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Update on the main outputs of the Third meeting of the Working Group on liability and compensation

Pursuant to Decision IG 17/4 of the Contracting Parties adopted at their 15th Meeting in Almeria in January 2008, the Third Meeting of the Working Group on Guidelines for the Determination of Liability and Compensation for Damage resulting from Pollution of the Marine Environment in the Mediterranean Sea Area was convened in Athens on 22 and 23 January 2009 to facilitate and assess the implementation of the Guidelines and make proposals regarding the advisability of additional action.

The meeting of the Working Group reached the following conclusions:

- The replies provided by Contracting Parties to the questionnaire distributed by the Secretariat on the state of the art and the steps to be taken for the effective implementation of the Guidelines in their national legislation have provided valuable information on the situation at the national level. In view of the value of such information, and the difficulties involved in obtaining the information necessary to provide full and informative answers, those Contracting Parties that have not yet submitted their replies are being given up to the end of February to do so in order for the assessment report (UNEP(DEPI)MED WG 329/3) will be more comprehensive before it is submitted to the Parties.
- The information available on the national situation with regard to the implementation of the Guidelines shows the wide gap between countries in terms of the provisions adopted and institutional and other capacities. In view of this situation, a gradual and step-by-step approach is needed in the implementation of the Guidelines, affording the necessary transition period to build the required capacities, where necessary. In accordance with the step-by-step approach, concerted action should now be taken to commence the implementation of the Guidelines.
- Further research is needed into: the international instruments respecting liability and compensation that are most relevant to the situation in the Mediterranean; the constraints that have prevented some countries from ratifying these instruments; and the areas that are not covered by such instruments, but which lie within the scope of the Barcelona Convention and its Protocols and should therefore be covered by a Mediterranean liability and compensation regime.
- In order to build support for the establishment of a liability and compensation regime in the Mediterranean, concrete examples should be analyzed of cases in which the parties involved, with particular reference to the public authorities, would benefit from such a scheme, not only in terms of the enhanced protection of the environment, but also with regard to financial aspects.

The meeting agreed on a draft of programme of action with regard to activities to be undertaken by the secretariat to facilitate the implementation of the guidelines during the next biennium. The Programme of Action is aimed at building the capacity of all the relevant stakeholders, including the competent authorities and personnel at all levels (local, regional and national), scientific institutions and non-governmental organizations. The following action should be organized by the Secretariat, in close cooperation with the Parties, in particular through the convening of workshops and seminars or through consultancies at the Mediterranean or country levels and should cover the following subjects:

- The identification of the treaties listed in Annex 1 to the Guidelines of that are most relevant for the establishment of a consistent and effective regime of liability and

compensation in the Mediterranean, and where appropriate the constraints that have so far impeded their entry into force, and the steps that could be taken to ensure the broadest possible participation to these treaties by the Parties to the Barcelona Convention;

- The identification of the activities covered by the Barcelona Convention and its Protocols that are likely to cause damage to the environment but are not addressed by any relevant treaty;
- The analysis of existing national legislation, and the consequent development, where necessary, of updated legislation;
- The harmonization of the key definitions used in the relevant legal instruments;
- The formulation of criteria for the evaluation of environmental damage, especially as regards diminution in value of natural resources pending restoration, and compensation by equivalent;
- The strengthening of national institutional capacity and inter-institutional coordination at both the horizontal and vertical levels;
- The development of means to ensure effective access to information by the public and its right to take or participate in legal actions;
- Taking into account all available information and studies, an assessment of the products available on the insurance market for the possible future development of a compulsory insurance regime, as envisaged in Guideline 28;
- Taking into account all available information and studies, the preparation of a study of the feasibility of a Mediterranean Compensation Fund, as envisaged in Guideline 29.

The Working Group have achieved the tasks assigned to them by the Contracting Parties in accordance with Decision IG/17/4 and have agreed that in the circumstances there is no need for another meeting. They have however proposed that the mandate of the Working Group should be renewed for the next biennium in order to proceed with the implementation of the programme of action once it is approved by the Contracting Parties.

Draft Recommendations

The Bureau is invited to have an exchange of views on the above findings and conclusions and advise the Secretariat, as it may deem useful.

The Secretariat would like to propose to the Bureau to approve that the funds allocated by the Contracting Parties under the 2009 budget for the WG will be used to provide financial legal and technical assistance to the Contracting Parties upon their request for activities related to the implementation of the Guidelines.

Organization of the Ministerial Segment of the 16th Meeting of the Contracting Parties to the Barcelona Convention

Marrakech, Morocco, 4-6 November 2009

Introduction

In accordance with Article 18 of the Barcelona Convention, the Contracting Parties shall hold ordinary meetings once every two years to keep under review the implementation of the Convention and the Protocols. At these meetings, Contracting Parties consider and approve decisions and recommendations regarding different aspects of implementation of MAP legal instruments as well as the work programme and the related Budget for the next biennium.

For many years now, it has been the practice to hold a Ministerial Segment during the four-day meeting of the Contracting Parties, to provide Ministers and Heads of Delegations with an opportunity and a platform to deliver policy statements on a given topic of MAP relevance and high on the international environmental agenda. The topic is proposed by the Secretariat to the Bureau for its consideration and approval.

At its next meeting, the Bureau has to decide on the choice of topic for discussion at the 16th Meeting of the Contracting Parties in consultation with the host country. At its last meeting in Split, Croatia last September, the Executive Coordination Panel (ECP) considered a number of options that were suggested by the 67th meeting of the Bureau. The ECP finally agreed to propose to the Bureau one main topic for the Ministerial Segment of the 16th Meeting in Marrakech, Morocco in November 2009 namely "*MAP's Added Value for the Union for the Mediterranean*". This concept paper is intended to facilitate discussion at the next Bureau meeting to enable the members to arrive at a final decision on the topic for the Ministerial segment. This paper presents some considerations of the following issues:

- Political significance of the Union for the Mediterranean for the region;
- Basis for establishing a strong cooperation between MAP and the Union for the Mediterranean;
- MAP's Added Value to the Union for the Mediterranean;
- Expected outcome from the Ministerial discussions;
- Organization of the 16th Meeting of the Contracting Parties.

