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Introduction

1. At the invitation of the Government of Turkey, the 69th Meeting of the Bureau of the Contracting Parties to the Barcelona Convention and its Protocols was held on 18 and 19 June 2009 at the Golden Park Hotel, Istanbul, Turkey.

Participation

2. The following members and alternate members of the Bureau attended the meeting: Mr Buceta Miller (Spain), Ms Roussel (France), Mr Benyahia and Mr Faridi (Morocco), Mr Ben Rejeb (Tunisia), Mr Kadioglu (Turkey) and Ms Rosen (Israel).

3. UNEP and the MAP Coordinating Unit were represented by Ms Jacqueline Alder, Coordinator, Marine and Coastal Ecosystems Branch, Division of Environmental Policy Implementation of UNEP, Ms Maria Luisa Silva Mejias, Officer-in-Charge and Deputy Coordinator of MAP, and Ms Tatjana Hema, MAP Programme Officer.

4. The list of participants is attached as **Annex I** to this report.

Agenda item 1: Opening of the meeting

5. The President of the Bureau, Mr Buceta Miller (Spain), opened the meeting, welcomed the participants and thanked the Ministry of Environment and Forestry of Turkey for hosting the meeting. He congratulated Ms Silva Mejias on her appointment as Deputy Coordinator of MAP and extended his best wishes for the future to the former MAP Coordinator, Mr Mifsud, upon his recent retirement. He recalled that one of the principal tasks of the Bureau at its present meeting would be to prepare for the meeting in July of the MAP Focal Points and the 16th Meeting of the Contracting Parties, to be held in November in Marrakech, Morocco.

6. Ms Silva Mejias warmly welcomed the opportunity to join the staff of MAP and undertook to serve the organization and the Parties in accordance with the highest standards of professionalism, efficiency and sincerity, in conformity with her oath of office. She emphasized the need to undertake reforms to ensure that MAP achieved greater relevance and took effective action to protect the Mediterranean as a whole. She looked forward to establishing close relations with the members of the Bureau, as well as with the Contracting Parties in general, and assured them that their guidance would of great value and would be given careful consideration. Finally, she thanked the Ministry of Environment and Forestry of Turkey for hosting the meeting and her colleagues for all their efforts in preparing for the present meeting.

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

7. The meeting adopted the agenda and annotated agenda contained in documents UNEP/BUR/69/1 and 2. The agenda is attached as **Annex II** to the present report.

Agenda item 3: Progress report by the Secretariat on activities carried out during the period January-June 2009

8. The meeting examined the Progress Report (UNEP/BUR/69/3) section by section.

Legal component

9. Ms Silva, reviewing the information contained in the Progress Report on the legal instruments, emphasized the recent entry into force of the amended LBS Protocol and the

Hazardous Wastes Protocol. She indicated that one additional country (Lebanon) had accepted the amendments to the Barcelona Convention, pending notification of its acceptance by the Depositary. Several countries had also indicated that the procedures for the ratification of the ICZM Protocol were well advanced and it was hoped that the Protocol would enter into force in 2010. With regard to compliance mechanisms and procedures and the strengthening of the reporting system on the implementation of the Convention, she outlined the issues that required particular attention by the Bureau. These included the relationship between the Compliance Committee and the meeting of MAP Focal Points with regard to the former's decisions and recommendations on situations of non-compliance by individual Contracting Parties. With reference to the reporting system, she noted the difficulties that had arisen with regard to meeting the deadline for the submission of the 2006-07 reports on the measures taken to implement the Convention and its Protocols. The fact that eight Contracting Parties had not yet submitted their reports made it difficult for the Secretariat to prepare a regional analysis of the status of implementation in 2006-07 and to highlight any potential general situation of non-compliance for consideration by the third meeting of the Compliance Committee in October 2009.

10. Ms Roussel (France) welcomed the progress achieved recently in the ratification and acceptance of the amendments to MAP instruments. Her country was one of those in which the procedure was well advanced for the ratification of the ICZM Protocol, although the exact timing of the ratification would depend on the parliamentary schedule. She added that MAP instruments, and particularly the ICZM Protocol, had served as an inspiration to the broad and inclusive consultation processes that had been undertaken in her country, known as the *Grenelle de l'environnement* and the more recent *Grenelle de la mer*. Moreover, MAP's arsenal of legal texts was a model that could be exported to other regional seas, with particular reference to the ICZM Protocol. With regard to the failure of certain Contracting Parties to submit their 2006-07 implementation reports on time, she noted that the web-based reporting format had been put up rather late, but agreed that the delay in reporting made the work of the Secretariat more difficult.

11. Mr Ben Rejeb (Tunisia) recalled the exemplary record of his own country in ratifying MAP Protocols. The recent adoption of a Decree on the management of hazardous materials, including in the high seas, showed the importance that his country attached to compliance with the commitments deriving from these instruments. He raised the question of how the data contained in the implementation reports would be exploited by the Secretariat to ensure that useful feedback was provided to the Parties.

12. Mr Benyahia (Morocco) indicated that the ratification process of the ICZM Protocol was advancing in his country and that the national implementation report was nearing completion and would be forwarded to the Secretariat in the near future.

13. Mr Kadioglu (Turkey) explained that, following the acceptance of the amendments to the LBS Protocol by his country, plans were being made for its implementation, with priority being given first to areas near river mouths. The ratification of the ICZM Protocol by Turkey was still under discussion and the Secretariat would be invited to provide information and explanations concerning the Protocol at a meeting to be held on that subject in the next few weeks. Finally, he emphasized the need to analyse the problems faced by those countries that had not yet submitted their 2006-07 implementation reports.

14. Ms Rosen (Israel) said that her country had notified the Depositary country of its acceptance of the amendments to the LBS Protocol a few days earlier and she hoped that it would ratify and accept other Protocols soon. With regard to the Guidelines on Liability and Compensation developed by the three meetings of the Working Group on that subject, she referred to the statement made by the representative of her country at the third meeting of the Working Group in January 2009 indicating that the basic legal assumptions on which the

Guidelines were based were not in accordance with the principles that were in effect in her country.

