





## **Introduction**

1. At the invitation of the Government of Algeria, the 76<sup>th</sup> Meeting of the Bureau of the Contracting Parties to the Barcelona Convention and its Protocols was held on 26, 27 and 28 February 2013 in Algiers, Algeria.

## **Participation**

2. The Bureau meeting was attended by its President, S.E.M. Jean-Pierre Thébault (France), and its four vice-presidents (Algeria, Monaco, Tunisia, Turkey); and its Rapporteur (Italy). In addition, following the decision IG.20/14 on PoW and budget adopted by COP17, a representative of the European Union attended the whole meeting as an observer. A delegation of two representatives of Malta also attended Agenda items 3.1 (Financial Situation and Proposals for 2013) and 3.2.1 (Extended Functional Review) regarding REMPEC on the first day of the meeting as observers.
3. The list of participants is attached as Annex I to this report.

## **Opening of the meeting**

4. The meeting was opened by the President of the Bureau, H.E. Ambassador Jean-Pierre Thebault. He welcomed the Bureau members and other participants.
5. An opening remark was made by Mr. Farid Nezzar, Directeur Général de l'Environnement et du Développement Durable, Ministère de l'Aménagement du Territoire, de l'Environnement et de la Ville, Algerie, and Bureau member on behalf of the host country. He welcomed the Bureau members and other participants.
6. Ms Maria Luisa Silva Mejias, Executive Secretary and Coordinator of MAP, also welcomed the Bureau Members and thanked Algeria for hosting the meeting.

## **Adoption of the Agenda and organization of work**

7. Upon the request of the Government of Malta, the Bureau agreed on the participation of representatives from Malta as observers at the sessions 3.1 (Financial Situation and Proposals for 2013) and 3.2.1 (Extended Functional Review) regarding REMPEC on the first day of the Meeting.
8. As agreed during the informal meeting of the Bureau after the 17th Meeting of the Contracting Parties to the Barcelona Convention and its Protocols, the report of the meeting was agreed to be very succinct and mainly focusing on the conclusions and recommendations of the Bureau.
9. The Bureau reviewed and adopted the Provisional Agenda as contained in document UNEP/BUR/76/2. (Annex II)

## **Report by the Secretariat on Specific issues**

10. The Secretariat presented the Report on Specific issues.

11. After discussions, the Bureau agreed to:

Financial Situation and Proposals for 2013

- welcome the Parties' commitment to UNEP/MAP – Barcelona Convention as well as the efforts and follow up by the Secretariat which resulted in an MTF collection rate of 99.7% during 2012, the highest collection rate in recent years;
- further recognize progress in MTF and CAL deficit recovery in accordance with Decision IG 20/14 of COP17;
- take note that UNEP/MAP has not yet come out of the difficult financial period, and the fact that the arrears still amount to 775,000 Euro which is a matter of concern, even if high level of contributions was reached. In this context, it recognize the Contracting Parties that have already deposited their 2013 contributions and urge all those that have not done so as well as those that are in arrears to pay as early as possible so to ensure realization of activities;
- take note of the 3 proposals by the Secretariat to allocate 2013 funds gradually and adopt Steps 1 & 2, whereas Step 3 will be discussed in the next Bureau meeting taking into reference the collection rate, the reporting by the Secretariat on 2012-2013 PoW achievements and the remaining activities still to be carried out;
- take note on the request by the Secretariat to unfreeze 3 posts originally budgeted under the MTF and approved by COP 17 and which were vacated due to the departure of ex-incumbents in 2012 and agree to:
  - unfreeze the G6 MedPartnership Admin Assistant post, as this is part of a contractual obligation;
  - defer the unfreezing of G5 Programme Assistant post under validation by MAP Focal Points in their meeting in April 2013, while acknowledging the Coordinating Unit urgent need to fill this post through a local recruitment to be able to respond to the additional workload linked to COP preparation;
  - defer the unfreezing of the Monitoring Officer post under validation by the April meeting of National Focal Points, while acknowledging the relevance of monitoring functions as a core Secretariat task. The Bureau requested the Secretariat to clarify with UNEP whether local contracting was possible and to compare both options including costs considering the need to recruit through a transparent system and the ability to attract competent professionals.