1. Political significance of the Union for the Mediterranean Initiative

Following agreement by the Heads of State and Governments from the EU and Mediterranean countries at the Paris Summit of 13 July, 2008 to launch the Barcelona Process-Union for the Mediterranean (Foreign Ministers from EU and Mediterranean countries meeting in Marseille on 3-4 November, 2008 agreed that henceforth the initiative should be called Union for the Mediterranean) Euro-Mediterranean relations have regained their importance and the region has been placed high on the agenda of regional geopolitics.

Compared to the previous Euro-Mediterranean partnership the Union for the Mediterranean is expected to attract more political support as the non EU Member States will enjoy equal status with their European partners and have full participation in the decision-making process through the Joint Presidency as well as through an improved system of institutional governance. In addition the Union is also encompassing countries that were left outside the previous partnership (i.e. Bosnia-Herzegovina, Croatia, Montenegro and Albania) this bringing the geographical scope of the initiative to a similar one to the Barcelona Convention with the exception of Libya and the Palestinian Authority. Moreover, the setting up of the Parliamentary Assembly of the Mediterranean in the future institutional structure in the region strengthens the democratic roots of this new initiative.

It is within this new regional political scenario that MAP should consider developing its role and design its contribution within the Union for the Mediterranean.

2. Basis for cooperation between MAP and the Barcelona Process-Union for the Mediterranean

Since 1975, the Mediterranean States and the EU have been jointly combating environmental pollution and degradation in the Mediterranean region under the Mediterranean Action Plan (MAP) and within the framework of the Barcelona Convention (1976). This relationship has been strengthened following the launching of the Euro-Mediterranean Partnership in 1995.

Since 1996, in the framework of its neighbouring policy, the EU and the southern Mediterranean countries established the Euro-Mediterranean Partnership (EMP) promoting cooperation on a broad range of issues. In respect of MAP, this process was of great importance because it represented a real driving force in the field of environmental protection in the region in particular with the allocation of substantial financial resources for project implementation. Although its scope of application was different than that of MAP in terms of geographic coverage and topics addressed, MAP and EMP have been working together in synergy on a number of issues of mutual interest.

These relations were boosted as a result of the Euro-Mediterranean Environment Ministers meeting in Athens in 2002 which agreed on a number of practical steps for the strengthening of ties and improving of operational synergies between the EMP and MAP both at the regional and national levels.

With the Barcelona Process re-invigorated with the setting up of the Union for the Mediterranean, the opportunity for improved cooperation is realistic and feasible. Both MAP and the EMP share sustainable development as the overall goal of regional policy coordination. On both sides it is recognized that economic development needs to be reconciled with environmental protection and improved social cohesion, aiming at the mitigation of the negative environmental consequences.

On a more concrete level, the Euro-Mediterranean Ministerial Conference on the Environment (Cairo 2006) agreed on a roadmap to implement the Horizon 2020 initiative to de-pollute the Mediterranean through the implementation of the Barcelona Convention, its related Protocols and the Mediterranean Strategy for Sustainable Development (MSSD). Horizon 2020, being one of the projects approved by the Paris Summit, provides an important link, both at the political and institutional level, for future cooperation between MAP and the Union for the Mediterranean.

Of importance is the fact that at their 15th meeting, the Contracting Parties expressed their support for the new Union for the Mediterranean. In their political declaration they requested that this new initiative should build on Barcelona Convention/MAP and Horizon 2020 initiative.

Finally MAP's participation at the 13 July, 2008 Paris Summit of Heads of State and Government from the EU and Mediterranean Governments and, on this occasion, BP/MAP's circulation of the document "the Blue Plan sustainable development outlook for the Mediterranean" were recognition at the highest political level of its legitimacy for the sustainable development of the region and the contribution that it could make towards the success of the UfM.

3. MAP's Added Value to the Barcelona Process – Union for the Mediterranean

As a starting point, one should keep in mind that the Barcelona Convention is the well established international treaty which unites all the Coastal States for the protection of the regional marine and coastal environment and provides a legitimate forum to deal with related environmental and development issues.

As UNEP's first Regional Seas Programme, MAP is a long standing regional mechanism which has been active and effective in combating pollution in the marine environment and promoting sustainable development for many years. It has accumulated a wealth of experience and expertise in different sectors of environmental protection and sustainable development. It has produced prospective development studies and sustainability analysis, which could contribute to the achievement of the objectives of the Union for Mediterranean. Finally, it has developed methodologies and implemented projects aimed at protection, conservation and sustainable development of the Mediterranean and coastal areas and regions.

Over the years, MAP has developed a number of regional policies adopted by the meetings of the Contracting Parties. Their implementation is based on concrete measures, actions and targets for the achievement of pollution reduction, biodiversity protection, integrated coastal zone management, prevention of and response to pollution from ships etc.

The establishment of the Mediterranean Commission for Sustainable Development (MCSD) in 1996 is a concrete manifestation of the commitment of the Mediterranean countries to working towards integrating environment and sustainability in their development policies. It provides a regional forum for dialogue for countries Parties to the Barcelona Convention, civil society including NGOs, local administrations, professional organizations and the private sector, for promoting sustainable development in the Mediterranean.

An important contribution by the MCSD has been the adoption of the Mediterranean Strategy for Sustainable Development (MSSD) adopted in 2005 by the 14th Meeting of the Contracting Parties. The MSSD has been recognized by a number of forums and processes of cooperation outside MAP as an appropriate framework for achieving sustainable development goals with a view to strengthening peace, stability and prosperity in the region taking into consideration also the need to narrow the gap between developed and developing countries of the Mediterranean. Action is already being taken by all MAP components to support the Mediterranean countries to adopt sustainable development strategies and MAP is regularly assessing with a set of relevant indicators the implementation of the regional strategy.

De-pollution of the Mediterranean, on the basis of Horizon 2020 initiative, is one of the key initiatives approved at the Paris Summit. Horizon 2020 is a roadmap that calls for the development of a pipeline of pollution reduction projects on the basis of the Strategic Action Programme (SAP) to address pollution from land-based activities and the National Action Plans developed by the countries through MEDPOL within the framework of the LBS Protocol.

MAP has 6 Regional Activity Centres, which carry out activities in support of the implementation of MAP projects and programmes at the regional, national and local levels on the basis of the decisions of the meetings of the Contracting Parties. Based in both Northern and Southern Mediterranean countries, these Centres have been working with the countries in the Mediterranean for years helping them to integrate environmental considerations in development policies and boosting their technical and human resource capacities in their respective fields of expertise. Together with the Coordinating Unit, the RACs provide an established and unique structure, which could benefit the new Mediterranean initiative

MAP also has a network of MAP partners, thus mobilizing the civil society organization of the region to assist and promote sustainable development and environmental protection. These organizations could be a driving force in creating awareness and mobilizing public opinion in support of the new Mediterranean initiative.

