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MEDITERRANEAN ACTION PLAN

Meeting of the Bureau of the Contracting Parties
to the Convention for the Protection of the
Mediterranean Sea against Pollution
and its Protocols

Cairo, 1-2 April 1996

**MEDITERRANEAN COMMISSION ON
SUSTAINABLE DEVELOPMENT
(MCSD)**

PROGRESS REPORT BY THE SECRETARIAT

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MEDITERRANEAN COMMISSION ON SUSTAINABLE DEVELOPMENT
(MCSD)

I. INTRODUCTION

1. The United Nations Conference on Environment and Development (UNCED, 3-14 June 1992), adopted various important decisions including Agenda 21, which is considered as a basic framework and a guide for the world community to deal with environment and development in an integrated, comprehensive and balanced manner for the benefit of the present and future generations.
2. Chapter 38 of Agenda 21 entitled "International Institutional Arrangements", contains a set of important recommendations on institutional arrangements to follow up the Conference, particularly those on the establishment of a high-level Commission on Sustainable Development.
3. Chapter 38 of Agenda 21 reaffirmed the mandate of the United Nations Environment programme (UNEP) and the general direction of the efforts pursued in the environment programme, and affirmed also that regional and sub-regional co-operation would be an important part of the Conference outcome, particularly in promoting regional and sub-regional capacity building and promoting the integration of environmental concerns in regional and sub-regional development policies, as well as in helping Governments to take co-ordinated action in solving environment issues of regional significance.
4. At its Forty-Seventh Session (Sep.- Dec. 1992), the General Assembly of the United Nations considered the report of UNCED and decided, by its resolution 47/190, *inter alia* to establish a United Nations Commission on Sustainable Development (UNCSD) as a functional Commission of the Economic and Social Council, in order to ensure the effective follow-up of the UNCED Conference, as well as to enhance International Co-operation and rationalise the intergovernmental decision-making capacity for the integration of environment and development issues and to examine the progress of the implementation of Agenda 21 at the national, regional and international levels, in order to achieve sustainable development in all countries.
5. Based on the above mentioned considerations, and aiming at making MAP actions more conducive to sustainable development, the Ministerial Conference "Agenda MED 21" on Sustainable Development in the Mediterranean, held in Tunis, on 1 November 1994, which was attended by Mediterranean Coastal States, the European Community, and several international organisations, determined to strengthening regional partnership and solidarity and to give full effect to, and ensure the total respect for the implementation at the Mediterranean level of the recommendations of the UNCED Conference.
6. As a starting point the Tunis Conference decided to develop a Mediterranean strategy including objectives and a calendar of actions, through an Agenda MED 21 and the priorities set up by the Contracting Parties, and agreed in this context on

the principle of setting up a Mediterranean Commission on Sustainable Development (MCSD) within the framework of the Mediterranean Action Plan (MAP) to monitor and review the implementation of this strategy.

7. In order to initiate this process, the Conference invited the Bureau of the Contracting Parties to the Barcelona Convention and the Coordinating Unit of the Mediterranean Action Plan (MAP) to prepare concrete suggestions on the Commission's terms of reference, while bearing in mind the activities and the mandate of other inter-governmental and regional organisations, notably the important role of the European Community in promoting sustainable development in the Mediterranean region through its various environment and development programmes. The Euro Mediterranean Conference at Barcelona in November 1995 encouraged the taking into consideration of sustainable development for the whole of the Mediterranean Basin, both in terms of policies adopted by the States and at the level of international cooperation.
8. At the Ninth Ordinary Meeting (Barcelona, 5-8 June 1995) the Contracting Parties decided to create a Mediterranean Commission on Sustainable Development (MCSD) within the framework of MAP, and requested the Secretariat to prepare its Terms of Reference and submit them to the meeting of the Contracting Parties for adoption. Moreover, the Meeting decided to convene the first meeting of the Commission by the first half of 1996 at the latest, in order to prepare its programme and to consider organisational matters (UNEP(OCA)/MED IG.5/16).
9. The draft Terms of Reference of the Commission has been initially prepared by the Secretariat and then thoroughly reviewed and amended in December 1994 by a small group of Mediterranean experts (Cyprus, Tunisia, EC and the Secretariat).

The draft was sent in July 1995 to all Contracting Parties for their consideration and for concrete comments. Three replies were received as at October 1995 (Croatia, Israel and Turkey).
10. On the basis of a decision of the Bureau of the Contracting Parties (Rabat, 9-10 November 1995), and on the basis of the written and verbal comments and the Secretariat initiative, the draft Terms of Reference was reviewed and proposals for amendments were inserted as an alternative to the original draft text.
11. The new draft of the Terms of Reference was sent on 6 November 1995, to all Contracting Parties for their comments. Eleven (11) replies were received as at 29 February 1996 (Croatia, Cyprus, Egypt, France, Greece, Malta, Monaco, Morocco, Spain, Tunisia and Turkey). The following is a synthesis and an analysis of the comments received and an outline of the actions to be taken:

II. MEDITERRANEAN COMMISSION ON SUSTAINABLE DEVELOPMENT
(MCSD)

DRAFT TERMS OF REFERENCE*

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* The draft was sent to all Contracting Parties in November 1995 for their comments.