15. The President emphasized the importance of securing the entry into force of the amended Dumping Protocol, for which a further two acceptances of the amendments to the Protocol were needed. He recalled that the process of amending the Protocol had been undertaken in parallel with that of the London Convention. It might be the case that certain Contracting Parties had ratified the London Convention but had not yet accepted the amendments to the Dumping Protocol for administrative reasons. He added that the preparations had now been completed for the submission of the ICZM Protocol to Parliament in Spain.

Institutional arrangements and coordination, application of the ecosystem approach and cooperation and partnership

16. Introducing these three subjects covered by the Progress Report, Ms Silva drew attention to the draft mandates that had been prepared for each of the MAP components, in accordance with the Governance Paper, as well as the preparation of the draft Host Country Agreement (HCA) template with the assistance of the MAP Legal Adviser. She added that the meetings of the Executive Coordination Panel (ECP) had been instrumental in developing a more integrated approach to the programme of work of MAP as a whole. Moreover, it was planned to recruit a consultant to assist in the implementation of the road map for the application of the ecosystem approach and the Blue Plan had started work on a socio-economic analysis of the goods and services provided by the ecosystem and the cost of degradation of the marine and coastal environment in the region.

17. Ms Roussel (France), referring to the work carried out by MAP and its components, as well as its five-year rolling programme of work, noted the importance placed on climate change, which was evidently an essential subject and would be the focus of the next meeting of the Contracting Parties. However, she observed that climate change cut across the areas in which MAP traditionally worked and that it was also important to provide information on the specific activities carried out to implement the programme of work in all those areas so as to ensure that the focus on climate change did not result in other fields being neglected.

Mediterranean Commission on Sustainable Development

18. Ms Silva reviewed the preparations for the next meeting of the Mediterranean Commission on Sustainable Development (MCSD), which would be held at the end of September in Cairo, as well as the progress made by the various countries in the formulation of National Strategies for Sustainable Development (NSSDs). The Secretariat had launched an overall assessment of the actions taken by Mediterranean countries for the mainstreaming of sustainable development in national policies. It had also sent out a questionnaire on adaptation to climate change, which would be the main theme of the next meeting of the MCSD, but the response had so far been disappointing, with replies being received from only seven countries.

Information and communication

19. Introducing this section of the Progress Report, Ms Silva reviewed the information and communication activities undertaken by MAP in recent months. With a view to implementing the requirement set out in the Governance Paper that the MAP Information and Communication Strategy should be updated regularly, she indicated that the Secretariat had launched an independent evaluation of the current status of MAP communication outreach and needs. She added that the delays in the implementation of the work programme of

INFO/RAC, which would be discussed later, had had an impact on the implementation of the Secretariat's communication activities.

Financial, personnel and administrative matters

20. Ms Silva provided figures on the situation with regard to the payment of contributions to the Mediterranean Trust Fund (MTF) as at 15 June 2009, which showed that six Contracting parties had already paid their pledges for 2009. However, eight countries were still in arrears with their 2008 pledges. The total amount of arrears for 2008 amounted to €727,749.

21. Ms Roussel (France) called on UNEP headquarters in Nairobi to send out reminders for the payment of contributions earlier in the year, and in any case before the onset of the summer holiday period.

22. Mr Benyahia indicated that the necessary administrative steps had been taken for the payment of his country's contribution, which should be received in the near future.

23. The President, with reference to the selection process for the GEF Project Manager, noted that UNEP Nairobi had originally selected an expert from Australia with the necessary skills and experience profile. However, after consultation with the President of the Bureau, who had recalled the long-standing Bureau decision that all MAP personnel should be recruited from the region, the decision had been reconsidered and Mr Trumbic, former Director of PAP/RAC, had been appointed to the post.

MAP Components – Land-based pollution (MED POL)

24. Ms Hema, in reviewing the information provided on MED POL activities, highlighted the agreement reached at the meeting held in Aix-en-Provence in November 2008 concerning the implementation of the National Action Plans (NAPs) required under Article 15 of the LBS Protocol on the basis of the differentiation approach. This would help countries with lower levels of economic and technical resources to implement the Convention more easily in a manner that was more adapted to their level of economic development. It had also been decided that implementation of the Protocol should focus at first on three regional plans/programmes covering the reduction of BOD from municipal wastewater, the elimination of the substances contained in Annex I of the Stockholm Convention and the phasing out of DDT. She enumerated the assistance provided to countries to further the implementation of the Protocols covered by MED POL, namely the LBS, Dumping and Hazardous Wastes Protocols, including the establishment of national Pollutant Release and Transfer Register (PRTR) systems. She further noted the cooperation with the IMO-London Convention/London Protocol Secretariat in relation to the Dumping Protocol and with the Basel Convention Regional Centre in Egypt in relation to the implementation of the Hazardous Wastes Protocol.

25. Ms Rosen (Israel) welcomed the important role played by MED POL in recent years in combating pollution in the region. However, she recalled the concerns raised at the meeting of MED POL Focal Points concerning the legal status of a number of the instruments developed for the implementation of the LBS Protocol, including the National Action Plans (NAPs), and in particular the differentiation approach, which had simply been decided upon by a meeting of experts. One particular concern was that the objectives set in the plan for the reduction of BOD from municipal wastewater were lower than those previously promoted by MED POL.

26. During the discussion of MED POL activities, it was recalled that consensus had not been reached concerning the differentiation approach and that it could not therefore be

proposed for adoption by the next meeting of the Contracting Parties. The approach had been developed by a technical seminar, not by a legal body of MAP. Further reflection would therefore be needed, firstly by the Meeting of MAP Focal Points.

