





UNEP/BUR/66/5 13 July 2007

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

Madrid, Spain, 2 and 3 July 2007

REPORT

OF THE 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

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Introduction

1. The 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 was held, at the invitation of the Government of Spain, in the Palacio de Zurbano, Zurbano No. 7, Madrid, Spain, on 2 and 3 July 2007.

Participation

- 2. The meeting was chaired by Mr Mitja Bricelj, representing the President of the Bureau of the Contracting Parties, H.E. Janez Podobnik, Minister of the Environment and Spatial Planning of Slovenia. The following members of the Bureau attended: Ms. Soledad Blanco (Vice-President), Director of International Affairs and the LIFE Programme, and Ms Anne Burrill, Deputy Head of Unit, DG-Environment, European Commission (European Community); Ms Mawaheb Abu Elazm (Vice-President), Chief Executive Officer, and Mr Mohamed A. El Tantawy, Cabinet of Ministers, Egyptian Environmental Affairs Agency (EEAA) (Egypt); Mr. Sedat Kadioglu, Head of the Department for External Relations and the EU, Ministry of Environment and Forestry (Turkey) (Vice-President); Mr. Mohamed Saied, Official at the Ministry of the Environment of Tunisia (Vice-President); and Mr. José Fernandez (Rapporteur), Director-General of Coasts, and Mr Javier Cachon de Mesa, Head of the Division for the Protection of the Marine Environment, Directorate General of Coasts, Ministry of the Environment (Spain).
- 3. Mr. Paul Mifsud, Coordinator, and Ms. Tatjana Hema, MEDU Programme Officer, represented the Secretariat of the Mediterranean Action Plan (MAP).
- 4. The full list of participants is attached as **Annex I** to the present report.

Agenda item 1: Opening of the meeting

- 5. The meeting was opened by Mr Mitja Bricelj, Secretary of the Ministry of the Environment and Spatial Planning of Slovenia, on behalf of H.E. Mr Janez Podobnik, President of the Bureau of the Contracting Parties to the Barcelona Convention and Minister of the Environment and Spatial Planning of Slovenia. He welcomed the participants and thanked the Spanish authorities for hosting the meeting. He recalled that this was the last meeting of the Bureau before the meeting of the Contracting Parties and that it would therefore have to take decisions on a number of important issues.
- 6. All of the participants thanked the Spanish authorities for hosting the meeting in such a beautiful location.

Agenda item 2: Adoption of the agenda and organization of work

7. The meeting adopted the agenda prepared by the Secretariat (UNEP/BUR/66/1/Corr.1) and the organization of work set out in the annotated agenda (UNEP/BUR/66/2). The agenda is attached as **Annex II** to the present report.

Agenda item 3: Progress report by the Secretariat on activities carried out since the last Meeting of the Contracting Parties to the Barcelona Convention (Cairo, October 2006)

8. Introducing the progress report (UNEP/BUR/66/3), the Coordinator said that he would merely highlight some of the salient points.

Legal issues

Status of ratifications

- 9. Regarding the status of ratification, the Coordinator said that there had been one additional acceptance of the amendments to the LBS Protocol by Croatia and one additional ratification of the Prevention and Emergency Protocol by Greece, both pending official notification from the depositary country. With the new acceptance by Croatia, the revised LBS Protocol now needed two more acceptances to enter into force. He added that, on the basis of informal discussions with certain Contracting Parties, the Secretariat believed that the amendments to the LBS Protocol would enter into force the following year.
- 10. The representative of Tunisia regretted that, ten years after their adoption, certain of the Protocols had still not entered into force. After such a long period of time, the danger was that they would be outdated before they came into effect. The Secretariat should maintain pressure on the Contracting Parties concerned with a view to obtaining a sufficient level of ratifications and acceptances of amendments so that the instruments entered into force as soon as possible.

Status of Serbia

- 11. With reference to the status of Serbia, the Coordinator recalled that, as a result of the separation of Serbia and Montenegro, Serbia had ceased to be a Mediterranean Coastal State and that, in accordance with the Barcelona Convention system and the practice followed by the Contracting Parties, it was no longer entitled to be a Contracting Party. At its previous meeting, the Bureau had therefore requested the Secretariat to clarify with the Serbian authorities the issue of the country's future participation in the Barcelona Convention system. A reply was still awaited from the Serbian authorities.
- 12. The representative of the European Community raised the issue of the participation of Montenegro in the Barcelona Convention system. She noted that an observer representing Montenegro was often present in MAP meetings and that it would be appropriate for the authorities of Montenegro to raise the question of the situation with regard to the Barcelona Convention in their bilateral discussions with the Serbian authorities on matters related to the separation of the two States.
- 13. The Coordinator recalled that Montenegro was now a fully-fledged State recognized by the United Nations and was therefore entitled to be a Contracting Party to the Barcelona Convention. Until it submitted an instrument of ratification to the depository country, it was attending MAP meetings as an observer. The situation with regard to Montenegro was therefore very clear. Moreover, in practice, the only question in relation to Serbia was whether it wished to remain involved with MAP as an observer.

Development of the new Protocol on ICZM

14. The Coordinator indicated that the fourth meeting of the Working Group on the ICZM Protocol (Split, 13-16 June 2007) had finalized the text of the draft instrument, although a number of countries still maintained reservations. It was to be hoped that these reservations would be resolved and that in agreeing to the draft text of the Protocol the countries would carry their commitment forward to the prompt ratification of this important text and that it would not be another instrument that would have to spend time on the shelf before it could be implemented.

Reporting

- 15. The Coordinator indicated that a Working Group had held two meetings and had finalized a draft of a new reporting format, which would be submitted to the meeting of the MAP Focal Points for consideration and approval.
- 16. The representative of Spain emphasized the importance of reporting in improving the implementation of the instruments in the Barcelona system and in raising its visibility.

Compliance mechanism

17. The Coordinator added that two meetings had been held of the Working Group on Compliance and Implementation. A draft compliance mechanism had been formulated and would be submitted to the meetings of the MAP Focal Points and the Contracting Parties for consideration and approval.