**DRAFT TERMS OF REFERENCE OF THE COMMISSION ON SUSTAINABLE
DEVELOPMENT**

Alternative:

**MEDITERRANEAN COMMISSION ON SUSTAINABLE DEVELOPMENT
DRAFT TERMS OF REFERENCE**

A. Status and purpose of the Commission

1. A Mediterranean Commission on Sustainable Development (MCSD) is hereby established as a functional commission within the framework of the Mediterranean Action Plan of UNEP (UNEP/MAP);

Alternative:

1. **A Mediterranean Commission on Sustainable Development (MCSD) is hereby established as an advisory body within the framework of the Mediterranean Action Plan of UNEP;**

2. The purpose of the Commission is:
 - (a) to ensure the effective follow-up to the decisions of the meetings of the Contracting Parties and of actions by the Contracting Parties in relation to Agenda MED 21 and provide appropriate recommendations thereon;

Alternative:

2. **The purpose of the Commission is:**

- (a) **to identify, evaluate and assess major economic, ecological and social problems stipulated in Agenda MED 21, taking into due consideration the priorities agreed upon in MAP Phase II, and the decisions and recommendations of the Contracting Parties and propose the necessary recommendations thereon to the meetings of the Contracting Parties through the MAP Secretariat;**
- (b) to enhance regional cooperation and rationalise the inter-governmental decision-making capacity in the Mediterranean basin for the integration of environment and development issues;
- (c) to examine the progress in the implementation of Agenda MED 21 at

the national and regional levels, fully guided in its endeavour by the principles of the Rio Declaration on Environment and Development and all other aspects of the UNCED Conference, in order to contribute to and consolidate building-up of sustainable development in all Mediterranean Countries.

B. Functions

3. The functions of the Commission shall be:

- (a) to monitor progress in the implementation of a regional Mediterranean strategy for sustainable development in the Mediterranean, taking into consideration the resolutions of the Tunis Conference and the context of Agenda MED 21 as well as other activities of MAP and the Barcelona Convention and its related protocols;

Alternative:

- (a) Delete**

- (b) to consider and review information provided by the Contracting Parties, in accordance with Article 20 of the Barcelona Convention, including periodic communications or reports regarding the activities they undertake to implement Agenda MED 21, and the problems they encounter, such as problems related to the integration of environment into national policies, capacity building, financial resources, technology transfer, and other relevant environment and development issues;
- (c) to review on a regular basis the adequacy of funding and mechanisms, including efforts to reach agreed objectives of Chapter 33 of Agenda MED 21, and targets where applicable;

Alternative:

- (c) to review the cooperation of MAP with WB, EIB, EU and other international financing institutes, and to explore ways and means for the strengthening of such cooperation;**

- (d) to consider, where appropriate, information regarding the progress made in the implementation of relevant environmental conventions, which could be made available by the relevant conferences or by the parties;

Alternative:

(d) Delete

- (e) to identify technologies and knowledge of an innovative nature for sustainable development in the Mediterranean region and to provide advise on the various means for their most effective use and in order to facilitate exchanges among the Contracting Parties;
- (f) to provide reports and appropriate recommendations to the meetings of the Contracting Parties, through the MAP Secretariat, on the basis of a comprehensive analysis of reports and issues related to the implementation of a regional strategy related to Agenda MED 21;

Alternative:

(f) Delete

- (g) to undertake a five-year strategic assessment and evaluation of the implementation by the Contracting Parties of the regional strategy for Agenda MED 21 and decisions of the meetings of the Contracting Parties and of actions by the Contracting Parties relevant to sustainable development in the Mediterranean region and propose relevant recommendations thereon; the first strategic review should be undertaken for the year 2000 on a high level representation (Ministerial participation), with the objective of having an integrated overview of the implementation of the regional strategy relevant to Agenda MED 21, to consider emerging policy issues and provide necessary political impetus. The Commission shall make the best use of the main results of the MAP Mediterranean Environment and Development Observatory.

Alternative:

- (g) to undertake a four-year strategic assessment and evaluation of the implementation by the Contracting Parties of Agenda MED 21 and decisions of the meetings of the Contracting Parties and of actions by the Contracting Parties relevant to sustainable development in the Mediterranean region and propose relevant recommendations thereon; the first strategic review should be undertaken for the year 2000 on a high level representation (Ministerial participation), with the objective of having an integrated overview of the implementation of Agenda MED 21, to consider emerging policy issues and provide necessary political impetus. The Commission shall make the best use of the main results of the MAP Mediterranean Environment and Development Observatory.