27. The members of the Bureau welcomed the support offered by the Secretariat at the national level for the development of the PRTR system and noted that this could be harmonized with the activities carried out by the Secretariat of the Basel Convention. They also drew attention to the importance of circulating the findings of the reports provided to the Secretariat so that countries were aware of what was happening elsewhere in the region, with particular reference to the pollution loads of rivers and the release of treated wastewater by certain industries. The results of regional monitoring should be published.

28. The President observed that a reporting system on this type of data had been set up under the OSPAR Convention. He also provided explanations concerning the risk assessment for CO₂ sequestration in submarine geological structures in the region, which had been requested by the last meeting of the Contracting Parties and had been launched with the financial and technical assistance of the Government of Spain. As discussed at the meeting of MED POL Focal Points, the assessment would lead to the preparation of three documents: a technical and scientific study of the principal characteristics of CO₂ sequestration, a risk assessment and draft guidelines. These documents would be discussed by a technical seminar to be held in Spain in 2010. He observed that the findings of the assessment might well raise the issue of the need to amend the Dumping Protocol, which had not yet come into force. In legal terms the amendment of an instrument that had not come into force might be difficult, but was not impossible. He added that one of the main obstacles to CO₂ sequestration in the region was likely to be the level of seismic activity. It would be possible to provide fuller information on this subject to the Meeting of the Contracting Parties in November, by which time the assessment would be more advanced.

Sustainable consumption and production (CP/RAC)

29. In reviewing the full information provided in the Progress Report on the work of CP/RAC, the Secretariat focussed on the project activities carried out at the national and regional levels in such areas as eco-labelling, the creation of associations of key stakeholders in sustainable production and consumption (SCP) and the development of brand recognition through such activities as the GRECO strategy and report on green competitiveness.

30. Several general issues were raised during the discussion. It was noted that the question of corporate image should not be left entirely to the individual MAP components, although each RAC could also develop its own image within the context of MAP. The meetings of the ECP in particular offered the opportunity for a close examination of the action of the various components, although the Secretariat still needed to make further progress in the development of an integrated approach to cross-cutting issues, which was of vital importance in increasing the visibility of MAP as a whole. It was further observed that the descriptions provided of the activities of the different centres gave no indication of the priorities attached to these activities, their hierarchy in relation to the time and resources devoted to them and their respective budgetary allocations. This type of information would give a better overall vision of the activities carried out.

Sea-based pollution (REMPEC)

31. The Secretariat recalled that, as REMPEC had been the first Regional Activity Centre to hold its meeting of Focal Points (April 2009), much of the information set out in the Progress Report related to the latter half of 2008. She reviewed the assistance provided by REMPEC for the preparation and review of national marine pollution contingency plans; the

main developments in terms of cooperation with relevant bodies and programmes, with particular reference to the tools developed by the Mediterranean Technical Working Group (MTWG), for which REMPEC acted as the Secretariat; and the plans to improve the dissemination and exchange of information, including the development of a new REMPEC website, the Geographic Information System (GIS) on maritime traffic flows and related risks in the Mediterranean and the updating of the database on alerts and accidents in the Mediterranean.

32. During the discussion of REMPEC's activities and programme of work, the President, with the support of Mr Kadioglu (Turkey), suggested that, perhaps for the next biennium, there should be a reconsideration of the scope of REMPEC's activities, which were currently confined to pollution occurring at sea. There might be a case for broadening its mandate to include all activities, such as industrial plants on the shoreline that could cause pollution, particularly from oil, to the coast. Such activities were fully within the scope of the amended Convention and its Protocols, which covered the whole of the Mediterranean Sea and its coastal area.

Conservation of biodiversity (SPA/RAC)

33. The Secretariat observed that SPA/RAC's activities were principally intended to give effect to the Strategic Action Programme for the Conservation of Biological Diversity (SAP BIO). The main activities were focused on monitoring and the improvement of knowledge; protection and conservation of habitat and species included in the regional action plans for endangered species approved in the framework of MAP; the provision of assistance to countries for the creation of SPAs and SPAMIs, including on the high seas thanks to a project funded by the EC. Partnerships had been strengthened for the implementation of the SPA and Biodiversity Protocol, for example through the conclusion of agreements with the GFCM and IUCN-Med.

Sustainable management of coastal zones (PAP/RAC)

34. The Secretariat reported on the progress achieved by PAP/RAC in the implementation of Coastal Area Management Programmes (CAMPs) and the activities carried out to prepare the ground for the implementation of the ICZM Protocol, particularly through the development of policy approaches in a series of countries for the application of ICZM. The progress achieved in this field was illustrated by the recent adoption of a national ICZM strategy in Egypt. She recalled that PAP/RAC was working closely with other MAP components, and particularly the Blue Plan, with a view to the implementation of the ICZM Protocol and was providing active assistance for the implementation of the MSSD.

35. Mr Kadioglu (Turkey) commended PAP/RAC on its leadership in the field of ICZM. He called for more information to be shared on the large number of project activities undertaken by the Centre and on the lessons learned.

Environment and development (Blue Plan)

36. The Secretariat emphasized the key importance to MAP of the information products developed by the Blue Plan, and particularly the *Report on Environment and Sustainable Development in the Mediterranean (RESD)*, which was produced every two years before the meeting of the Contracting Parties. It was crucial for this report to be successful, as it was the chief instrument through which MAP gave back to the region the information that it gathered from the Contracting Parties, among other sources. The Blue Plan was also taking the lead in the integration of climate change throughout MAP's programme of work, while its thematic activities in such fields as sustainable agriculture and rural development, tourism and water management were beginning to have a significant impact at the regional level, as

demonstrated by the role of Blue Plan for the preparation of the future Mediterranean Water Strategy.

37. Ms Alder (UNEP) emphasized the importance of the Regional Seas strategy as the framework for assessing all Regional Seas activities, including those relating to reporting on the state of the environment. Links in relation to these activities should be strengthened with such major actors as the European Union and the GEF International Waters Programme.