Liability and compensation

18. The Coordinator reported on the outcome of the second meeting of the Working Group on Liability and Compensation, which had been held in Athens the previous week and had agreed on draft guidelines on the subject which would be submitted to the meeting of MAP Focal Points. He emphasized that this was an important development as it broke new ground in the region. It would clearly be necessary to go further, but the guidelines formed part of the step-by-step approach that had been agreed upon in view of the delicate issues involved. Although they were not binding, the guidelines provided clear guidance for the development of national legislation on the subject.

MCSD

- 19. In relation to the MCSD, the Coordinator thanked the Turkish authorities for hosting the last meeting of the MCSD, which had been held on 30 and 31 May in Istanbul. Climate change had been the main issue discussed, based on a presentation by Mr Filippo Giorgi, member of the IPCCC. The MCSD had agreed on recommendations on energy and climate change and sustainable development and on water demand management, which had been developed by regional workshops organized by the Blue Plan in accordance with the MCSD's thematic programme of work. The Information and Communication Strategy for the MSSD developed by INFO/RAC had been reviewed by the MCSD and would be forwarded to the meeting of the MAP Focal Points. He added that assistance continued to be provided to countries to facilitate the implementation of their National Strategies for Sustainable Development (NSSDs).
- 20. The representative of Tunisia called for the strengthening of the MCSD, which should be a source of reflection and vision for the Contracting Parties and was vital for the

integration of sustainable development in the action taken to protect the environment in the Mediterranean region.

Cooperation and partnership

- The Coordinator reported briefly on the consultations held with the Global Programme of Action (GPA) and on collaboration with GEF. He said that the June meeting of the GEF Council had approved the GEF Project "Strategic Partnership for the Mediterranean Large Marine Ecosystem", under the terms of which MAP and its components would have an important role to play in helping to identify and monitor measures to reduce pollution. He added that cooperation between MAP and the European Commission was very fruitful and had been strengthened by the Joint Work Programme signed in Portoroz in 2005. A very significant event had been the 3rd Euro-Mediterranean Ministerial Conference on the Environment, which had adopted the Cairo Declaration and the Horizon 2020 initiative to depollute the Mediterranean. He emphasized that the Minister of the Environment of Slovenia had addressed the Conference in his capacity as President of the Bureau. He added that REMPEC and PAP/RAC were engaged in the implementation of significant projects funded by the European Community, which was also supporting a project that was being carried out by MAP on the implementation of the ecosystem approach in the Mediterranean. Progress on all of these activities would be reviewed later in July at a meeting in Brussels. He further noted that MAP and the European Environment Agency (EEA) had agreed on a Joint Work Plan 2006-08. Finally, he referred to the assistance provided by MAP to a number of its NGO partners and indicated that two further NGOs had submitted applications to become MAP partners. In accordance with the procedure that was in place, their applications had been circulated to the MAP Focal Points for their reactions. One positive response had been received and one calling for the decision to be postponed.
- 22. The representative of the European Community, referring to the applications by two NGOs to become MAP partners, which were eligible for assistance from MAP, called on the Secretariat to undertake a cost/benefit assessment of the acceptance of new partners so that the Contracting Partners could be sure that it was of benefit to the Barcelona system as a whole.
- 23. In response, the Coordinator recalled that there were currently 78 MAP partners. When applications were received, in accordance with the applicable procedure, they were communicated to the Contracting Parties, but in many cases comments were not received from them. In his view it was necessary to review the criteria governing acceptance as a MAP partner and he agreed that a cost/benefit analysis would be useful. He also expressed the belief that national NGOs were not suitable partners for a regional organization. In more general terms, however, he said that MAP's NGO partners served a useful purpose in increasing its visibility and in putting pressure on governments to ratify and implement the Barcelona Convention and its Protocols.
- 24. The representative of Tunisia said that, while welcoming the financing for the Strategic Action Plan for the implementation of the LBS Protocol under the new GEF Strategic Partnership, it was to be regretted that a similar arrangement had not been found for the Strategic Action Plan for biodiversity (SAP/BIO), despite the broad recognition of the major problems that needed to be addressed in the field of biodiversity in the region. It would be necessary to review the financing mechanisms for action in relation to environmental protection and sustainable development in the region to ensure that sufficient importance was accorded to action in the area of biodiversity, with an appropriate level of support.

25. The Coordinator recalled that it had originally been the intention that GEF funding would be available for the implementation of the SAP/BIO, but that such support had not finally materialized. Support was being provided for the SAP/BIO by the FFEM and the regional authority of Andalusia in Spain, and from the Spanish Government. He added that a new scientific director had been appointed in SPA/RAC, which now required an injection of funding to ensure the success of its work.

Financial and personnel issues

26. The Coordinator said that 73.20 per cent of the contributions pledged for the current year had been collected and that additional funding had been received from Italy and France for the extraordinary meetings of the MAP Focal Points and of the MEDPOL National Coordinators, respectively. In addition, funding had been provided by the European Commission for work on the ecosystem approach. He noted that the Contracting Parties would have to decide on the frozen post of Deputy Coordinator and on whether the post of Sustainable Development Officer should become permanent. The consultants employed by MAP included Mr Lascaratos as GEF Project Manager and , Mr Gabrielides, as a replacement for the MEDPOL Programme Officer, who had left the office.

