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Abbreviations and acronyms

ACCOBAMS	Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area
ALESCO	Arab League's Educational, Scientific and Cultural Organisation
AEWA	African-Eurasian Waterbird Agreement
BP/RAC	Blue Plan Regional Activity Centre, Sophia-Antipolis (France)
CAMP	Coastal Area Management Plan
CBD	Convention on Biological Diversity
CCD	Convention to Combat Desertification
CEDARE	Centre for Environment and Development for Arab region and Europe
CMS	Convention on Migratory Species (Bonn Convention)
CSD	Commission on Sustainable Development, UN
CoE	Council of Europe
CP	Contracting Party
DG	Director(ate) General
EC	European Commission
EIA	Environmental Impact Assessment
EIB	European Investment Bank
EMFTA	Euro-Mediterranean Free Trade Area
ENPI	European Neighbourhood and Partnership Instrument
EU	European Union
EMP	Euro-Mediterranean Partnership
ENP	European Neighbourhood Policy (of the EU)
FAO	Food and Agriculture Organisation, United Nations
FFEM	<i>Fond Français pour l'Environnement Mondial</i>
FP	Focal Point
GEF	Global Environmental Facility
ICAM	Integrated coastal area management
ICOMOS	International Council on Monuments and Sites
ICT	Information and communication technology
ICZM	Integrated coastal zone management
IGO	Intergovernmental organisation
INOC	Inter-Islamic Network on Oceanography
IUCN	The World Conservation Union
LBS Protocol	Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources and Activities
MAP	Mediterranean Action Plan
MCSD	Mediterranean Commission on Sustainable Development
MEDA	Mediterranean Aid (financial instrument of the EU)
MED POL	Mediterranean Pollution Monitoring and Research Programme
MEDU	MAP Co-ordination Unit, Athens (Greece)
MedWet	The Mediterranean Wetlands Initiative, Convention on Wetlands
METAP	Mediterranean Environmental Technical Assistance Programme
MDGs	Millennium Development Goals (UN)
MFPs	MAP Focal Points in the Contracting Parties
MIO-ECFESD	Mediterranean Information Office for Environment, Culture and Sustainable Development (NGO umbrella organisation)
MoC	Memorandum of co-operation
MoU	Memorandum of understanding
MSSD	Mediterranean Strategy on Sustainable Development
NGO	Non-governmental organisation
OECD	Organization for Economic Cooperation and Development
PAP/RAC	Priority Actions Programme Regional Activity Centre, Split (Croatia)
RAC/SPA	Specially-Protected Areas Regional Activity Centre, Tunis (Tunisia)

Ramsar	Convention on Wetlands (Ramsar, Iran, 1971)
REMPEC	Regional Marine Pollution Emergency Centre (for the Mediterranean Sea)
SAP/BIO	Strategic Action Plan for Biological Diversity in the Mediterranean Region
SAP/MED	Strategic Action Programme to Address Pollution from Land-Based Activities in the Mediterranean Region
SMAP	Short and Medium-term Priority Action Programme
SPA	Specially Protected Area
SPAMI	Specially Protected Areas of Mediterranean Interest
UNECE	United Nations Economic Commission for Europe
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational Scientific and Cultural Organisation
WB	World Bank
WWF	World Wide Fund for Nature
WWF MedPO	WWF Mediterranean Programme Office, Rome (Italy)

A - SUMMARY OF THE REPORT AND GENERAL CONCLUSIONS AND RECOMMENDATIONS

Important note: This section of the document contains the summary report and the conclusions and all the recommendations, so that the reader may have an immediate and clear picture of the results of this External Evaluation. Nevertheless, it is in section B of the report where it is found the rationale for this evaluation (the external evaluation could have had many other different approaches) and the background for the conclusions and recommendations.

The nature of this Report

1. This Report on the External Evaluation of the Mediterranean Action Plan (MAP) contains the findings, conclusions and recommendations, which have been distilled from the analysis of the responses to a detailed questionnaire submitted to the Contracting Parties and from a broad consultation process by the team of consultants (see paragraphs 7 and 8 below).

2. This Report is submitted to the consideration of the MAP Focal Points (MFPs) as an input for the preparations of the 14th Meeting of the Conference of the Contracting Parties (COP-14) to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention) to be held in Slovenia on 8 - 11 November 2005. It is also recommended that this report be formally transmitted to the Ministries of Foreign Affairs of the Contracting Parties to the Convention via a diplomatic note.

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

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

4. Thus, while there is an official document adopted by the COP of the Barcelona Convention, called ‘Mediterranean Action Plan’ or ‘MAP’, what is currently commonly understood by ‘MAP’ is the process initiated with the launching of MAP Phase I in 1975 and the adoption of the Barcelona Convention in 1976. This includes the network of institutions established for implementing MAP and the programmes and activities carried out over the years as part of the implementation of the Convention and its Protocols.

5. The fact that the formal document adopted as ‘Mediterranean Action Plan’ in 1995 was viewed as general guidance rather than as a plan for implementation, constitutes, to some extent, an anomaly that is strongly recommended not be repeated. (See also paragraphs 233-235.)

6. Consequently, the external evaluation covered all aspects of that process, network, programmes and activities related to the Barcelona Convention and its Protocols, and was not exclusively focused on the implementation of the formal document adopted in 1995 by the COP of the Barcelona Convention as the ‘Mediterranean Action Plan’. Thus, the evaluation included a review of the operations and funding issues of all MAP components: a)

the Convention and its Protocols including the functioning of the COP and the system of MPFs; b) the Regional Activity Centres (RACs) and Programmes; c) the Mediterranean Commission on Sustainable Development (MCSD); and d) the MAP Coordinating Unit (MEDU), which constitutes the Secretariat of the Barcelona Convention established in Athens, Greece, by UNEP.

The evaluation process

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

8. The three consultants:

- a) undertook a thorough desk review and in-depth analysis of relevant documents, in particular the final reports of the evaluations carried out for different components of the Convention process;
- b) analysed and tabulated the responses to a detailed questionnaire submitted to the MPFs (see next section);
- c) reviewed the National Reports submitted by Parties up to 31 May 2005 (15 of them); and
- d) actively participated in the consultation process that included:
 - i) two meetings of the MPFs organized by MEDU specifically devoted to the External Evaluation;
 - ii) visits by the consultants to six Contracting Parties which specifically requested those visits (these included EU member Parties and non-EU members Parties);
 - iii) a visit to the European Commission;
 - iv) in person interviews with approximately 15 MPFs;
 - v) interviews with MEDU officers, including MEDPOL officers;
 - vi) visits to five Regional Activities Centres (RACs);
 - vii) attendance at a Focal Points meeting of the Specially Protected Areas Regional Activity Centre (SPA/RAC);
 - viii) attendance at one meeting of the MCSD; and
 - ix) meetings and interviews by e-mail and telephone with MAP partners¹ and with a number of actors in the MAP process, both at present and in the past.

Responses to the questionnaire

9. The consultants were able to take into account the response to the questionnaire received from 20 (of 22) Parties: Albania, Bosnia and Herzegovina, Croatia, Cyprus, European Community, Egypt, France, Greece, Israel, Italy, Lebanon, Libyan Arab Jamahiriya, Monaco, Morocco, Serbia and Montenegro, Slovenia, Spain, Syrian Arab Republic, Tunisia, and Turkey. The two Parties that did not submit the completed questionnaire were Algeria and Malta.

10. The quality of the responses to the questionnaire was uneven. In the case of a few Parties, the responses demonstrated careful research, providing a thorough picture of the situation. In other cases, the responses, in general, provided scanty and incomplete

¹ The 68 MAP partners included in the Directory of MAP Partners (2003) were invited to contribute to the evaluation. They all received a copy of the questionnaire prepared for the Contracting Parties, for information and guidance.

information. Thus, while the questionnaire was a very useful instrument and every possible effort was made to ensure that all Parties completed it, on its own it would have been insufficient to distil sound conclusions and recommendations.

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

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

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

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

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

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

GENERAL CONCLUSIONS

The Convention: achievements and challenges

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

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

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

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

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

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

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

21. At present, the Convention process is perceived in different circles as not particularly vibrant. After 30 years, to a number of observers it gives the impression of operating as a restricted network of dedicated government officials, located in most cases within the ministries of environment, in many instances repeating the same gestures without the necessary degree of innovation to respond the challenges of the present times. Results are obtained, but the pace is too slow and cross-sectoral linkages are insufficient.

22. The Convention process needs to reinforce its political clout. Today, the Ministries of Foreign Affairs pay little attention to what is going on in the Convention, quite possible

because it is perceived as 'not doing any harm' and as having limited potential for generating significant benefits, both for developed and developing countries in the region. Other ministries and agencies that have significant responsibilities concerning the Mediterranean have not been sufficiently encouraged to become involved.

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

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

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

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

RECOMMENDATIONS

A new start

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

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

29. To indicate this new start and to avoid the confusion of names between the 'Barcelona Convention' and the 'Barcelona Process' the COP should pass a resolution concerning the presentational and graphic identity of the Convention². For presentational and promotional purposes, the resolution should establish that the *Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its Protocols*, as well as all the other processes and components related to the Convention that so far have been referred to as the 'Mediterranean Action Plan – MAP' and/or the 'Barcelona Convention', will hence forth be referred to as, for example, the **Mediterranean Environment Convention**, with its appropriate translation in other languages, and with the acronym **MedEC** used in all languages.

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

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

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

33. The Vision and Strategic Statement should be based on the understanding that the main contribution that the Convention system can make to the quest for sustainable development is the effective implementation of the Convention and its Protocols. This should be the highest priority and the system should develop the capacity to provide assistance to Parties in this direction. This approach should also take into account the fact that some

² In the same manner that the International Bank for Reconstruction and Development has adopted the presentational name 'World Bank'.

Protocols require substantial resources for effective implementation: e.g. MEDPOL officers have indicated that 9 billion euros might be needed to control land-based pollution in the next 10 years.

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

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

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

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

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

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

Ratifications

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

- a) it will be important that the COP considers electing to the Bureau Parties that are in good standing with regards to the ratifications, so that they can assist in this matter from a position of moral authority; and
- b) the Secretariat should improve its working relations with the officials in Spain dealing with the Depositary function with a view to: i) enlist their support in promoting ratifications through the appropriate use of diplomatic channels; ii) remain constantly up-to-date concerning the status of ratifications; and iii) maintain files in the Secretariat with copies of all the relevant documents of ratification.

41. It appears that the Protocol for the Protection of the Mediterranean Sea against Pollution Resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil (Offshore Protocol, Madrid, 1994) is unlikely to enter into force. It may therefore be appropriate to consider rescinding the agreement, so as to avoid dragging an instrument of international law that has little value in practice, in particular since its provisions are already covered by a global instrument.

Reporting and compliance

42. The establishment of a compliance mechanism should constitute a high priority. COP-14 in Slovenia should provide clear instructions for the preparation of an efficient mechanism, including the tools that could serve to accelerate and monitor compliance, such as guidelines, information tools, performance indicators, etc.