38. During the discussion of Blue Plan's activities, emphasis was placed on the great value of its work in informing all countries and other stakeholders on the current situation of the environment and sustainable development in the region. Further options should be explored to communicate this information more directly and in a readily understandable manner. One suggestion was the production of a short film on the RESD, although this might be costly and might not be achievable in the short term. It was also pointed out that the European Environment Agency (EEA) was preparing a report on the state of the Mediterranean, which was due to be released early in 2010. In view of the difference in the coverage of the EEA in comparison with MAP, the sources of information used would be different from those of the Blue Plan. It was therefore important to improve contacts with the EEA and develop further synergies, as it would be damaging if the conclusions of the two reports on the state of the environment and sustainable development in the Mediterranean differed widely.

INFO/RAC

39. The Secretariat recalled the discussions at the previous two meetings of the Bureau concerning the difficulties experienced by INFO/RAC, which had prevented the implementation of its approved programme of work for 2008-09. She recalled that, following contacts with the Italian Ministry for Environment, Territory and the Sea, the first instalment of a revised budgetary allocation for the implementation of a reduced programme of work had been provided in May 2009. An attempt would therefore now be made to implement as much of the approved programme of work as possible, including the development by the end of the year of the online reporting system, the photo database for the MAP website and the MED POL information system. Work would also be continued on the information system for SPA/RAC and the REMPEC GIS database. A new draft mandate for INFO/RAC was being developed.

40. During the discussion, the question was raised as to whether a fuller report on the work of the Centre would be submitted to the meeting of MAP Focal Points. The Bureau raised the question as to what type of body INFO/RAC is and it was emphasized that in the same way as all other MAP components, INFO/RAC should be an independent body and not part of a governmental structure. The situation therefore needed to be fully clarified with regard to the Centre. It was also recalled that, although INFO/RAC had recently turned to new information and communication activities, it would be very useful if it could once again take up its former activities in the fields of remote sensing and teledetection, as suggested at the meeting of MAP Focal Points in Madrid two years ago.

41. In response, the Secretariat expressed the hope that INFO/RAC would now enjoy a productive future. She indicated that the Secretariat would try to obtain a fuller progress report on the Centre for submission to the meeting of MAP Focal Points. Ms Silva added that the situation of INFO/RAC was not entirely in the hands of the Secretariat and hoped that the Centre would be able to start out again with a clean sheet.

Agenda item 4: **Specific issues**

Relationship between the Compliance Committee meetings, the Meetings of the MAP Focal Points and the Contracting Parties

42. Ms Silva, introducing the *Report by the Secretariat on specific issues* (document UNEP/BUR/69/4), indicated that during the first two meetings of the Compliance Committee, which had focussed on procedural matters and the adoption of its rules of procedure, two issues had arisen. She recalled that it was normal procedure for all MAP documents to be submitted to the Meetings of the MAP Focal Points prior to being presented to the Meetings of the Contracting Parties. This would be possible for the Compliance Committee's report on general issues, covering its operation, rules of procedure, guidelines, measures and decisions on general issues of non-compliance, which could be submitted in the normal way to the MAP Focal Points. However, for reasons of sensitivity and timing, it was proposed that the Compliance Committee's report on the measures proposed in cases of non-compliance by individual Contracting Parties should be submitted directly to the Meetings of the Contracting Parties. Among other reasons, this would allow more time for the country concerned to attain a situation of compliance. It was further proposed that its reports would be submitted by the Chairperson of the Compliance Committee to the meetings of the MAP Focal Points and of the Contracting Parties, respectively.

43. The members of the Bureau agreed with the proposals outlined above. They also urged Contracting Parties that had not yet done so to submit their 2006-07 implementation reports and called on the Secretariat to commence its assessment of the information contained in these reports so that the Compliance Committee could address any general non-compliance situations at its third meeting in October 2009.

Implementation of the Governance Paper

44. Ms Silva recalled that one of the issues covered by the Governance Paper was the clarification and harmonization of the status of the Regional Activity Centres (RACs) in their host countries with a view to ensuring that they could operate more effectively and strengthening their links with the Coordinating Unit. In consultation with UNEP legal experts, a draft model host country agreement had been developed (document UNEP/BUR/69/Inf.3) and was submitted to the Bureau for its views.

45. During the discussion of this issue, emphasis was placed on the need to ensure the independence of the RACs by providing them with a common framework guaranteeing their status and autonomy of action. Many of the RACS were at present not entirely free to take action in such fields as recruitment and seeking resources. It was recalled in this respect that, while it was necessary to resolve the question of the legal status of the RACs, this was only one aspect of improving their effectiveness. The issue was also raised of whether a host country agreement was the only possibility. UNEP's legal unit preliminary views suggested that as the RACS were not fully-fledged UNEP organizations, a host country agreement was not appropriate and a memorandum of understanding (MoU) might perhaps be a more suitable instrument. Several speakers expressed doubts as to whether MoUs offered the necessary level of legal commitment to guarantee the situation of the RACS, as MoUs offered more of a political than a legal commitment and might be more susceptible to variation in the event of changes of government.

46. Ms Silva noted the clear agreement on the need to ensure the effectiveness of the RACs and to provide them with a degree of independence. She suggested that the members of the Bureau might consult their legal advisers and revert in two weeks to the Secretariat on

the issue of the host country agreement, as well as the feasibility of MoUs. Ms Alder added that any further feedback from the members of the Bureau would be reviewed by UNEP's legal advisers and that alternative legal instruments providing the necessary guarantees could be considered.

47. With reference to the draft mandates of the MAP components (document UNEP/BUR/69/Inf.4), Ms Silva indicated that, as suggested by the Bureau, the common introduction had been revised and the draft mandates had been submitted to the meetings of the respective Focal Points, and amended accordingly. She added that the sections on "Visibility" were not yet fully satisfactory and that they should be further developed.