In Marrakech, the Contracting Parties will have the opportunity to state how they see MAP's future role in the region in view of the new political scenario.

4. Organization of the 16th Meeting of the Contracting Parties

At the second meeting of the Executive Coordination Panel in Malta, it was agreed to propose to the Bureau that the decisions could be adopted en bloc on the first day of meeting of the Contracting Parties and thus shorten the duration of the meeting to three days. The Bureau welcomed this proposal provided that no issues are left pending from the meeting of the MAP Focal Points in which case the Contracting Parties will be of four-days duration to enable discussion on the pending matters.

In this regard, it is proposed that the 16th Meeting of the Contracting Parties in Marrakech follows the following timetable:-

Day 1

09.30-11.00	Opening of the meeting Organizational matters Adoption of Decisions and Programme of Work and Budget 2010-2011
11.00-11.30	<i>Coffee break</i>
11.30-13.00	Continuation Adoption of Decisions and Programme of Work and Budget 2010-2011
13.00-14.30	<i>Lunch Break</i>
14.30-16.30	Adoption of Decisions and Programme of Work and Budget 2010-2011
16.30-17.00	<i>Coffee break</i>
17.00-18.30	Discussion and approval of the Marrakech Declaration

Day 2

09.30-11.00	Opening of the Ministerial Session Speech by the President Speech by the ED Speech by MAP Coordinator Introduction of the topic "MAP's added value in the Union for the Mediterranean – Political Perspective" followed by statements from delegations
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11.00-11.30	<i>Coffee break</i>
11.30-13.00	Continuation of Ministerial Session
13.00-15.00	<i>Lunch Break</i>
15.00-16.30	Continuation of Ministerial Session
16.30-17.00	<i>Coffee break</i>
17.00-18.30	Continuation of Ministerial Session
18.30-19.00	Adoption of the Marrakech Declaration Date and place of the 17 th Ordinary Meeting of the Contracting Parties in 2011 Other business

Day 3

Morning free for the preparation of the report of the 16th Meeting of the Contracting Parties

15.00-18.00	Adoption of the report
18.00-18.30	Closing ceremony

**DRAFT MODEL HOST COUNTRY AGREEMENT (HCA)
BETWEEN
THE GOVERNMENT OF
AND
THE UNITED NATIONS ENVIRONMENT PROGRAMME
CONCERNING THE**

(An Informal Document)

**By
Professor Evangelos Raftopoulos
MAP Legal Adviser**

The Parties to the present Agreement:

Desiring to define the status, privileges and immunities of the CENTRE and persons connected with it,

[etc.]

Have agreed as follows:

DEFINITIONAL ARTICLE 1 : USE OF TERMS
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For the purposes of the present Agreement, the following definitions shall apply:

- (a) *“Appropriate Authorities”* means such government, municipal or other authorities in the Host Country as may be appropriate in the context and in accordance with the laws and customs applicable in [the Host Country].
- (b) *“Barcelona Convention”* means the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean, done at Barcelona on 16 February 1976, as amended on 10 June 1995;
- (c) *“Centre”* means
- (d) *“General Convention”* means the Convention on the Privileges and Immunities of the United Nations approved by the General Assembly of the United Nations on 13 February 1946;
- (e) *“Organization”* means the body designated as responsible for carrying out secretariat functions pursuant to Article 17 of the Barcelona Convention;

[etc.]

ARTICLE 2: LEGAL CAPACITY, PRIVILEGES AND IMMUNITIES

1. The CENTRE shall have in [the Host Country] such legal capacity and facilities and shall enjoy such privileges and immunities as are necessary for the exercise of its functions and the fulfillment of its purpose.
2. The CENTRE shall have legal personality. It shall in particular have the capacity to contract, to acquire and dispose movable and immovable property and to be a party to legal proceedings.

COMMENT: *A standard provision included in HCA Agreements.*

ARTICLE 3: PREMISES

1. The Government shall ensure the availability of adequate premises needed for the work of the CENTRE, including furnishing of the premises, telecommunication facilities and maintenance of these premises and facilities, and shall provide an in-cash counterpart contribution for the general operation of the CENTRE and for the implementation of the regional activities assigned to the CENTRE by the Meetings of the Contracting Parties to the Convention and prescribed by the Protocol [title] where appropriate. This contribution shall be paid directly by the Government to the CENTRE. The amount of such resources shall be pledged at the Meetings of the Contracting Parties to the Convention.
2. The Government shall do their utmost to ensure that the premises shall be supplied with necessary public services, including electricity, water, sewage, gas, post, telephone, telegraph, local transportation, drainage, collection of refuse and fire protection, and that such public services be supplied on reasonable terms. In case of interruption or threatened interruption of any such services, the Government shall take all reasonable steps to ensure that the CENTRE is not prejudiced.

COMMENT: *Para. 1 is a standard provision contained in PAP/RAC HCA (Art.2(4))¹, in INFO/RAC HCA (Art. 2(4))² and more generally in SPA/RAC HCA (sec. 5(c))³. Para. 2 is generally a standard provision in many HCAs and its formulation combines Art. V (sec. 11 (a)(b) of UNEP/MAP HQA (Art. XI(19))⁴ and Art. 4(3) of the UK-FUND 92 HQA⁵.*

¹ Agreement between the Republic of Croatia and the United Nations Environment Programme Concerning the Priority Actions Programme Regional Activity Centre (PAP/RAC), 1996.

² Agreement between the Government of the Republic of Italy and the United Nations Environment Programme Concerning the Environment Remote Sensing Regional Activity Centre (ERS/RAC), 2004, which now applies to INFO/RAC which, by decision of the 14th MOP, 2005, replaced the ERS/RAC.

³ Accord entre le Gouvernement de la République Tunisienne et le Programme des Nations Unies pour l' Environnement relative au Centre d' Activités Régionales pour les Aires Spécialement Protégées (SPA/RAC), 1991.

⁴ Agreement between the Hellenic Republic and the United Nations Environment Programme Regarding the Headquarters of the Coordinating Unit for the Mediterranean Action Plan, 1982.