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

44. The Secretariat should be instructed to analyse the possibility of coupling the reporting system with other on-going exercises, such as the preparation of the Human Development Report undertaken by the United Nations Development Programme (UNDP) and/or the reports on environmental performance carried out by the Organization for Economic Cooperation and Development (OECD) and the United Nations Economic Commission for Europe (UNECE).

Possible new instruments

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

Political clout

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

- a) the COP should adopt a decision requesting the Parties to designate their Ambassadors in Athens, or in the nearest capital, as the Permanent Representatives to the Secretariat of the Convention;
- b) the Secretariat should establish and maintain active contacts with the Permanent Representatives, keeping them informed of all developments and informing them of all Convention meetings;

- c) the Secretariat should organize briefing sessions for the Permanent Representatives at regular intervals during the year and at any other time there is an identified need; and
- d) all formal communications to the Parties should be transmitted under cover of a diplomatic note (*note verbale*) addressed to the Permanent Representatives, with copy to the Convention Focal Points.

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

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

The Conference of the Parties (COP)

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

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

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

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

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

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

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

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

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

57. The Rules of Procedure of the Conference of the Parties should be amended to bring them up-to-date with the present situation of the Convention. The acceptance of some of the recommendations put forward in this report would also require amendments to the Rules of Procedure. In an advanced briefing note for the Bureau on the results of the External Evaluation prepared for its meeting in June 2005, a detailed proposal for amending the Rules of Procedure was submitted as part of the briefing note. It is suggested that the proposal be distributed as **Annex I** to this Report.

The Bureau

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

59. Parties, and not individuals, should be elected to the Bureau. The COP should pass a decision to the effect that the representation of Parties in the Bureau should be at the level of Ministers or their representatives. (See also paragraph 40 a) above also related to the Bureau.)

The role of the Secretariat

60. The COP should pass a resolution by which:

- a) the MAP Coordinating Unit (MEDU) should be renamed 'Secretariat of the Convention';

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

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

62. Another key function of the Coordinator [Executive Secretary] should be the coordination and supervision of the work of all the RACs. (See also paragraphs 74-78).

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

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

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

66. It would be advisable to undertake an external audit by a professional firm of the internal organization, administrative system, financial management and general *modus operandi* of the Secretariat in order to identify ways and means to render it more efficient.

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

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

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

69. The Convention and its components, in particular the RACs, need to establish efficient communication with funding agencies and to follow-up developments in the region in relation to the funding facilities under several regional and bilateral programmes and organizations. When relevant, RACs should also consider involving the private sector in public-private partnerships. Mobilization of financial resources from corporations, as a part of their corporate social responsibility, should be actively pursued. These resources could be used as seed money for major resource mobilization activities. It is proposed that CP/RAC be entrusted with an important role in setting up links with the private sector.

The Regional Activity Centres (RACs)

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

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

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

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

- a) getting the attention of decision-makers in the different sectors to look into the products of the RACs and consider them for use at national level;
- b) mobilizing international, regional and national resources;

- c) reaching the media and pressure groups, so as to encourage governments and line ministries to better assume their environmental responsibilities towards the Mediterranean and the Convention.

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

74. Overall, the RACs system should be re-shaped as follows:

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

No changes are proposed concerning the basic functions of the other RACs and MEDPOL.

75. The Coordinator should play an active, recognized and clearly accepted function of:

- a) supervising the work of each of the RAC Directors in relation to their Convention-related regional functions, undertaking an annual evaluation of their performance on the basis of an agreed upon job description, annual work plan and performance evaluation system;
- b) ensuring that the strategies, work programme and annual plans of each of the RACs are mutually supportive, responding as a whole to the needs of the Convention and the expectations of the Parties;

- c) ensuring that there is effective and transparent financial reporting in general and in particular in relation to the contributions made to the RACs from the Mediterranean Trust Fund; and
- d) supervising and coordinating the fundraising efforts of the different RACs to ensure that there are no duplications and/or contradictions when approaching donors and that funding opportunities are used efficiently and to the maximum extent possible.

76. To this end, the Secretariat should sign a Memorandum of Understanding with each host country of a RAC (when there is none in place or revise existing ones) to clearly define the operations of and funding arrangement for the Centre. In particular, the role of the Coordinator in monitoring and coordinating the activities of the Centre within the general framework of the operations of the Convention and its Protocols, including his/her meaningful participation in the search for and selection of the RAC Director, should be specified.

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

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

Additional RAC-specific recommendations

The Blue Plan Regional Activity Centre (BP/RAC)

79. In its role as a Mediterranean Environment and Sustainable Development Observatory, the BP/RAC should continue to undertake research and to provide support in the area of statistics and indicators for sustainable development. In this context, it should produce a visible and politically 'attractive' periodic report (along the lines of the UNDP Human Development Report) that would reflect and compare the status of sustainable development in the different Parties.

80. The BP/RAC should sharpen its focus and reduce its range of activities so that it can conduct its analytical work with more depth and at a level of detail that would make its products more useable at the national level. These products should help decision-makers (and in some cases even pressure them) to understand what must be done, to find solutions and to take action. For products that are intended to address national issues and provide assistance to decision-makers, these should, as a pre-requisite, receive political backing and be deemed useful by the countries.

81. For a better dissemination and utilization, the products of the BP/RAC should be always published in French and English as a minimum, and also in Arabic whenever possible.

82. The BP/RAC's activities and products should be targeted to an audience much wider than that of environmental institutions and/or those directly concerned with the Mediterranean Sea.

83. If the BP/RAC comes to play the role recommended here in relation to the MCSD and in the follow-up to the MSSD, if endorsed (see paragraph 74 b) above), the Parties' representatives in the MCSD should act as the FPs for the BP/RAC.

Special Protected Areas Regional Activity Centre (SPA/RAC)

84. The SPA/RAC needs to develop, as soon as possible, a vision and strategy that is action-oriented, in line with the overall Convention vision and strategy, and coordinated with the efforts of the other RACs and programmes.

85. SPA/RAC should, based on its strategy, mobilize resources to implement actions and activities (at least those identified in the SAP/BIO). These resources are very much needed to expand its human resources and capabilities to cover 21 countries.

86. The Centre should move to a more adequate office space.

87. Given the institutional changes that have taken place in Tunisia concerning the institutions dealing with environmental management, the agreement with the host country and the terms of reference of the Centre should be re-visited as soon as possible, in particular with regards to the mechanism to select the top management of the Centre.

88. More attention should be given to transforming the scientific documents produced by the Centre into guidelines and toolkits, to help practical implementation of their recommendations.

89. Awareness of the existence and knowledge of the activities of RAC/SPA is far too limited throughout the Mediterranean. There is a need to make the Centre better known/more visible and to open it to more active collaboration with other organisations in the Mediterranean dealing with biodiversity, including research centres, universities, and competent NGOs.

Regional Activity Centre for Cleaner Production (CP/RAC)

90. The recommendation contained in paragraph 76 above concerning MOUs is particularly applicable to this Centre, since there is no formal document signed between the Government of Spain and the Convention concerning this RAC. In doing so, it would be important to harmonise the relationship between the CP/RAC and the other RACs.

91. The CP/RAC should better take into consideration the real pressing needs of the Parties. As a component of the Convention's institutional set-up, the CP/RAC should also review its strategic areas of action so as to respond to the needs, gaps and weakness in the current structure.

92. The CP/RAC should extend its activities to cover other representative economic sectors in the Mediterranean, such as tourism, agriculture and services.

93. The CP/RAC presence and penetration in the Mediterranean countries needs to be improved. To this end, a number of measures that have been recommended in the recent evaluation should be seriously considered.

Priority Actions Programme Regional Activity Centre (PAP/RAC)

94. While the focus on integrated coastal area management (ICAM) should continue, more emphasis should be placed on the fact that the success in this area depends to a large extent on the commitment of and ownership by each country. The PAP/RAC should make every effort to secure ownership through the participation of key institutional stakeholders in

the countries. This should include the relevant central as well as local institutional stakeholders.

95. Having focused to a large extent on the development of, and training in the application of ICAM-related tools, the PAP/RAC should now focus on facilitating the utilization/implementation of these tools.

96. Given the fact that the PAP/RAC is preparing a Protocol on ICAM for the consideration of the Parties, the doubts expressed by a number of stakeholders concerning the value and/or practicality of such a Protocol should be further analysed and seriously taken into account.

The Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC)

97. A number of recommended actions included in the report of the 2003 evaluation should be re-emphasized:

- a) REMPEC should provide more information on the Mediterranean Assistance Unit (MAU) (which provides advice in the event of an emergency of an oil or chemical spill or incident), including the procedures for obtaining assistance;
- b) REMPEC should make efforts to get the countries more involved in the Centre's activities and, as a consequence, in implementation at the regional, sub-regional and national levels. In particular, REMPEC should initiate a dialogue on how best to involve the national maritime organizations which are the most direct partners of REMPEC; and
- c) REMPEC's focus should now move towards implementation, using the tools that the Centre has generated. One clear example would be the implementation of the National Contingency Plans.

Secretariat for the Protection of Coastal Historic Sites

98. The Convention should remain involved in questions related to cultural values for a number of reasons:

- a) as sustainability is now a widely accepted aim, its social pillar cannot be conceived of without a clear cultural component, as culture itself expresses the beliefs and activities of each society;
- b) especially in the Mediterranean, a place of strong interaction between humans and nature for millennia, it is not possible to dissociate the environment from cultural heritage;
- c) associating culture to environment is now generally accepted as a need in all major conventions dealing with nature and the environment; and
- d) the World Heritage Convention has a different focus, as its concern is with cultural heritage of exceptional global value. On the other hand, the Barcelona Convention should be interested in the conservation of all the cultural heritage related to the Mediterranean Sea and its coastal zone, and promote its wise use within efforts for sustainable development. Thus, UNESCO's approach may be complementary, but in no way can it supplant the involvement of this Convention in cultural issues.

99. The Programme should be maintained within the broader system of the Convention, but it should be refocused and restructured, taking into account the general points stated in section B of this Report.

100. Cultural aspects and values should be integrated in all of the activities of the Barcelona Convention. Specific activities would be carried out by existing organs of the Convention.

101. In order to foster the integration of cultural aspects, it does not appear advisable to establish a standalone 'unit on cultural heritage' within the Convention structure. Instead, every effort should be made to decentralise activities within the system. In view of the importance of cultural aspects, a high-level official should be added to the Secretariat. Her/his function would be to facilitate the operation of the Culture Expert Group, to liaise with the MCSD and with the RACs on cultural issues, and to report on overall progress to the Parties.

102. Decentralised activities would be included in the budgets of the responsible organs. However, a special budget line should be provided for the MEDU officer on culture and for the operation of the Culture Expert Group.

103. The MCSD should take into account cultural values in finalising the MSSD; so that the new programme on 'Mediterranean cultural heritage and sustainable development' would be fully integrated in the Strategy. In addition, the MCSD should take the lead in this field and ensure the implementation of the guidance of the MSSD in this sector, including the provision of guidance on the contribution that the cultural heritage can make to sustainable development.

