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MSSD Follow-up – Good Practices, Exchange of Experiences and Challenges

a) MSSD Flagship Initiatives, Major Regional and National Programmes

MSSD Flagship Initiatives – Draft Concept Notes

Note by the Secretariat:

This document aims at presenting to the 18th Meeting of the MCSD updated, short versions of the four draft concept notes prepared by MCSD Members, partners and the Secretariat (SCP/RAC) to put in motion MSSD Flagship Initiatives. The initial, long versions of these draft concept notes were presented and discussed at the 20th Meeting of the MCSD Steering Committee (Athens, Greece, 23-24 January 2019) (see document UNEP/MED WG.456/4 submitted to the 20th Meeting of the MCSD Steering Committee held in Athens, Greece, from 23-24 January 2019).

- A. Draft Concept Note on the MSSD Flagship Initiative to “Undertake regional assessments, as well as knowledge exchanges, of high- and low-tech solutions, that have been successfully implemented to achieve waste reduction”, by COMPSUD and MIO-ECSDE
- B. Draft Concept Note on the MSSD Flagship Initiative to “Create and Promote a Mediterranean Business Award for Environmental Innovation”, by the Secretariat (SCP/RAC)
- C. Draft Concept Note on the MSSD Flagship Initiative to “Encourage the Accession to and Implementation of the Aarhus Convention on Public Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention)”, by COMPSUD and MIO-ECSDE, with support from MEPIELAN and the UNECE-Aarhus Convention Secretariat
- D. Draft Concept Note on the MSSD Flagship Initiative “Develop capacity building programmes on issues related to implementation and compliance with environmental obligations and agreements, including environmental impact assessments (EIA) and strategic environmental assessments (SEA)”, by MEPIELAN

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A. Draft Concept Note on the MSSD Flagship Initiative to “Undertake regional assessments, as well as knowledge exchanges, of high- and low-tech solutions, that have been successfully implemented to achieve waste reduction”

Prepared by COMPSUD and MIO-ECSDE. Reviewed by the President of the MCSD.

Key words: waste management, waste reduction, high- and low-tech solutions, regional assessment, awareness-raising, knowledge exchange

Under Strategic Direction 3.4 “Promote sustainable waste management within the context of a more circular economy” of the MSSD Objective “Planning and managing sustainable Mediterranean cities”, the MSSD Flagship Initiative 3.4.5 aims at elaborating a regional assessment of the effectiveness of high-tech and low-tech solutions, including but not limited to awareness-raising and economic measures that have been implemented, with a view to their more widespread utilization in waste reduction efforts. The summary of the MSSD Flagship Initiative on Waste Reduction Solutions with its associated indicators is presented as below:

In order to ensure a realistic approach and a timely launching of this MSSD Flagship Initiative, the present proposal concretely suggests that the activities envisaged be fully included in the Work Programme of the upcoming ENI – Water and Environment Support Mechanism (WES) project.

WES is a regional EU funded project under the “EU for GreenMed III and sustainable transport” line¹. The beneficiary countries are the following: Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Palestine, Syria, and Tunisia. It is planned for a 4-year duration and approximately EUR 9 million budget. The WES project is entered into its tendering phase, i.e. short-listing of eligible consortia – the awarded WES proposal and consortium will not be known till April-May 2019.

One of the objectives of the WES project is to reduce the pollution reaching the Mediterranean Sea by providing technical assistance and trainings to enforce national regulatory frameworks, to foster dialogue at national and regional levels and, to promote the exchange of best practices among various stakeholders. A special attention will be given to measures aimed at reduction and prevention of plastic pollution. The support to the pollution prevention under the WES project should be done within the framework of the Horizon 2020 for a cleaner Mediterranean and the Barcelona Convention.

As soon as the WES contract is awarded to one of the submitting consortia in 2019, COMPSUD and/or MIO-ECSDE, with support from the Secretariat, should approach the DG NEAR Project Manager and/or the project implementers during its inception phase (foreseen from May-July 2019) in order to practically see how to best incorporate the implementation of the MSSD Flagship Initiative in the WES project. Furthermore, if Contracting Parties request the MSSD Flagship Initiative to be part of the WES work programme at the first project steering committee meeting (or even during the inception missions), the MSSD Flagship Initiative could be included as a needed driven request.

The MSSD Flagship Initiative on Waste Reduction Solutions could include a number of practical actions, subject to availability of resources, in line with the WES project objectives, to be carried out by the WES project consortium, such as suggested in the following table. This table will be revisited once the WES project is awarded and running.

¹ EuropeAid/139671/DH/SER/MULTI

What	Who	By when
<p>Conduct a regional assessment of high- and low-tech solutions including but not limited to awareness-raising and economic measures, that have been successfully implemented in Mediterranean countries and elsewhere (e.g. in the EU) to achieve waste reduction and promote the principles of circular economy, relevant to the Mediterranean countries' context and needs.</p> <p>Approaches to be assessed might indicatively include <i>inter alia</i>: the overall application of the hierarchy approach in waste management to promote a circular economy; for municipal waste: methods for sorting at source bio-wastes and other streams of recyclable wastes (glass, paper, aluminium, plastic) to increase levels of recycling, reuse of treated wastewater, etc; for non-municipal waste: the promotion of use of secondary or by-products in other production processes, possibilities for industrial symbiosis, the collection and management of specific streams of waste, e.g. lubricant oils, accumulators, tires, WEEEs, construction waste; etc.</p>	<p>The WES consortium</p> <p>COMPSUD and/or MIO</p> <p>Support from MCSD Members and the Secretariat</p>	<p>September 2019 – February 2020 (tbc)</p>
<p>Develop a 'repository' or on-line tool for facilitated access to the solutions and their more widespread utilization in waste reduction efforts</p>	<p>The WES consortium</p> <p>COMPSUD and/or MIO</p> <p>Support from MCSD Members and the Secretariat</p>	<p>January – April 2020 (tbc)</p>
<p>Integrate the above elements in the relevant WES trainings</p>	<p>The WES consortium</p> <p>COMPSUD and/or MIO</p> <p>Support from MCSD Members and the Secretariat</p>	<p>September 2019 – December 2022 (tbc)</p>