⁵ Headquarters Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the International Oil Pollution Compensation Fund, 1992.

ARTICLE 4: REGIONAL ROLE & TASKS

1. In carrying out its regional role, the CENTRE shall perform the tasks assigned to it by decisions of the Meetings of the Contracting Parties, or deriving from the implementation of the functions entrusted to it by the Organization or agreed by the Contracting Parties as provided in the Protocol *(title, articles)*
2. Such tasks shall be specified in the CENTRE Approved Mandate referred to in the Annex to this Agreement which shall form an integral part of this Agreement.

ARTICLE 5: MEETINGS AND CONFERENCES

1. Meetings and Conferences organized by a CENTRE in carrying out their regional role shall be open to all participants designated by the focal points of the Contracting Parties to the Convention.
2. The Government of [Host Country] shall extend to such participants the privileges and immunities provided under Article IV of the General Convention.

COMMENT: *Similar provision is contained in the PAP/RAC HCA (Art. 3) and the INFO/RAC HCA (Art. 3).*

ARTICLE 6: INFORMATION, LOGOS, FLAG & LANGUAGE

1. The CENTRE shall provide information on its regional activities to the focal points of the Contracting Parties to the Convention.
2. The UNEP and MAP logos shall appear on official CENTRE's papers and publications together with the name and/or logo of the CENTRE
3. The CENTRE shall be entitled to display its flag and emblem and the flag and emblem of the Organization on the premises and means of transport of the CENTRE.
4. As MAP working languages are English and French, all efforts shall be made to use both languages in meetings and for the CENTRE's publication

COMMENT: *Para. 1 is a standard provision contained in PAP/RAC HCA (Art.3(3)), SPA/RAC HCA (sec. 7) and INFO/RAC HCA (Art. 3(3)). Paras. 2 and 4 are also contained in INFO/RAC HCA (Art. 3(4)(5)). Sec. 3 is contained in the IMO-REMPEC HCA (Art. (1)(e))⁶. Similar provision is contained in other HCAs (e.g. UK-FUND 92 HQA (Art.7)*

⁶ Agreement between the Government of Malta and the International Maritime Organization Concerning the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea, 1990.

ARTICLE 7: RELATIONSHIP

1. The activities of the CENTRE relevant to its regional role and to the implementation of the Mediterranean Action Plan and the Barcelona Convention and its Protocols, as appropriate, shall be carried out under the general guidance and supervision of the Organization.
2. The Organization shall coordinate the activities of the CENTRE with other components of the MAP, as well as with various international organizations and programmes concerned and with the relevant activities of the Contracting Parties to the Barcelona Convention.
3. The Government of [Host Country], the Organization and the CENTRE may jointly establish cooperation with relevant non-governmental organizations for the purposes of implementing the Mediterranean Action Plan and the Barcelona Convention and its Protocols, as appropriate.
4. The Government of [Host Country] shall designate a competent government authority to assist and monitor the implementation of the MAP Programme [and the Protocol ---] associated with the regional role of the CENTRE within the country.

COMMENT: *Paras. 1, 2 and 4 are standard provisions generally contained in PAP/RAC HCA (Art.4) and INFO/RAC HCA (Art. 4(1)-(3)). SPA/RAC HCA (secs. 2 and 3) includes para. 1, and, generally, para. 2. Para. 3 is a new one and incorporates Art. 32(2) of the ICZM Protocol, 2008 concerning Institutional Coordination.*

ARTICLE 8: STRUCTURE

Director and Personnel

1. The CENTRE shall have a full-time Director and such personnel, appointed in accordance with the provisions of this Article, as is necessary for the exercise of its functions.
2. The Director of the CENTRE whose post, in accordance with the decisions of the Contracting Parties to the Barcelona Convention, is financed by the Mediterranean Trust Fund (MTF) shall be appointed by an agreement between the Government of [Host Country] and the Organization. His recruitment shall be from among the applicants responding the vacancy announcements of this post communicated by the Organization.
3. The Director will represent the CENTRE and, subject to the provisions of the present Agreement, will have overall responsibility for the operation and administration of the Centre.
4. Locally recruited personnel, whose posts are financed by the National Government, will be appointed by the Director.
5. Internationally and locally recruited personnel whose posts, in accordance with the decisions of the Contracting Parties to the Barcelona Convention, are financed from the MTF, will be appointed by the Director after consultation with the Organization.

Internationally recruited personnel shall be appointed from among the applicants responding to the vacancy announcements of posts circulated through the Organization.

6. The Director shall communicate to [the Host Country] a list of all internationally recruited personnel of the CENTRE, and additions to the list as necessary, indicating in each case whether the individual is a citizen of [the Host Country].
7. Consultants and other experts for the CENTRE, whose engagement is financed from the MTF shall be selected in full consultation with the Organization.
8. The CENTRE shall be responsible for the formalities connected with the entry visas, residence permits and work permits of its internationally recruited personnel with the assistance of the Organization.
9. The Government of [Host Country] shall take the necessary steps to facilitate the procedure for granting entry visas to representatives or experts of the Contracting Parties on MAP activities.

COMMENT: *Paras. 1, 3, 4, 5, 7, and 9 are standard provisions contained in PAP/RAC HCA (Art.5) and in SPA/RAC HCA (sec. 5(a)(b)), while paras. 1, 3, 4, 7, and 9 are contained in INFO/RAC HCA (Art. 5). Para. 2 is consonant with the international character of the CENTRE and the procedure provided therein is generally implied from the above stated PAP/RAC HCA and SPA/RAC HCA. Para. 6 is taken from the IMO-REMPEC HCA (Art. 7(1) and it is generally a standard provision in HCAs ((e.g. UK-FUND 92 HQA (Art.24(1))).*

ARTICLE 9: PRIVILEGES AND IMMUNITIES OF PROPERTY, FUNDS AND ASSETS

(A) Immunity

1. Within the scope of its regional activities the Centre shall have immunity from jurisdiction and execution except:
 - (a) to the extent that the Centre waives such immunity from jurisdiction or immunity from execution in a particular case;
 - (b) in respect of a civil action by a third party from damage arising from an accident caused by a motor vehicle belonging to, or operated on, behalf of the Centre, or in respect of a motor traffic offence involving such a vehicle;
 - (c) in respect of a civil action relating to death or personal injury caused by an act or omission in the *[host Country]*;
 - (d) in respect of any contract for the supply of goods or services;
 - (e) in respect of the enforcement of an arbitration award made under Article of this Agreement.