MAP components

- 27. The Coordinator said that by far the most pressing issue relating to the MAP components was the situation of INFO/RAC, for which funding was no longer being provided by the host country, with the result that the MAP website was no longer operational. The lack of a MAP website was a serious matter at any time, but particularly in view of the fact that the meeting of the Contracting Parties would be held in the near future.
- 28. He explained that a proposal had been received late in 2006 for a new host country agreement for INFO/RAC, certain parts of which, including the proposal for INFO/RAC to become an international centre, raised legal issues on which advice had been sought from the Senior Legal Officer in UNEP Nairobi. The following reply had been received from the Senior Legal Officer on 8 March 2007:
 - The legal basis on which ERS/RAC has become (or will become) INFO/RAC-MAP is not clear. The 8th ordinary meeting of the Contracting Parties to the Barcelona Convention (1993) approved an Italian centre to become ERS/RAC, but did not establish INFO-RAC-MAP, which does not correspond to preambular paragraph (c). It is not clear whether the 14th ordinary meeting of the Contracting Parties (2005) decided to transform ERS/RAC into an INFO/RAC-MAP.
 - Under article 1 (a), INFO/RAC-MAP is a centre of UNEP/MAP. If it is part of UNEP, the creation of a new UNEP office would require the decision of the Executive Director and approval of the Governing Council. If it remains as an institute incorporated in Italy, whether national or international, it should not be called as a UNEP centre.
 - 3. In connection with the above point, and in reference to preambular paragraph (j), UNEP is not in a position to create an international legal entity by signing an agreement with the Government of Italy.
 - 4. In view of the above, both the legality of establishing INFO/RAC-MAP as well as the legal status of INFO/RAC-MAP need to be clarified.
 - 5. Unless the above points are clarified, UNEP will not be in a position to consider the draft agreement as contained in document B attached to the said letter.

- 29. The Coordinator indicated that this reply had been communicated to Dr Aldo Cosentino, the successor to Dr. Corrado Clini as the MAP Focal Point for Italy, who had assumed his role on 1 January and had indicated to MAP that he would change all the Focal Points for MAP and its components. There was also the issue of the support provided by Italy for MAP activities. It should be recalled that a small amount of funding had been allocated by the meeting of the Contracting Parties in Slovenia for INFO/RAC activities from the MAP budget, but that the rest was to be provided by the Italian authorities. Finally, the Coordinator reported that he had received a message from Mr Illuminato, Director of INFO/RAC on 18 June informing him that the UNEP/MAP website was no longer on line as the firm responsible for the maintenance of the server had suspended the service. The same applied to the websites of the GEF Strategic Partnership, CAMP Cyprus, the 14th and 15th meetings of the Contracting Parties, the MED POL information system and the MCSD. The reason given was that the Government of Italy was behind schedule in the disbursement of the funding that it had undertaken to provide at the 14th meeting of the Contracting Parties to INFO/RAC.
- 30. The Coordinator further reported that the matter had been raised at a meeting with Dr Cosentino in mid-June, during which he had indicated that the Italian authorities wanted to know what activities were planned by INFO/RAC for the rest of the year so that they could be satisfied that they were obtaining value for money. They had found it unacceptable that INFO/RAC had reported that ten persons were engaged on the website. While the Italian authorities were still prepared to support MAP activities, the €2 million earmarked for INFO/RAC was a very large amount that would need to be fully justified and the situation with regard to the Centre would need to be clarified. The Coordinator noted that he was now wating to hear from the Italian authorities.
- 31. The representative of Tunisia emphasized the need to clarify the respective roles of the Coordinating Unit and INFO/RAC in respect of the overall responsibility for deciding upon, coordinating and monitoring the information and communication activities of MAP and its components. Moreover, in view of the failure of INFO/RAC to carry out many of its activities in recent months, it would also be necessary to clarify the future of INFO/RAC, which had proposed very ambitious activities for which the funding appeared to be lacking. It was important to ensure that the Coordinating Unit exercised effective control over all MAP information and communication activities and to find an appropriate manner to manage the duality of functions between the Coordinating Unit and INFO/RAC in this area. Action was required immediately to resolve the situation and a proposal should be made to the Contracting Parties for the Coordinating Unit to take over the operation of the website.
- 32. The representative of Spain said that, while the present difficulties appeared to have their origins in internal difficulties that were a matter for the Italian authorities to resolve, it should be emphasized that information and responsibility for the website were very important functions and it was necessary to find a solution so that the website could once more be operational as soon as possible. He recalled that a fully operational website was vital for visibility, as well as for the reporting system and the maintenance of all the relevant databases. Integrity was required in addressing the whole issue of MAP information and communication activities. During the period leading up to the meeting of the Contracting Parties, his country would be willing to collaborate with the Secretariat in establishing a webpage for the meeting.
- 33. The representative of the European Community raised a number of questions in an effort to gain a better understanding of the present situation. She observed that before the decision had been taken by the Contracting Parties in Portoroz, INFO/RAC had not existed

and the Coordinating Unit had been responsible for the operation of the website. How much had it cost and who had paid for it, how and by whom had the website been operated since INFO/RAC had taken over the information activities? It was urgent to resolve the problem in the short term, as it was not acceptable for MAP not to have a website and for it to be deprived of a vital information and communication tool. The broader issue related to the integration of the management of information and communication activities throughout MAP.

- 34. The representative of Egypt proposed that the Coordinating Unit should operate the website until the problems were solved. There was not enough time to wait for a response from the Italian authorities, which should be requested to inform the Contracting Parties of the situation and their proposed solution.
- 35. The Coordinator indicated that the website had previously been managed by the Coordinating Unit in Athens from the resources that were available to it, although it had not required a large amount of funding. One solution to the present problems would be for the Coordinating Unit to resume the operation of the website, in which case it should be possible for it to be made operational once again within one or two weeks. He agreed that it was vital for the visibility of MAP and in view of the proximity of the meeting of the Contracting Parties for the website to be operating again as soon as possible.
- The representative of the European Community emphasized that any proposal on 36. this subject would need to be submitted before the meeting of the MAP Focal Points, which was responsible for preparing the meeting of the Contracting Parties. If it was believed that the decision to entrust responsibility for the operation of the website to a centre was wrong, then the meeting of the Contracting Parties should rectify it. One of the reasons for the decision concerning INFO/RAC must have been that the previous system was not entirely satisfactory. The actual technical aspects of information and communication activities could be carried out anywhere, but the important factor was that these activities had to serve the Barcelona system. She agreed that a short-term contingency decision should be taken on how to resolve the situation between now and the meeting of the Contracting Parties, but that a longer-term proposal should be made to the Contracting Parties which took into account the fact that each MAP component maintained its own website and that the relevant information and data were not available on any single site. Moreover, it was important to draw attention to the legal advice provided to the Secretariat. The present formulation of decisions by the Contracting Parties was very unclear and the terminology used was confusing, as it involved the Contracting Parties recommending action to the Contracting Parties. In future, the Contracting Parties should use the term "decide" on specific issues so that the outcomes of their meetings were clear and precise.
- 37. The Coordinator agreed that the Coordinating Unit would work on the website in the short term up to the meeting of the Contracting Parties, which should address the whole horizontal issue of MAP information and communication activities. He added that the next meeting of the Contracting Parties should make decisions rather than recommendations. He would write to the Italian authorities to inform them that they should submit their proposals with respect to INFO/RAC for consideration by the meeting of the MAP Focal Points. The website should be made operational as soon as possible, and within four weeks at the latest.

