



**United Nations
Environment
Programme**



UNEP/BUR/63/3/Add.1
27 June 2005

ENGLISH



MEDITERRANEAN ACTION PLAN

Meeting of the Bureau of the Contracting Parties to the
Convention for the Protection of the Marine Environment
and the Coastal Region of the Mediterranean
and its Protocols

Brussels (Belgium), 30 June 2005

Addendum to

**PROGRESS REPORT BY THE SECRETARIAT ON ACTIVITIES
CARRIED OUT SINCE THE LAST MEETING OF THE BUREAU**

(November 2004 – May 2005)

Draft ICAM Protocol

A Consultative Workshop on the draft ICAM Protocol, held in Oristano, Italy, on 24-25 June, was attended by 42 participants representing the CPs, the region of Sardinia, the Province of Oristano, the Institute of Marine Centre, the University of Venice, etc. The Workshop was very well organized and was characterized by lively discussions and active participation. The participants made valuable comments and suggestions on how to improve the draft text. In general, there is consensus about the proposed provisions.

The Workshop agreed on the guiding principles for the draft Protocol. There were some proposals mainly to amend the Articles addressing the definition and geographic coverage of the draft Protocol and it was suggested that a more flexible approach should be adopted to allow countries more room to take into account their specific characteristics.

Finally, the Workshop agreed to submit to the Meeting of MAP National Focal Points in September 2005 all the proposals and comments agreed upon in the form of commentaries following the respective Articles of the draft Protocol, as appropriate.

Reporting

Turkey has now submitted its report, bringing to 19 the total number of CPs that have submitted their reports on the legal and administrative implementation of the Convention and its Protocols, and to 17 the total number of CPs that have now submitted their reports on the technical implementation of the Protocols.

The Fifth Meeting on Reporting under the Barcelona Convention and its Protocols was held in Rabat, Morocco, on 13-14 June 2005. The Meeting discussed the content and recommendations of several working documents, including: the Comparative Analysis between MAP and Other Reporting Systems; updated formats for national reports, prepared on the basis of the recommendations and conclusions of the Comparative Analysis, and a consolidated draft of the regional assessment of the implementation of the Barcelona Convention and its Protocols. The conclusions of the Meeting are attached as **Annex I** to this report.

The CPs decided in Catania that reports should be submitted on the implementation of all MAP Phase II legal instruments regardless of their status of ratification and whether or not they had entered into force. The reporting format, as adopted in 2001 in Monaco and slightly amended in Catania in 2003, calls upon the CPs to report on the implementation of all MAP Phase II legal instruments.

In their national reports, most of the CPs tried to provide information conforming to the above decision of the Contracting Parties. However, only a few of them provided information on the Protocols that they have not yet signed or ratified. In particular, the information provided on the implementation of the Offshore and Hazardous Wastes Protocols is quite limited.

From a strictly legal point of view, the obligation to report under Article 26 of the amended Convention is legally binding only on those countries that have ratified instruments that are in force.

Several CPs are legally bound to report on the basis of Article 20 of the old Convention and on the technical implementation of the old Protocols that are in force.

If reporting were to be based on this strictly legally approach, the picture of the implementation of the Convention and its Protocols would be distorted and very difficult to

assess at the regional level. On the other hand, there is no official reporting format covering the old MAP legal system.

The Secretariat's view is that reporting on a "good faith" basis, as has been done so far, should be continued and the CPs called upon to continue reporting as agreed in Catania.

However, implementation and compliance issues will be addressed on the basis of a strictly legal approach.

The Bureau is invited to address this issue and provide the Secretariat with any advice and recommendations that it may deem useful.

Liability and compensation

The Meeting of Legal Experts on Liability and Compensation was held in Athens, at the MEDU premises, on 17 June 2005.

After a thorough discussion of the Feasibility Study prepared by the Secretariat, the Meeting suggested that discussions should continue within the MAP framework with a view to the formulation and adoption of appropriate rules and procedures for the determination of liability and compensation for damage resulting from pollution of the marine environment in the Mediterranean Sea Area. Following the entry into force of the Barcelona Convention, measures will need to be taken by the CPs with a view to the implementation of Article 16 of the Convention.

The rules and procedures should be compatible with existing international, regional and, where applicable, European Community regimes on liability and compensation relating to specific types of environmental degradation, and particularly IMO Conventions dealing with pollution from ships, taking into consideration current trends and developments.

The work should proceed on a step-by-step basis and no preconceived format for the above-mentioned rules and procedures should be singled out at this stage, and all options with respect to the nature of the ultimate instrument including, but not limited to a protocol or an annex to the Barcelona Convention, a model law, a code of conduct, uniform principles, guidelines and/or recommendations, should be kept open.

The Meeting recommended the establishment of an open-ended working group of legal and technical experts with the mandate of considering and making recommendations on the various issues relating to the formulation and adoption of the above-mentioned rules and procedures. The working group will carry out its work during the biennium 2006-2007 with a view to submitting its report to the 15th Meeting of the CPs in 2007.

The Bureau is invited to discuss the Secretariat's proposal and to provide advice and recommendations, as appropriate.

MAP Evaluation

As reported in the Progress Report, at the beginning of June the Secretariat held an exchange of views with the team of evaluators on the main findings, conclusions and recommendations of the evaluation. The evaluators have prepared a briefing document on the evaluation process, its findings and recommendations for submission to the Bureau meeting. The briefing document is attached as **Annex II** to this report.

The Secretariat is expecting to receive the full report by mid-July and further steps will be envisaged on this basis. The approach proposed by the Secretariat is to identify and start implementing recommendations which do not have any legal implications, provided they are approved by the CPs. With respect to the other more important recommendations with implications on the Convention, the Secretariat's intention is to seek a mandate from the CPs to address them during the next biennium and then to submit the Secretariat's recommendations to the Meeting of the Contracting Parties in 2007.

The Bureau is invited to examine all the issues raised in the briefing document and to provide the Secretariat with any guidance and recommendations that it may deem useful.

Annex I

The Fifth Meeting on Reporting under the Barcelona Convention and its Protocols discussed and adopted the following conclusions regarding the MAP Reporting System.

I Principles

1. Reporting on the legal and administrative measures taken to implement the Barcelona Convention and its related Protocols should continue to be carried out on a biennial basis for the time being. However, the frequency of the reporting cycle could be reconsidered at some appropriate future date.
2. Submission by the Contracting Parties of information and data required in compliance with the specific terms and provisions of the Convention and its protocols is mandatory. Furthermore, the reporting by the Contracting Parties of information and data required in compliance with the provisions of legally binding decisions (i.e. those affecting the Legal component of MAP) is also mandatory.
3. Reporting on the Non-legal components of MAP could be done on a voluntary basis.