- (h) to assume such other functions as it deems appropriate to further the purposes of the Barcelona Convention, MAP and Agenda MED 21;

Alternative:

- (h) to assume such other functions entrusted to it by the meetings of the Contracting Parties, to further the purposes of the Barcelona Convention, MAP and Agenda MED 21;

4. The rules of procedure of the Commission shall be the Rules of procedure of the meetings and Conferences of the Contracting Parties to the Barcelona Convention.

Alternative:

4. The rules of procedure of the Commission shall be the Rules of procedure of the meetings and Conferences of the Contracting Parties to the Barcelona Convention, until the rules of procedure of the Commission shall be proposed by the Commission and adopted by the meeting of the Contracting Parties.

C. Composition

5. The Commission shall consist of representatives of all Contracting Parties to the Barcelona Convention. Representatives should be at a high level with two representatives from each Contracting Party, thus ensuring interdisciplinary participation of relevant ministerial bodies of the Contracting Parties (i.e. ministries of environment, economy, development, finance, energy etc.).

Alternative:

- 5. The Commission shall consist of one representative from each Contracting Party to the Barcelona Convention (21), four representatives from local authority networks, four from socio-economic networks, four proposed by Non-Governmental Organisations, and four individual experts (16). All representatives shall participate in the commission on an equal footing.**

D. High Level Advisory Group

6. The Commission, whenever it is deemed appropriate, shall appoint a high level advisory group of eminent persons designated on their personal capacity, to advise the Commission on the various aspects of its work, particularly on the implementation and evaluation of the regional strategy for sustainable development in the Mediterranean region.

Alternative:

- 6. The Commission, whenever it is deemed appropriate, shall appoint a high level advisory group of eminent persons designated on their personal capacity, to advise the Commission on the various aspects of its work.**

The commission, where it is deemed appropriate, shall establish any other subsidiary bodies to assist in its work.

E. Observers

7. In accordance with the established practice of MAP, any Mediterranean and non-Mediterranean member states of the United Nations and any international governmental or any non-governmental organization the activities of which are related to the functions of the Commission may participate in the Commission's work as an observer. Such observers may contribute, within their competence, to the deliberations of the Commission but without the right to vote.

Alternative:

- 7. In accordance with the Rules of Procedure adopted by the Contracting Party to the Barcelona Convention, any state which is a member of the United Nations and the Specialised Agencies, and any other inter-governmental organizations the activities of which are related to the functions of the Commission, may participate in the Commission's work as an observer. Such observers may contribute, within their competence, to the deliberations of the Commission but without the right to vote.**

F. Meetings of the Commission and Responsibilities of the Secretariat

8. The Mediterranean Commission on Sustainable Development shall meet normally every two years for a period of one week at the premises of the Coordinating Unit of MAP, without prejudice to the convening of its meetings in other Mediterranean venues upon a recommendation of the meetings of the Commission.

Alternative:

- 8. The Mediterranean Commission on Sustainable Development shall have an annual meeting up to the year 2000, then shall meet every two years. The meetings shall be convened at the premises of the Coordinating Unit of MAP, without prejudice to the convening of its meetings in other Mediterranean venues upon a recommendation of the meetings of the Commission.**

8. bis English and French shall be the languages of the Commission.

9. The Commission shall elect at the commencement of each session, a Chairperson, three Vice-Chairpersons and a Rapporteur, on the basis of the principle of equitable geographical distribution.
10. The Coordinating Unit of MAP, serving as the Secretariat of the Commission, shall provide for each session of the Commission an analytical report containing information on relevant activities to implement the regional strategy relevant to Agenda MED 21 and other sustainable development activities recommended by the meetings of the Contracting Parties, progress achieved and emerging issues to be addressed.

Alternative:

10. **The Coordinating Unit of MAP, serving as the Secretariat of the Commission, shall provide for each session of the Commission an analytical report containing information on relevant activities to implement Agenda MED 21 and other sustainable development activities recommended by the meetings of the Contracting Parties, progress achieved and emerging issues to be addressed.**

G. Relationship with the United Nations Commission on Sustainable Development

Alternative:

- G. **Relationship with the United Nations Commission on Sustainable Development and with National and Regional Commissions on Sustainable Development**

11. The Commission shall be brought into relationship with the United Nations Commission on Sustainable Development.

Alternative:

11. **The Commission shall be brought into relationship with the United Nations Commission on Sustainable Development, and shall facilitate exchange of information and experience amongst national and regional Commissions on Sustainable Development.**

12. The Commission, in discharging its functions, shall take into account the experience and expertise of the United Nations Commission on Sustainable Development, and shall submit relevant progress report to the United Nations Commission on Sustainable Development, through the Contracting Parties' meetings.

Alternative:

12. **The Commission, in discharging its functions, shall take into account the experience and expertise of the United Nations Commission on Sustainable Development, and shall submit relevant reports to the UN Commission through the Contracting Parties' meetings, on any issues that may be of its interest regarding sustainable development in the Mediterranean region.**

13. The Commission and the Contracting Parties shall, as far as possible and taking into account the particular needs of the Mediterranean countries,

utilize the existing reporting system of the United Nations Commission on Sustainable Development, with a view to streamlining and avoiding duplication of work.