Agenda item 4: Specific issues

Composition of the Compliance Committee

- 38. The Coordinator, introducing document UNEP/BUR/66/4 on specific issues, recalled that the fourth meeting of the Working Group on Compliance had adopted a draft compliance mechanism for transmission to the meetings of the MAP Focal Points and the Contracting Parties. While specifying that the Compliance Committee should be composed of seven members with seven alternate members and indicating the criteria to be followed in appointing the members, the Working Group had left it to the Secretariat to prepare a proposal for the precise composition of the Committee. The resulting proposal was outlined in document UNEP/BUR/66/4.
- 39. The representative of Egypt said that the process for the nomination of experts was of great importance and that the experts should be of a high level and qualified in specific fields, such as law, the environment and the Barcelona Convention system. The countries would need several months to agree on nominations.
- 40. The representative of the European Community welcomed the outcome of the meetings of the Working Group, as well as the proposal made by the Secretariat for the composition of the Compliance Committee, which offered a good balance based on the criteria outlined by the Working Group. She said that it was important for the Compliance Committee to be composed of a small number of well-qualified experts representing a wide range of views and who were well-versed in matters of compliance and the Barcelona system. It was important to emphasize that, although they would be selected by specific groups of countries, the individual experts would be appointed in their individual capacity and would not represent specific countries. The process of consultation on the nomination of the experts should begin immediately so that the groups of countries could reach agreement during the meeting of the MAP Focal Points, with the possibility of reviewing the decisions made before the appointments were approved by the meeting of the Contracting Parties.
- 41. The representative of Tunisia agreed that the experts would not represent specific countries, but that they would be appointed entirely in their individual capacity. Each expert would need to be competent and qualified in the respective fields and would need to exercise diplomacy so as not to come under pressure from individual countries. This should be made very clear in the letters sent out to the countries calling for nominations. Moreover, the nomination process should be completed in time to be approved by the meeting of the Contracting Parties.
- 42. The Coordinator added that it was to be hoped that the Compliance Committee could begin its work early in the next biennium and that its members would be appointed in their technical capacity, but that they should clearly not represent a specific country. Based on the decision by the Bureau, the Secretariat would immediately write to the countries to start preparing proposals for nominations, so that consultations could be held prior to and during the meeting of the MAP Focal Points and the appointments could be approved by the meeting of the Contracting Parties. He added that there appeared to be agreement with the proposal made by the Secretariat, including the nomination of a third expert by the Southern and Eastern Mediterranean countries for the first four-year period as the rotating additional expert, in accordance with the proposed method.

Adoption of the draft Protocol on ICZM

- 43. The Coordinator reported that the fourth meeting of the Working Group on the draft ICZM Protocol, held in Split on 13-16 June 2007, had agreed to the draft text of the instrument, although five Contracting Parties maintained reservations with respect to three articles or specific references in the text. It was the intention of the Secretariat, if the Bureau so agreed, to send the draft text formally to the countries with an indication of how it was intended to proceed. At the same time, the Secretariat would enter into discussions with those Contracting Parties that still maintained reservations to see if they could be resolved. It was also proposed to hold a Conference of Plenipotentiaries back-to-back with the meeting of the Contracting Parties. If there were still reservations to certain parts of the text at that stage, the Protocol could still be signed, but the reservations would be noted.
- 44. The representative of Spain said that, even though his country still maintained a reservation, it was very important for the ICZM Protocol to be signed and to come into force as soon as possible. Consultations would be held with legal advisors to see whether it was possible to adopt the text in its present form. Discussions would also be held with the Ministry of Foreign Affairs to see whether his country could also host a Conference of Plenipotentiaries immediately after the meeting of the Contracting Parties.
- 45. The representative of Turkey expressed the belief that the draft ICZM Protocol was the most important of the Protocols to the Barcelona Convention after the LBS Protocol. Countries which still had reservations should be contacted, for example by the Chairperson of the Bureau or the Secretariat, with a view to resolving the remaining problems before the meeting of the Contracting Parties.
- 46. The representative of the European Community expressed general satisfaction with the results of the Working Group and undertook to set in motion the necessary proceedings so that the Protocol could be signed, although she said that the reservation by EU countries who are also Contracting Parties would first have to be resolved. She approved of the course of action proposed by the Secretariat in relation to the remaining reservations, as it was important to avoid last minute surprises in terms of proposed modifications to the text. As the text had been agreed to by the Working Group of Government-appointed experts, there was no reason why Governments should not now be preparing for the signature of the Protocol so that they would be ready when the Conference of Plenipotentiaries was held. It was important to ensure that there were no more Protocols that failed to come into force.
- 47. The Coordinator indicated that the Secretariat would send a letter to the countries informing them of the planned process for the adoption of the Protocol, together with its draft text. During the Conference of Plenipotentiaries, there would be one day to address the issues raised by the reservations only, but not to re-open discussion of the full text of the Protocol. He understood that in the event that the host country was unable to organize and cover the costs of the Conference of Plenipotentiaries, the Secretariat would be authorized to do so.

