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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

Cairo, Egypt, 30-31 October 2006

SPECIFIC ISSUES

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1. MAP Evaluation Process

1.1 Background Brief

1. In 1975, a number of Mediterranean States, highly concerned about the state of the Mediterranean marine environment, created the Mediterranean Action Plan. The main objectives were to assist the Mediterranean governments to assess and control marine pollution and to formulate their national environmental policies.

2. Since its adoption in 1975 the Mediterranean Action Plan has been evaluated on two occasions, every time within the space of ten years. MAP's history has seen virtually a ten-year cycle each time going through an evaluation and refocusing exercise.

3. The first was in 1985 when the Contracting Parties to the Barcelona Convention adopted the Genoa Declaration on the Second Mediterranean Decade in which they noted that the state of the environmental quality of the Mediterranean Sea required greatly intensified action. As a result, MAP broadened its range of concerns and its focus gradually shifted from a sectorial approach to pollution control, to integrated coastal zone planning and natural resource management.

4. Ten years later, in 1995, the Contracting Parties adopted amendments to the Barcelona Convention, which substantially extended its field of application and provided principles with which to meet the challenge of sustainable development. As part of the same process they adopted also the Mediterranean Action Plan Phase II including the Priority Fields of Activities for the Environment and Development in the Mediterranean Basin (1996-2005). MAP Phase II was designed taking into account the achievements and shortcomings of MAP's twenty years of existence.

5. In a strategic assessment of the general framework of the Barcelona Convention carried out in 2003 it was observed that, starting in 1975 as a marine Convention with a clear mandate to combat marine pollution, the objectives of the Convention were later extended to the protection and conservation of the marine and coastal zone, biodiversity as well as sustainable development. As a result the historic role of MAP as an environmental cooperation forum and its wide experience in that area had to a large extent evolved.

6. There is a general feeling that over the years MAP has over-extended its activities and its scope has shifted from its original objectives. MAP is now at a crossroad. Another ten-year cycle has come to an end and the time has come for MAP to assess its performance and decide on its future role.

1.2 Decisions of the Contracting Parties

7. Conscious of these circumstances and determined to strengthen the role of MAP as an effective mechanism to promote regional cooperation for a sustainable Mediterranean, the Contracting Parties, meeting in Monaco in 2001, requested that an overall evaluation of the MAP structure be undertaken. This exercise was eventually carried out internally by a Think Tank appointed by the Bureau of the Contracting Parties.

8. In 2003, the Contracting Parties, meeting in Catania requested the Secretariat to launch an external evaluation of MAP with a view to its presentation to the Meeting of the Contracting Parties in 2005. The main findings of the external evaluation, which was carried out by three consultants, were presented to the meeting of the Contracting Parties in Portoroz in November 2005.

9. In Portoroz the Contracting Parties requested the Secretariat *“To convene an extraordinary meeting of the MAP Focal Points to consider the conclusions and recommendations of the external evaluation of MAP and to discuss a Draft Vision and Strategic Statement prepared by the MAP Secretariat, and to make recommendations to the meeting of the Contracting Parties in 2007”*.

1.3 Catania meeting

10. The extraordinary meeting of MAP Focal Points has been convened for the 7 – 11 November, 2006 and will be hosted in Catania, Italy by the Italian Ministry for the Environment, Territory and the Sea. All the documents for the meeting were circulated well in advance to enable the MAP Focal Points to make the necessary consultations with their national authorities in preparation for the meeting.

11. In a covering letter to the meeting documents addressed to the MAP Focal Points, the Secretariat requested the countries to submit their comments. The only written response received was from the European Commission, which is attached as Annex I to this report.

12. In its communication the EC states inter alia that *“the vision document prepared by the MAP Secretariat..... should consist of a short, concise statement of objectives of MAP with reference to the Barcelona Convention followed by a clear description of the specific means through which the MAP system (including the RACs) should reach these objectives”*.

13. It should be noted that while the Secretariat agrees with this course of action, it was not mandated to propose specific actions to be implemented by the Contracting Parties.

14. This notwithstanding, a Draft Resolution/Declaration together with the Strategic Vision and Mission Statement and Priority Activities for the period 2007-2015 have been prepared, but following internal discussions it was agreed not to circulate these documents since the Secretariat was not mandated to do so. The text of the Draft Resolution/Declaration is presented as information document UNEP/BUR/65/Inf 3.