104. Membership of MCSD should be opened to representatives of the cultural sectors.

105. Systematic collaboration on the integration of the cultural heritage with environmental concerns should be initiated with all major conventions and other multilateral organisations. As a priority these would include the Convention on Biological Diversity; the World Heritage Convention; the Convention on Wetlands and its MedWet Culture Working Group; the European Commission; the European Landscape Convention; the Anna Lindh Euro-Mediterranean Foundation for the Dialogue between Cultures (established in the framework of the EMP); ICOMOS; and IUCN. As such collaborations require constant attention and considerable investment of time and funds, each case should be carefully analysed, the exact areas of collaboration should be agreed upon, specific joint actions identified and the results recorded in official memoranda or joint work plans.

106. A very careful analysis should be made of the recent proposal to launch a 'MEDPATRIMOINE' initiative before any further steps are taken since there are strong doubts both concerning its feasibility and its appropriate place in the Convention.

*Programme for the Assessment and Control of Pollution in the Mediterranean Region (MEDPOL)*³

107. The MEDPOL Phase IV should be based on an action-oriented approach aimed at achieving a tangible reduction of pollution. This effort would build on and utilize the results achieved so far, such as the National Diagnostic Analyses (NDA), the National Baseline

³ The recent evaluation conducted for MEDPOL presents a relatively large number of recommendations and suggestions for assisting MEDPOL in improving its performance and effectiveness. Only recommendations that are of strategic nature are presented here.

Budgets of Pollutants (NBB), the National Action Plans, and the results of the monitoring activities (monitoring database). This action-oriented approach should be supported by a strong and visible compliance monitoring and reporting system.

108. MEDPOL should assign specific tasks and responsibilities to its programme officers in order to actively pursue the implementation of the Dumping Protocol.

109. MEDPOL should analyse the underlying reasons as to why Parties are not ratifying the Hazardous Waste Protocol, and to recommend that amendments be incorporated if necessary.

The Mediterranean Commission on Sustainable Development (MCSD)

110. The MCSD should clarify its role in the sense of being:

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

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

112. The present system of individual representatives from the socio-economic sector and local authorities, selected by the MFPs and rotating every two years, could be replaced with long-term partnerships with key actors, both governmental and non-governmental, from these two sectors. With the approval of the Parties, these partnerships should be established by the Secretariat on the basis of specific MOUs for a period of at least five years. A systematic survey should be carried out to identify such organisations, assess them on the basis of agreed upon criteria and select the ones appropriate for the MCSD and willing to contribute to its mission.

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

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

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

116. Concerning the MSSD, it is recommended that the Strategy should be endorsed (not adopted) by the COP, with an indication of:

- a) the specific components of the Strategy that could be taken up by the Convention mechanisms for implementation;
- b) the resources that would be needed to do this and where they should come from;
- c) the synergies that should be established by the Convention in order to achieve its objectives vis-à-vis the Strategy; and
- d) the monitoring system that should be established within the Convention, including the role and activities of the MCSDD in relation to the process of the implementation of the Strategy.

117. In addition, in the preambular section of the decision endorsing the Strategy, the COP should address and respond in an appropriate manner to two key questions raised in relation to the MSSD:

- a) the legitimacy of the process used to prepare the draft, and thus the legitimacy of the document in itself; and
- b) the implications of endorsing a Strategy with very significant components which are beyond the remit of the Barcelona Convention and its Protocols.

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

The system of Focal Points and capacity building

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

120. The whole FP system should be revisited as follows:

- a) prepare terms of reference for each group of FPs, clarifying their roles, responsibilities, *modus operandi* and linkages with each other;
- b) establish that a RAC FP should have the rank of a 'government-designated expert';

- c) identify tools and mechanisms that would support the FPs in their national tasks, including, but not limited to, intersectoral coordination and improving the Convention's and RACs' visibility; and
- d) in each RAC evaluate whether the FPs' structure and composition need to be changed. In some cases it might prove feasible and more effective to have one FP system serving more than one RAC.

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

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

123. To this end, the Secretariat should:

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

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

125. The official visits to the Parties recommended in paragraphs 47 and 48 above should be seen as part of the capacity building programme and should be used to raise, with political authorities, the question of the chronic under-staffing for the implementation of the Convention, in developing and developed countries alike.

Relations with the European Union/European Commission

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

127. The EC's interest in the Mediterranean is increasing and moving beyond free trade. This fact, coupled with the celebration in 2005 of the 10th Anniversary of the Euro-Mediterranean Partnership (EMP or 'Barcelona Process'), could make this a key moment to redefine the relationship between the EC and the Barcelona Convention.

128. There is a need for substantial improvement of the collaboration between the Convention and the EU. This improvement would entail:

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

129. In view of the current *modus operandi* of and sensitivity concerning financial management within the EC, such a relationship would only be possible through a top-level formal agreement between the EC and UNEP – the latter acting as the legal persona of the Convention – specifically focused on the Mediterranean. This would probably entail a formal decision of the EU Council based on a proposal from the Commission promoted by the Executive Director of UNEP.

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

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

132. This move could be justified on the basis of the Memorandum of Understanding signed between the EC and UNEP on 20 September 2004, which includes as areas of cooperation between the two parties “supporting MEA [multilateral environmental agreements] implementation, with an initial focus on biodiversity and Regional Seas”; and “enabling developing countries and countries with economies in transition to achieve environment-related targets and meet their international commitments, including implementation of multilateral environmental agreements, global initiatives and regional initiatives...”.

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

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

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

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

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

137. The establishment of an Endowment Fund could also be considered.

138. The capacities of the RACs, MEDPOL and other partners, including NGOs, should be enlisted and assigned clear roles in the implementation of the JWP.

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

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

Synergies

141. The Convention should serve as a platform for the regional implementation of international instruments and programmes, such as those of the International Oceanographic Commission, the International Maritime Organization and the Jakarta Mandate of the

Convention on Biological Diversity and other relevant CBD work programmes. Memoranda of Cooperation or Agreements with clear and specific aims should be signed or renewed with these institutions.

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

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

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

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

Relations with other partners

145. On the basis of the observations contained in section B of this Report, it is recommended that:

- a) a detailed inventory of all key actors in the Mediterranean that could contribute to the work of the Convention be prepared. This should include an understanding of their policies and priorities, the identification of areas of mutual interest, and a cost-benefit assessment of efforts to be invested in and results to be expected from a possible partnership;
- b) relations with the organisations/processes selected for substantial co-operation should be maintained at the level of Secretariat and should not be delegated to other components of the Convention process. Where the RACs need to be involved, the overall co-ordination should remain with the Secretariat, including the monitoring of the development of such co-operation efforts;
- c) at regular intervals (3-4 years), each co-operation arrangement should be reviewed and readjusted as appropriate; and
- d) for the implementation of the relevant sections of the MSSD in particular, strong partnerships must be built with key actors in the economic and social sectors, including the private sector.

146. Clear criteria and a strategic view should be developed for the partnerships with national, regional and international NGOs active in the areas of concern to the Convention, including for the funding provided for NGO projects.

Outreach strategy and activities

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

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

149. The Convention should greatly increase its use of the Arabic language, including posting an Arabic version of the Convention web site.

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

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

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

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

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

B – EVALUATION AND DOCUMENTATION OF THE CONCLUSIONS AND RECOMMENDATIONS

Background

154. COP-13 of the Convention for the Protection of the Mediterranean Sea against Pollution and its Protocols (Barcelona Convention)⁴, held in Catania, Italy, on 11-14 November 2003, adopted Recommendation I.A.2.1. entitled *MAP and RACs evaluation*, in which the COP called on the Secretariat, *inter alia*:

“To launch the external overall evaluation of MAP, including the evaluation of MEDPOL Programme, with a view to presenting it to the Meeting of the Contracting Parties in 2005. In this process the document *UNEP(DEC)/MED WG.228/5 Draft Strategic Assessment of the General Framework of the Barcelona Convention (MAP evaluation)* could be considered as an input, while ensuring the consideration of other inputs from Contracting Parties.”

155. To this end, MEDU engaged the services of three independent consultants to work on a part time basis during the period 1 October 2004 – 30 November 2005 with the active support of MEDU.

Evaluation schedule

156. The External Evaluation was carried out under a tight schedule, as follows:

- a) On 30 October 2004, the team leader submitted to MEDU a proposal on the methodology, approach and activities to be carried out as part of the External Evaluation of MAP, which was circulated by MEDU to all MFPs.
- b) The Launching Meeting on the External Evaluation of MAP was held in Athens, Greece, on 9-10 December 2004. All MFPs were invited to the meeting in order to discuss and make recommendations on the methodology, approach and activities to be carried out as part of this exercise.
- c) On 31 December 2004 MEDU distributed to all MFPs a questionnaire prepared by the consultants on the basis of the views expressed and recommendations made at the 9-10 December meeting, with a deadline for submitting responses by 31 January 2005.
- d) On 18 March 2005, the consultants submitted to MEDU an Outline of the Report on the External Evaluation of MAP, which was used as the background paper for the Second Meeting of MFPs on the External Evaluation of MAP, held in Athens on 31 March 2005.
- e) The consultants submitted their Report on the External Evaluation of MAP to MEDU 11 July 2005, for discussion at the Meeting of MAP Focal Points planned for 21-24 September 2005.
- f) It was agreed that the Report of the consultants should be submitted to COP14 of the Barcelona Convention as an information document. The consultants recommended that the report also be formally submitted by MEDU to the Contracting Parties via a diplomatic note.

⁴ The 1995 amendments to the Convention have now entered into force and the new official name of the treaty is **Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean**.

The context of the External Evaluation of MAP

157. MAP is now at a crossroads. Thirty years after its launch, its future role, both from a strategic and an operational point of view, has to be determined in light of recent developments in the region and at the global level. On this basis, there was a need to assess its priorities, effectiveness and overall direction.

158. At the regional level, seven of the 21 States that are Contracting Parties to the Barcelona Convention are now members of the European Union (EU), and there are prospects of further enlargements of the EU involving other Parties to the Convention. The EU, which is a Party to the Convention, has adopted, and will continue to adopt, Directives relevant to the MAP processes that have a direct impact on the policies, legal framework and practices of the Parties which are EU members, and which, to a large extent also affect other countries in the region, in particular those which are seeking EU membership. With the more active role of the EU in the region, including the proposed free trade zone, the Barcelona Convention should seek to establish a closer working relationship with the European Commission (EC) in the interest of the effective implementation of the Convention and its Protocols, as a contribution to sustainable development in the Mediterranean.

159. The asymmetries in the levels of socio-economic development in the region, the different approaches to governance, the growing pressures on natural resources, uncontrolled migration flows and unresolved conflicts that have existed over a long period of time continue to be matters of serious concern in the Mediterranean region. Some of the relevant processes that are changing the dynamics of the region and that should be taken into account include: the Euro-Mediterranean Partnership – EMP (known as the Barcelona Process), including the Euro-Mediterranean Association Agreements and the forthcoming High Level Conference scheduled for 27-28 November 2005; the EU's Neighbourhood Policy (ENP); the establishment of the Facility for Euro-Mediterranean Investment and Partnership (FEMIP); the wider role of the European and Mediterranean regions in the global scene; and the growing interest of the United States, the main superpower in today's world, in the wider Mediterranean region.