MAP Evaluation

48. The Coordinator recalled that the extraordinary meeting of the MAP Focal Points held in Catania on 7-11 November 2006 had set up a drafting committee, which had now produced second drafts of the Strategic Declaration and the Governance Paper. The Secretariat was seeking guidance as to whether its understanding was correct that the Strategic Declaration could stand on its own, but that the Governance Paper could be used

as an introduction to and taken into account in the proposed programme of work of the Coordinating Unit and the various components of MAP.

- 49. The representative of Spain expressed the view that important work had been carried out by the drafting committee, but that the process was still continuing and the texts needed some further improvement. The Strategic Declaration was very political. It was intended to improve the visibility of the Barcelona system and set out the objectives to be attained, based on the strategies that had already been adopted, with particular reference to the MSSD. The Governance Paper was designed to address the weakness at the heart of the system, namely the inadequate level of coordination between the various MAP components, which appeared to lead an independent life. Although most, or all of the RACS carried out important work, the results of this work were not well enough known by the public in general or by specialists. It was also necessary to clarify the role of the Coordinating Unit.
- The representative of the European Community emphasized the importance of the 50. two papers, which she hoped would be considered and adopted by the meeting of the Contracting Parties. Rather than a MAP Phase III, the overriding objectives should be the implementation of the Convention and its Protocols, with an indicative five-year programme of action. There appeared to be consensus among the Contracting Parties on most issues, although a common agreed view still needed to be reached on the MCSD. It might therefore be advisable to isolate the issue that gave rise to the widest divergence of views and discuss the MCSD separately at the meeting of the Contracting Parties. The Governance Paper, while not going into the activities of the RACs in detail, emphasized the need for a harmonized information and communication policy for MAP. A step-by-step approach was also proposed to harmonize the work of the RACs, which addressed thematic issues, but should do so within a framework that was coordinated and supervised by the Coordinating Unit in accordance with the overall priorities determined by the Contracting Parties, so that they formed a coherent whole, rather than a set of independent bodies. (not understood). There was a need for action to implement the decisions taken and the instruments adopted, based on a detailed programme of action.
- 51. The representative of Slovenia agreed that responsibility for information and communication should be brought back to the Coordinating Unit. The sharing of information was an essential element in working together and moving forward. Accordingly, while it was not necessary for everything to be centralized, a coordinated approach needed to be adopted and followed, especially for priority issues.
- 52. The representative of Tunisia considered that it was normal for the operation of the Barcelona system to be reviewed closely at regular intervals. It was now over ten years since the Convention had been revised, and the review should lead to a new and improved programme, based on the guidance and vision provided in the MSSD. Although this had not yet been determined, the new direction could in some ways be regarded as a MAP Phase III. The detailed implementation of the new vision and direction would, as usual, be reviewed every two years by the meetings of the Contracting Parties.
- 53. The Coordinator emphasized the need to address the most important issues and to build on what had already been achieved. The MSSD formed the basis for future action, together with the objectives and targets set out in the Convention and its Protocols. It was now necessary to move to implementation. In terms of governance, he agreed that one of the crucial issues was the coordination of the RACs so that the best possible use could be made of their specialized technical input within a harmonized framework. He also endorsed the proposal that the future of the MCSD should be discussed separately by the meeting of

the Contracting Parties, including the issues of whether the Sustainable Development Officer should be kept as a permanent post and whether the post of Deputy Coordinator should be filled. One possibility might be that technical responsibility for following up the MSSD could be entrusted to the Blue Plan, with the Coordinating Unit acting as the secretariat for the MCSD. In addition, the Governance Paper covered the issue of the coordination of the overall MAP information and communication policy, which should be the responsibility of the Coordinating Unit. Nevertheless, he observed that it was important to finalize the process of drafting the two papers in time for their discussion by the meeting of the MAP Focal Points, so that a decision could be taken by the meeting of the Contracting Parties.

Implementation of the ecosystem approach to the management of human activities that may affect the marine and coastal environment

- 54. The Coordinator described the progress made in the EC/MAP project on the ecosystem approach, in the context of which a working group of Government-designated experts had prepared a roadmap, an ecological vision and strategic goals for submission to the meeting of MAP Focal Points and the Contracting Parties. The proposals covered a number of essential issues and outlined action to take the process forward, including pilot projects as a model for the implementation of the ecosystem approach in different areas in the Mediterranean and in a variety of ecological situations. One area that might be suitable for such a pilot project could be the Adriatic.
- 55. The representative of Egypt emphasized the need to adopt a very broad basis for the implementation of the ecosystem approach. The documents that had been prepared by the working group, and discussed by the joint meeting of PAP/RAC, INFO/RAC and Blue Plan Focal Points in Palermo, constituted a beginning, which would require further development by the working group, the MAP Focal Points and the Contracting Parties.
- 56. The Coordinator was pleased to note that the Bureau agreed with the Secretariat's proposal, which would mean that the adoption of the ecosystem approach was now being addressed in a concrete manner in the context of MAP after being on the agenda for a number of years. MAP should endeavour to learn from the progress made in this respect by other Convention secretariats.

Request for an increase in the ordinary contribution to the Mediterranean Trust Fund

57. The Coordinator said that discussion within MAP, especially with the RAC directors, had identified an urgent need for an increase in the regular budget of MAP. He emphasized that MAP was continually being requested to take on additional tasks, such as the implementation of the new ICZM Protocol, the GEF Strategic Partnership (to which MAP would have to make a counterpart contribution in cash and in kind), the application of the ecosystem approach, the 2020 Initiative and the implementation of the MSSD, even though there was no corresponding increase in contributions to the Mediterranean Trust Fund (MTF). There was also the issue of the new Scientific Director of SPA/RAC being paid less than the expert hired by the Centre. The Secretariat had been trying to make savings wherever possible, for example by holding shorter meetings and back-to-back meetings to reduce costs, but the volume of work, documentation and translations continued to increase. In earlier biennia, it had been the practice for each meeting of the Contracting Parties to agree to an increase in contributions. Admittedly, the changeover from budgeting in dollars to euros had amounted to a de facto increase, but there had been no subsequent rise in contributions.