48. With reference to the draft mandates, the members of the Bureau welcomed their combination of harmonization, specificity and flexibility, and noted that they would help to redefine the institutional architecture on which MAP depended. However, they agreed that further flexibility should be introduced to allow the integration of emerging issues and that greater emphasis should be placed on the mainstreaming of ecosystem based management. As a horizontal issue, it was also suggested that greater coherence still needed to be achieved in the management of the wealth of knowledge that had been created since the establishment of MAP; the responsibility of which belongs to the Coordinating Unit.

49. With regard in particular to the draft mandate for INFO/RAC, which was being submitted to the Bureau for the first time, the President of the Bureau recalled the importance of remote sensing and satellite images, which had formed part of the mandate of the predecessor to INFO/RAC. He also emphasized the need to enhance the exchange of information with the European Union, and particularly the EEA. He therefore proposed three additions to the draft mandate of INFO/RAC: the addition of the following text at the end of section 4(I) "Construction of a UNEP/MAP spatial data infrastructure with basic and reference environmental information and data for UNEP/MAP, its components and the Contracting Parties"; and the following two texts at the end of section 4(III) "Definition of a sustainable policy for monitoring and vigilance of the Mediterranean Sea and its coast according to the requirements and needs of UNEP/MAP and its components, compatible with the EU Group on Earth Observations (GEO) and Global Monitoring of Environment and Security (GMES) programme" and "Development of a homogenous inventory of the land occupation state in a coastal strip of 100km around the Mediterranean relating to land occupation and the characteristics of the environmental indicators in this area". He added that these ideas had been proposed at the Meeting of MAP Focal Points two years previously and that the Government of Spain had offered to collaborate in their implementation.

50. During the discussion of the draft mandate of INFO/RAC, the Secretariat was urged to consult the Italian authorities regarding the issues raised and the amendments proposed by Spain. The mandate and status of INFO/RAC would need to be discussed by the Meeting of the MAP Focal Points.

Organization of the meetings of the Focal Points of the MAP components

51. Ms Silva indicated that there had been lively discussions during the meetings of the Focal Points of the various MAP components on how best to organize such meetings in future so as to optimize the integration of their work, without losing its specificity. She recalled that MED POL, SPA/RAC, PAP/RAC and CP/RAC were entrusted with responsibility for the implementation of specific Protocols. A number of alternatives were proposed for the organization of the meetings of the Focal Points of the MAP components, namely: the holding of separate meetings for the RACs that were responsible for Protocols, together with the integration of the meetings of the Blue Plan and INFO/RAC Focal Points into the meeting of the MAP Focal Points; the holding of a joint meeting of the Focal Points of all the

components consisting of both joint sessions and of specific sessions relating to technical aspects of the implementation of the Protocols and other technical issues; and the holding of a joint meeting for all the Focal Points of the MAP components.

52. In their consideration of these proposals, the members of the Bureau recognized the dilemma inherent, on the one hand, in developing greater integration and harmonization in the work of the MAP components through joint meetings of their Focal Points and, on the other, in dealing adequately with the specific aspects of their work, particularly with regard to the implementation of the Protocols for which they had specific responsibility. It was recognized that a joint meeting would help to save time and resources and would strengthen the sharing of information and the development of synergies. If the option of a joint meeting were pursued, the question would arise of the difference between the meeting of the Focal Points of the MAP components and the meeting of the MAP Focal Points. In this respect, it was pointed out that the Focal Points of the MAP components were responsible for focussing on more technical issues, while the MAP Focal Points covered more global matters, with particular reference to budgetary issues. It was further recalled that a number of joint meetings of the Focal Points of specific MAP components had been held in the past in an attempt at rationalization. The feeling emerged from the discussion that the organization of a joint meeting of the Focal Points of all the MAP components, with separate sessions covering technical aspects, and particularly the implementation of the Protocols, would be the best solution to cover the needs of the MAP components. However, it was also emphasized that when discussing and presenting their programmes of work, the Focal Points of the components should take fully into consideration the relative priorities to be accorded to the various activities proposed.

Preparation of the five-year rolling programme of work

53. The President noted that the discussions at the meetings of the ECP on the five-year rolling programme of work had only been conclusive with regard to the programme of work on climate change, which could be submitted to the Meeting of the MAP Focal Points for discussion. He emphasized the importance of concluding the process of developing the whole programme of work before the Meeting of the Contracting Parties. The Secretariat was therefore proposing that consultation sessions with the MAP Focal Points and the members of the Bureau on the rest of the programme could be envisaged by electronic means in September-October 2009. He emphasized the need to ensure that there was sufficient time for consultation before the Meeting of the Contracting Parties.

Organization of the 16th Meeting of the Contracting Parties

54. Ms Silva indicated that the Secretariat had held very productive meetings with the host country of the 16th Meeting of the Contracting Parties on both logistical matters and the substance of the Ministerial Session.

55. During the discussion, it was recalled that it was very important to start the process of preparing the Marrakech Declaration as early as possible. It would greatly facilitate progress in this respect if a preliminary draft of the Declaration could be discussed by the Meeting of the MAP Focal Points. It might be effective to set up an ongoing working group with the participation of Morocco and the Secretariat. It was of great importance that the Marrakech Declaration sent a strong message from the region as a whole that could be used in the Copenhagen Summit.

56. With regard to the invitations to the Ministers, it should be recalled that they had very full agendas and that the invitations should be sent out as early as possible. In cases where the Ministry of the Environment was not the ministry specifically responsible for climate change issues, it might be necessary to issue duplicate invitations. Although Ministers of

Finance were of great importance in action on climate change, it would be very difficult to obtain their involvement. It was also noted that it would be better to confine the Ministerial Session to a single day. It was proposed that the Ministerial Session should be held on 4 November, the second day of the Meeting, which would allow time to make any necessary changes to the Declaration following the Ministers' interventions. A number of proposals were discussed on the format and content of the Ministerial Session. These included the division of the day into several sessions examining specific topics, with experts being invited to speak on those topics. The members of the Bureau were invited to send their suggestions to the Secretariat and to the host country concerning the specific issues to be covered during the Ministerial Session and experts to lead the discussions.