H. Relations with the Specialised Agencies, Intergovernmental Organisations and Non-governmental Organisations

14. The Commission shall co-ordinate and strengthen its activities with the relevant United Nations Specialised Agencies and other inter-governmental bodies within the United Nations System, including international, regional and sub-regional financial and development institutions, in particular regarding projects for the implementation of the regional Mediterranean strategy related to Agenda MED 21 and the decisions of the Contracting Parties.
15. The Commission shall enhance the dialogue with, and the participation of, relevant non-governmental organisations (NGO's) and the independent sector, and receive and analyse their inputs within the context of the overall implementation of the Mediterranean regional strategy for sustainable development.

Alternative:

Delete 14 and 15

**III. COMMENTS OF THE CONTRACTING PARTIES ON THE TEXT OF THE DRAFT
TERMS OF REFERENCE OF THE COMMISSION**

1. The following Contracting Parties have sent their comments as at 29 February 1996 in response to the letter of 6 November 1995:
 1. Croatia
 2. Cyprus
 3. Egypt
 4. France
 5. Greece
 6. Malta
 7. Monaco
 8. Morocco
 9. Spain
 10. Tunisia
 11. Turkey
2. The following is a synthesis and an outline of the main trends of the comments of the Contracting Parties. The term '**Draft**' refers to the text of the original text as presented to the 9th Ordinary Meeting (Barcelona, 5-8 June 1995) and the term '**Alternative**' refers to the alternatives shown in bold in boxes:
3. This part is divided into (a) general comments and (b) specific comments:

(a) **GENERAL COMMENTS:**

Croatia:

The revised version and proposed changes are very useful and quite acceptable.

Cyprus:

- a. The Terms of Reference of the MCSD should, as far as possible, coincide with the Terms and Reference of the United Nations Commission on Sustainable Development (UNCSD), as the MCSD is expected to perform a similar function with UNCSD, at the regional level (i.e. it should "be functional", "ensure effective follow-up", "enhance cooperation", "rationalise decision-making capacity" and "examine progress").
- b. The MCSD should, according to the Tunis determination "give full effect to, and ensure the total respect for the implementation of the UNCED Conference", and "monitor and review the implementation of the strategy (i.e. MED 21).

Egypt:

Egypt agrees with the new amendments (Alternative text).

Tunisia:

1. The amendments to the first version of the draft mandate make the MCSD a purely consultative body. This does not correspond to the institutional arrangement that the Contracting Parties had in mind when deciding to set up the Commission.

It would be preferable and more useful to go back to the first version of the MCSD mandate with some amendments which would clarify the follow-up, consultation and orientation tasks of the Commission which should have a more direct role in the management of MAP activities and in the preparation of decisions that the Contracting Parties will have to adopt at their Ordinary Meetings.
2. The MCSD must focus its work and analysis mainly on the identification of priority objectives in the fields of environment and sustainable development. The other MAP bodies will then establish the relevant work programmes according to these objectives.
3. On the composition of the MCSD, we believe that all proposals are of equal merit, the thing to have in mind when selecting the members, for a most appropriate selection, to observe the criterion of periodicity and the cost of the commission' s meetings.

(b) **SPECIFIC COMMENTS**

TITLE

Cyprus:

The proposed Alternative title appears to be better.

France:

Title to read "Mandate, composition and *modus operandi* of the MCSD".

Malta:

The preference is for the Draft and add the word "Mediterranean" before the Word "Commission".

Turkey:

The proposed Alternative is more appropriate.

A. STATUS AND PURPOSE OF THE COMMISSION

Cyprus:

A.1 The original text is preferable.

A.2(a) The original and the proposed Alternative could be merged into one.

France:

A.1 Keep the original text.

A.2(a) Keep the original text, but replace "recommendations" with "proposals".

A.2(a) Add a new paragraph to read: "to identify the problems of sustainable development in the Mediterranean Basin, while taking into consideration its social, economic, environmental and territorial components".

A.2(c) amend as follows:

"fully guided in its endeavour by the commitments taken during the Rio Conference on Environment and Development within the framework of Agenda 21, in order to contribute (rest unchanged).

Greece:

A.1 Greece agrees with the Alternative.

A.2(a.b.c) Agree with the original.

Malta:

A.1 Preference is for the Draft (original).

A.2(a) Preference is for the "Draft' amended as follows:

"to ensure the effective follow-up to the decisions of the meetings of the Contracting Parties in relation to Agenda Med 21 and to provide appropriate recommendations thereon. The Commission shall also identify, evaluate and assess major economic, ecological and social problems stipulated in Agenda MED 21".

Monaco:

A.1 The versions which make the Commission a body at the level of MAP and not a technical tool of MAP are preferable.

Morocco:

The following text is proposed:

A.1 "Following the decisions of the Tunis Ministerial Conference and the Ninth Ordinary Meeting of the Contracting Parties in Barcelona, a Mediterranean Commission on Sustainable Development (MCSD) is being set up within the framework of MAP/UNEP.
The MCSD is a consultative body within the Mediterranean Action Plan of UNEP".