II Modalities

4. The MAP Secretariat should promote electronic reporting with the objective of creating a database for the effective management of reporting data, in line with recent trends in reporting, moving towards a system of electronic data exchange.
5. The MAP Secretariat should compile two separate lists: the first including all the legally binding decisions on which Contracting Parties have to report within the framework of the reporting procedure approved for the legal component of MAP, and the second listing those measures constituting the non-legal component of MAP, and on which Contracting Parties may choose to report on a voluntary basis.
6. Contracting Parties should continue to report on measures taken during the 2004-2005 biennium on the basis of the current approved reporting formats. At their discretion, they could also include any additional elements covered by the proposed new formats as detailed in Document UNEP(DEC)/MED WG.278/Inf 2.
7. Contracting Parties should complete their national reports on the implementation of the Convention and protocols during the 2002-2003 biennium (i.e. the current exercise) by submitting the necessary information on those items not covered in the reports submitted.

III Future action

8. The current MAP reporting formats should be enriched through the inclusion of new elements covered in the proposed new formats as detailed in Document UNEP(DEC)/MED WG.278/Inf 2. The Secretariat should seek a new mandate to elaborate the most appropriate reporting format in close consultation with the Contracting Parties. Consideration should be given to the new formats becoming operational in 2007. Annual reporting cycles should be considered as an option with regard to the technical implementation of the Protocols.

9. The MAP Secretariat should develop further cooperation with the Secretariats of other relevant Conventions and with the European Community in terms of reporting content and timing and reporting cycles, to achieve optimum streamlining of existing reporting requirements. In this context, the Secretariat should also seek a decision by the Contracting Parties that reporting requirements should be coherent in time for all the legal instruments of MAP.

10. The Secretariat should elaborate a list of indicators at regional level as regards the practical implementation of the Convention and Protocols, in order to facilitate assessment of the national reports, and should include such a list as one of the elements of the new reporting formats.

11. Until the entry into force of the amended version of the Land-Based Sources Protocol, Contracting Parties should be invited to report on a voluntary basis on the implementation of the Strategic Action Programme (SAP) in accordance with the reporting format currently being tested. SAP reporting requirements could also be eventually merged into the new reporting formats with a view to developing an integrated approach to reporting on the implementation of the Barcelona Convention and Protocols.

12. The Secretariat should seek appropriate clarification from competent bodies regarding the obligations for reporting with regard to Legal Instruments on or before signature, ratification or entry into force, and provide the necessary information for discussion at the next meeting of MAP National Focal Points.

Annex II

Briefing note on the preliminary results of the - External Evaluation of MAP

Introduction

1. This is a briefing note on the preliminary results of the External Evaluation of MAP prepared by the consultants at the request of the Secretariat of the Barcelona Convention, for submission to the Convention Bureau. This note should be considered as an informal information note. It conveys, still in a draft form, the general conclusions and recommendations that would be included in the final report of the evaluation. The final report is not yet completed and consequently the text presented here could still undergo some modifications.

2. If the Bureau is willing to provide feedback on any aspects of this text, the consultants would be most grateful and would seriously consider all comments and suggestions offered.

The meaning of the terms “MAP” and “MAP evaluation”

3. The Conference of Plenipotentiaries held in Barcelona, Spain, from 9 to 10 June 1995 under the aegis of the Barcelona Convention, adopted the **Barcelona Resolution on the Environment and Sustainable Development**, which had two annexed documents: the **Action Plan for the Protection of the Marine Environment and the Sustainable Development of the Coastal Areas of the Mediterranean (MAP Phase II)** and the **Priority Fields of Activities for the period to the year 2005**. This MAP Phase II was supposed to replace the original Mediterranean Action Plan launched in 1975 by the United Nations Environment Programme (UNEP). The Barcelona Convention was adopted in 1976 to provide the legal framework to the MAP.

4. Thus, while there is an official document adopted by the Conference of the Contracting Parties (COP) of the Barcelona Convention, called ‘Mediterranean Action Plan’ or ‘MAP’, what it is commonly understood by ‘MAP’ nowadays is the process initiated with the adoption of the Barcelona Convention in 1976 and the network of institutions established for implementing it and the programmes and activities carried out over the years as part of the implementation of the Convention and its Protocols.

5. The fact that the formal document adopted as ‘Mediterranean Action Plan’ in 1995 was viewed as general guidance rather than as a document whose content should be implemented, constitutes, to some extent, an anomaly that is strongly recommended not be repeated.

6. Consequently, the external evaluation covered all aspects of that process, network, programmes and activities related to the Barcelona Convention and its Protocols, and was not exclusively focused on the implementation of the formal document adopted in 1995 by the COP of the Barcelona Convention as ‘Mediterranean Action Plan’. Thus, the evaluation included a review of the operations and funding issues of all MAP components: a) the Convention and its Protocols including the functioning of the Conference of the Contracting Parties (COP) and the system of MAP Focal Points (MFPs); b) the Regional Activity Centres (RACs) and Programmes; c) the Mediterranean Commission on Sustainable Development (MCSD); and d) the MAP Coordinating Unit (MEDU), which constitutes the Secretariat of the Barcelona Convention established in Athens, Greece, by UNEP.

7. The evaluation was carried out using an open and participative approach and even though the three consultants took responsibilities for different components of the MAP process, they operated as a team and are producing a consolidated and shared report.

8. The three consultants:

- a) undertook a thorough desk review and in-depth analysis of relevant documents, in particular the final reports of the evaluations carried out for different components of the MAP process;
- b) analysed and tabulated the responses to the questionnaire submitted to the MPFs (see next section);
- c) reviewed the National Reports submitted by Parties up to 31 May 2005 (15 of them); and
- d) Actively participated in the consultation process that included:
 - i) two meetings of the MPFs organized by MEDU specifically devoted to the External Evaluation;
 - ii) visits by the consultants to six Contracting Parties which specifically requested those visits (these included Parties which are EU members and non-EU members);
 - iii) face to face interviews with approximately 15 MPFs;
 - iv) interviews with MEDU officers;
 - v) visits to all the Regional Activities Centres (RACs);
 - vi) attendance at the Focal Points meeting of the Regional Activity Centre for Specially Protected Areas (SPA/RAC); and
 - vii) meetings and interviews by e-mail and telephone with a number of actors in the MAP process, both at present and in the past.

Responses to the questionnaire

9. The consultants were able to take into account the response to the questionnaire received from 19 (of 22) Parties: Albania, Bosnia & Herzegovina, Croatia, Cyprus, European Community, Egypt, France, Greece, Israel, Italy, Libyan Arab Jamahiriya, Monaco, Morocco, Serbia & Montenegro, Slovenia, Spain, Syrian Arab Republic, Tunisia and Turkey. The three Parties that did not submit the questionnaire were Algeria, Malta and Lebanon. It is expected that Lebanon would submit the questionnaire by 20 June 2005 (after a visit of the Team Leader on 9-10 June), in which case its responses will be added to the general analysis.