References

H2020 Supporting Mechanism: <https://www.swim-h2020.eu/category/solid-waste-management/>;
<http://www.cprac.org/es/proyectos/horizon-2020>

Association of Cities and Regions for Recycling and sustainable Resource management (ACR+MED):
<http://www.acrplus.org/en/>

SWEEP-Net, the Regional Solid Waste Exchange of Information and Expertise Network in Mashreq and Maghreb countries <http://www.sweep-net.org/> See also: <http://nswmp.net/in/sweep-net/>

MED-3R Euro-Mediterranean Strategic Platform for a suitable waste management: <http://www.med-3r.org/index.php/en>

B. Draft Concept Note on the MSSD Flagship Initiative to “Create and Promote a Mediterranean Business Award for Environmental Innovation”

Prepared by the Secretariat (SCP/RAC).

Key words: Resource efficiency, Eco-innovation, Environmental-friendly business innovations, Eco-design, Sustainable products and services, Sustainable Consumption and Production (SCP), Green/Blue/circular economy, Green entrepreneurship, Green and social incubators, Corporate social and environmental responsibility

Under Strategic Direction 5.4 “Encourage environmentally-friendly and social innovation” of the MSSD Objective 5 “Transition towards a Green and Blue Economy”, The MSSD Flagship Initiative 5.4.5 focuses on the Creation and Promotion of a Mediterranean Business Award for Environmental Innovation. Environmental innovation is based on efforts from entrepreneurs to “green” their practices, processes, products, and services. Such “green efforts” – in the domains of waste management and recycling, natural products, renewable energy, and water saving – and the principles of a circular economy aims at decoupling prosperity and use of resources, and to provide credible market-oriented responses to sustainability challenges. Environmental innovation means also “doing more with less”, optimizing use of natural resources, reducing/reusing/recycling/recovering waste and promoting “better-for-the-planet” goods and services. For the private sector, environmental innovations lower costs, increase revenues, and ensure stable supply chains. They are profitable for nature, for society and for the private sector.

Putting in motion the MSSD Flagship Initiative on the Creation and Promotion of a Mediterranean Business Award for Environmental Innovation

The implementation of the MSSD Objective 5 and SCP Regional Action Plan was supported by the SwitchMed Programme². At their 17th Meeting (Athens, Greece, 5-7 July 2017), the MCSD Members expressed support to the continuation of these activities to foster green entrepreneurship ecosystems in the region. MCSD Members acknowledged the successful example of the Catalonia Eco-Design Award of the Waste Agency of Catalonia (ARC: *Agència de Residus de Catalunya*).

The Design for Recycling Award was created in 2001 and evolved into the Eco-Design Award, as part of the Catalan Eco-Design Strategy (*Ecodiscat*) 2012-2015 – promoted by the Ministry of Territory and Sustainability of the Government of Catalonia and coordinated by the Directorate General for Environmental Quality. Its goal is to encourage the incorporation of eco-design in the production process, to foster a cross-cutting approach and knowledge transfer, and to boost the consumption and production of sustainable products and services. The award recognizes innovative products and services that promote eco-design and circular economy solutions.

The award has five categories: Categories A, B, C and D are for entrants from Catalonia, and Category E – Euro-Mediterranean Design opened to entrepreneurs for all Mediterranean countries. The 2015-pilot edition of the Category E was supported by the SwitchMed programme, with 45 applications from 11 countries; the award ceremony held in Barcelona brought +150 representatives from Mediterranean countries. This successful pilot edition has not been reproduced so far.

The present concept note proposes to create a proper Mediterranean Business Award for Environmental Innovation, based on the solid experience of the Catalan Eco-Design Award and on the lessons learned from the creation of its Euro-Mediterranean Category E. This edition will be operationally linked to the implementation of the relevant MSSD Flagship Initiative.

² <http://switchmed.eu/>

The MAP – Barcelona Convention system has the institutional mandate, via this MSSD Flagship Initiative, to create and promote a Mediterranean Business Award for Environmental Innovation, and SCP/RAC as a centre hosted by the Waste Agency of Catalonia and the initiator of the Euro-Mediterranean Category E of the Catalan Eco-Design Award has the necessary skills and experience to support the technical process of this initiative. A possible avenue would be that the Secretariat flags the Mediterranean Award. The forthcoming launch of the EU funded SwitchMed II at the beginning of 2019 includes resources to fund the organization of a Mediterranean Business Award for Environmental Innovation and the preparation of a long-term strategy for its replication over the years. It is expected that the first edition will target southern Mediterranean countries, including Jordan and Palestine, as beneficiaries of the SwitchMed II programme³. It will be possible to develop several categories of the Mediterranean Business Award for Environmental Innovation.