A.2 The Alternative is retained as far as the object of the Commission is concerned.

Spain:

The following text is proposed:

A.1 "The MCSD was set up as a Consultative body on the basis of the Barcelona Resolution on Environment and Sustainable Development in the Mediterranean Basin adopted by the 9th Meeting of the Contracting Parties to the Convention for the Protection of the Mediterranean Sea and its Protocols, within the framework of the Mediterranean Action Plan of UNEP".

A.2 The objective of the Commission is to assist the Contracting Parties to:

- (a) ensure sustainable management of marine and land natural resources and integrate the environment into economic development and land planning;
- (b) reinforce the solidarity among Mediterranean coastal states through the

management of their common heritage and resources to benefit both the present and future generations;

- (c) contribute to upgrading the quality of life of the people in the coastal states.

Turkey:

- A.1 The Alternative text is acceptable.
- A.2(a) The Alternative text is acceptable with the replacement of the "MAP Secretariat" with "the Coordinating Unit".

B. FUNCTIONS

Cyprus:

- B.3(a) Maintain 3(a) as proposed in the 'Draft' (original) text.
- B.3(c) The two texts, the 'Draft' and the 'Alternative' could be merged together.
- B.3(d) The 'Draft' (original) text could remain by changing the word "consider" with the word "receive".
- B.3(f) The original text is preferable.
- B.3(g) The original text is preferable.
- B.3(h) The proposed Alternative appears better.
- B.4 The Alternative appears better.

France:

- B.3(a) The Alternative (i.e. the deletion of the paragraph) is proposed by France.
- B.3(c) The Alternative text is preferable, with the following amendment:

"to review the cooperation of MAP with the World Bank and other international financing institutes as well as the European Union and to explore ways and means for the strengthening of such cooperation:
- B.3(d) Delete the original text.
- B.3(e) To add at the end of the paragraph the following: "and to enhance the capacities for national development.
- B.3(f) Delete the original text.
- B.3(g) Keep the original text and amend the last paragraph as follows:

"The Commission shall make the best use of the main results of the Blue Plan and the Mediterranean Observatory".

B.3(h) The Alternative text is preferable.

B.3 Add new paragraph as follows:

"To provide Contracting Parties with information on sustainable development generated by the competent bodies of the United Nations; also to provide them with information concerning consultation among Contracting Parties to submit to the Mediterranean Commission on Sustainable Development".

B.4 The original text is to be kept.

Greece:

B.3(a) Propose the following text:

"to elaborate a regional Mediterranean Strategy for Sustainable Development in the Mediterranean, taking into consideration the resolutions of the Tunis Conference and the context of Agenda MED 21 as well as other activities of MAP and the Barcelona Convention and its related Protocols".

B.3(b) Propose the following:

"to consider and review information provided by the Contracting Parties, in accordance with Article 20 of the Barcelona Convention including periodic communications of reports regarding the activities they undertake to implement Agenda MED 21, and the problems encountered".

B.3(c) Agree with the Alternative.

B.3(d) Agree with the 'Draft' (original).

B.3(e) Agree with the 'Draft' (original).

B.3(f) Agree with the 'Alternative'.

B.3(g) Agree with the Alternative, but believe that the last sentence should be deleted, as it is too specific. Indeed, MCSD should make the best use of all possible inputs and there is no reason why only one specific source should be mentioned.

B.3(h) Agree with the 'Alternative'.

B.4 The following paragraph is proposed:

"The Rules of Procedure of the Commission shall be the Rules of Procedure of the meetings and conferences of the Contracting Parties with the

exception that the decisions of the Commission shall be taken with consensus. If consensus is not achieved, the difference points of view should be presented to the meeting of the Contracting Parties”.

Malta:

- B.3(a) Preference is for the 'Draft'.
- B.3(c) Preference is for the 'Draft'.
- B.3(d) Preference is for the 'Alternative'.
- B.3(f) Preference is for the 'Alternative'.
- B.3(g) Preference is for the 'Alternative'.
- B.3(h) Preference is for the 'Draft'.
- B.4 Preference is for the 'Alternative'.

Monaco:

The mission of the MCSD will remain incomplete if one of its clear functions is not to integrate the various relevant international organisations (at least those of the UN family).

Morocco:

- B.3(a) Do not delete this paragraph but introduce a slight amendment as follows.

replace “monitor progress.....” with “contribute to the implementation of a regional strategy of sustainable development in the Mediterranean.....”
- B.3(c) The Alternative is accepted with the following amendment:

“to review, at regular intervals, the cooperation between MAP, WB, the EIB, EU etc”.
- B.3(d) Agree with the deletion.
- B.3(f) The paragraph cannot be deleted, since it follows from the decisions of the Tunis Conference.
- B.3(g) The Alternative is accepted, but the following precision should be brought to it:

“The Commission shall make the best use of the main results of the role of the Mediterranean Observatory on Environment and Development and the national observatories”.
- B.3(h) The Alternative is accepted.