10. The quality of the responses to the questionnaire was uneven. In the case of a few Parties, the responses demonstrated a careful research, providing a thorough picture of the situation. In other cases, the responses, in general, provided scanty and incomplete information. Thus, while the questionnaire was a very useful instrument and every possible effort was made to have it completed by all Parties, it would have been insufficient in its own to distil sound conclusions and recommendations.

11. In the questionnaire, it was stated that "In spite of the short deadline, MAP Focal Points are strongly encouraged to involve, in the preparation of responses to this questionnaire, other relevant governmental and non governmental actors that could make useful contributions to this External Evaluation." A specific question was included in relation to this matter: "Please describe briefly the process used to prepare the response to this questionnaire, including the list of key institutions and/or individuals that have been involved".

12. According to the information provided by Parties, responses to the questionnaire were prepared as follows:

- only four Parties undertook a wide consultation with the relevant government agencies other than the MPF host;
- seven Parties consulted with the focal points of the different MAP components but not with other relevant government agencies not normally involved in the MAP processes; and
- in the cases of eight Parties, the responses to the questionnaire were prepared by the MFP, apparently without any consultation.

13. Concerning the involvement of the Ministry of Foreign Affairs in each Party, in the responses to the questionnaire:

- four Parties indicated that the Ministry was involved;
- 10 Parties indicated that the Ministry was not involved; and
- five Parties did not answer the question (which most probably indicates that the Ministry was not involved).

Thus, in only 21% of the Parties the Ministries of Foreign Affairs have been consulted/involved in the external evaluation.

GENERAL CONCLUSIONS

The Convention: achievements and challenges

14. The Convention has made a significant contribution by providing forum for equitable participation by the Mediterranean countries, has helped considerably in placing environmental issues in the political agenda, has encouraged and supported the adoption of environmental legislation and regulations, and has encouraged and provided assistance for capacity building for dealing with environmental protection in the region.

15. While the Mediterranean Sea and its Coastal zone still suffers from serious problems and its long-term sustainability is not yet fully secured, there is no doubt that the Convention has played a major role in a number of areas in which there has been improvement since 1976.

16. The MAP process was the first to insist at the regional level on the fact that environmental protection was important. It was the only entry point in many countries of the region for environmental concerns. It was also the first multilateral process to give access to NGOs.

17. The Convention has '*la m rite d'exister*'. It remains the only regional forum for consultation and cooperation on environment issues and it has indeed articulated a series of regional policies that have influenced marine conservation and promoted the notion of a 'shared sea'. The same cannot really be said for the social and economic pillars of sustainable development in the Mediterranean Sea and coastal zone, which continue to be much more influenced by other processes and institutions.

18. The Convention has also the merit of having provided a professional and technical forum for the advancement of environment protection involving all the interested parties in the region, regardless of the tensions that have prevailed, and still prevail, in some parts of the Mediterranean.

19. The MAP Phase II document represented a huge jump from Phase I, a jump that perhaps the Parties were not in a position to take, and that the MAP system was not in a position to provide sufficient guidance and support for. Thus, after its Phase I (1975-1995) the 'Mediterranean Action Plan' has ceased to exist as a work plan and the term 'MAP' has lost its true value, in spite of the fact that it still serves as an identifying name for those involved with the Convention matters. However, to many important actors in the Mediterranean it has come to be synonymous of dispersed action, or even inaction.

20. There are some doubts as to whether the Convention knows precisely where it is going after having been amended in 1995: it has embraced the mantra of sustainable development but it is not clear if it can, or even should, tackle it. The protection and sustainable use of resources of the coastal and marine environment should continue to be the *raison de être* of the Convention and its processes.

21. At present, the Convention process is perceived by many as having serious weaknesses. After 30 years, it could give the impression of operating as a reduced network of dedicated 'old timers', located in most cases within the ministries of environment, repeating the same gestures at periodic intervals. Results are obtained, but the pace is too slow and cross-sectoral linkages are insufficient.

22. The Convention and its process has little political clout, reflected in the fact that the Ministries of Foreign Affairs pay little attention to what is going on in the Convention, quite possible because it is perceived as 'not doing any harm' and as having a reduced potential of generating significant benefits, both for developed and developing countries of the region. Other ministries and agencies that have significant responsibilities concerning the Mediterranean have not been sufficiently encouraged to become involved.

23. The COP has adopted broad resolutions, such as the Barcelona Resolution and its attached MAP Phase II, with no provisions whatsoever for its implementation. In addition, the Convention has not adequately taken into account the fact that, since 1992 a number of other crucial treaties, strategic documents and commitments in the field of the environment and sustainable development have been adopted by the international community, and continues to operate to a large extent on its own.

24. The Convention Secretariat has not had sufficient renewal and has played a timid role in the overall Convention process. The Rules of Procedure, which date back to the origins of the Convention, give very little authority to the head of the Secretariat, in clear contrast with other more recent global Conventions also administered by UNEP.

25. Compliance continues to be a pending issue and the periodic reporting by Parties, a common practice in all modern conventions, began very recently for the biennium 2002-2003, in spite of the fact that this issue is clearly contemplated in Article 26 of the 1995 Convention. This first exercise has given quite positive results and the process to establish an effective and useful reporting system seems to be going in the right direction. The same applies to the progress made by the working group established to prepare proposals on compliance.

26. Thus, in the words of some key players, the Convention has become 'dusty'. Significant changes are a necessity because the Mediterranean still needs an efficient and vibrant Convention in the field of environment and the sustainable use of ecosystem services. To this end, the Convention needs to develop a *new vision and a new image*. They should be more ambitious and at the same time respond in a realistic manner to the challenges of our time: the world is very different from the one in 1976 when the Convention was adopted, and even to the one of 1995, when it was amended.

RECOMMENDATIONS

A new start

27. The Convention and its Protocols should be re-valued as the central international law instruments that are at the basis of the process. In real terms, this has never ceased to be the case, but a general perception has been generated, maybe inadvertently, that there is a nebulous “Mediterranean Action Plan” being implemented, when what actually exists is no more – but no less – than a mechanism to implement an intergovernmental treaty. The treaty as such should be reinstalled at the centre of the process and the misnomer of a ‘Mediterranean Action Plan’, or MAP should no longer be employed.

28. The 30th Anniversary of the Convention should be used as a good opportunity to strengthen and launch a true new phase of the Convention, a new face with a new meaning and a new resolve.

29. To indicate this new start and to avoid the confusion of names between the ‘Barcelona Convention’ and the ‘Barcelona Process’ the COP should pass a resolution concerning the presentational and graphic identity of the Convention¹. For presentational and promotional purposes, the resolution should establish that the *Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its Protocols*, as well as all the other processes and components related to the Convention that so far have been referred to as the ‘Mediterranean Action Plan – MAP’ and/or the ‘Barcelona Convention’, will be hence forth referred to, for example, as the **Mediterranean Environment Convention**, with its appropriate translation in other languages, and with the acronym **MedEC** used in all languages.