Objectives of the Mediterranean Business Award for Environmental Innovation

The Mediterranean Business Award for Environmental Innovation will be based on the proceedings of the Eco-Design Award developed in 2015 by the Waste Agency of Catalonia. This award will aim to recognize, reward, and encourage the efforts of entrepreneurs to incorporate environmental innovation and eco-design in the production process, to foster knowledge transfer and a cross-cutting approach between the three pillars of sustainable development, and to boost circular economy solutions and the consumption of sustainable products and services in the Mediterranean.

The objectives of such an award could be to:

- Recognize and reward the efforts of entrepreneurs to incorporate environmental innovation and eco-design in their production process;
- Encourage entrepreneurs to move towards more environment friendly patterns of production, boost circular economy solutions and their practical application, as well as the consumption of sustainable products and services;
- Enable entrepreneurs to act as a role model to inspire other entrepreneurs, to foster knowledge transfer between green entrepreneurs, and to further promote corporate social and environmental responsibility;
- Raise the awareness of the general public regarding environmental-friendly business innovations;
- Provide a practical response to the implementation of Sustainable Development Goals (SDGs), in particular SDG 12, in the Mediterranean region.

Mediterranean green entrepreneurs and circular businesses – including members of the SwitchMed community, i.e. the Switchers – will be invited to submit an application, following an open call. The possible categories could include products already available in the market, products under development or product promotion strategies that are developed in Mediterranean countries and that take into account environmental considerations with the goal of reducing the environmental impact of the product over the course of its life cycle.

For the first edition, applications should be submitted by entrepreneurs and circular businesses from a SwitchMed beneficiary country. Any person or corporate entity domiciled or with corporate headquarters in those countries, who designs or manufactures a product or service, promotes or designs a product or service under development, or promotes any eco-innovation strategy, should be invited to submit an application.

³ Eligible applicants should be based in the following countries: Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Palestine, and Tunisia.

In the further elaboration of the objectives and criteria of the award, the recently launched “European Sustainability Award” by the European Commission with the support of the EU Multi-stakeholder Platform on SDGs aiming to recognize the initiatives (by the private sector, large companies and SMEs, public agencies, civil society and youth) working towards turning the SDGs into concrete solutions and opportunities, could be used as a possible source of inspiration and information.

Eligibility and Evaluation Criteria (proposal)

Below are listed possible evaluation criteria that could be used for the eligibility and evaluation of applicants. Those criteria will be reviewed after the launch of SwitchMed II in 2019. A specific focus will be put on awarding initiatives led by youth and women.

a) Basic Criteria:

- Incorporation of significant eco-design strategies in the product life cycle, including reduction in resource consumption; selection of materials with a smaller environmental impact; reduction of the environmental impact of the production process; optimization of the distribution process; reduction of environmental impact during use; lengthening of the useful-life stage; optimization of the end-of-life stage; enhanced potential for recyclability; utilization of waste, secondary or by products from other production processes as primary material for its production.
- Quality of the design: What the design offers in respect of emotional and functional aspects, paying special attention to usability, ergonomics, safety, aesthetics, functionality, repairability, its perception and acceptance by end-users, and its capacity to meet a need.
- Innovation: The added value offered by the product, project or strategy in respect of the possible alternatives that exist in the market.

For products under development, other considerations could be taken into account such as whether the submitted entry has been comprehensively studied and developed, how close it is to completion, and its feasibility from an economic and market-based perspective.

b) Additional Criteria:

- Application of environmental evaluation methodologies, for example: MET (materials, energy and toxicity) matrices, SEA (strategic environmental assessment), LCA (life-cycle assessment).
- Potential environmental benefit: Estimate of the savings associated with the use of the product in terms of its overall impact, taking into account the environmental improvement per product unit and the global sales volume.
- Possession of labels that accredit the environmental benefits of the product: Eco-labels granted by official bodies or recognized private organizations.
- Implementation of an environmental management system in the design and development process: Eco-design, EMAS, ISO 14006.
- Socio-economic impact of the entry on the market or on its scope of application.
- Implementation, quality and repercussion of the communication and awareness-raising strategies.

c) Exclusion from Participation:

Products already in the market, products under development or product promotion strategies should not be eligible for submission to the award if they are in any of the situations listed below:

- If they are submitted simultaneously in more than one of the Catalan Eco-Design categories, whether approached from the same or a different perspective;
- If their main value is artistic (works of art);
- If they are buildings or other complex architectural elements;
- If they are one-off items that cannot be mass-produced;
- If a member of the judging panel has participated actively in the entry submission as a designer, as a manufacturing company or distributor of the product, or as the promoter of a strategy.

Application, Evaluation and Nomination Process

An application form should be developed in two main parts: (i) open questions to introduce the entrepreneur/business and its products/services/strategies; (ii) specific questions based on criteria enumerated above.

The evaluation should be undertaken through the criteria proposed above.

After a first screening to check eligibility of applicants, the accepted applications should be evaluated by a team of independent experts selected by the Secretariat (Coordinating Unit and SCP/RAC), taking into account their different backgrounds and experiences in relation to the scope of the award and the evaluation criteria.

The composition of the Jury will be decided at a later stage and should include the President of the MCSD.

Questions from possible applicants should be allowed before submission. To this end a helpdesk should be established when the call of submissions is launched, so possible applicants are able to further inquire about the award through the helpdesk.

The selection will probably be carried out via the following three steps:

First Step: Initial Screening

With the end of the submission deadline, an initial screening will be conducted by the Secretariat (SCP/RAC) to ensure that the applicants fulfill the eligibility criteria and that the submission forms are correctly filled.

Second Step: Short-Listing

The Secretariat (SCP/RAC) supported by independent experts will select the appropriated number of applicants for the award. An evaluation report will be sent electronically to the Jury for approval.