- 58. The representative of Slovenia emphasized the need to think of the future. One solution to the budgetary problems of MAP might be to identify end users and to endeavour to sell MAP's products. Users at the local level, such as local administrations and economic sectors, might be a possible source of additional funding.
- 59. The representative of Tunisia referred to the difficulties involved in requesting an increase in contributions and the probability that a direct request would be turned down. While agreeing that MAP was facing financial difficulties, for example in financing the implementation of the SAP/BIO, which was not covered by the GEF Project, and that solutions needed to be found, he believed that a different strategy needed to be adopted to seek increased funding. The budget would need to be prepared in a very transparent manner, with all the activities clearly costed and specific priorities or scenarios specified, so that the Contracting Parties could see very clearly that only so much could be done for a specific level of funding, but that more activities could be undertaken only if additional funding were made available. However, he firmly believed that no one would accept a straight request for a 3 per cent increase in each year of the biennium.
- 60. The representative of Turkey endorsed the view that there would need to be an increase in the budget if the volume of activities undertaken by the Coordinating Unit and the RACs continued to increase. However, it would be necessary to agree on the amount of such an increase. In that respect, it would be useful for the Secretariat to identify a series of options.
- 61. The representative of Spain said that, although he understood that certain costs were rising, he feared that his Government would not be able to agree to an increase of 3 per cent next year and 3 per cent the year after, which would mean a total increase of over 6 per cent over the biennium. The Treasury would almost certainly say no, particularly since the change from dollar to euro accounting had involved a de facto increase.
- 62. The representative of Egypt indicated that the Bureau could not decide on an increase of 3 per cent for each year of the biennium. However, it could recommend the meeting of the MAP Focal Points to discuss the matter so that a decision could be taken by the meeting of the Contracting Parties.
- 63. The representative of the European Community indicated that any increase in budgetary contributions was essentially an issue to be decided by the meeting of the Contracting Parties. For that purpose, the Secretariat should present clear proposals, indicating the resources necessary for each activity, and should indicate priorities, so that the meeting of the Contracting Parties could then identify activities that could be cut. Although it was not impossible that the European Community might agree to an increase in its regular contribution, it would have to be understood that there would then be a corresponding decrease in additional funding, so that its net contribution remained the same. She also raised the question of the source of the funding that was to be used for the MAP counterpart contribution to the GEF Strategic Partnership and how such a financing mechanism had been decided upon.
- 64. The Coordinator emphasized that the Secretariat was continually seeking alternative sources of funding, such as the GEF Project in the previous biennium and the GEF Strategic Partnership, which offered a large amount of funding, but required a counterpart contribution. If there were no increase in contributions, this would have to be paid out of existing funding. In line with the comments made, the Secretariat would identify activities that could be carried out if there were an increase in contributions and would set out priorities and scenarios.

Requesting an increase in contributions was of course a delicate issue, but he understood that the Bureau did not oppose the Secretariat's proposal to make such a request.

Implementation of the NAPs and Horizon 2020

- 65. The Coordinator reviewed the collaboration between the European Investment Bank (EIB) and MAP in identifying bankable investment projects for action on pollution hot spots with a view to implementing the provisions of the LBS Protocol as part of the 2020 Initiative. Members of the Secretariat had accompanied the EIB consultants on country visits for this purpose and the EIB would soon be in a position to indicate which projects were eligible for EIB funding.
- 66. The representative of the European Community added that, as a consequence of the 2020 Initiative, the EIB was taking a keen interest in supporting investment in projects as part of the Initiative. As the NAPs had identified the major sources of pollution, the involvement of MEDPOL was considered important as a means of ensuring that the investment was targeted at priority projects. The results had been very positive. The countries were the major beneficiaries of this activity and the European Community might also provide interest rate subsidy loans to make it easier for the countries to take the necessary action.
- 67. The representative of Egypt supported the continued involvement of MEDPOL in the process of identifying and implementing priority projects. As the action required was extremely costly, the participation of the EIB was very necessary, together with any other financial support available.
- 68. The representative of Turkey warmly welcomed the participation of MEDPOL. However, he noted that the Ministry of the Environment was not responsible for negotiating and accepting loan conditions and he called for representatives of Ministries of Finance to be invited to attend the meetings of the MAP Focal Points and the Contracting Parties for this purpose.
- 69. The Coordinator concluded that the benefits of MEDPOL's involvement included the opportunity to assess the extent to which countries had already given effect to some of their commitments. The 2020 Initiative offered them another opportunity to take action and demonstrated the value of the work carried out in the context of the LBS Protocol.

Cooperation with other Regional Seas Conventions on a Joint Initiative related to the EU Marine Strategy Directive

- 70. The Coordinator said that a proposal had been received from the OSPAR Commission for a joint initiative on a common implementation strategy related to the EU Marine Strategy Directive, adopting a similar approach to that of the Water Directors for the EU Water Framework Directive.
- 71. The representative of Egypt wondered what the benefit of such cooperation was for MAP and the Mediterranean.
- 72. The representative of Spain, reporting on his recent participation in the OSPAR Commission, said that the Barcelona Convention had an important advisory role to play in relation to countries in the region that were not EU Member States. The proposal was the same as the practice followed for the Water Framework Directive. It did not involve a joint

implementation committee, but rather the formulation of a common strategy focussed in particular on non-EU countries.