2. Property, funds and assets held by or for the use of the CENTRE shall be deemed to be property, funds and assets of the Organization, provided that property and assets do not include the premises and grounds housing the CENTRE which premises and grounds shall always remain the property and assets of the Government. These property, funds and assets, including the equipment purchased with the funds administered by the Organization, wherever located and by whosoever held, shall enjoy immunity from any form of legal process. They shall also be exempt from all direct taxes including income tax, value added tax, customs duties, prohibitions and restrictions on imports and exports for goods necessary for the exercise of the CENTRE's official use (except mere payments for services), and social security contributions. At the request of the appropriate authorities, the CENTRE shall provide written notification that any particular import or export is for its official use.
3. Funds, assets and equipment transferred to the CENTRE by the Organization shall enjoy immunities and exemptions referred to in para. 2 of this Article.

COMMENT: *Para. 1 takes into account, within the framework of the objective and purposes of the proposed model HCA for RACs, the practice of international HCAs (e.g. UK-FUND 92 HQA (Art.5(1)). Para. 2 amalgamates the corresponding standard provisions included in PAP/RAC HCA (Art.6(2)), in INFO/RAC HCA (Art. 6(2)) and in IMO-REMPEC HCA (Arts. 1(1) and 4(1)). Para. 3 is contained in PAP/RAC HCA (Art.6(3)) and in INFO/RAC HCA (Art. 6(3)).*

(B) Archives

4. The Archives of the CENTRE shall be inviolable.
5. The term archives includes all records, correspondence, documents, manuscripts, photographs, films, recording, discs and tapes belonging to or held by the CENTRE in the exercise of its regional functions.

COMMENT: *It is generally a standard provision for HCAs. Similar provisions are contained in the IMO-REMPEC HCA (Art. 1(g)) and in the UK-FUND 92 HQA (Art.6).*

(C) Premises

6. Except as otherwise provided in this Agreement the laws of [the Host Country] shall apply within the premises of the CENTRE, provided that the Organization or the CENTRE may establish any regulations necessary for the execution of the functions of the CENTRE, including rules of international administrative law and the terms of contracts of employment governed by the law. These regulations shall be operative within the premises of the CENTRE and no law of [the Host Country] which is inconsistent therewith will be enforceable within these premises. Any dispute between the Organization and [the Host Country] as to whether a regulation of the former is authorized by this paragraph, or as to whether a law of [the Host Country] is inconsistent with any regulation authorized by this paragraph shall be promptly settled as provided in Article 11 of this Agreement.
7. No official of the Government or person exercising any public authority, whether administrative, juridical, military or police, shall enter the premises of the CENTRE except with the express consent of, and under conditions approved by, the Director of the CENTRE. No service of execution of any legal process whatsoever shall not take place within the premises of the CENTRE except with the express consent of, and under conditions approved by, the Director of the CENTRE. Notwithstanding, the CENTRE shall not permit its premises to become a refuge from justice for persons

who are avoiding arrest or service of legal process, or against whom an order of extradition or deportation has been issued by the appropriate authorities.

8. The appropriate authorities of [the Host Country] shall take all appropriate steps and exercise due diligence to ensure the security and protection of the CENTRE, ensure that the tranquility of the CENTRE is not disturbed by the unauthorized entry of persons or groups of persons from outside or by disturbances in its immediate vicinity, and prevent the impairment of its dignity.
9. If so requested by the Director of the CENTRE, the appropriate authorities of [the Host Country] shall provide a sufficient number of police for the preservation of law and order in the premises.

COMMENT: *The paras. of this provision reflect standard provisions included in many HCAs. Para. 6 is also contained in IMO-REMPEC HCA (Art. 1(2)). Para. 7 reflects a similar provision contained in IMO-REMPEC HCA (Art. 1(3)(4) and in UNEP/MAP HQA (Art. III(8)) Paras. 8 and 9 are also included in UNEP/MAP HQA (Art. IV(9)).*

ARTICLE 10: PRIVILEGES AND IMMUNITIES OF PERSONNEL AND EXPERTS

(A) Internationally Recruited Personnel

1. The Internationally Recruited Personnel of the CENTRE, provided that they are not citizens of [the Host Country], shall enjoy the privileges and immunities provided for in the General Convention, where applicable.
2. Internationally Recruited Personnel of the CENTRE and members of their families forming part of their respective households, provided that they are not citizens of [the Host Country], shall be exempt from custom duties and any taxes or charges (except charges for storage, cartage and similar services) imposed upon or by reason of the importation of articles (including a motor car) intended for their personal use or for their establishment at the time of taking up their post in [the Host Country]. Such articles shall normally be imported within six months of first entry of such persons in [the Host Country].
3. Any member of the Internationally Recruited Personnel of the CENTRE who presents a valid UN laissez-passer issued in accordance with Article VII, Section 26, of the Convention and identifying him as an official of the CENTRE shall, subject to paragraph 2 of Article 3 of this Agreement, be immune from [the Host Country's] immigration restrictions and requirements and from alien registration. Members of their families forming part of their respective household who travel with him and present satisfactory evidence of identity shall be similarly treated. No such official shall require a visa of entry into [the Host Country].
4. Any member of the Internationally Recruited Personnel of the CENTRE who does not present a UN laissez-passer shall not be exempt from the laws of [the Host Country] regarding passports and visas. They shall, however, subject to paragraph 2 of Article 3 of this Agreement, be immune from [the Host Country's] immigration restrictions and requirements and from alien registration provided that:

- (a) They produce valid travel document; and
 - (b) They produce evidence of their official capacity issued by their Government or by the CENTRE or by the Organization, or the appropriate authorities are notified of their arrival.
5. Persons other than such officials who have business with the CENTRE shall, subject to paragraph 2 of Article 3 of this Agreement, be immune from [the Host Country's] immigration restrictions and requirements and from alien registration provided that:
- (a) They produce valid travel document; and
 - (b) They produce evidence of their official capacity issued by their Government or by the CENTRE or by the Organization, or the appropriate authorities are notified of their arrival.