30. A new logo and graphic identity should be prepared, in which the words ‘MedEC’ and ‘The Mediterranean Environment Convention’ should be prominent, with the full official name of the Convention in smaller print. An indication that the Secretariat of the Convention is provided by the United Nations Environment Programme (UNEP) should also appear in small print. In other words, in the letterhead and other graphic presentations the prominence of the UNEP name and logo should be removed, highlighting instead the prominence of the Convention. After all, UNEP is providing the Secretariat to the Convention but is not the main actor and/or component.

31. In order to back the new image with real new substance, the Convention should develop a **Vision and Strategic Statement** that would encompass the whole process and current structure. This document should set the road map for **coordinated** and **concerted** efforts of the COP and Bureau, the RACs and Programmes, the MCSD, the system of focal points, and the Secretariat. The Statement should aim at ensuring that all these components work in synergy and achieve tangible and quantifiable results. The terms of reference, roles and responsibilities of each component, in particular of each RAC and programme, should be clearly defined.

32. In order to fulfil the expectations and aspirations of the Contracting Parties, this document should attempt to be practical, problem-solving and action-oriented.

33. The Vision and Strategic Statement should be based on the understanding that the main contribution that the Convention system can make to the quest for sustainable development is the effective implementation of the Convention and its Protocols. This should be the highest priority and the system should develop the capacity to provide assistance to

¹ In the same manner that the International Bank for Reconstruction and Development has adopted the presentational name ‘World Bank’.

Parties in this direction. This approach should also take into account that some Protocols require substantial resources for effective implementation: e.g. 9 billion euros might be needed to control land-based pollution in the next 10 years.

34. If the Mediterranean Strategy for Sustainable Development is endorsed by COP-14, the Vision and Strategic Statement should make use of section 2.7 of the Strategy (draft dated June 2005) entitled: 'Promoting sustainable management of the sea and coastal zones and taking urgent action to put an end to the degradation of the coastal zones'. The concept of 'ecosystem services', coined by the report of the Millennium Ecosystem Assessment launched in March 2005, could also serve as the basis for the elaboration of the Vision and Strategic Statement.

35. There is a general and strong demand of more on-the-ground action, going beyond the adoption of resolutions and the preparation of guidelines and technical and policy analysis. The implementation of the Vision and Strategic Statement should contemplate in the first instance a limited number of regional programmes that would encourage the participation of the 22 Parties. It is very important that the Convention continues to be, or becomes, relevant to all Parties, those that are developed countries and those that are developing countries. MED POL is widely recognized as the most successful undertaking of the Convention and could serve as a model for other region-wide programmes.

36. In addition to these regional programmes, a series of sub-regional initiatives should be considered in order to cater to the specific needs of groups of Parties, provided that there is a guarantee of full participation of all those interested. This sub-regional approach could benefit from being associated with the methodology of EU regional policy instruments.

37. 'Type II' initiatives similar to those launched at the World Summit for Sustainable Development (WSSD) should be envisaged at the regional and sub-regional levels.

38. A 'Resource Mobilization Plan' should also be included within the Vision and Strategic Statement, contemplating all the components of the Convention process and in particular the RACs and programmes.

Ratifications

39. Pending ratifications and some inconsistencies in the ratifications by some Parties are key questions because they are at the base of the credibility of the whole process. The COP should seriously look into this matter and the Coordinator, with the active support of the Bureau and the Depository, should take a much more proactive role in working with the Parties on this matter. To this end:

a) it will be important that the COP considers electing to the Bureau Parties that are in good standing in relation to the ratifications, so that they could assist in this matter from a position of moral authority; and

b) the Secretariat should improve its working relations with the officials in Spain dealing with the Depository function with a view to: i) enlist their support in promoting ratifications through the appropriate use of diplomatic channels; ii) being constantly up-to-day with the situation concerning ratifications; and iii) keeping files in the Secretariat with copies of all the relevant documents of ratification.

Reporting and compliance

40. The establishment of a compliance mechanism should constitute a high priority. COP-14 in Slovenia should provide clear instructions for the preparation of an efficient

mechanism, including the tools that could serve to accelerate and monitor compliance, such as guidelines, information tools, performance indicators, etc.

41. The reporting system being established for the Convention should be such that it does not become yet another burden for overworked Focal Points, but rather an instrument that can be used as a national planning tool for the implementation of the Convention and its Protocols. The tool should also be designed as an on-going, on-line reporting system, so that data can be entered at all times, avoiding the rush of producing a national report when the deadline approaches. The effort made by the Secretariat in comparing the reporting requirements and practice of other Conventions should be put to practical use in order to assist Parties to progress towards the very the important, yet elusive, 'joint reporting system'.

42. The Secretariat should be instructed to analyse the possibility of coupling the reporting system with other on-going exercises, such as the preparation of the Human Development Report undertaken of UNDP and/or the reports on environmental performance carried out by OECD and UNECE.

Possible new instruments

43. It would seem advisable to continue the discussions and negotiations of any new Protocol and/or Annex to the Convention until such a time when there is guarantee that the new instrument(s) would obtain the required number of ratifications for entering into force in a reasonable period of time. Otherwise, it would not be healthy for the Convention process to have yet other instruments that have not entered into force after more than 10 years of their signature.

Political clout

44. As for all intergovernmental treaties, the main entry point of the Convention in each Parties should be the Ministry of Foreign Affairs, with other appropriate line ministries being involved in the technical aspects of the development and application of the treaty. To this end:

- a) the COP should adopt a decision requesting the Parties to designate their Ambassadors in Athens, or in the nearest capital, as the Permanent Representatives to the Secretariat of the Convention;
- b) the Secretariat should establish and maintain active contacts with the Permanent Representatives, keeping them informed of all developments and informing them of all Convention meetings;
- c) the Secretariat should organize two briefing sessions per year for the Permanent Representatives; and
- d) all formal communications to the Parties should be transmitted under cover of a diplomatic note (*note verbale*) addressed to the Permanent Representatives, with copy to the Focal Points.

45. In order to increase the visibility of the Convention – and thus its political clout – and also as a capacity building tool, the Secretariat should organize regular official visits to each Party, preferably by the Coordinator. Eleven Parties should receive an official visit each year – using, if appropriate, the opportunities provided by regional or international meetings – in such a way that each Party would receive an official visit every two years.

46. These visits should last for approximately three days and should encompass, as a minimum: i) meetings with the line Minister(s); ii) a visit to the Ministry of Foreign Affairs; iii) a working session with the Focal Points, iv) an encounter with representatives of civil society groups; and v) a press conference and interviews with the press. A lecture on the Convention and its process at a public and prestigious venue should also be envisaged. In each case, consideration should be given to organizing a media event (an inauguration, opening of an exhibition, launching of a major study, etc.).