73. The representative of Turkey said that it would be of benefit for MAP to work with other Convention Secretariats.

Preparation of the 15th Meeting of the Contracting Parties

- 74. The Coordinator indicated that two important issues needed to be determined in relation to the next meeting of the Contracting Parties: (i) the dates of the meeting; and (ii) the topic(s) for consideration by the Ministerial Segment. With regard to the dates, it had been proposed to hold the meeting on 10-13 December in Almeria, Spain, and for it to be followed immediately by a Conference of Plenipotentiaries for the adoption of the ICZM Protocol. However, since these dates had been proposed, the meeting of the Contracting Parties to the Kyoto Protocol had been fixed for almost the same dates, which might mean that Ministers were not available for the MAP meeting. Although it would be technically possible to hold the meeting of the Contracting Parties at a later date, for example early in January, it would be preferable to hold it during the course of the present biennium, as the UNEP financial year started on 1 January and the budget should normally be approved before that date.
- 75. The representative of Spain said that it would be difficult to find alternative dates in December, as the first week was taken up with various public holidays in Spain and the third week was very close to the Christmas holidays. In addition, there was a meeting of the IPCCC in Valencia over the same period. If the rules of procedure could be adapted, it might be better to move to the second week in January. He believed that it would send the wrong signal to hold the meeting of the MAP Contracting Parties on the same dates as that of the Kyoto Protocol.
- 76. Several speakers expressed agreement with the representative of Spain. They considered that all the Ministers would attend the meeting of the Kyoto Protocol and that the opinion of the host country should be taken fully into consideration.
- 77. The representative of Spain added that, with regard to the holding of the Conference of Plenipotentiaries back-to-back with the meeting of the Contracting Parties, the main concern was not the arrangements for the holding of the Conference, but whether the countries would have been able to complete their internal legal procedures in time to sign the Protocol. On the subject of the Ministerial Segment, he said that one of the most important topical issues was climate change, with its consequences, including rising sea levels, and the measures that could be taken to mitigate the effect of climate change, including carbon capture and sequestration. A discussion on this topic at the meeting of the Contracting Parties would offer a good opportunity to examine the issue as it related to the Mediterranean region, based on the outcome of the Kyoto Protocol meeting and of the IPCCC in Valencia. It would be good for the visibility of MAP and was an opportunity that should not be missed to develop a regional response to the issue. An eminent technical expert should be identified to provide the necessary input.
- 78. The representative of the European Community agreed with the proposal made by the previous speaker. She added that another important topic was biodiversity, which related to such issues as the introduction of alien species and the increase in jellyfish. A discussion of the topic could include the setting of immediate targets, for example for 2010, and might help in finding funding for the implementation of the SAP/BIO.

- 79. Following a discussion of whether the Ministerial Segment should focus on a single topic, or cover both climate change and biodiversity, it was recalled that both topics were highly interlinked. A single topic for discussion could be entitled "Climate change and biodiversity", which would allow scope for a certain flexibility, particularly to take into account the outcome of the various important meetings to be held prior to the meeting of the Contracting Parties.
- 80. The Coordinator informed the Bureau that during the course of its discussions he had spoken briefly with the Deputy Minister of the Environment of Spain, who had assured him that Spain was willing to host the Conference of Plenipotentiaries back to back with the meeting of the Contracting Parties.

Agenda item 5: Any other business

81. The representative of Tunisia informed the Bureau that his country would be hosting a regional conference on climate change in the Mediterranean on 13-20 November 2007, which could help in preparing for the discussion at the meeting of the Contracting Parties. A letter would be sent to the Coordinator and the representatives of Mediterranean countries with an invitation to participate.

Agenda item 6: Decisions

82. The Bureau reviewed the draft decisions prepared by the Secretariat on the basis of the meeting's discussions. Following minor amendments, the decisions were adopted. The decisions are attached as **Annex III** to this report.

Agenda item 7: Closure of the meeting

83. Following the customary exchange of courtesies, the Chairman declared the meeting closed at 12.00 p.m. on Tuesday 3 July 2007.

ANNEX I

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ANNEX II

AGENDA

- 1. Opening of the meeting
- 2. Adoption of the Provisional Agenda and organization of work
- 3. Progress Report by the Secretariat on activities carried out since the last Meeting of the Bureau of the Contracting Parties to the Barcelona Convention (Cairo, Egypt, 30-31 October 2006)

Coordinating Unit

- 1) Legal Issues
- 2) MCSD
- 3) Cooperation and Partnership
- 4) Communication and Media Relations
- 5) Financial and Personnel Issues

MAP Components

- 1) Prevention and Control of Pollution from the Land Based Sources and Activities
- 2) Prevention and Control of Pollution from Maritime Activities
- 3) Conservation of Marine and Coastal Biodiversity and Special Protected Areas
- 4) Environment and Development
- 5) Information and Communication
- 4. Specific Issues
 - 1) Composition of the Compliance Committee
 - 2) Adoption of the Draft Protocol on ICZM
 - 3) MAP evaluation
 - 4) Implementation of the ecosystem approach to the management of human activities that may affect the marine and coastal environment
 - 5) Request for an Increase in the Ordinary Contribution to the Mediterranean Trust Fund
 - 6. Implementation of the NAPs and Horizon 2020
 - 7. Cooperation with other Regional Seas Conventions on a Joint Initiative Related to the EU Marine Strategy Directive
 - 8. Scenario Note on the Preparation of the 15TH MEETING OF THE CONTRACTING PARTIES 10 13 December, 2007 Almeria, Spain
- 5. Any other business
- 6. Conclusions and decisions
- 7. Closure of the meeting

ANNEX III

Decisions

Information and Communication

- 1. While expressing its concern that the UNEP/MAP website is currently non-operational, which is unacceptable, especially on the eve of the meetings of the MAP Focal Points and of the Contracting Parties, the Bureau recommends that the Secretariat take immediate steps to render the website operational within four weeks for the period between now and the next meeting of the Contracting Parties.
- 2. The Bureau also recommends that the next meeting of the Contracting Parties should address the issue of information and communication across the whole MAP system.
- 3. The Bureau requests the Secretariat to communicate with the Italian authorities regarding the implementation of the programme of work of INFO/RAC for the current biennium as recommended by the meeting of the Contracting Parties in Portoroz, and especially to clarify the situation with respect to INFO/RAC funding and the programme of work for the next biennium.
- 4. The Bureau requests the Secretariat to ensure with the Italian authorities that any proposals which they may have regarding the role of INFO/RAC are submitted for discussion at the next meeting of the MAP Focal Points at the latest.
- 5. The Bureau welcomes the offer by the Spanish authorities to assist the Secretariat in the development and maintenance of a window within the MAP website dedicated to the next meeting of the Contracting Parties in Almeria, Spain.