B.4 The Alternative is accepted.

Spain:

B.3(a) The following paragraph is proposed:

"To assist in the formulation of a Mediterranean strategy of sustainable development while taking into consideration the Resolutions adopted by the Tunis Conference and the Barcelona Plenipotentiaries Conference, the Declaration and work programme adopted by the Euro-Mediterranean Conference as well as MAP and the Barcelona Convention, its protocols and other relevant international documents".

B.3 (b,d,f) Delete.

B.3(g) The following paragraph is proposed:

"To carry out a strategic balance over a period of four years and an assessment of the implementation by the Contracting Parties of the regional strategy on sustainable development and the accompanying work programme".

B.4 To add at the end of the Alternative text the following:

"The members of the Commission shall have no vote. The Commission shall adopt its proposals by consensus. If there shall be no consensus, the Commission may present to the Contracting Parties the various options duly weighted".

Tunisia:

B.3(a) To be maintained as in the 'Draft' (original) text.

B.3(c) The 'Draft' text should be maintained, while improving it by bringing in the Alternative "c" on the cooperation of MAP with WB, EIB, EU, (even though the latter is a Contracting Party).

B.3(d) To be maintained.

B.3(f) To be maintained.

Turkey:

Turkey consider that it is premature to give any mandate to the MCSD regarding a Mediterranean strategy which does not exist at the moment.

B.3(a) Alternative seems better.

B.3(c,d,f,g,h) Alternatives are accepted.

B.4 Alternative is accepted.

C. COMPOSITION

Cyprus:

C.5 The original text is preferable.

France:

C.5 Keep the Draft (original) text down to "with two representatives for each Contracting Parties" and delete the rest of the sentence.

Greece:

C.5 The following text is proposed:

"The Commission shall consist of two representatives designated by each Contracting Party to the Barcelona Convention (42), one representing the Contracting Party and the Second representing either a local authority network or a social-economic network or a Non-Governmental Organisation. All representatives shall participate in the Commission on an equal footing".

Malta:

C.5 Preference is for the 'Draft' amended as follows:

"The Commission shall consist of representatives of all Contracting Parties to the Barcelona Convention. Representatives should be at a high level and should ensure interdisciplinary participation of relevant ministerial bodies of the Contracting Parties (e.g. ministries of environment, economy, development, finance, energy etc.).

Monaco:

C.5 The version proposed does not seem satisfactory. The Commission must remain a governmental body, comprising of representatives of the Mediterranean States (perhaps also those that are not parties to the Barcelona Convention) with the addition perhaps of high level representatives of relevant inter-governmental organisations (presidents, Mediterranean members of Bureau or a Mediterranean member state designated by the parties to each convention).

Morocco:

C.5 The Alternative text is accepted.

Spain:

C.5 The following text is proposed:

"The Commission is composed of: representatives of the Contracting Parties to the Barcelona Convention, representatives of the local authorities of four cities in the region, four representatives of socio-economic networks, four representatives of NGOs and four experts on an individual capacity. All the representatives serving on the MCSD shall participate on an equal footing"

Add the following new paragraph:

"The cities, the socio-economic networks and the NGOs which will be invited to appoint representatives to the Commission shall be selected by the Meeting of the Contracting Parties; the same shall hold for the experts serving on an individual capacity. All representatives shall be appointed for a four-year term.

For the first meeting of the Commission, it could be the Bureau of the Contracting Parties which would make this choice".

Tunisia:

- C.5 All proposals are of equal merit, the thing to have in mind when selecting the members, for a most appropriate selection, is to observe the criterion of periodicity and the cost of the meetings of the Commission.

Turkey:

- C.5 The Alternative text is preferable. The number of participants should be decided by the respective countries, similar to the committees' work. It is necessary to define the way in determining the representatives that will participate from the networks mentioned in the document as well as individual experts.

D. HIGH LEVEL ADVISORY GROUP

Cyprus:

- D.6 The 'Alternative' text appears better.

France:

- D.6 Preference is for the first sentence of the 'Alternative' text and the deletion of the second sentence.

Greece:

- D.6 Agree with the first sentence of the 'Alternative' text. The second sentence should be deleted.

Malta:

D.6 Preference is for the 'Alternative' text.

Monaco:

D.6 The other categories must be represented *ex officio* and on an equal footing in the high level Advisory Consultative Group. It is totally arbitrary to limit to four for the number of network representatives, there ought to be one representative per "accredited" network.

Morocco:

D.6 The 'Alternative' text is accepted but it should be clarified how the personalities shall be appointed as well as their number.

Spain:

D.6 The text should be deleted. If the MCSD is itself a consultative body, there is no reason to have another high level consultative body.

Turkey:

D.6 The 'Alternative' text is preferred.

E. OBSERVERS

Cyprus:

E.7 The 'Draft' text is preferable.

France:

E.7 The 'Draft' text is to be kept.

