Proposed activities for the EUR-OPA Major Hazard Agreement in 2005

Such a “sectoral policy” for preventing disasters must be closely co-ordinated with the Commission of the European Union, especially through its ECHO-DIPECHO” disaster preparedness programme, as well as the other programmes being implemented, particularly by its Directorate-General for the Environment.

On validation of the EUR-OPA Major Hazard Agreement’s programme of strategic activities for 2005, it would be useful to organise an exploratory encounter in Brussels with the officials of the Environment DG (Civil Protection Unit) in order to study all possible contributions by the Agreement to the Commission’s programmes. More broadly, more systematic interaction with the European and international institutions should be sought in such fields as public information and education, legislation and decision-making assistance, offering to pool the expertise accumulated by all the Agreement’s European centres.

Lastly, we should remember that the populations most at risk must be the ultimate beneficiaries of these activities and programmes. In the countries in which they are to be implemented, therefore, the primary task must be to verify their inclusion in all documents pertaining to National Sustainable Development Strategies and “Poverty Reduction Strategy Papers” (PRSPs).

2.3 The South-East Asian disaster necessitates an overhaul of the system

We have already seen how the scale of this disaster’s toll in human lives and its aftermath has changed our previous approach to preventing such natural phenomena and reducing their impact. This should encourage the EUR-OPA Major Hazards Agreement to boldly renew its efforts in this direction. Its potential work could take a variety of forms:

- an extraordinary session in the form of a feedback seminar, possibly to be held in a Euro-Mediterranean country particularly concerned by earthquake and tsunami risks. The event should be attended by national experts and representatives of NGOs and international institutions responsible for reporting on the outcome of the international aid provided to the fifteen stricken Asian countries. Invitations might also be extended to representatives of non-member countries of the Agreement and/or the ministerial departments concerned, eg ministries responsible for the rights of victims, education, housing, local authorities and foreign affairs.
- sponsoring an international encounter on the theme of “preventing tsunamis and mitigating their effects”. Further international encounters in line with the Conference in Kobe (Japan) from 18 to 22 January 2005 are very much on the cards. If the EUR-OPA Major Hazards Agreement supported one of these events, it would highlight the Council of Europe’s role and publicise its facilities, such as the Council of Europe European Development Bank, which acts in co-operation with the other international banks.

- in the same spirit, the Agreement should be encouraged, or indeed urged, to make any possible contribution to conferences and/or seminars organised under the auspices of the United Nations or the European Union. This would help publicise the Agreement's work in such fields as preventive information, early warning to populations at risk, use of space technologies (telecommunications and earth positioning and observation), and specific measures to prevent tsunamis.

2.4 Securing a symbolically powerful political act

Whatever form they might take, these initiatives will indubitably help reinforce the Agreement's legitimacy, particularly by providing it with a platform for publicising the declaration by the Ministers of the Agreement on major hazard prevention. This endeavour must eventuate in a major political act.

At the very least, such a political act must consist in giving formal written expression to the feedback on its experience, to be exploited at the next meeting of the Permanent Correspondents and updated for the Ministerial Session. In doing so, special attention must be given to the situation of young children, because one third of all the victims of the Asian tsunamis have been children. Moreover, the text must cover the requisite means of improving our response to the victims' expectations and rights within future emergency plans and rescue mechanisms.

Furthermore, it is important not only to take full advantage of the potential of the 26 European centres operating under the Agreement but also to reinforce their capacity for networking, co-operating on jointly selected consensual research themes. For instance, they must be able to mobilise expert information for public decision-makes, at very short notice, as well as information on specific high-risk situations, or again, to provide early estimates of the consequences for affected populations.

It would more generally be useful to endeavour to improve information for the Ministers of the Agreement and their assistants, so that the latter can fully realise the political impact of specific schemes and programmes implemented under the Agreement, many of which are known only to the national representatives.

2.5 Further outstanding achievements by the EUR-OPA Major Hazards Agreement

In-depth analysis of the EUR-OPA Major Hazards Agreement programme highlights many grounds for satisfaction. Launched in 1987, the Agreement was first implemented by a small, highly motivated team led by Mr Jean-Pierre MASSUE. By means of a large number of fairly innovatory schemes it has already facilitated major collective work in the field of preventing natural and technological risks¹.

¹ See report on "*Contribution to the international strategy for disaster reduction and to Euro-Mediterranean co-operation for risk prevention*", communicated by the Council of Europe's EUR-OPA Major Hazards Agreement, in the framework of the World Conference on Disaster Reduction, 18-22 January 2005, Kobe, Japan

The achievements are indisputable, and include:

- work on comparative analysis of legislation and education, which was recently given top priority by the Permanent Correspondents;
- effective creation of a platform for exchanging data and ideas among European Union, Euro-Mediterranean and east European countries;
- the European earthquake warning system based on information from the French European Centre and damage estimates calculated by the Russian Centre.

The following measures are recommended in order to uphold the Agreement's original role and maintain its coherency:

- seeking to secure convergence in international legislations and local risk management and emergency preparedness practices, particularly on the basis of the programmes currently being piloted by the European Centre in Belgium;
- promoting school, university and occupational training programmes in risk control, as well as access to the relevant scientific disciplines;
- actively developing decision-making aids in the field of the main risks identified, but also in terms of threats which are unprecedented in terms of their nature or scale;
- continuing the debate on human rights protection by means of a separate section on victims, specifically child victims, also taking account of deontological concerns in crisis situations.

CONCLUSION

Thanks to the undeniable status of its programmes as “concept and project incubators”, the EUR-OPA Major Hazards Agreement is now an unparalleled platform for the exchange of ideas and data in the field of risk prevention.

Many of the Permanent Correspondents interviewed for this survey expressed their keen intellectual interest in being involved and working in actual projects, rather than concentrating on documentation, as usually happens in European and international organisations.

Whatever strategy options are chosen for 2005, we must encourage unflagging efforts at interaction with the European and international bodies, but above all we must preserve this “open network” mode of operation. The latter should continue to be punctuated with regular exchanges among individuals working with the same aim, namely to incorporate prevention and preparedness into the day-to-day practices of everyone everywhere.