Compliance Mechanism

- The Bureau expresses its appreciation at the work carried out by the Working Group of Experts designated by the Contracting Parties to develop a compliance mechanism and considers the draft mechanism ready to be accepted by the Meeting of the Contracting Parties.
- 2. The Bureau recommends that the meeting of MAP Focal Points should focus on reviewing the Draft Decision prepared by the Working Group on the approval of the Compliance Mechanism by the Meeting of the Contracting Parties, the procedure for the nomination of the members of the Compliance Committee and the nominations of the first members to sit on the Compliance Committee.
- 3. The Bureau recommends that the Compliance Committee should be composed as follows:
 - a) 2 members to be nominated by the following southern and eastern Mediterranean countries: Algeria, Egypt, Lebanon, Libya, Morocco, Syria, Tunisia:

- b) 2 members to be nominated by the seven EU Member States which are Party to the Barcelona Convention (Cyprus, Greece, France, Italy, Malta, Slovenia, Spain) and the EC;
- c) 2 members to be nominated by the other Parties: Albania, Bosnia and Herzegovina, Croatia, Israel, Monaco, Turkey and Montenegro once it becomes Party to the Barcelona Convention;
- d) 1 additional member to be nominated from each group on a rotation basis every four years.
- 4. The Bureau recommends that for the first Compliance Committee the additional member to represent each group on a rotation basis every four years should be nominated by group (a) of southern and eastern Mediterranean countries.
- 5. The Bureau also requests the Secretariat to send a letter to the MAP Focal Points inviting them to hold consultations among each group preferably, before or during the meeting of MAP Focal Points next October, in order to reach consensus on the nomination of the candidates from each group so that a Draft Decision with the names of the nominated members can be submitted to the next Meeting of the Contracting Parties.

Adoption of the ICZM Protocol

- 1. The Bureau expresses its appreciation that the Working Group established to develop a draft text of the ICZM Protocol has successfully concluded its task.
- The Bureau recommends that the meeting of the MAP Focal Points in October should focus on reviewing the Draft Decision prepared by the Secretariat calling on the Contracting Parties to approve the draft text and to transmit it for adoption by the Conference of Plenipotentiaries.
- 3. The Bureau also encourages the Contracting Parties to complete their internal procedures in order to be in a position to approve the Protocol at the next meeting of the Contracting Parties and to adopt it during the Conference of Plenipotentiaries.
- 4. The Bureau agrees that the Secretariat should hold bilateral discussions with the Contracting Parties that have expressed reservations on certain paragraphs or terms of the draft Protocol with a view to the withdrawal of these reservations by the countries concerned.
- 5. In the event that the host country is not in a position to provide the venue and facilities for the convening of the Conference of Plenipotentiaries for the adoption of the ICZM Protocol, the Bureau authorizes the Secretariat to make the necessary arrangements and to meet the related costs from the MTF.

MAP Evaluation

1. The Bureau expresses its thanks and appreciation to all the members of the Drafting Committee for the ongoing preparation of the Draft Strategy Declaration and Draft Governance Paper.

- The Bureau recommends that three different documents should be submitted for consideration by the meeting of the MAP Focal Points in relation to the MAP evaluation:
 - a) the Strategy Declaration;
 - b) the Governance Paper
 - c) a paper on the future role of the MCSD
- 3. The Bureau also recommends that the Governance Paper should include a section on the integrated information and communication system for the MAP, including the issues of information and communication activities carried out at present by the different RACs and the role of the Secretariat in the coordination and supervision of the MAP information and communication system.

Implementation of the ecosystem approach

The Bureau recommends that the proposed roadmap with respect to the application
of the ecosystem approach by MAP and the proposed ecological vision and strategic
goals should be presented for the consideration of the meeting of MAP Focal points
and that a Draft Decision approving the roadmap should be prepared for submission
to the meeting of the Contracting Parties.

Request for an increase in the Ordinary Contribution to the MTF

- 1. While appreciating the arguments brought forward by the Secretariat to justify its intention to request the Contracting Parties for an increase in the ordinary contribution to the Mediterranean Trust Fund, the Bureau requests the Secretariat to prepare a detailed programme of activities with different scenarios identifying the activities on a priority basis with the financial resources required for the implementation of all the proposed activities.
- 2. The Bureau recommends that the meeting of MAP Focal Points should review the programme of work and, if it is concluded that additional funding is required, to decide whether this should be covered through an increase in the ordinary contribution, voluntary contributions for specific activities, the reallocation of existing financial resources to cover priority areas or by seeking additional sources of financing.

Implementation of the NAPs and Horizon 2020

1. The Bureau encourages cooperation and synergy between MAP/MEDPOL and European Investment Bank (EIB) activities in order to identify bankable projects already prioritized by the Contracting Parties, in the framework of the National Action Plans to combat pollution from land-based sources and activities (NAPs), for possible investment and implementation in order to assist them to achieve the ambitious objectives of the LBS Protocol, the SAP MED and the Euro-Med Horizon 2020 initiative to depollute the Mediterranean Sea by 2020.

Cooperation with other Regional Seas Conventions on a Joint Initiative related to the future EU Marine Strategy Directive

 The Bureau recommends the Secretariat to further explore, together with the Secretariats of other Regional Seas Conventions, possibilities for cooperation with respect to the implementation of the future EU Marine Strategy Directive, bearing in mind the benefit for MAP, the Mediterranean region and the implementation of the Barcelona Convention and its Protocols.

15th Meeting of the Contracting Parties

- The Bureau accepts the suggestion of the host country (Spain), to convene the Meeting of the Contracting Parties and the Conference of Plenipotentiaries during the third week of January 2008.
- The Bureau recommends the Meeting of MAP Focal Points to decide that the focus for the Ministerial Segment of the Meeting of the Contracting Parties should be "Climate change and biodiversity".

Appreciation for the Host Country

1. The Bureau expresses its thanks and appreciation to the Spanish authorities for the excellent facilities made available for the meeting of the Bureau and for the warm hospitality extended to all the members of the Bureau and the Secretariat.