15. In this respect, the Secretariat would like to invite the Bureau to discuss and to advise whether it would be useful to propose to the Extraordinary Meeting of MAP Focal Points to include on its agenda the preparation of a first draft resolution/declaration addressing the commitment by the countries and the Secretariat towards the implementation of the Convention and its Protocols.

16. The Bureau is also invited to discuss and advise on the modality for the adoption by the 15th Meeting of the Contracting Parties of the Vision and Strategic Statement in particular whether it should be adopted as a decision of the meeting of the Contracting Parties or as an Annex to a Resolution/Declaration to be adopted by the Contracting Parties in 2007.

2. MAP's Involvement in the EC Environment Strategy for the Mediterranean including Horizon 2020 Initiative

17. Since the last meeting of the Bureau last April, considerable progress has been made with respect to MAP's participation in the European Commission's Horizon 2020 initiative to de-pollute the Mediterranean. Following UNEP/MAP's contribution at the Technical Session and Ministerial Meeting on this initiative held in Barcelona in December, 2005, UNEP/MAP's involvement in this initiative was again discussed last May during the first meeting with the EC's DG Environment within the framework of the Joint Work Programme signed between the two sides last November in Portoroz.

18. On the 14 and 15 September, 2006 in Brussels, the European Commission organized a Preparatory Meeting of the Euromed Environment Ministers' Conference which will be held on 20 November, 2006 in Cairo. During the Brussels meeting the EC's Communication on an "Environment Strategy for the Mediterranean" including the Horizon 2020 timetable were discussed together with a Draft Ministerial Declaration that will be submitted to the Cairo Ministerial meeting.

19. At the high level meeting in Barcelona last December the Secretariat made a strong case for the involvement of MAP in the EC initiative and called for synergy between the EC and MAP activities to address pollution problems in the Mediterranean. UNEP/MAP proposed that the Horizon 2020 time-table for activities to de-pollute the Mediterranean should take into account the SAP targets and in particular the specific pollution reduction interventions indicated by the countries in their National Action Plans under the Land-based sources Protocol. Apart from emphasizing the point that MAP is an appropriate regional mechanism for the joint implementation of the EC initiative, the Secretariat called for the plan to de-pollute the Mediterranean to be a concrete manifestation of the co-operation between the EC and MAP in the Mediterranean.

20. The Secretariat is pleased to inform the Bureau that UNEP/MAP's proposals have been well received and have been taken on board by the EC. In identifying the mechanisms to enhance coordination for the achievement of the strategy, the Communication from the Commission calls for greater coherence between the activities of the two organizations on the basis of the Joint Work Programme between MAP and the EC. Moreover, it is stated that Horizon 2020 will support the implementation of the pollution reduction commitments in the framework of the Barcelona Convention. Strong synergy between MAP activities and those of the EC with respect to pollution reduction is also proposed in the Annex to the Communication from the Commission which gives a detailed description of the components and the time-table of Horizon 2020. MAP will be involved in the various activities dealing with pollution reduction projects, capacity building measures, research and monitoring, areas in which MAP, and in particular MED POL, brings years of accumulated experience and expertise and an unequalled track record as an added value to the process.

21. Also significant is the direct involvement in the Horizon 2020 initiative of practically all of MAP's components and Regional Activity Centres in line with their mandate. As is to be expected, MED POL is the MAP component directly involved since its programme of land-based pollution assessment and control has been a core activity of MAP in addressing pollution problems in the Mediterranean for the last 30 years. INFO/RAC will develop a communications and information strategy to publicize the initiative. The Cleaner Production Centre and the Centre for Priority Action Programmes have also been given a role. All of them have long years of experience working with the countries in the region.

22. MAP's and the European Commission's joint activities for the implementation of the EC's environmental strategy are also in conformity with the mandates that both organizations have from the highest level. In the case of the EC the mandate comes from the 10th

Anniversary Euro-Mediterranean Summit in Barcelona in November 2005 during which the partners committed themselves to implement the Mediterranean Strategy for Sustainable Development , to develop a roadmap for de-polluting the Mediterranean by 2020 using inter alia the MSSD and MAP and to this end provide financial and technical assistance.