A letter will be sent to the short-listed entrepreneurs regarding their nomination.

Third Step: Selection

The Jury will select the winning entrepreneur(s)/business(es) through electronic means. Every effort should be made to take a decision by consensus. In the case of more than one winner, geographical balance should be ensured.

Award Giving and Ceremony

The award should consist of at least an honorary board (commemorative object) and the permission to use the logo of the award by the winning entrepreneur(s)/business(es). Access to finance to the awardees will be also considered for the ones that will have an eco-designed product at the ideation stage or early stage of development. This will be done as part of the Switchers Fund⁴ currently being developed by SCP/RAC.

Media coverage and visibility will also bring added value. The award should be conferred on a biannual basis during the Meeting of the MCSD, the Ordinary Meeting of the Contracting Parties to the Barcelona Convention, or the SwitchMed Connect events.

In terms of planning and timelines, and according to the MSSD stating that the Flagship Initiative should be launched for the period 2016-2020, a possible timeline could be the following (proposal):

When (period)	What (task, step)
1 st semester 2019	Definition of the categories and criteria for the Award Definition of the visual identity, including logo
2 nd semester 2019	Development of a database of contacts for the dissemination of the Award (based on the SwitchMed Action Network and Switchers) Preparation of a Communication Strategy Definition/mobilization of the Jury
1 st semester 2020	Launch of the Award Extensive communication campaign Evaluation of the candidates
2 nd semester 2020	Selection and nomination of the candidates Celebration of the Award Design of the strategy for the replication of the Award to be considered at COP 22 (for instance in the context of the implementation of the MAP Resource Mobilization Strategy)

References:

SwitchMed Programme: <http://switchmed.eu/>

The Switchers Platform: <https://www.theswitchers.eu/en/>

The Switchers Fund: <https://www.theswitchersfund.eu/en/>

Catalonia Eco-design Award 2015:

Webpage: http://residus.gencat.cat/en/ambits_dactuacio/sensibilitzacio/premis_medi_ambient/premi-catalunya-decodisseny/index.html

General Information:

http://residus.gencat.cat/en/ambits_dactuacio/sensibilitzacio/premis_medi_ambient/premi-catalunya-decodisseny/informacio-general-del-premi/

Category E – Euro-Mediterranean design:

http://residus.gencat.cat/en/ambits_dactuacio/sensibilitzacio/premis_medi_ambient/premi-catalunya-decodisseny/categoria-e.-disseny-euromediterrani/

⁴ <https://www.theswitchersfund.eu/en/>

C. Draft Concept Note on the MSSD Flagship Initiative to Encourage the Accession to and Implementation of the Aarhus Convention on Public Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention)

Prepared by COMPSUD and MIO-ECSDE. Reviewed by the President of the MCSD, MEPIELAN and the Aarhus Convention Secretariat.

Key words: Aarhus Convention on Public Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention); Public participation; Access to information; Access justice; Integrity in decision making; Environmental matters; Governance

Under MSSD Strategic Direction 6.2 “Promote the engagement of civil society, scientists, local communities and other stakeholders in the governance process at all levels, in order to secure inclusive processes and integrity in decision-making” of the MSSD Objective 6 “Improving governance in support of sustainable development”, the MSSD Flagship Initiative 6.2.3 focuses on the accession to the Aarhus Convention⁵.

Relevance of the Aarhus Convention for the Mediterranean Countries and Potential Benefits of the Accession to the Convention

The Contracting Parties to the Barcelona Convention have already a series of commitments to engage stakeholders and the public in consultations and participatory governance. Most of the Contracting Parties apply participatory processes for Environmental Impact Assessment (EIA), Strategic Environmental Assessment (SEA), Integrated Water Resources Management (IWRM), management of specially protected areas, adaptation to climate change, etc. Participatory and information processes are also related and supported by the Mediterranean Strategy for Education for Sustainable Development (MSED) and its Action Plan⁶, both of which are endorsed and constitute integral parts of the MSSD. Accession to the Aarhus Convention provides also a solid and comprehensive framework for governance to engage the public effectively.

The Aarhus Convention is widely accepted to be the leading example of implementation of Principle 10 of the Rio Declaration. Apart from engaging the public, accession to the Convention, can facilitate the design and implementation of National Strategies for Sustainable Development, green economy strategies and, most importantly, the implementation of the 2030 Agenda and SDGs at national level, as also stipulated by SDG Target 12.8 “by 2030 ensure that people everywhere have the relevant information and awareness for sustainable development and lifestyles in harmony with nature”. Being a Party to the Aarhus Convention will significantly contribute to country’s efforts to promote citizen-centred and environmentally sound policies.

Accession to the Aarhus Convention would greatly support Government’s policies to address poverty and inequality by ensuring that all persons, including the poorest segments of society and rural communities, are able to participate in decision-making processes regarding issues that impact their lives and, as a result, to benefit from the income generated by different sectors of the economy.

Owing to their cross-cutting nature, the implementation of the Aarhus Convention and of its Protocol on Pollutant Release and Transfer Registers (PRTRs) have multiple benefits to the successful implementation of the 2030 Agenda and SDGs, and are directly linked to a very wide array of issues

⁵ <http://ec.europa.eu/environment/aarhus/>

⁶ <http://ufmsecretariat.org/wp-content/uploads/2014/05/Mediterranean-Strategy-on-Education-for-sustainable-development-.pdf>; http://www.esdmedcyprus.pi.ac.cy/files/ENG_Action_Plan.pdf

and policies such as: ending poverty (SDG 1); health protection (SDG 3); water and sanitation management (SDG 6); clean energy (SDG 7); green economy (SDGs 8, 9 and 12); reduction of inequalities (SDG 10); sustainable consumption and production (SDG 12); climate action (SDG 13); tourism (SDGs 8 and 12); urban planning (SDGs 11 and 13); and, most importantly, the promotion of effective, accountable and transparent institutions, effective access to information, effective and inclusive public participation and transparency in national and international decision-making and effective and equal access to justice for all (SDG 16).