The Conference of the Parties (COP)

47. In spite of the general satisfaction expressed by the Parties with having ordinary meetings of the COP every two years, this interval could be too short for a Convention which is dealing more with processes than with managing issues that change from year to year. Thus, it would seem reasonable to consider holding the ordinary meetings of the COP every three years. This would have the following advantages:

- a) would allow more time for implementation of the key decisions taken by the COP;
- b) would make the reporting process less cumbersome and eventually more meaningful;
- c) would allow better preparation of strategic proposals that normally require complex and time consuming consultation processes;
- d) would help to reduce the COPs-related fatigue that Parties in general are suffering from; and
- e) would reduce meeting costs.

48. Regrettably, Article 18 of the Convention establishes that “the Contracting Parties shall hold ordinary meetings every two years...” (an issue that could have been left to the Rules of Procedure to establish). Legal advice should be sought about the possibility of holding the COP every three years, in spite of the letter of Article 18.

49. Each COP should define the key issues that should be in the agenda of the next meeting, in particular those issues of a strategic nature, so that the work for preparing well thought-out proposals could start immediately after the COP.

50. Preparations of the key decisions of the COP should be done with much more lead time, allowing for more consultation with the Parties and the involvement of the Convention partners.

51. The ministerial segment of the COP should be planned well in advance (one year) in terms of issues to be discussed and outcomes. Professional facilitators should be used. The aim should be to: a) use the presence of Ministers in a meaningful way; and b) ensure that Ministers go back home with the feeling that their attendance has been worthwhile, which in turn would be translated in more political support for the Convention.

52. The COP should avoid, at all cost, the adoption of sweeping resolutions without clear plans and identified resources for implementation. Repeating this practice will undermine the credibility of the Convention and its processes.

53. There should be a modification of the manner in which the decisions of the COP are worded and numbered. Until now they are registered in a very confusing manner in terms of content, language and numbering, resulting in many cases in a lack of clarity as to whom they are addressed and as to the real intent of the decision. All decisions are registered as ‘Recommendations’, even if some of them are giving instructions to the Secretariat, and thus, having the value of ‘resolutions’, not ‘recommendations’.

54. It is recommended that all decisions of the COP should be registered as 'Decisions' using the numbering system in place in most Conventions: a roman number to indicate the COP number, followed of the Arabic numbers in chronological order (e.g. Decision XIV.1, XIV.2, etc.). Each Decision should have a preambular section providing the background and justification for the Decision followed by the operative paragraphs. There would be no need to differentiate between 'resolutions' and 'recommendations' since the intent of the Decision would be evident in the operative paragraphs.

55. The Rules of Procedure of the Conference of the Parties should be amended to bring them up-to-day with the present situation of the Convention. The acceptance of some of the recommendations put forward in this report would also require amendments to the Rules of Procedures. The Bureau may wish to consider this matter at its meeting in June 2005 and, if considered appropriate, to include the amendments to the Rules as an item in the agenda of COP-14. (The proposed changes are submitted in a separate document.)

The Bureau

56. The COP may consider incorporating as an additional Bureau member the Party that will host the next Conference of the Parties. In this case, this Party would not be a candidate in the election of Bureau members since its seat would be already secured.

57. Parties, and not individuals, should be elected to the Bureau. The COP should pass a decision to the effect that the representation of Parties in the Bureau should be at the level of Ministers or their representatives.

The role of the Secretariat

58. The COP should pass a resolution by which:

- a) the MAP Coordinating Unit (MEDU) should be renamed as 'Secretariat of the Convention';
- b) the head of the Secretariat should have the title of 'Executive Secretary of the Convention' (as it is the case in all other Conventions administered by UNEP); and
- c) the Coordinator [Executive Secretary] should act on UNEP's behalf in dealing with all issues related to the Convention, including the issuing of invitations to the COP and other Convention meetings, preparing the agendas, reporting on administrative and financial matters, etc. It should be noted that this is the common practice in all other UNEP-administered Conventions. The Rules of Procedure should be amended accordingly.

59. The Coordinator [Executive Secretary] should pay much more attention than is currently allotted to the diplomatic and political dimension of his/her function by establishing and maintaining contacts at higher political levels that has been the case so far. He/she should also concentrate more on strategic issues and to the synergy with other key conventions, institutions and processes, leaving the administrative and day-to-day running issues to the responsibility of a Deputy Executive Secretary.

60. Another key function of the [Executive Secretary] should be the coordination and supervision of the work of all the Regional Activity Centres (more details in the section devoted to RACs).

61. The Secretariat should reinforce its capacity to serve efficiently the key Convention processes, such as the preparation and running of the Conference of the Parties and the regular meetings of the Bureau and MFPs, the proposed briefings to the Permanent Representatives, issues of compliance, the national reporting process and questions related to ratifications and legal interpretations of the Convention and its Protocols. To this end, the Secretariat should review the level and capacity of the post assigned to these functions.

62. The Secretariat should take all necessary steps to ensure that at no time it 'looses contact' with any of the Parties, in spite of the frequent changes of organization charts, personnel and attribution of responsibilities that are common in the public administration in all countries. When the contacts appear to have been lost and all attempts to re-establish connexions by regular means of communication have failed, an official from the Secretariat should be dispatched to the country in question to find out who is now in charge of the Convention and to make all necessary efforts to bring the Party back on board. With only 22 Parties to deal with, the Secretariat can and should maintain fluid and effective contacts with all of Parties at all times.

63. The Secretariat has the obligation to ensure the quality of all documents that carry the imprimatur of the Convention (e.g. those produced by the RACs), including working documents of all Convention-related meetings. This includes the need to ensure the quality of language in all language versions. To this end, the Secretariat should use the service of a language editor to supervise the text in the original language and then use professional translators for the other language(s).

64. The Bureau of the Convention should negotiate an agreement with UNEP HQ in Nairobi to expedite the recruitment procedure in order to reduce the long months that it currently takes to have new staff members on board.

Resource mobilization

65. In relation to resource mobilization it is recommended that:

- a) all fundraising efforts should be fully co-ordinated by the Secretariat;
- b) efforts should be made to diversify funding sources, including the private sector;
- c) a clear mechanism must be set up in order to assist CPs in project development and fundraising, so that they can implement the Convention and its Protocols and the recommendations of the MCSD. This mechanism should be established in the Secretariat but should build also the capacity of the RACs in project development and fundraising;
- d) an overall financial reporting system must be devised. It should be simple, clear and easy to understand, covering all activities and organs of the Convention; and
- e) donors must be encouraged to participate as observers in the Convention meetings, so that they are kept informed of developments and can express their views, especially on planning issues.

66. The Convention and its components, in particular the RACs, need to establish efficient communication with funding agencies and to follow-up developments in the region in relation to the funding facilities under several regional and bilateral programmes and organizations. When relevant, RACs should also consider involving the private sector in public-private-partnerships. Mobilization of financial resources from corporations, as a part of

their corporate social responsibility should be actively pursued. These resources could be used as seed money for major resource mobilization activities. It is proposed that CP/RAC be entrusted with an important role in setting up links with the private sector.