COMMENT: *The paras. Of this provision are taken from the IMO-REMPEC HCA (Arts. 5(1) & 6(1)(2)(3)) which refer to the status of officials as well as of persons other than officials who have business with the Centre.*

(B) Director

6. The Director, provided that he is a citizen of [the Host Country], shall enjoy the privileges and immunities to which a diplomatic agent in [the Host Country] is entitled.
7. The Director of the Centre, provided that he is a citizen of [the Host Country], shall be exempt from:
- (a) Tax arising outside the Host Country;
 - (b) Value added tax and other indirect taxes on articles imported or purchased or services rendered for their personal use or for their establishment, to the extent accorded under the law of [the Host Country];
 - (c) Social security contributions with respect to services rendered to the CENTRE.

COMMENT: *This provision incorporates a similar provision of the IMO-REMPEC HCA (Art. 5(2)).*

(C) UN Personnel and Experts

8. UN Personnel and its Experts on missions traveling to [the Host Country] in their official capacity in connection with the activities of the CENTRE, shall enjoy the privileges and immunities provided for in Article VI of the General Convention.

COMMENT: *Similar provision is contained in SPA/RAC HCA (sec. 6) in PAP/RAC HCA (Art.6(1)) and INFO/RAC HCA (Art. 6(1)). Also, a similar provision is included in UNEP/MAP HQA (Art. XI(19)).*

ARTICLE 11: SETTLEMENT OF DISPUTES

1. The Government of [Host Country] and the Organization shall endeavour to solve any dispute relating to the interpretation and application of the present Agreement by negotiation or other agreed mode of settlement.
2. Any dispute between the Government of [Host Country] and the Organization, which is not settled by negotiation or another agreed mode of settlement, shall be submitted to arbitration at the request of either party. Each party shall appoint one arbitrator and the two arbitrators so appointed shall appoint a third, who shall be the chairman. If within thirty days of the request for arbitration either party has not appointed an arbitrator, or if within fifteen days of the appointment of two arbitrators the third arbitrator has not been appointed, either party may request the President of the International Court of Justice to appoint an arbitrator. The procedure for the arbitration shall be fixed by the arbitrators, and the expenses of the arbitration shall be borne by the parties as assessed by the arbitrators. The arbitral award shall contain a statement of the reasons on which it is based and shall be accepted by the parties as the final adjudication of the dispute.

COMMENT: *Similar provision is contained in the PAP/RAC HCA (Art. 7), in the IMO-REMPEC HCA (Art. 9), and it is generally a standard provision for HCAs. The INFO/RAC HCA includes only sec. 39.*

ARTICLE 12: INTERPRETATION OF THE AGREEMENT

This Agreement shall be interpreted in the light of its primary purpose of enabling the Centre at its premises in [the Host Country] fully and efficiently to discharge its regional responsibilities and fulfill its purposes and functions.

COMMENT: *Similar provision is contained in the IMO-REMPEC HCA (Art. 10) and the UNEP/MAP HQA (Art. XIII(33)) and it is generally a standard provision for HCAs (e.g. the UK-FUND 92 HQA (Art.2)).*

ARTICLE 13: AMENDMENT OF THE AGREEMENT

At the request of the Organization or of the Government of [Host Country], consultations shall take place with respect to amendment of this Agreement. Any such amendment shall be given effect

1st alternative by an Exchange of Notes between the Organization and a duly authorized representative of the Government.

2nd alternative by written agreement between the parties.

COMMENT: *Similar provision is contained in the IMO-REMPEC HCA (Art. 8) [1st alternative], and in the PAP/RAC (Art.8(2)), UNEP/MAP HQA (Art. XIII(34)) and INFO/RAC HCA (Art. 8(2) [2nd alternative] and it is generally a standard provision for HCAs.*

ARTICLE 14: FINAL CLAUSES

1. The present Agreement shall enter into force on the date of the signature by both parties
2. The present Agreement may be terminated by either party providing six months written notice to the other party
3. In the event of the Centre being moved from the territory of [Host Country], this Agreement shall, after the period reasonably required for such transfer and for the disposal of the property of the Centre in [Host Country], cease to be in force.

COMMENT: *It is generally a standard provision for HCAs. Similar provisions are contained in the IMO-REMPEC HCA (Art. 11). The PAP/RAC (Art.8(1)(3)) and INFO/RAC HCA (Art. 8(1)(3)) do not contain sec. 45 which, however, is a standard provision in HCAs ((e.g. UK-FUND 92 HQA (Art.27(2)))*

IN WITNESS WHEREOF the respective representatives have signed this Agreement

DONE in duplicate at ----- this ----- day of -----
200-- in two original copies in the English (French) language

Draft Paper on MAP Civil society Cooperation and Partnership

As reported to the previous Bureau meeting, the Secretariat has undertaken with the assistance of Prof. Michel Prieur, an assessment on MAP/civil society cooperation. The assessment report is presented as information document UNEP/BUR/68/Inf.3.

The assessment report is two fold: it contains an assessment part on the state of the art of MAP/civil society cooperation as well as a proposal note on future orientations on cooperation and partnership. This evaluation as suggested by the Bureau is forward looking and tend to focus on future actions needed to make the system more effective and productive.

The assessment part of the report has examined the current situation MAP/Civil society cooperation in the following directions:

- a) Legal bases for Civil society participation in MAP;
- b) MAP programmes and policies on its partnership with civil society;
- c) Look at the MCSD and civil society;
- d) Inventory and categorisation of the list of MAP partners;
- e) State of the budget granted for MAP/civil society cooperation.

The proposal paper on MAP/Civil society cooperation orientations has taken into consideration foremost of:

- a) Best practises and lessons learnt from MAP experiences;
- b) The international legal-political context governing relations between civil society and the international organisations, which for some years now has been undergoing massive change;
- c) The most innovatory examples of how the relations between NGOs and international bodies have been institutionalised;
- d) Replies to the questionnaires by the contracting parties and MAP partners.

Proposals for overhauling MAP/NGO relations: The main conclusion of the Proposal note is that new relations between MAP and the NGOs could be forged by amending the rules of procedure and adopting a new Policy Paper/Decision on MAP/civil society cooperation, adding to and partly replacing the recommendations from the 9th MOP (Barcelona), 11th MOP (Malta, 1999) and the 12th MOP (Monaco, 2001).