Informed participation in the decision-making process leads to better decisions, as the government or implementing agencies take into account valuable information from the public concerned. This process ultimately enhances public confidence to governmental decisions and reduces the instances of lengthy legal procedures and appeals and costly remedial measures by the State. It also helps to achieve greater political stability and sustainable economic development at the national level.

The Aarhus Convention is recognized to bring value to its Parties, wherever on the political or economic spectrum they stand, and it brings benefits to the countries that have ratified it. Officially declaring to the international community that your country aspires to be strong supporter of environmental democracy also provides greater political visibility. Accession to such convention will send a strong signal to other States, trade and aid partners, foreign investors and international institutions of the Government's commitment to effective governance and democracy.

Putting in Motion the MSSD Flagship Initiative on Public Participation via the Aarhus Convention

The Aarhus Convention is open for accession by any UN Member State. For States which are not Members of UNECE accession requires an approval by the Aarhus Convention's Meeting of the Parties. In recent years, Parties to the Aarhus Convention have made clear their strong encouragement for countries outside the UNECE region to join. To guide interested non-UNECE Member States on the accession, they adopted a decision IV/5, encouraging States outside the UNECE region to accede to the Aarhus Convention and welcoming any expression of interest to do so. The major steps of the accession procedure for non UNECE Member States are outline in paragraph 4 of the decision.

In the Budva Declaration adopted at their Joint High-level Segment (Budva, Montenegro, September 2017), the Aarhus Convention's and its Protocol's Meetings of the Parties once more stated: "*We invite interested States to accede to the Convention and its Protocol or to apply their provisions, and we stand ready to offer our experience and knowledge in that regard. In the forthcoming period, we will strive to encourage new accessions, in line with the Strategic Plan for 2015–2020*" (para. 28).

12 of the 22 (54,5%) Contracting Parties to the Barcelona Convention are already Parties to the Aarhus Convention. The MSSD Target of two-thirds can be achieved by having five more Mediterranean countries joining the Aarhus Convention. The table above shows that the priority should be given to:

- (a) Three UNECE Member States: Israel, Monaco and Turkey. No approval by the Meeting of the Parties to the Aarhus Convention is required for their accession.
- (b) Seven not-UNECE Member States: Algeria, Egypt, Lebanon, Libya, Morocco, Syria, and Tunisia. Their accession requires an approval by the Meeting of the Parties to the Aarhus Convention.

The familiarization with and possible accession to the Aarhus Convention by the Mediterranean countries mentioned above requires first and foremost a strong political will from the governments of these countries to fulfill in a solid way the commitments concerning access to information, public participation and access to justice in environmental matters.

Activities aimed at familiarization with and promotion of the accession to the Aarhus Convention requires also dissemination of information and capacity building meetings, which may be co-organized by the Contracting Parties to the Barcelona Convention, the Barcelona Convention and Aarhus Convention Secretariats, and/or programmes such as for instance the SWIM-Horizon 2020 SM.

With respect to the political dimension of the present MSSD Flagship Initiative, an awareness raising and information campaign to make the benefits of joining the Aarhus Convention known to the above target countries could be undertaken by COMPSUD, on a voluntary basis, with advisory and expert support from both Barcelona Convention and Aarhus Convention Secretariats, as well as from MIO-ECSDE for the simultaneous mobilization of NGOs and other civil society organizations. The development of capacity building through training on targeted creative negotiation knowledge and skills for the construction of environmental common interest could be undertaken by MEPIELAN.

Regarding its law and governance dimension, the compatibility of the legislation of the Contracting Parties to the Barcelona Convention with the provisions of the Aarhus Convention in combination with the necessary institutional arrangements for the effective exercise of the procedural rights set in the Aarhus Convention should be explored. The establishment of specific administrative bodies or other independent institutions established by law (Ombudsman) that could contribute to the implementation of the relevant requirements should be examined. The promotion of the active engagement of the subnational levels of government (municipalities, regional authorities) in decision-making processes, through the organization of a series of training workshops and/or by the establishment of relevant working groups aiming at improving coordination and cooperation in the implementation of the Aarhus Convention should also be pursued. Of particular importance would be the discussion and dissemination of best practices among the Mediterranean countries of the Aarhus Convention concerning access to environmental information and public participation.

An important “added value of the present MSSD Flagship Initiative would be the examination of the interaction between the Aarhus Convention and the very recently adopted Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, 2018 (the Escazú Agreement) for the purpose of developing an appropriate platform of facilitating the accession of Developing States to the Aarhus Convention, and thus paving the way to the process of exploring the expansion of operation of the Aarhus Convention in view of the contextual particularities, the need for their informed management at all levels, and in the light of the implementation of the transformative SDGs 16 and 17.