The Regional Activity Centres (RACs)

67. The RACs and Programmes should identify tools and/or mechanisms to assist countries to make use of their outputs and services at the national level. This could be done by:

- a) identifying and devising tools and/or mechanisms that would help the FPs to establish and maintain links with other ministries and authorities in order to encourage them to make use of the general outputs and products of the RACs; and
- b) including, to the extent feasible in their products, alternative tools and mechanisms for mobilizing local and national resources in order to support countries to move more towards practical on-the-ground implementation of recommendations without having to always wait for external support.

68. There is a pressing need for all the RACs to raise their profiles (together with the Convention in general) and to more strongly advertise their results through a wider and more diversified dissemination of their products, public relations activities and contacts with the media.

69. Higher technical and political profiles would create an enabling environment that would be conducive to:

- a) getting the attention of the decision makers in the different sectors to look into the products of the RACs and consider them for use at national level;
- b) mobilizing international, regional and national resources;
- c) reaching media and pressure groups, so as to encourage governments and line ministries to better assume their environmental responsibilities towards the Mediterranean and the Convention.

70. To improve the political visibility, a 'Davos-like approach' should be envisioned, involving relevant corporations, other actors in the business sector, the economic circles and public figures.

71. The time has come to update, amend or revisit the mandates, functions and responsibilities of the various RACs and programmes so that they can act in complete synergy, each in their specific areas of competence and all 'pushing' towards the common objective according the Vision and Strategic Statement proposed above.

72. With a view to establish additional or different responsibilities of the RACs – and not the business as usual approach – the sketch of an overall re-shaped structure could be summarized as follows:

- a) the Secretariat is the umbrella body that coordinates, monitors and follows-up on the activities of the Centres within the framework of the operations of the Convention and its Protocols;

- b) the Blue Plan is the technical arm of the MCSDD. It should be the only Centre specializing in sustainable development issues, including those of a socio-economic nature, while all the other Centres should incorporate sustainability parameters in their respective fields of action. The MSSD components adopted by the COP for guidance and/or implementation would guide the work programme of BP/RAC. This basically applies to the themes and issues in the MSSD that are cross-cutting and of socio-economic (not strictly environmental) nature. The role of the BP/RAC as a sustainable development observatory should be emphasized;
- c) the ERS/RAC, should be transformed into a centre specialized in information and communication technology (ICT), as already reflected in the recent MOU signed between the Convention Secretariat and the Centre. This would entail that the Centre be responsible for the communication, information and visibility functions for the whole Convention system;
- d) the CP/RAC should extend its activities to more economic sectors, other than industry, present in the Mediterranean. A new responsibility of establishing links with the multinational corporations, economic circles and the private sector in general should be added to the Centre. The objective would be mobilization of financial resources from the private sector for the implementation of the Convention and its Protocols; and
- e) the PAP/RAC should focus on integrated coastal areas management (ICAM).

No changes are proposed for the other RACs and MED POL.

73. The Coordinator [Executive Secretary] should play an active, recognized and clearly accepted function of:

- a) supervising the work of each of the RAC Directors in relation to their Convention-related regional functions, undertaking an annual evaluation of their performance on the basis of an agreed job description, annual work plan and performance evaluation system;
- b) ensuring that the strategies, work programme and annual plans of each of the RACs are mutually supportive, responding as a whole to the needs of the Convention and the expectations of the Parties;
- c) ensuring that there is effective and transparent financial reporting in general and in particular in relation to the contributions made to the RACs from the Mediterranean Trust Fund; and
- d) supervising and coordinating the fundraising efforts of the different RACs to ensure that there is no duplication and/or contradictory approaches to donors and that funding opportunities are used efficiently and to the maximum extent possible.

74. To this end, the Secretariat should sign a Memorandum of Understanding with each host country of a RAC clearly defining the operations of and funding arrangement for the Centre and, in particular, the role of the Coordinator [Executive Secretary] in monitoring and coordinating the activities of the Centre within the general framework of the operations of the Convention and its Protocols, including his meaningful participation in the search for and selection of the RAC Director.

75. The Secretariat should be consulted by the RACs concerning the preparation and proceeding of their meetings in relation to the agenda, the expected outputs and the working documents that would be prepared for each meeting. In cases when the Secretariat is not fully confident that the RAC in question has the capacity to efficiently prepare and run the meeting, the Secretariat should become involved and ensure that the meeting is organized and run according to accepted standards.

76. The quality and pertinence of the proposals presented at all meetings, especially when these proposals are meant to go to the Parties, should be reviewed by the Secretariat. The quality of the document(s) presenting the proposal should also be reviewed.

Secretariat for the Protection of Coastal Historic Sites

77. On the basis of the findings contained in the Final Report of the External Evaluation, the following recommendations are proposed:

- a) the Convention should remain involved in questions related to cultural values for a number of reasons:
 - i) as sustainability is now a widely accepted aim, its social pillar cannot be conceived without a clear cultural component, as culture itself expresses the beliefs and activities of each society;
 - ii) especially in the Mediterranean, a place of strong interaction between humans and nature since millennia, it is not possible to dissociate the environment from cultural heritage;
 - iii) associating culture to environment is now generally accepted as a need in all major conventions dealing with nature and the environment; and
 - iv) the World Heritage Convention has a different focus, as its concern is with cultural heritage of exceptional global value. On the other hand, the Barcelona Convention [MedEC] should be interested in the conservation of the Mediterranean's entire cultural heritage and promote its wise use within efforts for sustainable development. Thus, UNESCO's approach may be complementary, but in no way can it supplant the involvement of this Convention in cultural issues;
- b) the Programme should be maintained within the broader system of the Convention, but it should be refocused and restructured, taking into account the general points stated in the Final Report of the External Evaluation;
- c) cultural aspects and values should be integrated in all of the activities of the Barcelona Convention [MedEC];
- d) the MCSD should take into account cultural values in finalising the MSSD; so that the new programme on 'Mediterranean cultural heritage and sustainable development' would be fully integrated in the MSSD. In addition, the MCSD would undertake to lead in this field and ensure the implementation of the guidance of MSSD in this sector. In addition, it would provide guidelines for the contribution of the cultural heritage in sustainable development efforts;
- e) membership of MCSD should be opened to representatives of the cultural sector. In addition, the MCSD, as well as other organs of the Convention, would be assisted on the scientific and technical level by a small group of high-level experts, selected from a variety of disciplines;

- f) specific activities would be carried out by existing organs of the Convention (see examples in the Final Report of the External Evaluation);
- g) systematic collaboration on the integration of the cultural heritage with environmental concerns should be initiated with all major conventions and other multilateral organisations. As a priority these would include the Convention on Biological Diversity; the World Heritage Convention; the Convention on Wetlands and its MedWet Culture Working Group; the European Commission; the European Landscape Convention; the Anna Lindh Euro-Mediterranean Foundation for the Dialogue between Cultures (established in the framework of the EMP); ICOMOS; and IUCN. As such collaborations require constant attention and considerable expenditure of time and funds, each case should be carefully analysed, the exact areas of collaboration should be agreed on, specific joint actions identified and the results recorded in official memoranda or joint work plans; and
- h) a very careful analysis should be made of the recent proposal to launch a 'MEDPATRIMOINE' initiative before any further steps are taken.