160. At the global level, the adoption of the Millennium Development Goals, the results of the World Summit on Sustainable Development, including the launching of Type II partnerships, the regular operation of the Global Environmental Facility, and the entry into force in February 2005 of the Kyoto Protocol are particularly relevant to the Convention processes.

161. In the face of these new realities, it was deemed essential to carry out an external assessment of the role played thus far by MAP, with a view to carrying out groundwork for the preparation of a Convention strategy for the next ten years, i.e. 2006-2015.

The aim of the External Evaluation of MAP

162. Taking into account the context briefly described above, the overall aim of the External Evaluation of MAP was to take stock of the perceptions and positions of the Contracting Parties to the Barcelona Convention and of its key partners regarding the results of the Convention processes, and the effectiveness of the institutional arrangements and funding mechanisms in place.

163. Based on the results of the evaluation, recommendations could be made to COP-14 of the Barcelona Convention for the preparation of a strategy for the period 2006-2015.

The issues addressed

164. With this overall aim in mind, the consultants addressed three main issues:
- a) a general analysis of the results of the MAP processes in the last decade at the national level and their impact at the regional and sub-regional levels, in particular as viewed by the Parties to the Barcelona Convention;
 - b) the capacity of the current MAP structure and *modus operandi* to respond to the political, legal, institutional and other challenges facing sustainable development in the region within the framework of current regional and global approaches and trends; and
 - c) the future orientation of the Convention and its relationships with other regional and international organizations and processes.

Methodology

165. The evaluation was carried out:
- a) as an integral part of the ongoing evaluations of MAP components;
 - b) taking into account lessons learned from the methodology and outputs of the various past evaluations of MAP and its components; and
 - c) fully taking into account the context of the legal, political and socio-economic developments in the region.
166. The document UNEP(DEC)/MED WG.228/5 Draft Strategic Assessment of the General Framework of the Barcelona Convention (MAP evaluation) served as the initial basis for analysis. National Reports submitted by Parties up to 30 May 2005 have been used as an additional source of information.

Part I of the External Evaluation Questionnaire **The Barcelona Convention and its Protocols as instruments under international law**

Context

167. The Barcelona Convention strives to protect the marine and coastal environment and to foster development in the Mediterranean Basin. The so-called Mediterranean Action Plan (MAP) Phase I (1975-1994) was adopted in Barcelona, Spain, in 1975 by 16 Mediterranean States and the EC under the auspices of UNEP. MAP Phase II (1995-2004) was adopted in 1995.

168. The legal framework for MAP comprises the Convention for the Protection of the Mediterranean Sea Against Pollution (known as the Barcelona Convention) adopted a year later (1976) and revised in 1995 with a new title: **Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean**. The Convention, as amended in 1995, entered into force in 2004. Six Protocols to the Convention have been adopted, covering specific aspects of environmental protection. (Two of the Protocols have been amended once and two have been replaced by new Protocols.)

The Convention

169. The Convention, as amended in 1995, entered into force in 2004, after ratification by the following 16 Parties: Albania, Algeria, Croatia, Cyprus, European Community, Egypt, France, Greece, Italy, Malta, Monaco, Slovenia, Spain, Syrian Arab Republic, Tunisia and Turkey.

170. The six Parties that have not yet ratified the Convention as amended in 1995, have indicated that:

- Bosnia and Herzegovina: expects to ratify the Convention in 2005;
- Israel: expects to ratify in 2005;
- Lebanon: expects to ratify in 2005;
- Libyan Arab Jamahiriya: expects to complete the process in 2005;
- Morocco: expects to complete the process in 2005; and
- Serbia and Montenegro: MAP issues are now the responsibility of the Republic of Montenegro, which has prepared a Draft Law for ratification of the Convention. Nevertheless, the ratification has to be approved by the Council of Ministers and the Parliament of the State Union of Serbia and Montenegro. It is hoped that the process will be completed in 2005.

171. Nine Parties have indicated that the obligations derived from the Barcelona Convention are fully imbedded in their national legislation, and 10 parties that they are imbedded to some extent. The latter group of Parties have not provided the information requested regarding which are the major aspects of the Convention that are not yet embedded in national legislation.

172. Fifteen Parties considered that the 1995 Convention is the required instrument 'to ensure the protection of the Mediterranean Sea and its coastal zone', while four Parties considered that it is so 'to some extent'. One Party in the later group has stated that, while the Convention is an important instrument in the field of protection –though not the only one – there are problems with its implementation because of the low status, generally speaking, of the Ministries of Environment that are in charge of the Convention.

173. Nine Parties considered that the 1995 Convention is the required instrument 'to promote sustainable development of the Mediterranean Sea and its coastal zone', while 11

Parties considered that it is so only 'to some extent'. Three Parties in the later group have provided a rationale for this choice which is worth citing:

- a) the 1995 Convention makes a certain contribution to sustainable development and environmental integration; however, it still really addresses the environmental aspects of sustainable development. To properly address sustainable development, it would be necessary to develop a significantly different instrument, which also promotes the other two axes of sustainable development (economic and social). It would also be necessary to ensure that the Parties are not just represented, in the Convention affairs, by environmental authorities;
- b) sustainable development is predominantly promoted within each country, according to the relevant 'driving forces' of its economy. Effective implementation depends on the institutional structures and the regulatory and economic instruments at its disposal; and
- c) the provisions of the Convention and its Protocols are mainly related to the protection of the Mediterranean Sea against pollution and the degradation of its resources, while sustainable development is a concept of a much more global nature, which requires to take into account the socio-economic aspects, something that it is not explicitly addressed in the Convention.

The Protocols to the Barcelona Convention

174. It should be noted that in the analysis that follows concerning the replies from the Parties in relation to the application of the Protocols, the consultants were not able to verify the responses. For example, in some cases Parties have indicated that a particular Protocol is embedded in national legislation only 'to some extent', but that the Protocol is being 'fully applied' in the country: the two answers could be contradictory. In the same vein, the number of Parties that have indicated that a particular protocol (e.g. the Land-Based Sources Protocol) is being 'fully applied' would seem, *prima facie*, to provide a distorted picture of what is known about the on-the-ground status of the issues addressed by the Protocol.

Dumping Protocol

Original title: Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft (Barcelona, 1976)

Entry into force: 12 February 1978

Amended: 1995 (Barcelona)

New title: Protocol for the Prevention and Elimination of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft or Incineration at Sea

The amendments have not yet entered into force

175. The original Protocol has been ratified by all Parties. The amendments have been ratified by 14 Parties. Seven Parties of the eight that have not ratified the amendments – Bosnia and Herzegovina, Greece, Israel, Lebanon, Libya, Syria, and Serbia and Montenegro – have indicated that the ratification is being processed and is expected to be completed in 2005/2006. None of these Parties have indicated that there are particular problems that have delayed the ratification. No information was available from Algeria.

176. Twelve Parties have indicated that the obligations derived from the Dumping Protocol are fully embedded in the national legislation; one Party indicated that they are embedded to some extent, and one Party indicated that they are not embedded. (The rest of Parties have not replied to the question.)

177. Concerning the application of the Protocol, 11 Parties indicated that it is being fully applied, and three Parties that it is being applied to some extent. (The rest of Parties have not replied to the question.)

Emergency Protocol

Original title: Protocol Concerning Cooperation in combating Pollution of the Mediterranean Sea by Oil and other Harmful Substances in Cases of Emergency (Barcelona, 1976)

Entry into force: 12 February 1978

New Protocol adopted in 2002 (Malta)

New title: The Protocol Concerning Co-operation in Preventing Pollution from Ships and, in cases of Emergency, Combating Pollution of the Mediterranean Sea

Entry into force: 17 March 2004

178. All Parties, except Lebanon, have ratified the original Protocol. Nine Parties – Croatia, EC, France, Malta, Monaco, Morocco, Slovenia, Spain and Turkey – have ratified the new Protocol.

179. Among the 13 Parties that have not yet ratified the amended Protocol, 12 have indicated that they are planning to do so in 2005-2006. (There was no information available concerning Algeria.)

180. Eleven Parties indicated that the provisions of the Protocol are fully embedded in their national legislation, and seven that they are so to some extent.

181. Among the explanations as to why the provisions are not fully embedded in the national legislation, Parties have cited that the duties and responsibilities are not well defined in the Protocol, as well as problems with the provision regarding reception facilities.

182. Nine Parties indicated that the Protocol is being fully applied in their countries, and seven Parties that it is being applied to some extent.

183. Among explanations as to why the Protocol is not being fully applied, Parties have cited financial constraints in meeting the requirements of the new Protocol concerning the provision of reception facilities and the lack of the necessary human and institutional capacity.

Land-Based Sources (LBS) Protocol

Original title: Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources (Athens, 1980)

Entry into force: 17 June 1983.

Protocol amended and amendments adopted in 1996 (Syracusa)

New title: Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources and Activities

The amendments are not yet into force

184. All Parties have ratified the original Protocol and 13 Parties have ratified the 1996 amendments: Albania, Cyprus, EC, France, Greece, Italy, Malta, Monaco, Morocco, Slovenia, Spain, Tunisia and Turkey.

185. Of the nine Parties that have not yet ratified the amendments, eight have indicated that they will do so in 2005. (There was no information available concerning Algeria.)

186. Thirteen Parties have indicated that the provisions of the protocol are fully embedded in their national legislation, and five Parties that the provisions are embedded to some extent.

187. Eleven Parties indicated that the protocol is being fully applied in their countries, and six Parties that it is being applied to some extent.

188. Among the explanations as to why the Protocol is not being fully applied, Parties cited: the fact that the application of the Protocol requires enormous funds and human capacity and that it will take a number of years before it is fully applied; the lack of sufficient regulations; and the lack of a national plan to implement the obligations under the Protocol.

SPA and Biodiversity Protocol

Original title: Protocol Concerning Mediterranean Specially Protected Areas (Geneva, 1982)

Entry into force: 23 March 1986

New Protocol: Protocol Concerning Specially Protected Areas and Biological Diversity in the Mediterranean (Barcelona, 1995). New Annexes were adopted in 1996 (Monaco)

The new Protocol has entered into force on 12 December 1999.

189. All Parties have ratified the original Protocol and 14 Parties have ratified the new one: Albania, Croatia, Cyprus, EC, Egypt, France, Italy, Malta, Monaco, Slovenia, Spain, Syria, Tunisia and Turkey.

190. Of the eight Parties that have not yet ratified the new Protocol, five have indicated that they will do so in 2005. (There was no information available concerning Algeria, Greece and Lebanon.)

191. Eight Parties indicated that the provisions of the protocol are fully embedded in their national legislation, and another eight Parties indicated that the provisions are embedded to some extent.

192. Nine Parties indicated that the protocol is being fully applied in their countries, and six Parties that it is being applied to some extent.