57. With respect to the topic of the Ministerial Session, the discussion centred on whether it should be focussed on adaptation to climate change or on both mitigation and adaptation. During the discussion it was suggested that the Ministerial Session would highlight the vulnerability of the Mediterranean to the effects of climate change and the position of the region as a microcosm reflecting what was happening elsewhere in the world, with the differences in climatic conditions and levels of development between Mediterranean countries. With its very advanced legal framework, its participatory bodies, and particularly the MCSD, and some of the initiatives that were being taken, such as the solar energy plan, it could also be a model in some ways for other regions and offered a conducive environment for international cooperation. It was further noted that, even if the Ministers were requested to address one aspect of climate change rather than another, they would almost certainly cover both adaptation and mitigation in any case and for many issues it is difficult to determine whether they are adaptation or mitigation measures. On this basis, it was proposed to shorten the title of the proposed topic of the Ministerial Session to "Climate change in the Mediterranean: Challenges and experiences", with the deletion of the words "Adaptation and mitigation in".

MAP/civil society cooperation and partnership

58. Ms Silva recalled that, following its assessment of MAP/civil society cooperation and partnership, the Secretariat was preparing a draft decision for submission to the meeting of the MAP Focal Points on the strengthening of cooperation and partnership with civil society organizations, including criteria and procedures for the admission of international and national civil society organizations and a code of conduct for such organizations.

Regional cooperation

59. Ms Silva informed the Bureau of two regional cooperation initiatives in which MAP would be closely involved: the GEF-UNEP/MAP "Strategic Partnership for the Mediterranean Sea Large Marine Ecosystem – Regional Component: Implementation of agreed actions for the protection of the environmental resources of the Mediterranean Sea and its coastal areas" (UNEP GEF Med LME) and the new World Bank GEF Mediterranean Environmental Sustainable Development Programme ("Sustainable MED"). Both programmes were of great importance for the implementation of the Convention and its Protocols and she therefore urged all Contracting Parties to participate fully in the related activities. The Secretariat welcomed the initiatives, although it would endeavour to ensure that there was no duplication of activities that were already being undertaken.

60. Mr Benyahia (Morocco), while welcoming the large-scale projects that were being undertaken in the region by the GEF, expressed certain difficulties in understanding the large number of different initiatives with their complex organizational logic. He hoped that MAP's involvement in these initiatives would ensure that they became models of collaboration between GEF donors and beneficiaries.

Audit recommendations – impact of the budget freeze and the lack of an operating reserve on the delivery of the programme of work

61. Ms Silva referred to the finding by the 2008 Audit Report that the freeze in MAP's regular budget since the changeover to budgeting in euros in 2003 had affected its capacity to deliver its programme of work at a time when the volume of work that it was expected to undertake was continuing to expand, particularly in view of the adoption of the ICZM Protocol and the entry into force of several amended instruments. The freeze in contribution rates had prevented the continuation of inflation-related increases in contributions and had made it necessary to run down the reserves to be able to implement the agreed programme of work. The Bureau was therefore requested to give its views on an increase of 10 per cent in the ordinary contributions and the replenishment of the operational reserve.

62. The members of the Bureau recognized that the MAP budget was becoming increasingly difficult to cover its programme of work and endorsed in principle the need to unfreeze the contributions. However, the other side of the audit process was that MAP also needed to introduce economies of scale. Nevertheless, while it was clear that an increase was indeed needed in the MAP budget, the countries could not envisage a rise of 10 per cent, as proposed, especially at a time when their own resources were being reduced as a result of the financial crisis which made it difficult to persuade Finance Ministers of the need for any rise at all in the contributions paid to international organizations. A more realistic approach would be to take into account the overall average inflation rate since the budget had been frozen. While it was important to unfreeze MAP's budget, it was necessary to take into account the fact that arguments would therefore need to be carefully developed to justify the need for an increase in contributions.

63. Ms Silva observed that MAP was being called upon to carry out a steadily increasing number of tasks, while new personnel were needed to manage the additional workload resulting, for example, from the Compliance Committee, the ICZM and other Protocols and the integration of the many cross-cutting issues. Instead, because of the freeze, personnel costs were taking up an ever increasing proportion of the budget, leaving less for project activities. As the rise in personnel costs since the freezing of the budget had been around 12 per cent, the figure of 10 per cent was less than what was needed, and therefore constituted a minimum. She however proposed that two budgets should be prepared: one for a 0 per cent increase and a second for a figure reflecting the respective inflation rate, which might be around 5 per cent for the period under review. She further recalled that the Secretariat was fully committed to implementing rapidly the other measures recommended by the Audit, including the collection of arrears in contributions, the elimination of financial irregularities and the development of the RAC mandates and host country agreements, as discussed earlier.

64. The members of the Bureau welcomed the Secretariat's commitment to give effect to the recommendations contained in the Audit Report. However, with reference to paragraph 10 of the Audit, they noted the emphasis on consultation in the preparation of the programme of work and the corresponding funding levels. They therefore called for budgetary information to be attached to the various items of the programme of work so that priorities could be identified and the implementation of the activities monitored more effectively. This should also apply at the level of the MAP components, and even for such RACs as CP/RAC, for which the entire budget was currently covered by the Spanish Government. The budgets allocated to the MAP components should be in relation to the work undertaken. It was therefore important for the Focal Points of the various MAP components to be provided with budgetary information so that they understood the priority that was being given to each proposed activity.

65. Ms Silva explained that the current budget proposals already contain some efficiencies, such as transforming the G4 post carrying out security functions into a P3 post to address the increased legal and MSSD responsibilities. She further committed the Secretariat to work on an integrated planning framework during the next biennium which would address the concerns of the Bureau. The members welcomed these proposals and requested the Secretariat to provide budgetary details during the MAP Focal Point Meeting.