The Mediterranean Commission on Sustainable Development (MCSD)

78. The MCDS should clarify its role in the sense of being:

- a) a policy advisory body; and/or
- b) a technical advisory body; and/or
- c) a mechanism for assessment, monitoring and evaluation; and/or
- d) a mechanism to support the implementation of sustainable development strategies/programmes/plans/projects at national and regional levels.

79. After clarifying its role, and as a matter of high priority, the Commission should also establish criteria for the designation/selection of its members, including the role of the Convention Focal Points in relation to its work.

80. The MCDS should gain legitimacy to deal with sustainable development issues by truly involving the governmental and non-governmental sectors dealing with the other two pillars of sustainable development, namely the economic and social pillars, including the cultural component of the latter.

81. As long as the MCSD remains a mechanism established under the Barcelona Convention, it should limit its remit to the sustainable development components of the issues that are dealt with by the Convention and its Protocols. In this sense, the Commission should also consider changing its name to 'Commission on the Sustainable Development of the Mediterranean Sea and its Coastal Zone' (or any variation of this concept). To really act as a 'Mediterranean Commission', dealing with all aspects of sustainable development in the entire region, the Commission should gain the acceptance and formal recognition of the governmental sectors dealing with issues that are beyond the remit of the Barcelona Convention, and of the other key intergovernmental processes active in the Mediterranean region.

82. The Commission should clarify its role vis-à-vis the UN Commission on Sustainable Development, both in terms of the substantive work and of process, and establish a true synergy with the UNCSD. Parties should insist that the Commission has the right, and the need, to deal directly with the UNCSD, without being intermediated by UNEP.

83. An effective secretarial support for the Commission should be established in one place, either in the Convention Secretariat or in one of the RACs or in a new unit established to this effect in one of the Parties, with adequate human and financial resources to effectively play this function.

84. Before formally endorsing the Mediterranean Strategy for Sustainable Development, (it is not recommended that it should be 'adopted') and regardless of the technical quality of the draft and its adequacy in terms of policy, the COP should seriously take into consideration the following key questions:

- a) the legitimacy of the process used to prepare the draft, and thus the legitimacy of the document in itself;
- b) the implications of adopting a Strategy with very significant components which are beyond the remit of the Barcelona Convention and its Protocols; and
- c) which would be the specific components of the Strategy, if endorsed, that will be taken up by the Convention mechanisms for implementation; the resources that would be needed to do this and where they should come from; the synergies that should be established in order to achieve the objectives; and the monitoring system that should be established.

85. It is encouraging that the Conclusions of the VIIth Euro-Mediterranean Conference of Ministers of Foreign Affairs (Luxemburg, 30-31 May 2005) "supported the successful conclusion of the drafting of the Mediterranean Strategy for sustainable development...". Now it is imperative that the Convention gets invited to participate in and address the Extraordinary High Level Meeting of the Euro-Mediterranean Partnership to be held in Barcelona on 27-28 November 2005. Arrangement should be made in advance through the Senior Officials to ensure that this meeting in turn endorses the Strategy that would have been endorsed by COP-14 in Slovenia on 8-11 November 2005.

The system of focal points and capacity building

86. A pro-active and dynamic Focal Point system is of prime importance. This applies to the Convention Focal Points as well as to the RACs Focal Points. One key question that the COP should consider in the TOR of the Convention Focal Points is the level of seniority that they should have in the national administration of each Party.

87. It is proposed to revisit the whole FPs system by:

- a) preparing Terms of References for each group of FPs, clarifying their roles, responsibilities, *modus operandi* and linkages with each other;
- b) establishing that the RAC FPs should have the rank of 'government-designated experts';
- c) identifying tools and mechanisms that would support the FPs in their national tasks, including, but not limited to, intersectoral coordination and improving the Convention's and RACs' visibility; and
- d) evaluating whether the FPs structure and composition of any of the RACs need to be changed. In some cases it might prove feasible and more effective to have one FP system serve more than one RAC.

88. This whole exercise should be contracted out and performed in the most straightforward, independent and simple manner. The results reflecting the full picture should be presented to the Contracting Parties for discussion and approval.

89. Capacity building to perform the Focal Point function should constitute one of the highest priorities in the new phase, with an emphasis on institutional capacity, more than on technical capacity, which to a large extent is already there. This applies to both developed and developing countries that are Parties to the Convention.

90. To this end, the Secretariat should:

- a) develop a clear understanding of the capacity situation in each one of the 21 member states and of the arrangements in place to implement the Convention, in particular in relation to the system of Focal Points;
- b) on the basis of this understanding, and in consultation with all interested parties, develop:
 - i) guidelines on how to establish and operate in an effective manner a focal points system at the country level, making use as much as possible of the lessons learned by different Parties; and
 - ii) a capacity building programme, with an appropriate and realistic budget, for submission to COP-15. Such a programme should, *inter alia*, include:
 - in country seminars/workshops to create a better awareness and understanding of the Convention and its Protocols and the tools and means for their implementation;
 - technical seminars at regional and/or sub-regional level on the implementation of the different Protocols;
 - sub-regional dialogues aiming at helping environment ministries raise their implementation capacity, including improving their ability to work with other parts of their national administration to promote environmental integration;
 - technical assistance on administrative matters regarding the running of an effective focal points system; and
 - technical and financial assistance, when needed, to develop, use and maintain an effective electronic communications system. To this end the Secretariat should try to connect with the work on ICT being supported by the EC within the framework of the EMP.

91. Capacity building should not be considered as a one-time activity but rather as an ongoing process. Thus, a constant relation with the focal points – including training of new officers designated to perform this function – and a close follow-up of all the issues addressed to or requested from the Parties are essential components of capacity building.

92. The official visits to the Parties recommended in this report should be seen as part of the capacity building programme and should be used to raise, with the political authorities, the question of the chronic under-staffing for the implementation of the Convention, in developing and developed countries alike.

Relations with the European Union/European Commission

93. The joint work plan being developed by the Convention and the EC at present does not have the required overriding political character, but is focussed instead on rather detailed technical aspects. If an agreement can be reached on its contents, this might improve the situation, but will not resolve the need of a stronger partnership.

94. The EC interest in the Mediterranean is increasing and moving beyond free trade. This, coupled with the fact that 2005 marks the 10th Anniversary of the Barcelona Process, could make this a key moment to redefine the relationship between the EC and the Barcelona Convention.