193. Among the explanations as to why the Protocol is not being fully applied, Parties cited the lack of appropriate national legislation and the lack of sufficient human and financial resources.

Offshore Protocol

Title: Protocol for the Protection of the Mediterranean Sea against Pollution Resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil (Madrid, 1994)

Not yet entered into force

194. The Protocol has so far only been ratified by four Parties: Albania, Cyprus, Morocco and Tunisia. Two more ratifications are required for its entry into force.

195. Two of the Parties that have ratified the Protocol indicated that its provisions are fully embedded in their national legislation, and two that they are to some extent. Three of the Parties indicated that the Protocol is being fully implemented.

196. The responses to the question concerning the possible ratification of the Protocol were as follows:

- Algeria: no information available
- Bosnia & Herzegovina: no reply to the question
- Croatia: it would be ratified in 2005
- EC: probably it will not be ratified, but the situation is being reviewed with the Member States
- Egypt: it would be ratified in 2006
- France: the question is being studied
- Greece: no reply to the question
- Israel: it will not be ratified
- Italy: it would be ratified (no date provided)
- Lebanon: it will not be ratified
- Libya: it would be ratified in 2005
- Monaco: it will not be ratified
- Serbia & Montenegro: it will be ratified in 2005
- Slovenia: it will not be ratified
- Spain: legal advice is being sought
- Syria: it would be ratified in 2006/07
- Turkey: no reply to the question

Hazardous Wastes Protocol

Title: Protocol on the Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and their Disposal (Izmir, 1996)
Not yet entered into force

197. The protocol has been ratified so far by only five Parties: Albania, Malta, Morocco, Tunisia and Turkey.

198. Two of these Parties indicated that the provisions of the Protocol are fully embedded in their national legislation, and two that they are to some extent. There was no information available about Malta, but the other four of the Parties indicated that the Protocol is being fully implemented.

199. The responses to the question concerning the possible ratification of the Protocol were as follows:

- Algeria: no information available
- Bosnia and Herzegovina: no reply to the question
- Croatia: it would be ratified in 2006
- Cyprus: it would be ratified by the end of 2005
- EC: it will not be ratified in the foreseeable future
- Egypt: it would be ratified in late 2006
- France: it will not be ratified
- Greece: no reply to the question
- Israel: it will not be ratified
- Italy: it expects to ratify the Protocol
- Lebanon: it will be ratified in 2005
- Libya: it would be ratified in 2005
- Monaco: it will not be ratified
- Serbia and Montenegro: it will be ratified in 2005
- Slovenia: it will not be ratified
- Spain: legal advice is being sought
- Syria: it would be ratified in 2006/07

200. The main reason invoked by Parties for not ratifying is that the provisions of the Protocol are already covered by the Basel Convention on the movement of hazardous

wastes and their disposal, and that there are some inconsistencies between the Protocol and the Basel Convention.

Proposed Protocol on Integrated Coastal Zone Management

201. The views on the usefulness and timing of preparing a new protocol on integrated coastal zone management vary widely. While some Parties, institutions and practitioners consider that such a protocol would be of great value to promote the protection and sustainable development of the coastal zone of the Mediterranean Sea, others are of the opinion that this is not an issue that can be regulated by an instrument under international law.

Two general observations

202. Only three of six Protocols in force, is not a very good track record, (although the earlier protocol remains in force until the one that replaces it enters into force).

203. It should be noted that according to a ruling of the European Court, the Barcelona Convention Protocols ratified by the EC have the same standing as the EU Directives, which means that they are binding for the EU Member States.

General implementation of the Convention and its Protocols

204. Parties were asked to mark in a scale from 1 (the lowest) to 10 (the highest) the degree of the implementation of the Convention and its Protocols in their respective countries. Sixteen Parties responded to the question and the average was 6.7. The marks in the scale varied from 3 to 9, as follows:

- N° 3 on the scale: one Party
- N° 4 on the scale: one Party
- N° 5 on the scale: two Parties
- N° 6 on the scale: one Party
- N° 7 on the scale: six Parties
- N° 8 on the scale: three Parties
- N° 9 on the scale: two Parties

Compliance mechanism for the Convention

205. Concerning the preferred mechanism(s) to monitor compliance of the Convention and its Protocols, most Parties indicated a preference for a combination of different mechanisms. The answers were:

- a) Voluntary peer review among Parties: 9 Parties
- b) Compulsory peer review among Parties: 4 Parties
- c) Regular national reports on implementation: 15 Parties
- d) A system of sanctions for non-implementation adopted by the Conference of the Parties: 2 Parties
- e) Other mechanism(s) (please describe briefly): 0 Party

206. In their comments, one Party indicated that compliance should constitute one of the highest priorities of the Convention. Other Parties emphasized the need of capacity building

and international cooperation to bring all the Parties to the same level in their ability to implement the Convention and its Protocols.

207. Other Parties raised the issue that compliance of the Convention could only advance within a framework of general progress towards conservation and sustainable development in the region.

208. A Working Group on Implementation and Compliance under the Barcelona Convention has been working at the time of writing out this External Evaluation and has held two very productive meetings. The Group has produced a *Draft paper on the main elements of a possible compliance mechanism*, which should be submitted to the meeting of MPFs in September 2005.

Part II of the External Evaluation Questionnaire
General analysis of the results of MAP Phase II and its impact at the national and regional level, in particular as viewed by the Parties to the Barcelona Convention

Context

209. The Conference of Plenipotentiaries held in Barcelona, Spain, from 9 to 10 June 1995 under the aegis of the Convention adopted the **Barcelona Resolution on the Environment and Sustainable Development**. The Resolution has two appendices: the **Action Plan for the Protection of the Marine Environment and the Sustainable Development of the Coastal Areas of the Mediterranean (MAP Phase II)** and the **Priority Fields of Activities for the period to the year 2005**. These documents are available (in English) on the web at: http://195.97.36.231/acrobatfiles/02BUR59_Inf4_eng.pdf

210. It should be noted that in the course of this external evaluation it became apparent that the so called 'Action Plan for the Protection of the Marine Environment and the Sustainable Development of the Coastal Areas of the Mediterranean (MAP Phase II)' was never intended to be an "action plan" (in spite of its name), but rather a general guidance document. As such, Parties have neither used it as a planning tool nor as decision of the Conference of the Parties that they should implement and report on. In the same vein, MEDU has not promoted this document, which apparently is largely unknown within the MAP network and even more so outside the network. Thus, Parties were, in general, taken by surprise when the questionnaire for the External Evaluation included a Part II specifically devoted to the implementation of this particular document, which in view of the consultants constituted the heart of the evaluation.

211. Out of the 20 Parties that returned the questionnaire, only nine responded in some detail to its Part II: Albania, Croatia, Cyprus, EC, France, Israel, Morocco, Spain, and Tunisia. Italy, Libya, Slovenia and Turkey responded only partially. Bosnia and Herzegovina, Egypt, Greece, Lebanon and Monaco did not fill out this part. Serbia and Montenegro explained the special circumstances faced by this Party during the period covered by MAP Phase II.

212. In fairness to the Parties that responded to this section of the questionnaire, the following is a general analysis of the answers provided by the nine Parties that filled out Part II of the questionnaire in some detail.

MAP Phase II components on *Economic activities and the environment*

213. This component of MAP Phase II relates to actions on the environmental aspects of the following sectors: agriculture, industry, energy, tourism, transport, urban management, water resources, soils, living marine resources, forests and plant coverage, integrated coastal zone management, national and local capacity building, management of genetic resources, waste management, and development of national strategies for sustainable development:

Albania	Reported some progress in most areas.
Croatia	Considerable progress reported in most areas, including the development of instruments for monitoring and for assessment of the environment and development, except in some areas such as agriculture, urban management and integrated coastal area management.
Cyprus	Considerable progress reported in all areas, but the implementation of legal and planning instruments is considered to be still very poor. The Strategic Development Plan is considered to be an equivalent to a national strategy for sustainable development.
Israel	Considerable progress was reported in practically all areas, with the exception of

	tourism and living marine resources. While no national strategy for sustainable development as such has been produced, in 2003 all Ministries were requested to draft a strategic plan for sustainable development, a process lead by the Ministry of Environment.
Morocco	Important progress reported in almost all areas, with the exception of energy, tourism and genetic resources management. A National Strategy for Sustainable Development has been adopted.
Spain	Significant progress reported in all areas.
Syria	Significant progress reported in practically all areas, with the exception of transport, integrated coastal zone management and genetic resources management.
Tunisia	Important progress reported in all areas.

MAP Phase II components on *Conservation of nature, landscape and sites*

214. This component of MAP Phase II includes collection of data and periodic assessment of the situation; legal measures; planning and management; public awareness and participation; and exchange of experiences and strengthening national capabilities:

Albania	Some progress indicated in certain areas.
Croatia	Considerable progress reported in all areas, even though it was indicated that the application of legislation is not yet fully satisfactory. Management plans for protected areas and species action plans are not yet in place. The financial resources assigned to nature protection in the national budget are only symbolic.
Cyprus	Considerable progress reported in all areas, including in relation to implementation.
Israel	Considerable progress reported in all areas, including the development of National Master Plans for land uses and projects of national significance.
Morocco	Important progress reported in most areas.
Spain	Significant progress reported in all areas.
Syria	Some progress reported in certain areas.
Tunisia	Important progress reported in all areas.

MAP Phase II components on *Assessment, prevention and elimination of marine pollution*

215. This component of MAP Phase II includes assessment of pollution-related problems; prevention and elimination of the pollution of the marine environment from land-based sources; prevention of the pollution of the marine environment from ships; preparedness for, response to and cooperation in cases of accidental marine pollution; prevention and control of the pollution of the marine environment resulting from exploration and exploitation of the continental shelf and the seabed and its subsoil; prevention and control of the pollution of the environment resulting from transboundary movements of hazardous wastes and their disposal; and supporting measures on the matters referred to in this section:

Albania	Some progress reported.
Croatia	Considerable progress reported in all areas. The Party indicated that MAP should provide additional assistance for the assessment and control of diffuse sources of pollution.
Cyprus	Considerable progress reported in all areas.
Israel	Considerable progress reported in all areas, including the amendment of national legislation to conform to the Convention and its Protocols with a view to their ratification (with the exemption of some Protocols that will not be ratified, as indicated in the respective sections).
Morocco	Important progress reported in most areas.

Spain	Significant progress reported in all areas.
Syria	Important progress reported in most areas.
Tunisia	Important progress reported in all areas.

MAP Phase II components on *Information and participation*

216. This component of MAP Phase II includes information campaigns directed to different target groups; educational programmes aimed at informing the public and young people; production of information materials on regular basis; enhancement of the exchange of information and experience with other Parties; enhancement of the cooperation on environmental matters with other Parties; and appropriate access of relevant national NGOs to information concerning MAP:

Albania	Some progress reported.
Croatia	Some progress reported.
Cyprus	Some progress reported.
Israel	Important progress reported in most areas.
Morocco	Some progress reported in certain areas.
Spain	Significant progress reported in all areas.
Syria	Some progress reported in certain areas.
Tunisia	Progress reported in all areas.