23. On its part, MAP was given the mandate by the Contracting Parties who, in the Portoroz Declaration 2005, agreed that MAP should contribute to the implementation of the proposed Euro-Mediterranean Partnership initiative to de-pollute the Mediterranean by 2020.

24. **The Bureau is invited to consider advising the President of the Bureau to intervene during the Euromed Environment Ministers' Meeting in Cairo next November, in order to:**

- 1. emphasize the synergies that exist between UNEP/MAP and the EC which should contribute to the successful implementation of the Commission's Environment Strategy and the Horizon 2020 initiative;**
- 2. highlight the importance of UNEP/MAP as a regional mechanism within the framework of the Barcelona Convention, to address the environmental needs of the Mediterranean in particular the pollution reduction targets listed in the Horizon 2020;**
- 3. call upon the Euromed Environment Ministers' Meeting to express its support for the implementation of the Mediterranean Strategy for Sustainable Development for the achievement of the objectives of the EC's environment strategy for the Mediterranean.**

3. Development of the draft protocol on ICZM

25. During the last Bureau meeting held in Ljubljana, Slovenia, April 2006, it was approved to withdraw 120.000 Euro from the MTF in order to convene the second meeting of the Working Group on ICZM.

26. The second meeting, as reported in the Progress report (doc. UNEP/BUR/64/3) decided to hold a third meeting in February 2007. The Secretariat has not any indication on whether the Contracting Parties will provide additional voluntary cash contribution for this meeting.

27. In such circumstances, there is a need for at least an additional amount of 60.000 Euro in order to cover the overall expenses of the third meeting of the Working Group on ICZM.

28. Provided that no voluntary contribution is received by the Secretariat to meet the cost of the third meeting of the Working Group on ICZM, the Bureau is requested to authorize the Secretariat to withdraw the sum of 60.000 Euro from the MTF for this purpose in addition to the outstanding amount of 20.000 Euro not spent for the organization of the Second meeting of the Working Group on ICZM.

4. Montenegro and Serbia in the Barcelona Convention System

29. After the dissolution of Socialist Federal Republic of Yugoslavia, the Eighth Ordinary Meeting of the Contracting Parties (Antalya, 12-15 October 1993) unanimously decided “to admit the three States of Croatia, Slovenia and Bosnia and Herzegovina to the Barcelona Convention and its related Protocols on the basis of article 26 of the Convention for the Protection of the Mediterranean Sea against Pollution”. The Meeting also reconfirmed its wish “that any new Mediterranean Coastal States recognized by the United Nations which express their wish be admitted to the Barcelona Convention”.

30. A similar situation has arisen with some new elements:

1. First, Montenegro, like Croatia, Slovenia and Bosnia & Herzegovina, will be admitted as a new state to the Barcelona Convention system (in accordance with new Article 32 of the Barcelona Convention), which states that “After the entry into force of the Convention and of any protocol, any State not referred to in Article 30 may accede to this Convention and to any protocol, subject to prior approval by three fourths of the Contracting Parties to the protocol concerned”;
2. Second, the criteria for admission are three:
 - that the new state is a Mediterranean Coastal state,
 - that its status is clearly recognized by the United Nations,
 - that it expresses its will to be admitted.

31. On the other hand, the new element that differentiates the status of Montenegro from that of Croatia and Bosnia & Herzegovina is the change in the Barcelona Convention system marked by the entry into force of the amended Barcelona Convention, the new Protocol on Prevention and Emergency 2002 and the new SPA and Biodiversity Protocol 1996.

32. As is provided in Article 22 (5) of the Barcelona Convention (old Article 16 (5)) “ After the entry into force of an amendment to this Convention or to a protocol, any new Contracting Party to this Convention or such protocol shall become a Contracting Party to the instrument as amended ”.

33. Of relevance is, also, Article 29 (old Article 23) providing that “No one may become a Contracting Party to this Convention unless it becomes at the same time a Contracting Party to at least one of the protocols. No one may become a Contracting Party to a protocol unless it is, or becomes at the same time, a Contracting Party to this Convention”.

34. As a result, Montenegro, as a new state is under the obligation to ratify the amended Barcelona Convention together with at least one protocol. In other words, it will accede to the new Barcelona Convention system.

35. In view of the provision on the relationship between the Convention and the Protocols, and in the spirit of the Barcelona Convention system, it would be legally and politically correct that Montenegro, as a new Contracting Party would also ratify the amended Protocols that are not yet in force, if it chooses to do so.