I. Amending the Rules of Procedure

According to article 20.3 of the Convention, the conditions for the admission and participation of observers are established in the Rules of Procedure. In actual fact, the rules of procedure only contain a handful of very general points, the specific conditions for admission and participation resulting either from a Recommendation or from practice. It would therefore seem preferable to retain the current distinction between relatively simple rules of procedure and a Recommendation which could be more detailed than in the past. There are, however, at least two if not four points where the Rules of Procedure need to be amended:

a) Art. 8.1-B : the issue of national NGOs

This article only allows observer status to be granted to international NGOs. There are three possible options here:

- 1) Both international and national NGOs to be admitted indiscriminately, the Rules of Procedure will need to be amended in order to open the door to national NGOs.
- 2) National NGOs to come in, there is no need to amend the Rules of Procedure, but in future this category of NGOs should no longer be admitted.
- 3) National NGOs seen as essential players in the field for the implementation of the Convention and its Protocols, they should be granted special status along the lines of the Council of Europe's « partnership ». In this case, a new indent would need to be added to article 8 of the Rules of Procedure. It really is essential to be able to make national NGOs aware of MAP's activities and to get them on board. But national NGOs are not directly interested in regional cooperation. Different rights and duties could also be established for the two groups of NGOs, using a differentiated observer status.

b) Article 8.1-B: Requirement for « direct » interest?

In its article 20.1 (b) the Convention simply requires that NGOs' activities should be « related to » the Convention. The Rules of Procedure in art. 8.1-B are more stringent, since they require a candidate NGO to have a « direct concern » in the protection of the Mediterranean Sea. This is important in determining accreditation criteria. The extent to which NGO access is opened up will depend on which option is chosen. Applying the wording of the Rules of Procedure to the letter could end up excluding some NGO observers should they not be expressly and directly Mediterranean-oriented. So, there is a need to decide here whether the Rules of Procedure should become more flexible or be maintained in their current form. Should the latter prevail, the need to clarify how this « direct concern » can be assessed on a case by case basis would emerge.

II. Adopting new Decisions on MAP/civil society cooperation

The Recommendations adopted by the Contracting Parties at the 9th, 11th and 12th MOPs need to be completed and possibly partially amended. The provisions of these recommendations currently mix regulatory aspects (selection criteria and procedures) with strategic elements (cooperation aims and practical provisions). It should be made clear what falls under legal or institutional type provisions (and could just as well be included in the Rules of Procedure), and what comes under policy and action strategy in the relations with NGOs. On this last point it would be interesting that the provisions be completed by the adoption of a code of conduct or a charter setting out the rights and duties of NGO observers.

Three separate documents are therefore proposed:

- 1) A decision by the meeting of the Contracting Parties aimed exclusively at bringing together and completing the rules which apply to NGO/civil society observers, which could be entitled "Terms of reference for NGO observers/MAP partners".
- 2) A Decision by the meeting of the Contracting Parties on the general aims of cooperation between MAP and the NGOs/civil society.
- 3) A Decision by the meeting of the Contracting Parties setting out the MAP Partners' rights and duties.

II.1 Draft decision 1 "Terms of reference for NGO observers/MAP partners"

From a strictly legal point of view, the observers' terms of reference should come under the Rules of Procedure in virtue of article 20.3 of the Convention, which stipulates that: « The conditions for the admission and participation of observers shall be established in the Rules of Procedure adopted by the Contracting Parties ». In practice though, the Convention has worked somewhat differently, since provisions referring to the conditions of admission and participation are scattered throughout several Recommendations/decisions of the

Contracting Parties meeting. It is therefore up to the Contracting Parties to decide whether they wish to continue this practice or would prefer to respect the provisions of the Convention. Whatever the procedure adopted, the content of the terms of reference will be the same. They should include the following provisions, which are presented here purely for their content, with no specific wording being proposed at this stage.

II.1/1. Categories of NGO observers: There would be two categories:

Category A= NGOs with participatory status, which would apply exclusively to international and regional (Mediterranean region) NGOs;

Category B= NGOs with partnership status, which would apply exclusively to national NGOs from the Mediterranean riparian states and local NGOs, again in the riparian states.

II.1/2. Criteria for accreditation as observers

Criteria common to the two categories: - to have legal status; - terms of reference, objectives and scope of activities related to one or more of MAP's areas of activity and to the scope of the Convention and its Protocols; to have existed for at least 4 years; - financial and activity reports from the last two years; - operates democratically; headquarters or office in a Mediterranean country; - proof of general or specialised, technical or scientific competence or competence in human sciences related to the activities of MAP, the Convention and Protocols; - what contributions the NGO could make to MAP.

Specific criteria for category B: objectives genuinely related to the marine environment and coastal zones; - NGO participating or wishing to participate in specific national or local programmes or projects on MAP implementation

II.1/3. Accreditation procedure:

- Request sent to the secretariat 6 months before a MOP by an NGO or proposal from a RAC with the consent of the NGO proposed
- RACs' opinion sought
- Opinion of the Bureau
- Draft Secretariat decision
- Proposal forwarded to the Contracting Parties
- Tacit consent of the Contracting Parties
- Confirmation by the MOP on the same conditions:

II.1/4. Renewal of accreditation:

Virtually all of those who responded to the questionnaire call for an accreditation renewal procedure

- Every 6 years, NGO observers should ask the Secretariat to renew their accreditation
- The request should show what contribution the NGO has made to MAP activities and projects as well as its attendance at meetings

II.1/5 Accreditation renewal procedure

- Request sent to the secretariat at least 3 months before the 3rd MOP, otherwise the NGO is seen as relinquishing its accreditation
- Opinion of the Bureau and RACs
- Draft Secretariat decision
- Forwarded to the Contracting Parties
- Renewal approved by the MOP

II.1/6 Withdrawal of accreditation

The 12th MOP (Monaco, 2001) decided that partner organisations which fail to participate in MAP work or meetings for two consecutive years would be systematically struck off the list. This is a useful measure towards rendering the partnership effective, but it needs to be flanked by a procedure involving a prior hearing with the NGO in question.