217. The EC has reported that the legal, regulatory and policy instruments developed and adopted by the EU implement all the requirements of the Convention and its Protocols, and, thus, they implement all the areas of MAP Phase II. An EU Sustainable Development Strategy has been developed.

218. France reported that as EU Member State, its legal, regulatory and policy instruments follows those of the EU. In addition, the response highlighted the OECD report (January 2005) on the environmental performance of France. The report confirmed the effectiveness of the French environmental policy, but emphasized the need to improve the integration of environmental concerns in sectors such as energy, transport and agriculture, making 49 recommendations aimed at reinforcing the actions related to sustainable development in France. France has developed a National Strategy for Sustainable Development.

Strengthening of the legal framework in the Mediterranean

219. Seven Parties considered that the required legal instruments have been developed in order to strengthen and consolidate the legal basis of Mediterranean cooperation, but without providing, as requested, the title(s) of main relevant document(s)/legislation. One Party reported that the Sub-regional Trilateral Commission on the Protection of the Waters of the Adriatic Sea and Coastal Regions is developing the Sub-regional Contingency Plan in the Case of Accidental Pollution in the Adriatic Sea. (It should be noted that a number of Parties misunderstood this question, as relating to 'national legal instruments', and not to 'regional legal instruments' as it was intended.)

220. Ten Parties considered that further appropriate legal instruments are still required in the following areas:

- a) Integrated Coastal Area Management (listed by five Parties);
- b) liability and compensation (listed by two Parties);
- c) ballast waters;

- d) sustainable development (no explanation was provided on what aspects of this issue);
- e) protection of marine biodiversity; and
- f) harmonization of regulations related to waste disposal at sea.

221. One Party indicated that there are some proposals presently being examined or developed at the request of the COP which may not all be necessary, and that certainly there should not be any further proposals: MAP needs to consolidate what exists and implement it. Another Party stated that there is no need of a legal instrument related to non-commercial navigation or on liability and compensation.

222. In a question addressed to developing Mediterranean countries, three Parties indicated that they have received support to develop and upgrade their environmental regulations related to the protection of the environment and sustainable development. Two Parties indicated that they have not received such support.

223. Six developing countries indicated that they have received support to be fully involved in regional and international negotiations dealing with the protection of the environment and sustainable development. One Party reported that it has not received such support.

224. Two developing countries indicated that they have received support to achieve the early entry into force and effective implementation of the regional and relevant multilateral environmental agreements, while three countries indicated that they have not received such support.

225. Finally, four countries indicated that they have received support to enhance the national legislative provisions in the field of environmental protection and sustainable development, while one country indicated that it has not received such support.

226. In a further question addressed to all Parties, 10 Parties indicated that they have enhanced the full, effective and prompt implementation of the legal instruments adopted by the Contracting Parties at the regional level, while two Parties indicated that they have not.

227. Ten Parties reported that they have upgraded their administrative capacity by means of a system of permits and controls, while one Party indicated that it has not done so.

228. Seven Parties reported that they have upgraded their administrative capacity by means of strengthening their jurisdictional capacity building, while one Party indicated that it has not done so.

229. In relation to the institutional arrangements for the operation of the Convention, 12 Parties considered that the designation of UNEP to carry out the functions of the Secretariat of the Convention has proved to be an effective arrangement. One Party considered that this is a relatively effective arrangement; and two Parties considered that this arrangement requires reconsideration by the Parties.

230. Parties observed that recruitment of new staff members by UNEP HQ in Nairobi for the Secretariat in Athens is extremely slow, which represents a serious impediment for the effective functioning of the Secretariat.

General assessment of MAP Phase II

231. Eight Parties consider that MAP Phase II has made a substantial contribution to environmental protection and sustainable development in the Mediterranean; five Parties considered that MAP has had a limited impact on the progress made during the last decade in the Mediterranean on environmental protection and sustainable development; and one Party considered that MAP has not had an influence on the progress made during the last decade in this area.

232. The comments provided by Parties to explain their response in relation to the effectiveness of MAP demonstrate a wide variety of approaches and perceptions. They were as follows:

- a) MAP Phase II assisted countries to develop their capabilities for environmental protection, including control and reduction of pollution. Without this assistance, progress would have been much slower and less efficient.
- b) MAP has been very useful and of great assistance to the Mediterranean countries in developing and upgrading their own capabilities in relation to assessment, prevention and elimination of marine pollution.
- c) MAP has helped to improve the Parties' legal framework for environmental protection and their capacity to apply it, but there has been too much concentration on the sea and on marine pollution. There has not been a consistent/dedicated effort to pursue MAP activities as a coherent, identifiable framework. Instead, MAP has helped to exercise pressure in order to have initiatives approved on an *ad hoc* basis or as part of other initiatives.
- d) There is still much to be done, so it is difficult to say that MAP has made a 'substantial contribution'. However, assuming that this question refers to the whole 'MAP system', including the Convention, the situation is clearly better than it would be without MAP. The results, albeit limited, have been worth the limited costs involved.
- e) MAP has had an influence in the development of environmental legislation in a number of Parties. MAP's professional activities and documents have improved awareness of what needs to be done and helped stimulate national initiatives on environmental protection and sustainable development.
- f) MEDU should become closer to the Parties and consider the differences that exist among them.
- g) It is difficult to assess the contribution made by MAP independently from the contributions made by many other processes.
- h) Until such a time that the international law instruments have been embedded in the national legislation it is not possible to say that MAP has had a significant impact. In addition, most MAP activities are under the form of seminars, workshops and meetings, with very few concrete projects.
- i) MAP has promoted cooperation among the Parties.
- j) There should be more public participation and more involvement of the public administrations and other actors. The recommendations of the MCSD are not fully implemented. There are insufficient human and financial resources at the national level to implement the Convention and its Protocols.

- k) Not enough pilot projects for implementation on the ground.
- l) MAP provided assistance on key environmental issues, in the identification of priority sites for conservation, and on matters related to land-base sources of pollution.

MAP: a misnomer?

233. The fact that a number of Parties did not respond to Part II of the questionnaire on the implementation of the MAP Phase II, reflects the attitude of the Parties towards this document/process. The paucity of some of the responses received, and the indication by several key players in the Barcelona Convention process that this document was never intended to be an 'action plan' as such but rather just a general guidance document, may lead to the conclusion that there has not really been a 'Mediterranean Action Plan' in existence over the last 10 years (after the original MAP Phase I launched in 1975), at least not in the generally accepted meaning of the term 'action plan'.

234. The popularization of the term 'action plan' in the absence of a true plan may have reduced the credibility of the Convention and its Protocol, which are the *real* international law instruments formally adopted and ratified (with some significant gaps) by the Mediterranean States and the European Community.

235. Thus, in order to avoid further ambiguity, it may be healthy to stop using these expressions – in spite of the popularity gained by the name "Mediterranean Action Plan" and its acronym "MAP". A new name that better reflects reality could be agreed upon to refer to the existence of the Barcelona Convention and its Protocols, and to the activities and processes in place for their implementation.

Part III of the External Evaluation Questionnaire

Capacity of the current MAP structure and *modus operandi* to respond to the political, legal, institutional and other challenges facing sustainable development in the region within the framework of current regional and global approaches and trends

Context

236. The current MAP structure and *modus operandi* comprises:

A) The **Conference of the Contracting Parties (COP)** to the Barcelona Convention, which meets every two years and constitutes the supreme decision-making body in relation to all aspects of the Convention and its Protocols. At present the Parties to the Convention are 21 Mediterranean States and the European Community. The COP elects six Parties to serve in the Bureau, which supervises the work of the Convention during the intercessional periods.

B) The **Mediterranean Commission on Sustainable Development (MCSD)**, established by the COP in 1996 as an advisory body and a forum for dialogue for defining a regional sustainable development strategy for the Mediterranean. MEDU acts as the Commission's Secretariat. The MCSD is composed of 37 members, representing each of the 22 Contracting Parties to the Barcelona Convention, as well as five representatives from each of the following three groups: local authority networks, socio-economic actors, and NGOs.

C) The **Regional Activity Centres (RACs)**, responsible for the implementation of different aspects of the Mediterranean Action Plan. RACs (except REMPEC) are national centres that carry out regional functions on behalf of the Mediterranean community. This regional function is financed in part through the Mediterranean Trust Fund (MTF). In theory, the RACs perform tasks under the guidance and supervision of MEDU and in accordance with the decisions of the COP.

D) The **Programme for the Assessment and Control of Pollution in the Mediterranean Region (MEDPOL)**, was initiated in 1975 as the environmental assessment component of MAP and is now in Phase III. Its task is to assist Mediterranean countries in the implementation of pollution-assessment programmes. MEDPOL also provides assistance in the formulation and implementation of pollution-control, regional and national action plans addressing pollution from land-based sources and activities. It also formulates and carries out capacity building programmes. The MEDPOL Programme is coordinated by a small unit within MEDU.

E) The **Coordinating Unit for the Mediterranean Action Plan (MEDU)**, based in Athens, Greece since 1982. MEDU is administered by UNEP, which provides the secretariat function for the Barcelona Convention. MEDU should coordinate all activities of the Convention. It also prepares meetings with their necessary documentation, transmits notifications, and considers inquiries. MEDU provides the secretariat function for MEDPOL and MCSD and, in theory, coordinates and supervises the work of the six RACs.

F) The **Mediterranean Trust Fund (MTF)**, established in 1979, to which all Contracting Parties to the Barcelona Convention contribute according to a mutually agreed scale taking into account the UN scale of assessment. The MTF mainly finances the recurrent costs of MEDU and its activities, and the regional activities of the RACs. The MTF is administered by UNEP.

G) A system of a **MAP Focal Point (MFP)** in each of the Contracting Parties, who is the officer in charge of the general relations with MEDU and of matters related to the implementation of the Convention in that Party. In addition, in some Parties, there are focal points specifically designated to deal with issues related to the MCSD and/or some or all of

the RACs and programmes. From time to time these focal points hold meetings to discuss issues of common interest.

237. The following analysis includes the responses from 18 Parties. (Egypt did not respond to this section of the questionnaire.)

The Conference of the Contraction Parties (COP) and the Bureau

238. Sixteen Parties considered that two years is a reasonable interval between COPs. One Party considered that it should meet every year and one Party indicated that the COP should meet every 2 to 3 years or even less often, but with the introduction of a "written" procedure whereby decisions could be taken between meetings (provided that this could be introduced without amending the Convention).

239. Thirteen Parties considered that the COP operates in an effective manner, but five Parties were of the opinion that changes should be introduced in the modus operandi of the COP.

240. The opinions of Parties concerning the COP included:

- a) a special assessment of the modus operandi of the COP is required. At present, the COP just rubber-stamps decisions/documents;
- b) a ministerial segment of one day duration during the COP could be beneficial and reinforce the attractiveness of the meeting. It should be possible to have the Ministers engaging in an informal debate, with an experienced facilitator, in parallel with the plenary that discusses more administrative matters;
- c) the style of decision-making should be reviewed: too many heterogeneous 'recommendations' embodying real resolutions and programmatic and management decisions;
- d) the large number of issues on the agenda of each COP reduces the efficiency of the meetings;
- e) the COP should become a more dynamic meeting and more action orientated; and
- f) the COP should be more sensitive to the problems and concerns of the developing countries and to touch upon the real obstacles and difficulties, in order to play an effective role in promoting the participatory approach by Parties.