Main directions of the programme budget 2010-2011 and Geographical distribution of activities during the current biennium

66. Ms Silva briefly reviewed the main focus of the programme budget for the next biennium, when continued emphasis would be placed on strengthening the overall governance system of MAP, the development of a more integrated, coherent and strategic approach to its cooperation activities, the reinforcement of partnerships with other actors, including NGOs, and the strengthening of compliance procedures. In view of the intensification of partnerships at the international level, the Secretariat would be especially vigilant to ensure that they resulted in the development of synergies and did not duplicate activities that were already being undertaken. The main transitions would be carried out in close dialogue with the Bureau, especially when the new Coordinator was appointed. Finally, she indicated that the table on the geographical distribution of activities had been provided for information purposes. However, she warned that many of the activities undertaken in a particular country were for the benefit of the region as a whole, or in some cases a subregion. The listing of activities under a specific country was not therefore necessarily a reflection of the volume of assistance provided to that country.

67. During the discussion clarification was sought on which new areas of work were being proposed for the next biennium and which of the activities were continuations of past efforts.

Agenda item 5: Any other business

68. It was decided that the next meeting of the Bureau would be held immediately prior to the Meeting of the Contracting Parties in Morocco, either on the morning of the first day of the Meeting of the Contracting Parties (3 November 2009) or, if there were more substantive matters to discuss, on the day prior to the Meeting of the Contracting Parties.

Agenda item 6: Conclusions and decisions

69. The Bureau considered a set of conclusions prepared by the Secretariat. The conclusions of the meeting, as amended by the Bureau, are contained in **Annex III** to this report.

Agenda item 7: Closure of the meeting

70. Following the usual exchange of courtesies, the President closed the meeting at 1.30 p.m. on Friday 19 June 2009.

ANNEX I

LIST OF PARTICIPANTS

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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 during the period January-June 2009
4. Specific issues
 - a. Relationship between Compliance Committee and the meeting of the MAP focal points
 - b. Institutional aspects of the implementation of the Governance Paper with regards to host country agreements, mandate of MAP components, and other issues
 - c. Update on developments related to regional cooperation
 - d. Preparation of the 16th Meeting of the Contracting Parties
 - e. Proposal on the new members of the MCSD
 - f. Main outcomes of the assessment of MAP/Civil Society Cooperation and Partnership
 - g. Main directions of the proposed program of work for 2010-2011 biennium
 - h. Implementation of recommendations of the audit of UNEP/MAP financial performance
 - i. New "legally binding" measures and programmes in accordance with Article 15 of the revised LBS Protocol to implement a different approach with regard to pollution reduction from land based activities
 - j. Breakdown of MAP activities according to geographic distribution area
5. Any other business
6. Conclusions and decisions
7. Closure of the meeting

ANNEX III

Conclusions and decisions

Status of ratification and entry into force

The Bureau, appreciating the progress achieved with regard to the ratification and entry into force of the LBS and Hazardous Wastes Protocols or their amendments, highlighted the need for the rapid entry into force of the other Protocols, and particularly the ICZM Protocol, and called upon the Contracting Parties to accelerate the respective ratification and/or acceptance procedures with a view to making the MAP legal basis/cooperation stronger and more effective.

Compliance procedures and mechanism

1. The Bureau, having considered the proposal of the Compliance Committee with regard to its relationship with the Meeting of the MAP Focal Points, agreed that:
 - a) *the Compliance Committee's general report addressing general non-compliance issues, rules of procedure, guidelines etc., would be submitted to the Meeting of the Contracting Parties through the Meeting of the MAP Focal Points*
 - b) *The Compliance Committee's report on specific situations of non-compliance of individual Contracting Parties would be submitted directly to the Meeting of the Contracting Parties; and*
 - c) *The Chairperson of the Compliance Committee would present these reports to the Meeting of MAP Focal Points and the Meeting of the Contracting Parties.*
2. The Bureau added that:
 - a) *a clear distinction should be made between the role of the Secretariat and the role of the Compliance Committee in the implementation of the compliance procedures and mechanisms and*
 - b) *that the objective of the compliance procedures and mechanisms is to facilitate the achievement by the Contracting Parties of full compliance with their obligations under the Convention and its Protocols for which clear mechanisms of communication between the Contracting Party in situation of non-compliance and the Compliance Committee are defined.*
3. The Bureau called upon Contracting Parties that have not yet done so to submit their reports on the measures taken in 2006-2007 to implement the Convention and its Protocols and the decisions taken by the Meetings of the Contracting Parties as soon as possible, but not later than the Meeting of the MAP Focal Points in July 2009.
4. The Bureau requested the Secretariat to proceed with the assessment of the information contained in the 2006-2007 implementation reports submitted by the Contracting Parties in order to enable the Compliance Committee to address any general non-compliance issues at its third meeting in October 2009.
5. The Bureau also emphasized the need for the Secretariat and the MAP components to share the information provided by the Contracting Parties in the framework of the MAP reporting system and the results achieved in the implementation of the Convention and the Protocols as a means of encouraging the Contracting Parties to participate actively in this process and fully comply with reporting obligations.

Host country agreement

1. The Bureau noted the information provided by UNEP headquarters on the arrangements in force concerning the status of the Regional Activity Centres and their relationship with their host countries as well as the discussion concerning the relative merits of host country agreements and memoranda of understanding.
2. The Bureau invited its members to provide information to the Secretariat within two weeks on whether MOUs within their legal system can achieve the objective of the harmonization of the status of the RACs and the other objectives set out in the Governance Paper and on any similar legal arrangement or precedent made so far for other institutions.

Mandates of the MAP components

1. The Bureau suggested that the mandates of MAP components should reflect more closely the purpose of their establishment either by the Meetings of the Contracting Parties or in the framework of the various Protocols to the Barcelona Convention for which they are particularly responsible, while allowing at the same time some elements of flexibility in order to accommodate emerging issues.
2. The Bureau noted that the RACs and MEDPOL have over the years produced and gathered a large volume of information and knowledge, which needs to be properly managed by the Coordinating Unit. The Bureau also recommended that cross cutting-issues related to all the MAP components, such as the ecosystem approach, should be coordinated and managed by the Coordinating Unit in order to avoid the application of sectoral approaches.
3. The Bureau also agreed to move the chapter on enhancing MAP's impact and visibility to the common introduction part of the Mandates with a view to ensuring a corporate approach covering MAP as a whole, while also acknowledging the contribution of each MAP component.