Draft Financial Procedures

12. The Secretariat presented the draft financial procedures document, which was developed following consultations with UNEP and UNON, and would serve as the basis of Barcelona Convention financial procedures per Article 24.2 of the Barcelona Convention and as requested by Decision IG20/4 adopted at COP 17. The Bureau provided views and comments on the document paragraph by paragraph and agreed to:

- take note that the financial rules of the Barcelona Convention are linked to a broader debate regarding the relationship between UNEP and MEAs, which was discussed in the last Governing Council of UNEP, which took place in February 2013. UNEP will provide a report on this issue by the end of June 2013, following consultations with MEAs and the UN Legal Office. Therefore, the draft Financial Rules of Barcelona Convention will evolve and be finalized in light of these broader discussions so as to

ensure coherence of approaches and taking into consideration the most recently updated MOUs as its basis ;

- underline that these are preliminary discussions held for the purpose of providing initial Bureau guidance on a tentative text which will not be subject for adoption;
- ask the Secretariat to circulate a revised draft version considering the comments of the Bureau and including UNEP advise and responses to the issues raised;
- further request the Secretariat to advance the discussions by written correspondence with Bureau members, and submit the final draft to UNEP for considerations in developing the revised version;
- ask UNEP to provide a final revised version to the next Bureau Meeting to be held in July 2013.

### Extended Functional Review

13. The Draft Report of Extended Functional Review was presented by Mr. Wijnand deWit on behalf of Dalberg.
14. Mr. David Johnson (former Executive Secretary of OSPAR) on behalf of Mediterranean Contact Group stated that: the review was consistent with international best practices; the consultants were an independent and reputable team and had followed their Terms of Reference; the methodology used was appropriate and the review includes an appropriate description of issues to be addressed; the Contact Group was regularly updated and included in the process; the logic behind the Review is robust and its recommendations can enhance the coordination and cohesion of MAP. On his personal capacity he further noted that OSPAR's model is closer to option 3, but that in that Convention Contracting Parties volunteer to undertake the work. For this reason he supports the recommendations of the Consultants.
15. Mr. Wijnand de Wit introduced the report and pointed out that, while the report includes the main findings and recommendations from the review, the annexes, which have not been distributed yet, are currently being developed and include more detailed information.
16. Following the presentation, the Bureau discussed and concurred with the objective of increasing performance and financial sustainability by creating more flexibility in the system. However, it was acknowledged that the path towards achieving this objective varies; the process to implement it and details are key; and, that actions should be taken progressively;
17. The Bureau concluded that the three options presented by the consultants: Option 1 Cost reduction, Option 2 Scalable system and Option 3 Fund manager should be used as an initial outlay for discussions to which changes can be made;
18. Given the initial inclinations by Bureau members around Option 2, Bureau members proceeded to discuss Option 2 Scalable system more in depth including possible variations to this option such as proceeding with a reduction in the budget for all the RACs of a percentage which would then be used to fill a pool of funds to create flexibility. The situation of RACs which do not receive core funds and the historical reasons for the current system was also discussed in this context;
19. In concluding the discussion on the Extended Functional Review the Bureau agreed to:
  - Acknowledge the work done by the Consultants and the valuable support by Mediterranean Contact Group;
  - listen to the views expressed by the representative of Malta;

- acknowledge that the proposed options are not considered as privileged or limited options, and considering the advisory role of the Bureau, that further recommendations and guidance may be provided by the MAP FPs;
- ask Consultants to revise the document in light of discussions held and in particular :
  - clarify the difference between the function of the Secretariat and the MAP Components;
  - advise on what could be UN and non-UN staff and clarify the impact of conversion of international staff into local staff ; and,
  - integrate the functional review of CU and MED POL, which was carried out in 2011, and the Extended Functional Review.
- Request the Secretariat and UNEP to further clarify with IMO the legal basis and responsibilities including liabilities and identify clearly options for the status of REMPEC;
- Request the Secretariat to prepare an implementation plan with the assistance of Dalberg as per their Terms of Reference, which explores implications and seeks clarifications of application of all options 1, 2 and 3, with the addition of a 2.bis that reduces the budget across all RACs by 15% for scalable purposes and uses that funding to build a pool of funding for flexible deployment;
- Request the Secretariat to submit an initial draft implementation plan to MAP FPs in their meeting in April 2013 initial progress in this work.

20. The President of the Bureau thanked the Consultants for their work and also Mr. David Johnson representing the Mediterranean Contact Group for the valuable contribution they provided.

21. The Rapporteur of the Bureau expressed his regret about the lack of time given to duly consider the draft Report and the consequent impossibility to adequately perform his mandate. He also confirmed his disagreement on the draft paragraphs 18 and 19 of this Report considering that they did not seem to properly reflect the content and results of the discussion and reserved his comments to later written comments.

#### Service Agreement

22. The Secretariat presented a preliminary version of the draft Memorandum of Understanding (MOU) between the Bureau of the Contracting Parties and UNEP concerning Secretariat Services to and support of the Barcelona Convention, which is based on the model that was used by CITES and CBD and prepared by the UNEP Headquarters.