36. In the light of these remarks, Montenegro should first express explicitly its wish to become a Party to the Barcelona Convention system, that is the new Barcelona Convention system, and it may proceed to the ratification of the amended Barcelona Convention and of any amended or new Protocol as it chooses.

37. If this process is not completed until the next Meeting of the Contracting Parties, it will be invited to attend the Meeting as an observer. If it is completed, Montenegro will be invited as a new Contracting Party.

38. As far as Serbia is concerned, it should be stressed that the situation is rather complicated. According to Article 60 of the Constitutional Charter of the State Union of Serbia and Montenegro, 2003, "*should Montenegro break away from the state union of Serbia and Montenegro, the international instruments pertaining to the Federal Republic of Yugoslavia, particularly UN SC Resolution 1244, would concern and apply in their entirety to Serbia as the successor*".

39. As a result of the succession, Serbia is a successor to the State Union of Serbia and Montenegro. On the other hand, the result of the succession is that Serbia has ceased to be a Mediterranean Coastal state according to the Barcelona Convention system, the criteria of the Eighth Meeting of the Contracting Parties and the subsequent practice. This brings into question its future participation in the Barcelona Convention system as a Contracting Party.

40. Moreover, of relevance is also the Vienna Convention on Succession of States in Respect of Treaties, 1978 (entry into force 1996, 20 States Parties), which provides that the application of the treaty to the successor state shall not continue in force if it is incompatible with the object and purpose of the treaty or would radically change the conditions of its operation (Article 31 (1) (b) and Article 34(2) (b)).

41. Serbia should, accordingly, be clearly informed about this issue and the consequences resulting from it (e.g. the question of arrears in the payment of contribution) and be invited as an observer at the next Meeting of the Contracting Parties for the resolution of any relevant problem.

42. **The Bureau is requested to consider the above opinion and if the Members of the Bureau so decide to instruct the Secretariat:**

1. **To inform Montenegro about its status with regard to the Barcelona Convention following its declaration of independence;**
2. **To discuss with Serbia about its future relationship with the Barcelona Convention in view of the new situation;**
3. **To invite Serbia as an observer at the next Meeting of the Contracting Parties for the solution of any relevant problem.**

5. New Graphic Identity for MAP

5.1 A dynamic and modern image

43. The current communication tools of MEDU are not so dynamic and modern to project a good image of MAP. Throughout the different communication tools (MedWaves, press releases, MAP publications, etc.) there is a lack of consistency in the way the identity of MAP and the Barcelona Convention is projected.

44. Also, MAP audiences are varied, and therefore MAP's communication tools need to be tailored-made and adapted to the different target groups. We address not only journalists, but also politicians, governmental and nongovernmental organizations as well as the general public.

45. Even in the report on the external evaluation of MAP which will be discussed during the extraordinary meeting of MAP Focal Points next November in Catania, it is being recommended that a new logo and graphic identity should be adopted in which MAP should be prominent with the full official name of the Convention in smaller print.

46. It is therefore proposed to try a slight change of approach in the communication tools because the overall MAP identity needs to be refreshed, made more modern and more consistent, stressing the reliable and professional nature of the organisation. It is also important to keep continuity with the successful 30 years of MAP's activities.

47. The MAP logo has been upgraded in a way that keeps with the original idea, but makes it more contemporary, dynamic and modern. It incorporates the reference to UNEP in a strapline, links it directly to the Barcelona Convention and communicates immediately what MAP is all about.

48. The proposed new graphic design will also project a clear and consistent identity of the whole process. It will eliminate the confusion that exists at present with respect to the presentational name which at times is referred to as MAP or UNEP/MAP or the Barcelona Convention.

49. In view of the extraordinary meeting of MAP Focal Points next November, the Secretariat engaged the services of the consultancy firm based in the UK with wide experience in graphic design to make proposals to the Secretariat. Following discussions with the consultants, the Secretariat has picked a graphic identity which it intends to submit to the extraordinary meeting of MAP Focal Points for its consideration.

50. A presentation of the proposed new graphic identity with specimens on how it will be used on MAP publications, letterheads and other print media will be made to the Bureau.

51. The Bureau is invited to consider the proposed new graphic identity of MAP and recommends to the Secretariat to submit the proposal for the approval of the extraordinary meeting of MAP Focal Points.