The MSSD Flagship Initiative on Public Participation provides a great opportunity for the Mediterranean countries to be familiarized with, use and, eventually, accede to the Aarhus Convention. There are a number of practical actions to promote this, subject to availability of resources, such as suggested in the following table:

What	Who	By when
Present the benefits of acceding the Aarhus Convention and urge more Mediterranean countries to join, by delivering a keynote speech on the matter at the 18 th Meeting of the MCSD	Aarhus Convention Secretariat, in cooperation with the Barcelona Convention Secretariat, with support from the MCSD Steering Committee (in particular COMPSUD) and MIO-ECSDE	2019 (18 th Meeting of the MCSD)
Participation of the Aarhus Convention Secretariat and/or experts in the Aarhus Convention (as appropriate) in relevant meetings in the region as to provide expert and advisory support	Aarhus Convention Secretariat	On-going (cont'd)

What	Who	By when
Provision of information to relevant Ministries and Parliaments of interested countries	Barcelona Convention Secretariat, in cooperation with the Aarhus Convention Secretariat, with support from the MCSD and its Steering Committee. COMPSUD may facilitate to the extent possible the flow of this information, through its membership	By 2022
Provision of appropriate information and mobilization of the civil society of interested countries in encouraging the governments to use and eventually accede to the Aarhus Convention	Barcelona Convention Secretariat, in cooperation with the Aarhus Convention Secretariat, with support from MAP Partners and MCSD Members. MIO-ECSDE could play an active role through its own membership	By 2022
Participation of Governments and relevant stakeholders in the Aarhus Convention capacity building events and policy meetings	Governments, supported by the Secretariats of the Barcelona and Aarhus Conventions, with support from MAP Partners and MCSD Members.	Ongoing (cont'd)
Organization of specific targeted meetings/trainings in the region to promote the Aarhus Convention	Barcelona Convention Secretariat, the MCSD Steering Committee and relevant MCSD Members and MAP Partners, in cooperation with the Aarhus Convention Secretariat. MEPIELAN could play an active contributing role through its own membership and specialty.	By 2024
Preparation of Mediterranean countries' overviews of compatibility of their laws and institutional arrangements with the Aarhus Convention's requirements, including the necessary practical measures taken by the public authorities at all levels and the dissemination of best practices among the Mediterranean countries	Aarhus Convention Secretariat, in cooperation with the Barcelona Convention Secretariat and the contribution of MEPIELAN that will play an active role through its own membership and specialty.	By 2024
Translation of practical guidelines/recommendations developed under the Aarhus Convention in national languages	Contracting Parties to the Barcelona Convention and Barcelona Convention Secretariat, in cooperation with the Aarhus Convention Secretariat	By 2025
Examination of the interaction between the Barcelona Convention and the Escazú Convention - expansion of the Aarhus Convention to Developing Mediterranean countries and in light of the SDGs implementation	Secretariats of the Barcelona Convention, the Aarhus Convention and the Escazú Convention, in cooperation with MEPIELAN	By 2024

References, Additional Information, Key Links and Materials

- Aarhus Convention: <http://www.unece.org/env/pp/treatytext.html>
- Protocol on PRTRs: <http://www.unece.org/env/pp/prtr/docs/prtrtext.html>
- The Escazú Agreement: https://repositorio.cepal.org/bitstream/handle/11362/43583/1/S1800428_en.pdf

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Prepared by MEPIELAN. Reviewed by the President of the MCSD.

Key words: Capacity building, Compliance, Environmental obligations and agreements, Environmental impact assessment (EIA), Interlinkages between institutional arrangements, Negotiation, Precautionary principle, Public trust approach, Strategic environmental assessment (SEA)

Under Strategic Direction 6.3 “Promote implementation and compliance with environmental obligations and agreements including through policy coherence based on inter-ministerial coordination” of the MSSD Objective 6 “Improving governance in support of sustainable development”, the MSSD Flagship Initiative 6.3.5 focuses on implementation and compliance with environmental obligations and agreements, including environmental impact assessments (EIA) and strategic environmental assessments (SEA).

Key areas that require capacity-building actions related to the implementation of and compliance with the MAP – Barcelona Convention framework refer to:

- The stewardship-related and participatory application of the precautionary approach;
- The development of the capacity to enhance policy coherence for sustainable development through interlinkages between institutional arrangements related to global and regional conventional (treaty-based) obligations with regard to environmental sustainability;
- The advancement of trusteeship approaches to participatory governance as sustainability-related innovative legal conceptions and practices; and,
- The development of the capacity to negotiate governance aspects of the MAP – Barcelona Convention system, and the introduction of a “talanoa dialogue” approach⁷ for discussion and participation at the local, national, and regional level.

A more effective and efficient environmental governance is needed, addressing important gaps as indicated in the MSSD: e.g. “horizontal and vertical fragmentation of responsibility”, “uncoordinated and non-result based implementation”, “inadequate awareness and education”, and the imperative need to “devise new forms of institutions based on discussion and participation, as well as innovative legal conceptions and constructive practices directly related to sustainability governance”.

1. Developing a Stewardship-related and Participatory Implementation of the Precautionary Principle

Capacity building on the implementation of and compliance with environmental obligations can be promoted by enhancing the determination of the due diligence of Contracting Parties, and connecting with the participation of non-state actors within their jurisdiction, through advancing a more stewardship-related and participatory approach to the implementation of the precautionary principle.

⁷ Talanoa, a traditional word used in Fiji and the Pacific, reflects a process of inclusive, participatory and transparent dialogue aiming to share stories and build empathy and trust among the participants in order to make wise decisions for the collective good. The process involves the sharing of ideas, skills and experience through storytelling – *a narrative approach to issues*. The “talanoa dialogue” was launched at the UNFCCC - COP 23 by Fiji as a way to determine contributions for the implementation of the Paris Agreement and long-term greenhouse gas reduction targets on a national level.