95. There is a need for substantial improvement of the collaboration between the two parties. This would entail:

- a) an agreement recognizing an official role of the Convention as a full partner in EU Mediterranean initiatives in the areas of interest of the Convention;
- b) use of the Convention's capacity (and especially its Regional Activity Centres) in supporting EU initiatives in the Mediterranean;
- c) appreciation of the potential contribution of the MCSO to EU objectives and policies in the region;
- d) taking into account all the other processes that the EU is involved with in the Mediterranean in developing a new phase of the Convention;
- e) coverage by the EC of the costs of the services to be provided by the Convention; and
- f) contribution of the EC in the implementation of the Mediterranean Strategy for Sustainable Development, especially if it is endorsed by the EMP.

96. In view of the current *modus operandi* of and sensitivity concerning financial management within the EC, such a relationship would only be possible through a top-level formal agreement between the EU and UNEP², possibly requiring the approval of the European Parliament and the Council.

97. The seven Parties to the Convention that are EU members should champion the establishment of a 'new deal' between the EC and the Barcelona Convention, with interventions at the highest political level. Greece, as the host country to Convention Secretariat could – and maybe should – take the lead.

98. Without this high-level political initiative it may be very difficult to overcome the 'good reasons' that may exist to continue with business as usual in the Convention-EC working relations. The Convention Coordinator, with the active support of the Executive Director of UNEP and of the Head of Regional Seas (both European citizens at present), should undertake to catalyze this process as a matter of the highest priority.

99. This move could be justified on the basis of the Memorandum of Understanding signed between the EC and UNEP on 20 September 2004, which includes as areas of cooperation between the two institutions "supporting MEA [multilateral environmental

² Involving probably a formal decision of the EU Council based on a proposal from the Commission, and promoted by the Executive Director of UNEP.

agreements] implementation, with an initial focus on biodiversity and Regional Seas”; and “enabling developing countries and countries with economies in transition to achieve environment-related targets and meet their international commitments, including implementation of multilateral environmental agreements, global initiatives and regional initiatives...”.

100. This ‘new deal’ could take the form of a ‘Strategic Partnership between the EC and the Barcelona Convention [MedEC] for Joint Actions in Areas of Common Concern’. The Strategic Partnership could be implemented through a Five-year Joint Work Programme (JWP) executed through a Joint Programme Office (JOP) located, preferably, in the Convention Secretariat or otherwise in one of the RACs or in a Party that would be willing to contribute all the facilities and the required support staff. In the later case, the Director of the JOP and the rest of the professional staff should have international status and report directly to the Coordinator of the Convention.

101. If the proposal to launch an initiative within the EMP framework for the de-pollution of the Mediterranean Sea by 2020 is formalized, the role of the Convention in this initiative should become an important component of the proposed JWP.

102. The series of major regional and sub-regional programmes recommended in paragraph 35 above should also be part of the JWP.

103. Funding for the implementation of the JWP should come from:

- a) the different mechanisms that now exist in the EC for external cooperation, including the proposed European Neighbourhood and Partnership Instrument;
- b) other funds that the EC could allocate out of its budget for activities in the Mediterranean EU members;
- c) voluntary contributions from Parties and other governments; and
- d) project funds from sources such as the GEF, UNDP, the World Bank, UN agencies, foundations, NGOs and corporations.

The establishment of an Endowment Fund could also be considered.

104. The capacities of the RACs, MEDPOL and other partners, including NGOs, should be enlisted with clear roles to play in the implementation of the JWP.

105. In the meantime, the joint work plan being developed by the two sides at present could go ahead and later serve as the basis for the preparation of the proposed JWP, which could be ready for consideration and adoption by COP-15.

106. The Convention Secretariat should also seek to participate in the Ministerial Conference at the level of Ministers of Foreign Affairs held every 18 months in the framework of the EMP, as well as in the Euromed Committee.

Synergies

107. The Convention should serve as a platform for the regional implementation of international instruments and programmes, such as those of the International Oceanographic Commission, the International Maritime Organization and the Jakarta Mandate of the Convention on Biological Diversity. Memoranda of Cooperation or Agreements with clear and specific aims should be signed or renewed with these institutions.

108. It is imperative that the Convention also sign or renew effective working arrangements with, at a minimum, the following additional treaties and institutions:

- UN Convention on the Law of the Sea
- UN Framework Convention on Climate Change
- Convention on the control of transboundary movements of hazardous wastes and their disposal
- Food and Agriculture Organization of the United Nations
- Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area

109. A serious attempt should be made to bring on board other regional institutions and processes beyond the EC/EU, which has been the focus of almost all the attention. These include the Arab League, the Islamic Bank and the New Partnership for Africa Development (NEPAD). As stated by one of the partners of the Convention, it is about time that the Convention learns "to write from right to left"!

110. The possibility of inviting the Arab League and the African Union to become Contracting Parties, as per Article 30 of the Convention, should be considered by the COP.

Relations with other partners

111. On the basis of the observations contained in the Final Report of the External Evaluation, it is recommended that:

- a) a detailed inventory of all key actors in the Mediterranean that could contribute to the work of the Convention be prepared. This should include an understanding of their policies and priorities, the identification of areas of mutual interest, and a cost-benefit assessment of effort to be invested and results to be expected;
- b) relations with the organisations selected for substantial co-operation should be maintained at the level of Secretariat and not be delegated to other components of the Convention process. Where the RACs need to be involved, the overall co-ordination should remain with the Secretariat, including the monitoring of the development of such co-operation efforts;
- c) at regular intervals (3-4 years), each co-operation arrangement should be reviewed and readjusted as appropriate;
- d) efforts should be made to include major partners in the Convention activities, including systematic consultation on key issues; and
- e) for the implementation of the MSSD in particular, strong partnerships must be built with credible representatives of the business and financial sector.

Outreach strategy and activities

112. The Convention web site should continue to be developed as the main communication tool. All the RACs' web sites should be linked to the main web site and develop a common graphic/corporate identity.

113. In addition, the Convention web site should become an interactive site, where Focal Points and partners could exchange information and documents.

114. The Convention should greatly increase its use of the Arabic language, including counting with an Arabic version of the Convention web site.

115. The Secretariat should also consider establishing an unmoderated electronic mailing list maintained as a service to the public for exchange of information among all those interested in the Convention issues.

116. The effective use of ICTs should constitute an important component of capacity building in all Parties and in the RACs where this capacity is still weak.

117. ERS/RAC should be approached to consider implementing a communication strategy for the Convention. If this is feasible, a professional firm should be engaged to prepare such a strategy in consultation with the Secretariat and ERS/RAC.

118. The RACs should also evaluate their outreach capacities and develop plans to improve them by:

- a) obtaining the services of communication and/or marketing experts;
- b) widening and diversifying the circulation of reports and publications; and
- c) increasing their capacity to use the media.