241. It has been observed that all decision of the COP are recorded as 'Recommendations' in a very confusing manner, both in terms of content and in the way that these are numbered. In addition, the content of some recommendations, especially those addressed to the Secretariat are instructions, and thus, decisions, not recommendations. This practice may arise from an interpretation of Article 18.2.iv of the Convention that refers to "recommendations regarding the adoption of any additional protocols or any amendments to this Convention or the protocols...". General decisions of the COP should be based not in this sub-article of the Convention but on sub-article 18.2.vi, which establishes that the COP shall have as one of its functions "to consider and undertake any additional action that may be required for the achievement of the purposes of this Convention and the protocols and annexes".

The Mediterranean Commission on Sustainable Development (MCSD)

242. Two years after the 1992 Rio Conference on Environment and Development, MAP responded with the production of Agenda 21 MED, a rather general document whose implementation and impact have not been fully assessed. In turn, the Mediterranean Commission on Sustainable Development (MCSD) was established in 1994 at a meeting in Tunis, and placed in the framework of the revised Barcelona Convention in 1995.

243. The Convention makes one reference to the MCSD: in Article 4.2, it establishes that *“For the purposes of implementing the objectives of sustainable development the Contracting Parties shall take fully into account the recommendations of the Mediterranean Commission on Sustainable Development established within the framework of the Mediterranean Action Plan.”*

MCSD objectives

244. On its inception, the general purpose of the MCSD was to contribute significantly in bridging the gap between the desire for sustainable development and its implementation in the Mediterranean. Its remit was:

“To identify, evaluate and assess major economic, ecological and social problems set out in Agenda MED 21, make appropriate proposals therein to the meetings of the Contracting Parties [to the Barcelona Convention], evaluate the effectiveness of the follow-up to the decisions of the Contracting Parties and facilitate the exchange of information among the institutions implementing activities related to sustainable development in the Mediterranean.”

245. On a broader and more ambitious level, the objective of the MCSD was:

“To enhance regional co-operation and rationalise the inter-governmental decision-making capacity in the Mediterranean Basin for the integration of environment and development issues’.

246. Thus, for some, the objectives of the MCSD were and remain clear: it is a think tank limited to providing advice to the Contracting Parties and to the Convention on policies and various other aspects of sustainable development. For others, these objectives should include serious concern with the implementation of its recommendations and thus the MCSD should play a much more pro-active role⁵. It should be noted that there is no effective mechanism at present for monitoring systematically and in depth the implementation of the MCSD recommendations by the Parties.

247. Thus, a basic disagreement on the role of the MCSD exists within the Convention structure, which creates a number of distortions and needs to be clearly resolved. The adoption by the Commission, at its 10th Meeting (June 2005), of the final draft of the MSSD is certainly positive, but the approval at the same meeting of the ‘Athens Charter on the Mediterranean Strategy on Sustainable Development’, which gives the impression that the Commission is assuming a mandate much beyond advising the Parties to the Barcelona Convention, may reinforce this internal debate.

248. The key of the matter is whether the MCSD, with its present membership and structure, is able –and has the legitimacy– to deal with the three pillars of sustainable development: the environmental pillar, the social pillar and the economic pillar, or should find

⁵ The MCSD Strategic Review “...identifies a certain ambiguity in the MCSD role, as it is a forum for discussion but sometimes perceived as an operational structure”.

its *niche* in dealing only with the environmental aspects of sustainability and only focusing on issues related to it.

MCSD membership

249. The initial concept of the MCSD included official representation from the Contracting Parties, as well as from major social groups on a rotational basis. In practice, it has developed from a 'think-tank' of 15-20 prominent individuals, as initially conceived, to a body of 37 members, including a representative of each of the 22 Contracting Parties and 15 representatives of civil society: five each from local authorities, socio-economic actors and environmental non-governmental organizations (NGOs). A number of observers from concerned international and regional organisations are at times involved.

250. However, the present composition of the Commission has serious weaknesses that create difficulties even for its advisory role:

- a) the majority of representatives of the Parties (approximately 2/3) are the same as the MAP Focal Points (MFPs). Thus, in practice, the MFPs are providing advice to themselves. Although this situation has some practical advantages, it seems clear that membership in MCSD should be incompatible with the function of MFP. The counter-argument is that through common membership there is better communication between MCSD and MAP. Part of the problem may arise from the fact that there are no clear terms of reference regarding the qualifications of MCSD members;
- b) of the 37 members, 27 represent environmental concerns and only 10 other stakeholders (local government and socio-economic actors). As the latter category is usually represented by only a few members, the MCSD membership remains highly biased towards the environmental side;
- c) it has proven almost impossible to recruit credible socio-economic actors to serve in the Commission, especially from the business sector. This may be a systematic problem –perhaps related to the environmental bias of the Commission– that merits close attention and concern; and
- d) the selection of representative 'civil society' organisations is done with confusing criteria and with a strong dose of personal and national politics. An objective and fair system must be devised for member selection. As these organisations rotate every two years, while the Parties representatives are practically permanent, they are not placed on equal footing.

Support to the MCSD

251. If the MCSD were only an advisory body, it would require minimal scientific and administrative support, through MEDU, which acts as its Secretariat. At present this function is provided by the Deputy Co-ordinator of MAP (requiring 50% or more of his time monthly), while other MAP components, mainly BP/RAC and to a lower level PAP/RAC, provide technical expertise as support centres. There has been agreement by COP-13 (Catania, November 2003) for the employment of a Sustainable Development Officer at MEDU for a two-year period to work exclusively for MCSD, but the post was covered only in March 2005 and at a rather low level (L3, requiring only five years of experience).

252. The proponents of a more active role for the MCSD would like to see a policy and strategy centre to support it, separate from MEDU⁶. Another option would be entrusting the

⁶ Barcelona is one of the possibilities considered.

support of the MCSD to one of the RACs (such as BP/RAC or PAP/RAC). This issue must be resolved, but in any case support of the MCSD must remain 'light' and rely on the system of RACs.

253. It should be noted in particular that most of the activities undertaken in the framework of the MCSD have benefited from substantial additional and voluntary financial support from various countries (mainly Italy, Monaco and Spain).

MCSD work method and activities

254. The MCSD meets once a year and operates through dedicated thematic groups, usually led by one of its members. These groups benefit from technical and administrative support from MEDU and the RACs, utilise external experts at times, and attempt to develop partnerships and introduce their results for approval by the whole Commission and, ultimately, by the COP. With this approach, the MCSD has looked into a number of issues related to sustainable development in the region and has produced recommendations and proposals for each issue. These include the following (in parenthesis the year of adoption by the COP):

- Water demand management (1997)
- Indicators for sustainable development (1999)
- Sustainable management of coastal areas (1997)
- Tourism and sustainable development (1999)
- Information, public participation and raising awareness (1999)
- Industry and sustainable development (2001)
- Free trade in the Euro-Mediterranean context (2001)
- Management of urban development (2001)

255. Other issues being considered include agriculture and the rural environment (including soil erosion and desertification); sustainable development funding and international co-operation; and governance and local management. For an eight-year period, with its particular bias towards environmental concerns and with the limited resources available, it appears that the MCSD has perhaps dealt with too many issues and in quite a large number of fields. Thus the possibility of duplicating efforts or dealing superficially with issues cannot be excluded.

256. Other activities included:

- a) a Report on *Improving the Environment in the Mediterranean: Lessons for Sustainable Development*, published by UNEP/MAP and containing about 100 positive case studies;
- b) a Workshop on Information, Awareness and Public Participation for Environment and Sustainable Development in the Arab Region, and the publication of corresponding guidelines;
- c) 14 national reports on environment and sustainable development issues prepared with the support of the MCSD and published in English and French, as well as in other national languages;
- d) preparation of a Mediterranean Declaration for the Johannesburg Summit⁷;
- e) preparation of a major Strategic Review report of sustainable development activities in the Mediterranean Region based on responses to a questionnaire

⁷ Approved by the Parties in Monaco in November 2001.

and to three related studies⁸. Three regional workshops were held in the framework of the preparation of this Review;

- f) a detailed and highly pertinent report on national sustainable development strategies in the region⁹;
- g) preparation of the Mediterranean Strategy on Sustainable Development (MSSD) with the main support of BP/RAC; and
- h) technical and financial support provided to many countries for the preparation of National Strategies for Sustainable Development.

The draft Mediterranean Strategy for Sustainable Development (MSSD) prepared under the aegis of the MCSD

257. The MSSD started very slowly through the MCSD, in September 2002, making use of previous work done by this body, with the support of the MEDU and RACs. Three studies were commissioned on key priority areas, namely:

- economic development and social equity;
- environment and natural resources; and
- governance, policy and institutional issues.

258. These were discussed at a meeting of 50 experts organised in March 2003 in Barcelona (Spain), where the basic orientations of the Strategy were defined. Two reports were produced as a follow-up and presented to the MCSD and the Contracting Parties: 'Vision for Sustainable Development in the Mediterranean' and 'Framework Orientations'.

259. At COP-13, the Contracting Parties decided to entrust the supervision of the preparation of the MSSD to the Steering Committee of the MCSD. As a follow-up, preparation of the Strategic Thematic Notes for the MSSD was launched in 2004. In July 2004, a meeting was held to discuss the drafting of the Strategy. The BP/RAC was charged by the Coordinator with the technical coordination of the text's elaboration.

260. An MSSD draft was prepared by the BP/RAC, with contributions from consultants and MAP components. In December 2004 it went through a peer review. A meeting of the MCSD Steering Committee was held in January 2005 to review the draft. The results were judged positive, even as extensive suggestions for improving the draft were agreed upon¹⁰. The draft was discussed at a regional meeting on 5-7 April 2005, preceded by national consultations in nine countries and a regional workshop organised by civil society groups. Two representatives from each Party were invited to the April meeting, with the hope that the second representative would be from an economic or development ministry. A new and final draft was debated and approved at the 10th MCSD meeting in June 2005¹¹, and will be submitted to COP-14 in Slovenia in early November 2005.

⁸ On regional co-operation in the Mediterranean, major groups in society and MAP's relationship to sustainable development.

⁹ 'Assessment of National Strategies for Sustainable development in the Mediterranean Region', UNEP/MAP-MCSD (2nd draft, January 2005).

¹⁰ UNEP(DEC)/MED WG..., 22 January 2005.

¹¹ UNEP(DEC)/MED WG. 277/3, 1 June 2005.

MSSD contents

261. The current draft of the MSSD begins with a short reference to the challenges facing the Mediterranean region. It then continues with a small number of sensible and appropriate objectives, as follows:

- a) increase economic development by enhancing Mediterranean assets;
- b) reduce social disparities by implementing the Millennium Development Goals;
- c) change unsustainable production and consumption patterns and ensure the sustainable management of natural resources; and
- d) improve governance at the local, national and regional levels.