- Following the hearing with the NGO in question, the Secretariat may withdraw accreditation if it deems that the NGO no longer meets the accreditation criteria or if the NGO has shown no interest in MAP's activities
- Total lack of participation in MAP meetings and activities over a period of two years (or 4 years?) will lead to the accreditation being automatically cancelled following a hearing with the NGO in question

II.1/7 List of observers

The secretariat shall draw up a list of MAP's observer partners and update it for each MOP, drawing a distinction between:

- o Intergovernmental observers according to article 8.1-A of the Rules of Procedure
- o NGO observers according to article 8.1-B, splitting categories A and B

II.1/8 Participation in MAP activities

- Art. 8-2 of the Rules of Procedure applies as a matter of principle to category A NGOs with no special authorisation being requested. These meetings include the various meetings of the focal points. NGO observers already participate in several focal points meetings.
- Exceptionally, and depending on agendas being of potential interest to the category B NGOs, the latter may request special authorisation from the Secretariat to attend a meeting or conference which is of direct concern to them.
- NGOs in categories A and B accredited as observers are entitled to be appointed as members of the Mediterranean Commission on Sustainable Development in accordance with the Commission's Rules of Procedure.
- According to art.8.1.B and 8.2 of the Convention's Rules of Procedure and in addition to art. 5 of the Rules of Procedure of the Mediterranean Commission on Sustainable Development, NGOs accredited according to the afore-mentioned provisions may be represented by observers at meetings of the Commission, with the consent of its Steering Committee.
- Accredited NGOs may be invited to attend RAC meetings and the steering groups for RAC activities.
- Proposals made by an NGO may be put to the vote if supported by a State.
- The other forms of participation and partnership are laid out in a recommendation on the general aims of cooperation and in the Charter on NGO rights and duties (provisions on the use of speaking rights, the right to circulate documents, the right to make written proposals related to the agenda).
- The question arises as to what extent accredited NGOs will be able to contribute- either formally or informally- to monitoring compliance with the Convention and its protocols through the compliance mechanism set up in Almeria in 2008, as is possible under the Berne and Aarhus Conventions amongst others. Having lodged a complaint with the national focal point, NGOs could refer a complaint to the Secretariat, requiring it to decide whether or not to submit it to the Compliance Committee. The answers to the questionnaire indicate majority support for this proposal.

II.1/9 NGO Assembly

- All category A and B accredited NGOs meet every 2 years during the MOP to share their achievements and projects.
- At the opening of the NGO Assembly, the latter elects its NGO standing committee comprising 5 members for a two year term, with the chairperson necessarily belonging to category A, two members from category A and two from category B. The standing committee's chairperson is at the same time also president of the NGO assembly. The election is by secret ballot. A postal vote may be organised under the secretariat's aegis. To be elected, the members of the standing committee require the support of the majority of those voting, representing 50% of the accredited NGOs.
- On the eve of the MOP the Secretariat presents the MOP agenda to the NGO assembly and notes any comments and proposals from the NGOs.
- For all its discussions and for the adoption of motions forwarded to the MOP, the assembly requires a quorum of NGOs present, representing at least one third of the accredited NGOs.

II.1. 10. NGO Standing Committee

- The answers to the questionnaire indicate that a slim majority supports the idea of this type of committee to represent MAP's NGO partners. There is far from being unanimity on this point amongst the NGOs and RACs.
- The members are elected for two years not immediately renewable in order to give everyone their turn and to better involve all NGOs.
- The standing committee is responsible for providing the link between the NGOs and the Secretariat, the national focal points and RACs.
- The role is unpaid. Expenses are covered by the Secretariat.
- The standing committee communicates by e-mail. It convenes once between two MOPs if necessary or during a MAP committee meeting or conference.
- The chairperson or a member of the standing committee may be invited to the meetings of the national focal points or RACs as an observer.
- The standing committee provides the input for the NGO section on the MAP and RAC websites, drawing on all the accredited NGOs (or the partner NGOs are only entitled to a link on the MAP and RAC websites, which leads back to them).

II.1.11 The chairperson of the standing committee and the NGO assembly

- They are elected for two years, not immediately renewable.
- They enjoy observer status within the Bureau of the Convention. To this end, the terms of reference of the Bureau of the Contracting Parties as adopted at the 9th MOP (UNEP (OCA) MED IG .5.16, Annex XIII, Appendix 1, p 1) should be amended. The following addition should be made to article 1: « The chairperson of the NGO standing committee shall attend the meetings of the Bureau as an observer ».
- They hold observer status in the MCSD Steering Committee. To this end, the MCSD's Rules of Procedure as adopted in Monaco in 1988 (UNEP(OCA)/MED WG. 140/inf.4) should be amended. The following addition should be made to art. 17, 1st indent: « The chairperson of the NGO standing committee shall attend the meetings of the steering committee as an observer ».

II.2 Draft decision on the general aims of cooperation

The general aims of MAP/NGO cooperation will involve revisiting, sorting and updating the provisions to be found in the previous policy documents approved by MAP:

- The guidelines on MAP/NGO cooperation (UNEP (OCA)/MED IG 5/11) of 15 April 1995
- The recommendations in appendix II of annex XIII from the 9th MOP in Barcelona in 1995
- The recommendations in annex IV, appendix V from the 11th MOP in Malta in 1999.

The replies to the questionnaire by the parties and the partners could be also used as a source to add any new necessary element.

II.3 Draft decision on the Charter establishing the rights and duties of NGOs accredited as observers

Given the scale of NGO participation in international bodies evidenced by the survey conducted in 2006 and 2007 by the United Nations Economic Commission for Europe within the framework of the implementation of the Aarhus Convention, in international organisations or under international conventions on the environment, current international practice is increasingly introducing codes of conduct or charters which set out the rights and duties to be respected by NGOs. In 2003, the Council of Europe proposed some fundamental principles on NGO status.

Such a Charter could be signed by the Secretariat and the accredited NGO as witness of its commitment to respect the basic principles of good conduct both towards the organisation and towards the contracting States. The vast majority of those who responded to the questionnaire would be in favour of this type of Charter. Those who are not in favour refer to the risk of red tape. The charter should be drawn up at a later stage if the Secretariat and States Party feel it could help guarantee certain joint ethics. It would make the mutual commitments of the NGOs and the Organisation in all its components both clearer and more legible.

Draft Recommendations

The Bureau is invited to discuss and have an exchange of views on the above proposals and advise the Secretariat accordingly. On the basis of Bureau suggestions the proposal paper will be revised by the Secretariat. The paper as revised would be submitted for comments and discussion by MAP partners and MAP focal points.

In case the Bureau agrees fully or partly with the proposed draft decisions, (this decisions can be easily combined in one with three annexes attached to it) it would be helpful to advise the Secretariat as well as on the process to be followed for their preparation bearing in mind that there is a need for the process to be participatory by involving the MAP focal points and MAP partners and with a view to finalize the draft decisions for the consideration by the next Bureau meeting.