23. The President of the Bureau asked members for general comments which will allow the Secretariat to take into account initial reactions. The Bureau further noted that the final version of the arrangement should be aligned with the document on UNEP relations with MEAs currently under preparation.

24. In preparing a revised version the Bureau asked the Secretariat to:

- continue consultations with UNEP to ensure that the comments provided are integrated in the revised version;
- ensure the coherence of Financial Rules, Service Agreement and the Extended Functional Review;
- prepare a note for the Bureau consideration on the differences that the services agreement represents vis-à-vis the current situation;
- clarify the real autonomy of the Secretariat inter alia, on the management of human resources; and,
- revise in-depth the text in the light of all comments and precisions requested.

25. The Bureau agreed the Bureau members would provide further comments to the current version of the Memorandum of Understanding and to the revised version through written procedures with a view to discuss a final version at the next meeting of the Bureau.

#### Programming 2014 - 2015

26. The Secretariat presented the approach and the proposal regarding the programming process for 2014 -2015 biennium programming, as well as the Strategic Programming processes.
27. The Bureau took note the position expressed by the Secretariat concerning the opportunity of aligning MAP's PoW with that of relevant international processes and MAP's substantive processes (such as CBD, the SDG, the Ecosystem Approach and Marine Strategy Framework Directive process). It further noted the operational difficulties due to the well-known restrictions and constraints as well as the transitional period that will be needed to decide and implement the Functional Review.
28. Moreover the Bureau took also into account that Decision IG20/14 by asking to prepare the new Strategic Programme of Work 2014-2019 implies a reduction from 5 years to 4 years of the operational period of the current 5 Year Programme of Work, therefore reducing the natural provided time for the implementation of the PoW, and that as a consequence there are a number of risks that might affect the completion of the current PoW.
29. Therefore, the Bureau acknowledged and considers reasonable the proposal of the Secretariat and requested it to prepare a Programme of Work on the basis of the current 5 Year Programme of Work and to submit it to consideration of the next NFPs meeting.
30. The Bureau also requests the Secretariat to include in to the preparation/presentation of the Strategic PoW the provision that the Programme would/might be reviewed after the first biennium to incorporate/take in due consideration the potential changes of the organization and of the institutional structure as well as the consequent modification implementation of the activities.
31. The Bureau considering Decision IG 20/8 by the COP, which requested a common policy on staffing costs based on the results of Functional Review, ask the Secretariat to prepare the 2014-2015 biennium PoW using the same total amount of income of this biennium as the indicative planning figure. Such a proposal should consider the progress achieved in reaching a consensus with regard to the implementation of the Functional Review.
32. The Bureau also requests to be updated on the above-listed processes for consideration to the next Bureau meeting.

#### **Progress Report by the Secretariat on activities carried out during the period June 2012-December 2012**

33. The Secretariat presented the Progress Report on activities carried out during the period June 2012-December 2012. The Bureau commended the Secretariat and after the discussions agreed to ask the Secretariat to:
- continue close cooperation with the Government of Turkey to make sure that COP18 will be organized with strong substantial and political agenda;
  - contact competent authorities at EU level to explore the opportunities for cooperation between EMSA and REMPEC;
  - coordinate with relevant units in UNEP HQ to engage with IMO with a view to clarify implications as a matter of urgency and report to Bureau at its next meeting in July 2013;

- present revised ToR for the Bureau at its next session. In the meantime, it suggested that with the exception of the EU whose role has been defined by COP decision, observers can be listened by Bureau on very specific points on the agenda to which Bureau had previously agreed in writing;
- continue cooperation with the other international organizations as agreed by COP, and in particular to give priority to the agreements with CBD and IUCN;
- prepare the staff cost policy based on the results of the Functional Review as requested by IG 20/8 as adopted by COP17;
- report on resource mobilization in a consolidated manner and aligned with the PoW in order to enable the Bureau to monitor if the targets set by the COP are met;
- assess the relationship between UNEP, IMO and the Government of Malta regarding REMPEC from legal and human resources points of view in a constructive manner as an urgency and report to the Bureau at its next meeting in July 2013;
- associate the tables of achievements with corresponding budget delivery information to monitor harmony between budget and achievements.
- The Bureau regrets the delays in finalizing the recommendations on individual responsibilities leading to the deficit in MAP Trust Funds and urges UNEP to conclude the Report as soon as possible.

Any other issue

34. The next meeting will take place in Turkey tentatively on the first week of July 2013.