Greece:

E.7 The following text is proposed:

"In accordance with the established practice of MAP, any Mediterranean and non-Mediterranean member states of the United Nations and any International governmental or any non-governmental organisation, the activities of which are related to the functions of the Commission, may participate in the Commission's work as an observer. In particular for the non-governmental organisations the rules adopted at the Ninth Ordinary Meeting of the Contracting Parties of the Barcelona Convention ("MAP Cooperation with non-governmental organisations", Appendix II of Annex XIII of the document UNEP(OCA)/MED IG.5/16) shall apply. Such

observers as listed above may contribute, within their competence, to the deliberations of the Commission but without the right to vote.

Malta:

- E.7 The 'Alternative' text is preferable. Add the words "or non-governmental organisations", after the words governmental organisations on the fourth line.

Monaco:

- E.7 The intergovernmental organisations must not limit themselves to observer status.

Morocco:

- E.7 The 'Alternative' text is accepted.

Spain:

- E.7 The following text is proposed:

"In conformity with the Rules of Procedure adopted by the Contracting Parties to the Barcelona Convention, any state member of the United Nations, any Specialised Agency of the United Nations as well as its subsidiary bodies and any intergovernmental organisation, the activities of which relate to the duties of the Commission, may participate in the work of the Commission as an observer".

Turkey:

- E.7 The 'Alternative' text is preferable.

F. MEETINGS OF THE COMMISSION AND RESPONSIBILITIES OF THE SECRETARIAT

Cyprus:

- F.8 The 'Draft' (original) text is preferable, but it could incorporate alternative 8 (bis).
- F.10 The 'Draft' text is preferable.

France:

- F.8 Keep the 'Draft' text.
- B.8(bis) This text is not necessary if the original text of paragraph 4 is maintained.

F.10 The 'Alternative' text is preferable.

Greece:

F.8 Agree with the 'Draft' (original) text.

F.9 Agree with the 'Draft' (original) text.

F.10 Agree with the 'Alternative'.

Malta:

F.8 'Alternative' text is preferable.

F.10 'Alternative' text is preferable.

Monaco:

F.8 No comments.

Morocco:

F.8 The 'Alternative' text is accepted, but 8 (bis) should be deleted.

F.10 The 'Alternative' text is accepted.

Spain:

F.8 The 'Draft' text is preferable, but the possible convening of the meetings of the Commission in other places should be approved by the meetings of the Contracting Parties.

F.9 The following text is proposed:

"At the opening of each session, the Commission shall elect a Bureau composed of a President, four Vice-Presidents and a Rapporteur, from among its members on the basis of an equitable geographical distribution and among the various groups".

Turkey:

F.8 Considering the limited budget and lack of resources, it is advisable that the MCSD meets every two years. In this way, it can find the necessary time to follow the activities carried out within the framework of MAP and assess the outcome of the Ordinary Meetings.

F.10 The 'Alternative' text is acceptable.

G. RELATIONSHIP WITH THE UNITED NATIONS COMMISSION ON SUSTAINABLE DEVELOPMENT AND WITH NATIONAL AND REGIONAL COMMISSIONS ON SUSTAINABLE DEVELOPMENT

Cyprus:

G.11 The 'Alternative' text appears better.

G.12 The 'Alternative' text appears better.

France:

G.(title) The 'Alternative' text is preferable.

G.11 Replace with the following:

"The Commission shall follow the work of the UN Commission on Sustainable Development and shall provide information to the Contracting Parties on the Mediterranean. It may draft, at the request of the Contracting Parties, summary documents for the use of the Commission on Sustainable Development.

G.12 The 'Alternative' text is preferable.

Greece:

G.(title) Agree with the 'Alternative' text.

G.11 Agree with the 'Alternative' text.

G.12 Agree with the 'Draft' text.

G.13 Agree with the 'Draft' text.

Malta:

G.(title) Preference is for the 'Alternative' text.

G.11 Preference is for the 'Alternative' text.

G.12 Preference is for the 'Draft' text. Replace the word "report" with "reports".

Monaco:

G. No comments.

Morocco:

G(title) The 'Alternative' text is accepted.

G.11 The 'Alternative' text is accepted.

G.12 The 'Alternative' text is accepted.

Turkey:

G(title) The 'Alternative' text is accepted.

G.11 The 'Alternative' text is accepted.

G.12 The 'Alternative' text is accepted.

H. RELATIONS WITH THE SPECIALISED AGENCIES, INTERGOVERNMENTAL ORGANISATIONS AND NON-GOVERNMENTAL ORGANISATIONS

Cyprus:

H.14 The 'Draft' text should remain.

H.15 The 'Draft' text should remain.

France:

H.14 Delete.

H.15 Delete.

Greece:

H.14 Agree with the 'Draft' text.

H.15 Agree with the 'Draft' text.

Malta:

H.14 Maintain the 'Draft' text.

H.15 Maintain the 'Draft' text.

Monaco:

H.14 Deleted.

H.15 Deleted on the condition that the Inter-governmental organisations be represented in the MCSD.