Organization of the Focal Points meetings of the MAP components

1. The Bureau acknowledged the need to enhance coordination and integration among the MAP components with regard to the preparation of their Focal Point meetings and in particular in the preparation of their programmes of activities.
2. The Bureau, after having discussed different options presented by the Secretariat, recommended the option of the organization of a common meeting of the Focal Points of all the MAP components with joint and separate sessions. This would allow joint discussion of the progress achieved during the current biennium and the preparation in an integrated manner of the programme of activities for the forthcoming biennium for all MAP components, as well as separate sessions on technical issues specific to each Component. The effectiveness of this practice would be reviewed as appropriate.

5-year programme of work

The Bureau agreed that more time is needed for the Secretariat to work on and deliver the 5-year MAP programme of work for direct submission to and consideration by the 16th Meeting of the Contracting Parties. However, the Bureau requested the Secretariat during the preparation of this programme of work to engage in a proactive consultation process with a view to ensuring the full involvement of the Members of the Bureau and the MAP Focal Points in the process.

Organization of the Ministerial Session of the Meeting of the Contracting Parties, Marrakech, 3-5 November 2009

1. The Bureau agreed that the topic for discussion during the Ministerial Session would be "Climate change in the Mediterranean: Challenges and experiences";
2. The Bureau requested the Secretariat to prepare a discussion paper which, while focusing on climate change, identifies the direct and indirect links of the subject with the subject areas dealt with by the Barcelona Convention, its Protocols and MSSD. The discussion paper should also include a list of questions/issues to stimulate and guide the interventions by Ministers. To that end, the Bureau invited its members to propose to the Secretariat within two weeks time any further suggestions on priority issues to facilitate the mobilization by the Secretariat of high-level experts to moderate the sessions.
3. Regarding the format of the meeting, the Bureau agreed that high-level experts should be invited to moderate the Ministerial Session, which could be divided into two or three sessions to be held in plenary on the basis of the questions and issues identified.
4. The Bureau emphasized that the Marrakech Declaration that will come out of the Meeting should be a vehicle for a strong message from the region to the Copenhagen Summit. The content of the Declaration should be based on the UNFCCC COP 13 decision [related to the Bali Action Plan], as well as building on the Almeria Declaration by highlighting MAP's achievements and challenges, including its direct and indirect contribution to the issue of climate change.
5. The Bureau agreed that the host country would take the lead in the preparation of the draft Declaration, with the participation of the other Contracting Parties and full support from the Secretariat. A first draft could be submitted to the Meeting of the MAP Focal Points in July 2009, which would also establish a working group to continue the work through electronic means. Special sessions could be also held in Marrakech during the Meeting of the Contracting Parties, if need be, with a view to finalizing the discussions and the text for adoption by the Ministers at the end of the Ministerial Session.
6. The Bureau agreed that every effort should be made by the host country, UNEP and the Secretariat to ensure high-level ministerial participation at the meeting.

Draft decision on MAP cooperation with civil society

The Bureau agreed on the approach proposed by the Secretariat with regard to the preparation of the draft decision entitled "Strengthening MAP/civil society partnership for the implementation of the Convention and its Protocols", which should contain the following elements:

- a) *The preamble will recall the relevant Articles of the Convention and the other decisions of the Meetings of the Contracting Parties on MAP civil society cooperation, as well as the need to establish an effective partnership between MAP and civil society.*
- b) *The body of the draft decision will contain the criteria and procedures for the admission of international and national civil society organizations as MAP Partners and a code of conduct for MAP Partners.*

- c) *As well as specific requests to the Secretariat, and particularly that it undertakes an assessment of the current list of MAP partners with a view to implementing the new criteria for admission for consideration by the Bureau during the next biennium.*

GEF Strategic Partnership

1. The Bureau encouraged the relevant Contracting Parties to fully participate in the project activities of the UNEP GEF Mediterranean Large Marine Ecosystem in order to ensure national ownership of the results and the long-term sustainability of the actions taken.
2. The Bureau also encouraged the Contracting Parties to review the project documents endorsed by GEF and to provide any comments to the Secretariat and the project management unit (PMU) and to notify them of any new national initiatives and projects with which the project may need to be coordinated.

The new WB GEF Mediterranean Environmental Sustainable Development Programme (Sustainable MED')

The Bureau welcomed the new World Bank Project as an opportunity to further strengthening the existing sustainable development-related governance structures already established in the framework of the Mediterranean Action Plan, and in this context encouraged all the Parties to avoid the proliferation of other similar initiatives in the region with a view to increasing synergy and join forces for sustainable development in the Mediterranean.

Impact of the MAP budget freeze and the lack of an operating reserve in the delivery of the Programme of Work

1. Recognizing the impact of the budget freeze since the 2005-2006 biennium on the full implementation of the programme of work of MAP, the Bureau requested the Secretariat to further continue and strengthen any actions required to improve MAP's effectiveness, efficiency and accountability.
2. The Bureau recommended the Secretariat to prepare alternative programmes of work based on a zero budget increase and an increase equal to the average inflation rate over 2007 and 2008 of around 5%. It also requested the Secretariat to highlight in the proposed programmes of work areas where savings could be made through greater efficiency and the better integration of the activities of the MAP components.
3. The Bureau agreed on the need for an annual increase of ordinary contributions to reflect the inflation rate as is the practice in different international conventions
4. The Bureau, appreciating the measures taken and planned by the Coordinating Unit to implement the recommendations contained in the audit report, requested the Secretariat to report regularly on the progress achieved. It also emphasized the need to undertake a strategic prioritization exercise of the programme of work during the next biennia, in accordance with the Governance Paper and the recommendations of the audit report.