The precautionary principle is formulated in Article 4.3(a) of the Barcelona Convention which, transposing Principle 15 of the Rio Declaration, enshrines a weaker formulation of the precautionary approach, setting out that the Contracting Parties, in order to protect the environment and contribute to the sustainable development of the Mediterranean, “apply, in accordance with their capabilities, the precautionary principle, by virtue of which where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation”. The precautionary approach, being an integral part of the general duty-obligation of due diligence of the Contracting Parties, may play a central role in the interpretation and application of the Barcelona Convention and its protocols and gains considerable importance for its implementation, especially in view of the general inherent limitations in the mechanism of reparation of the often-irreversible character of damage to the environment. In the framework of the MAP – Barcelona Convention system, the long negotiation process for the determination of liability and compensation for damage from pollution of the marine environment, geared for the specification of the framework obligation of the Contracting Parties provided in Article 16 on Liability and Compensation, has failed to produce “appropriate rules and procedures” in this regard and is currently confined to the implementation of Guidelines on Liability and Compensation.

The implementation of the precautionary approach as an integral part of the due diligence duty-obligation of the Contracting Parties in the governance of environmental protection and sustainability of the Mediterranean requires a stronger participatory dimension. It should be closely associated with the application of prior environmental impact assessments (EIA, SEA), including on the transboundary level, through specific procedures which enable the decision-makers to consider all relevant factors, facilitate the effective engagement of non-state actors in the decision-making process, and make the final decisions more sustainable. Such a stewardship and participatory implementation of the precautionary principle can be effectively carried out by identifying the current status of operation of the precautionary principle between the Contracting Parties, by organizing a dialogue between the Contracting Parties and relevant stakeholders with a view to inject strong participatory and stewardship elements in the implementation of the precautionary principle (*talanoa dialogue*), and, consequently, organize a regional conference/meeting to develop an appropriate recommendation in this regard, in the context of the MCSD.

2. Enhancing Policy Coherence for Sustainable Development

Another area of capacity building on the implementation and compliance with environmental obligations at multiple levels is related to the promotion of sustainability governance through “working with interlinkages”. That is enhancing policy coherence with its interlinkages between institutional arrangements and synergies regarding global and regional conventional (treaty-based) regimes related to environmental sustainability, as well as the implementation of SDGs and their appropriate integration into domestic environmental sustainability governance.

In the case of conventional (treaty-based) regimes related to environmental sustainability, the Mediterranean countries should be appropriately prepared, on the one hand, to manage the interlinkages and synergies inherent in specific areas (e.g. biodiversity, climate change, marine use and wastes) and, on the other hand, to manage an important coordination deficit. This latter requires an effort to build a more consistent, more relational and more effective “polycentric environmental and sustainability conventional governance” by establishing a better coordination between related conventional regimes at both the law-making and implementation levels in order to ensure policy coherence, mutual supportiveness and synergies in implementation. The harmonization of their various aspects, such as reporting, should also be pursued.

National implementation needs to be improved by developing appropriate national legislation, by mainstreaming of environmental considerations into other sectors, by developing institutional arrangements (Inter-Ministerial Committees, establishment of an Agency responsible for cross-sectoral coordination) that could promote cross-sectoral cooperation, and by enhanced participation of non-State actors in decision-making and implementation, effectively supporting public-private partnerships in planning and implementation.

Specific targeted meetings/conferences and the development of relevant educational and training programmes promoting interlinkages and synergies regarding global and regional conventional (treaty-based) regimes related to environmental sustainability should be provided.

In the case of SDGs, institutional mechanisms and processes should be identified, at centre of government and public administration level (e.g. inter-Ministerial coordination committees / networks), aimed at monitoring and coordinating the implementation of SDGs-related legislation and policies, and at ensuring the coherence, complementarity and interlinkages of the SDGs through key assessment and evaluation reports, and compliance reports. At the same time, an educational and training capacity building should be developed through the organization of regional and national collaborative workshops and educational programmes for peer-learning among Mediterranean countries on frameworks/schemes to promote policy coherence and SDGs implementation.

3. Advancing the Public Trust Approach

Another area of improving capacity building on the implementation of and compliance with environmental obligations at multiple levels refers to the development of a trusteeship approach, and particularly of the innovative, sustainability-related legal concept of the public trust approach, exploring its appropriate application to the law and governance canvass of the MAP – Barcelona Convention system. The public trust approach is well-reflected in the textual language of the MAP – Barcelona Convention system (Preamble of the Barcelona Convention, para. 2, Art. 4 of the Convention, Preamble of the ICZM Protocol, para. 3).

Under the public trust approach, governments are legally entrusted by the public to protect and conserve the environment and natural resources, for the benefit of present and future generations. Governments are vested with a “fiduciary” legal obligation to hold and govern natural resources in trust for its people, protecting and preserving the environment and resources as a unit in a sustainable manner, for the benefit of present and future generations.

Revisiting the operation of the Barcelona Convention and MAP policies from the perspective of the public trust approach would allow:

- to promote the sustainable use, management and conservation of natural resources and ecosystems (MSSD Strategic Direction 2.1), ensuring that legal measures conserve biodiversity and ecosystem services in line with international and regional commitments;
- to promote the engagement of civil society, scientists, local communities and other stakeholders in the governance process at all levels, in order to secure inclusive processes and integrity in decision-making (MSSD Strategic Direction 6. 2), supporting the organizational capacity of stakeholders and encouraging the adoption and implementation of the Aarhus Convention;
- to promote the implementation and compliance with environmental obligations and agreements (MSSD Strategic Direction 6.3) related to environmental sustainability and to guide actions at national and regional levels; and,
- to promote the education and research for sustainable development (MSSD Strategic Direction 6.5).