Morocco:

H.14andH.15 The deletion of the two texts is not justified. On the contrary. It would be in contradiction with the responsibilities of the MCSD which stipulate according to Article B.3(c), that the Commission shall review the cooperation between MAP and the WB, EIB and EU and with 'The relationship with the UN Commission on Sustainable Development and the national and regional Commissions on Sustainable Development" referred to in G and G.11.

Turkey:

H.14 The 'Alternative' text is acceptable.

H.15 The 'Alternative' text is acceptable.

IV. ANALYSIS OF THE COMMENTS AND PROPOSALS FOR ACTION

1. Two countries accept the Alternative text as a whole (Croatia and Egypt).
2. Two countries accept the original text of A.1 "Status of the Commission", namely it should not be a mere consultative body (Tunisia, France, Cyprus, Malta) while five countries preferred that the Commission should be a consultative or advisory body to MAP (Greece, Monaco, Morocco, Spain, Turkey).
3. Various minor amendments were suggested which will be accepted easily in order to improve the whole text while other controversial proposals could be negotiated through the Working Group and a compromise of text is not difficult to reach. The main controversial issues are:

a. Rules of procedure to be applied

The original draft text proposes the use of the "Rules of Procedure of the Meetings and Conference of the Contracting Parties", while the Alternative text proposes that the Commission establishes its own Rules of Procedure. This approach is accepted by many countries.

In the meantime, Greece and Spain propose that the Commission shall have no voting system. It shall adopt its decisions by consensus. If consensus is not reached, the decisions should be presented to the meeting of the Contracting Parties for its consideration.

b. Composition of the Commission

The "Draft" (original) proposes that the Commission shall consist of two representatives from each Contracting Party, at a high level (42) while the Alternative text proposes that the Commission shall consist of one representative from each of the Contracting Parties (21), four from local authority networks, four from socio-economic networks, four from NGOs and four individual experts (16). All representatives shall participate on an equal footing.

The comments of the Contracting Parties differ from:

- (a) preferring the "Draft" text (Cyprus, France, Malta);
- (b) preferring the Alternative text (Spain, Morocco, Turkey);
- (c) preferring two representatives from each Contracting Party, one representing the Contracting Party and the other representing either a local authority network or a socio-economic network or an NGO (Greece): All representatives shall participate in the Commission on an equal footing;
- (d) to remain a governmental body with representatives of the Contracting Parties and high level representatives of relevant

intergovernmental organisations (Monaco);

- (e) to observe the criteria of periodicity and the cost of the meetings of the Commission (Tunisia); and
- (f) to select the representatives of cities, socio-economic networks, the NGOs and the individual experts by the meeting of the Contracting Parties. All representatives shall be appointed for a four-year term. For the first meeting of the Commission, it could be the Bureau of the Contracting Parties which would make this choice. All representatives shall participate in the Commission on an equal footing (Spain).

c. Observers

Most replies agree with the proposition to give the IGOs and NGOs observer status without the right to vote. However, one reply (Monaco) feels that these organisations must not limit themselves to this observer status. Others propose that these organisations shall participate on an equal footing.

d. High level advisory group

Most of the replies accept the creation of a high level advisory group. However, if the Commission is to be a consultative body to MAP, there is no need to create another high level consultative body (Spain).

FUTURE ACTION

1. It is envisaged that the following steps will be followed concerning the finalisation of the Terms of Reference (TOR) of the Commission and the date and place of the first meeting of the Commission:

Terms of Reference of the Commission

2. The Secretariat has prepared an outline of the main trends of the comments received so far from the Contracting Parties and RACs to be presented to the present Bureau meeting (Cairo, 1-2 April 1996). It is expected that the Bureau will consider the outline and give its general comments and guidance.
3. The small Working Group established by the 9th Ordinary Meeting of the Contracting Parties (Barcelona, June 1995 - Mr. Ennabli's Group) should reconvene at the beginning of the Meeting of the National Focal Points (Athens, 6-10 May 1996) with the objective of finalising the draft Terms of Reference on the basis of the comments received from the Contracting Parties. The meeting of the NFP will recommend a final draft to the Extraordinary Meeting of the Contracting Parties.
4. The Extraordinary Meeting of the Contracting Parties (Montpellier, 1-4 July 1996)

will consider the draft TOR recommended by the meeting of NFPs and approve it.

5. The Secretariat, in consultation with the present meeting of the Bureau of the Contracting Parties will propose the place and dates of the first meeting of the Commission (Autumn 1996) for clearance by the Extraordinary Meeting of the Contracting Parties.

Dates for the first meeting

6. The Secretariat proposed the following dates for the first meeting:

22 - 25 October 1996
or 29 October - 1 November 1996

Venue of the first meeting

7. During the last meeting of the Bureau (Rabat, 9-10 November 1995), the Bureau noted that France and Morocco could possibly host the first meeting of the Commission. The present Bureau meeting (Cairo, 1-2 April 1996) is requested to take a decision on the venue of the first meeting of the Commission.