Relatedly, the public trust approach as an innovative legal concept may effectively and efficiently contribute to the coherent implementation of a number of SDGs in the Mediterranean, with which the MSSD is fully aligned (i.e. SDGs 16, 14, 15, 13, 6, 4).

Capacity development is a key element to improve the understanding of the public trust approach and its applicability at both national and regional levels as well as of the fiduciary obligations of the Barcelona Convention to support the conservation and sustainable use of the marine and coastal environment. Improved understanding of this concept and its applicability to support the delivery of sustainable development-related objectives can directly influence policy discussions and inform the development of policy and, more importantly, build a legal basis for the sustainable implementation and compliance with the Barcelona Convention and relevant MAP policies.

In this context, a Mediterranean Stakeholders Public Trust Forum may be established in liaison with the Secretariat and in partnership with Earth Charter International, WWF, the IUCN World Commission on Environmental Law and other relevant organizations and bodies, to advance the understanding and applicability of the public trust approach at the national and regional levels, by coordinating high-level participation, discussion and research. At the same time, an educational and training capacity building should be developed through the organization of regional and national workshops promoting the public trust approach in the implementation and compliance with the Barcelona Convention and its sustainability governance.

4. Introducing the “talanoa dialogue” for participation at the local and regional level

Developing the capacity to negotiate governance aspects of the Barcelona Convention and relevant MAP policies in combination with the introduction and effective application of the “talanoa dialogue” for an ongoing engagement of the relevant stakeholders is an important area of capacity building. The knowledge of the nature and practice of international environmental negotiation is catalytic. In order to be creative and effective in all aspects of constitution, implementation and revision of any treaty-based environmental or any other regime, international negotiation should be understood and explained as a structured process of relational governance generating international common interest. The conduct of negotiations within the MAP – Barcelona Convention system should always be associated with:

- the construction of a Mediterranean-based international common interest (consistency and creative synergy with interlinked relevant treaty-based regimes, global and regional);
- the application of such approach to all levels of implementation and operation of the MAP – Barcelona Convention system and its infusion into all levels of negotiating participants; and,
- identifying and defining the roles of the various disciplines involved in the negotiating process when preparing, drafting, implementing and textually developing various legal or declarative (decisional) instruments for their more effective and socially acceptable implementative and compliance quality.

The negotiating process can be substantially strengthened if relevant stakeholders are more effectively engaged, influence and support the negotiating process, by widening the opportunities for such involvement and providing financial resources to effectively participate. An important step towards this direction can be made by the broader introduction and organization of the so-called “talanoa dialogue” in the framework of the MAP – Barcelona Convention system. The “talanoa dialogue” could inform national approaches, facilitating a continued sharing of national experiences through a multi-stakeholder dialogue, regarding the implementation and compliance with specific aspects of the Barcelona Convention and relevant MAP policies. Creating two different phases, the preparatory phase and political phase, the “talanoa dialogue” will craft coalitions of common interest among non-

party stakeholders and develop the domestic support needed to further drive more effective implementation, compliance and more participatory and enlightened negotiating process.

Guidelines should be developed regarding the operation of the “talanoa dialogue” and a knowledge-exchange platform should be established fostering subject matter networks and collaborations and improve the effectiveness of inputs into the implementation, compliance and negotiating process in the MAP – Barcelona Convention system. In this context, partnerships can be built, organized around implementation, compliance and negotiation issues and a permanent forum for stakeholders can be set up for stakeholder-driven open, organized and constructive dialogue to complement the negotiation process and support domestic implementation and compliance.

What	Who	By when
Presenting Capacity Building Actions for the Implementation and Compliance within the MAP – Barcelona Convention system, by delivering a keynote speech on the matter at the 18 th Meeting of the MCSD	MEPIELAN	June 2019 (18 th Meeting of the MCSD)
Providing educational programmes, capacity building and training for preparing Mediterranean States to better manage interlinkages and coordination deficits, developing appropriate legislation, enhancing public participation and “polycentric sustainability governance”	Contracting Parties, Barcelona Convention Secretariat, with support from the MCSD and its Steering Committee, MEPIELAN and relevant stakeholders.	By 2023
Introducing the Public Trust Approach as an innovative legal concept providing a solid legal and policy platform to address the sustainability aspects of the Barcelona Convention and MAP policies, by establishing a Mediterranean Stakeholders Public Trust Forum and developing educational and training capacity	Barcelona Convention Secretariat, with support from the MCSD and its Steering Committee, in cooperation with MEPIELAN	By 2023
Developing a participatory approach to the implementation of the precautionary principle connecting it with EIA and SEA procedures, by identifying the current state of affairs in the Mediterranean countries, elaborating a model EIA and SEA legislation, developing a talanoa-type dialogue between Contracting Parties and relevant stakeholders, and organizing meetings in the region to develop appropriate recommendations	Barcelona Convention Secretariat, in cooperation with the Espoo Convention Secretariat, with support from MAP Partners and MCSD Members. MEPIELAN could play an active contributing role through its own membership	By 2024
Developing the capacity to negotiate governance aspects of the MAP – Barcelona Convention system by developing educational and training capacity, including workshops and webinars, and introducing the “talanoa dialogue”, by developing recommendations and guidelines for its conduct, for developing a knowledge-exchange platform, and for a permanent forum for stakeholders at the national and local level.	Contracting Parties, supported by the Barcelona Convention Secretariat, in cooperation with MEPIELAN, with support from MAP Partners, MCSD Members and appropriate institutions	By 2024