262. These general objectives are further defined in seven essential issues on which progress must be achieved:

- a) better management of water resources and demand;
- b) better management of energy demand and the mitigation of the effects of climate change;
- c) sustainable mobility through appropriate transport management;
- d) sustainable tourism as a leading economic sector;
- e) high quality agriculture and sustainable rural development;
- f) sustainable urban development;
- g) sustainable management of the sea, coastal areas and marine resources.

263. Each of these issues is broken down into specific objectives, and concrete direction and action are included.

264. One weakness of the Strategy is the lack of sufficient emphasis on the Mediterranean heritage. Objective (1) refers to 'Mediterranean assets' (natural and cultural) and stresses their importance for sustainable development and the need for their conservation. However, the cultural/heritage aspect is not specifically included among the seven issues, although it is addressed indirectly and with insufficient emphasis.

265. The draft may have other weaknesses, but the most important conclusion is that the Strategy is in general a well-prepared document, with clear objectives and actions, and reasonable priorities. That is why the main focus of discussion should be on ownership of the Strategy and on the means and resources for its implementation. This is dealt with briefly in the third part of the MSSD, at both the regional and the national levels.

266. At the Mediterranean level, it identifies the following aspects:

- a) a Euro-Mediterranean area of solidarity and commitment;
- b) strengthening synergies with other co-operation frameworks in the region; and
- c) exemplary regional monitoring of progress, mainly through the MCSD.

267. At the national level, it refers to the mobilisation of human and financial resources for national implementation, and more specifically:

- a) strengthening human capital and involving actors: research, training, education, awareness raising and participation;
- b) financing sustainable development, which is perhaps the most problematic area, in view of the dire economic situation of many Mediterranean countries and the limited aid funds available; and
- c) ensuring national implementation.

268. All of these aspects are well analysed and categorized into specific objectives and actions. Outputs and indicators of performance have been added in the latest draft.

MSSD approval and legitimacy

269. The process of finalisation and approval of the MSSD has been planned by MEDU and is to be completed by the end of 2005 by the Contracting Parties to the Barcelona Convention. Endorsement from the Euro-Mediterranean Partnership will also be sought. An important step in that direction was made by the Luxembourg preparatory meeting of the Euro-Mediterranean Partnership in early June 2005, which made clear and positive reference to the MSSD.

270. As the MSSD addresses to a large extent social and financial issues, its approval by the environmental authorities that participate in the Barcelona Convention process may not be sufficient to give it the necessary legitimacy, which in turn is a key factor in facilitating the process of implementation. Thus, a process to obtain a broader approval from national authorities must be devised and official recognition of MSSD by the Barcelona High Level Meeting in November 2005 would be a key achievement in that direction.

The MSSD and the MCSD

271. Once endorsed, the MSSD will prescribe a revised programme of work and eventually a revised role for the MCSD. The MCSD will have the added responsibility of monitoring the implementation of the MSSD recommendations and to a certain extent, of assisting the Parties in its application, through advice, training and capacity building, as well as through the preparation of National Strategies for Sustainable Development in countries where this has not yet been done. This will require important changes in the structure, membership and operation of the MCSD, so that it can rise to this new challenge.

Sustainable development in the Convention

272. Sustainability should be the main guiding principle of the Convention's long-term action plans. Consequently, the concept and principles of sustainability must be introduced in all the activities of the Convention system. In such a context, the role of MCSD would be:

- a) to assist the Convention system in this transition;
- b) to advise the Convention and its implementation components on how to incorporate sustainability in their activities;
- c) to promote sustainability in the wider framework of the Mediterranean; and
- d) to monitor the implementation of sustainability at the national and the regional levels.

273. This proposal is contrary to the view that MAP and MCSD should consider only those aspects of sustainability that have an impact on ecosystems. It must be evaluated taking into account the danger of losing the current focus of the Convention on environment and in particular on coastal and marine environmental issues. This is something that can be avoided through careful planning and prioritisation of activities.

Balancing the three pillars of sustainable development

274. Within the Convention process, the three pillars of sustainability (economic, environmental and social) must be balanced. This could be done in two ways:

- a) by radically changing the structure of the Convention system so that it equitably represents the three pillars of sustainable development. This would imply the change of the national authorities designating the Focal Points, as well as changing the role of UNEP vis-à-vis de Convention; but these changes do not seem neither realistic, nor desirable; or
- b) by systematically building long-term, substantial collaborations with the sectors working on the economic and social pillars. This could be done more effectively than today at the level of the MCSD, and also needs to be extended to the whole Convention process.

Cultural values

275. In the work of the Convention, the cultural values of the Mediterranean must be viewed as an integral part of the social pillar of sustainability and must include both the rich cultural heritage of the past and the living contemporary culture in all its forms. In the region culture has always been related to nature and the environment since it often emanated from productive activities. Cultural values may provide links among the three pillars, and could be utilized to reconnect people to their environment and lead to a holistic approach. This should be perhaps the main focus of the Convention's concerns in relation to culture.

Geographical coverage

276. The issue of the geographical coverage of the Barcelona Convention is specifically addressed in Article 1 of the treaty, which establishes that the "...Mediterranean Sea Area shall mean the Mediterranean Sea proper..." and that "the application of the Convention may be extended to the coastal areas as defined by each Contracting Party within its own territory".

277. As coastal areas are inextricably related to the inner lands, it is rather difficult to isolate them as far as sustainability is concerned. This might be feasible on the basis of environmental criteria, but much less so when economic and social issues must be taken into account. Some Mediterranean countries can be considered coastal in their entirety, as all of their territory lies within the Mediterranean Basin. For countries that extend to other seas, such as Spain, France, Morocco and Turkey, this is not so evident.

278. Thus, for the purpose of sustainability, a new territorial definition of the Convention may be necessary, incorporating broader areas for functional reasons, on the basis also of economic and social considerations. In this context, efforts must be made for a widely accepted definition of coastal areas within the Convention system.

Agenda 21 MED

279. Parallel to ongoing efforts for a better incorporation of sustainability in the work of the Convention and the more effective operation of the MCSD, an evaluation of Agenda 21 MED –ten years after it was approved– might provide very useful inputs to the entire process and would help in avoiding repeating any potential mistakes.

General evaluation of the MCSD

280. In the responses to the questionnaire used for this external evaluation, the Parties have provided their views in relation of the MCSD, as follows:

- 14 Parties considered that the Convention has made the right decision in establishing the MCSD;
- 5 Parties considered that this Convention is not the right framework for the operation of the MCSD;
- 10 Parties considered that the MCSD has the right composition;
- 7 Parties considered that the MCSD composition should be reviewed;
- 7 Parties considered that the MCSD should continue to be an advisory body and a forum for dialogue; and
- 8 Parties considered that the MCSD should become a more operational body.

281. In addition the Parties expressed the following –often contradictory– specific comments in relation to the MCSD:

- a) the MCSD should be more operative, through the concrete implementation of recommendations on sub-regional level on different themes;
- b) the relationships between the MCSD members and the MFPs have been very strained. Antagonistic trends are very obvious during MFPs meetings;
- c) there are numerous concerns about the MCSD, starting from the problems inherent in trying to address sustainable development in the context of a convention that is primarily environmental and where the Focal Points in most of the CPs come from the Ministries of Environment. Perhaps as a result of this, it has proved almost impossible to involve the non-environmental stakeholders in the MCSD meetings, limiting its value. The composition is further compromised by the fact that, although the MCSD is intended as an advisory body, many member states have appointed representatives who also serve as Focal Points – or are closely associated with the FPs – so that they do not provide an independent vision. Finally, the arrangement whereby the MCSD proposes recommendations directly to the COP, without first submitting them for discussion in the FP meetings is not acceptable;
- d) on a substantive level, the MCSD has produced some interesting outputs. However, the Commission is working in areas that largely overlap the activities of the BP/RAC. It might be considered how these two organs could be brought together, possibly by converting the MCSD into an experts group providing input to the BP/RAC;

- e) while the MCSD composition in theory is good, the practice demonstrates significant weaknesses: absence of the private sector, absence of real experts on sustainable development representing the Parties. The profile of the Focal Points at present is too environmental, and at times they participate in their individual capacity. In addition, it is obvious that the results of the MCSD work are not sufficiently promoted within the Parties. There is some confusion between MCSD members and MFPs. The MCSD could be in charge of implementing and/or monitoring the application of the MSSD that could be adopted by the Parties. The transformation of the MCSD into a biannual forum could be an option;
- f) the MCSD, while remaining an advisory body and a forum for dialogue, should also take on the follow-up of the implementation by the Parties of the themes adopted in their two-year cycle operation;
- g) sustainable development is achieved by integrating environment and social considerations into national economic decision-making frameworks. Therefore, the MCSD, as a part of MAP, is very limited in its ability to bring all relevant stakeholders (especially the economic players) to the process. Its composition and mandate should be re-considered;
- h) MAP should provide an exchange of national experiences and knowledge in sustainable development, both concerning content and processes, e.g. how to engage stakeholders. Action has to be at the national level, which should be encouraged. MCSD is not an efficient way of encouraging sustainable development and the dialogues held in that forum should be more focused;
- i) the MCSD should become the engine for driving opportunities in strengthening technological innovation and international environmental cooperation. Such cooperation must be aimed at sustainable economic growth in southern coastal countries of the Mediterranean and especially with regards to issues relating to water and energy. Indeed the Commission should be opened to the business community, private sector and multilateral financial institutions, more than in the past. It is important to improve the MCSD working method, particularly by reinforcing the follow-up of its recommendations. Furthermore, it will be important for the future of the Commission to define a concrete and realistic programme of work focused on the priorities addressed at the global level by the UN Commission on Sustainable Development that are relevant for the Mediterranean region, such as energy and water, as they represent driving forces in the economic development of the developing countries. To this end, the MCSD, rather than undertaking long discussions on procedures and processes, should aim to establish a programme of work for monitoring the commitments taken by the countries to achieve sustainable development. It should become a forum for promoting the bilateral and multilateral cooperation between the Mediterranean countries, by involving the business community, local communities, multilateral financial institutions, and civil society;
- j) in order to achieve the goal of sustainable development it will imperative to look into the right implementing tools. In this regard, the MCSD should make a link with the Type II Initiatives promoted at the World Summit on Sustainable Development. Partnerships represent a way for governments, the civil society and the private sector to pool their energy and resources for tackling environmental, social and economic problems, sharing experiences among the partners and working together on common objectives. These programmes, which include the development of projects for the integrated management of coastal zones, the combat of desertification and the expanded

use of renewable sources of energy, are key tools for connecting the Northern and Southern Mediterranean countries through their common environmental and sustainable development needs;

- k) the MCSD should further open up to actors outside MAP. With time, the Commission could become institutionally independent from MAP in order to acquire the necessary legitimacy for taking into account the socio-economic aspects;
- l) the MCSD has the significant function of promoting sustainable development principles in the Mediterranean region. Through supporting the harmonization of national policies with the demands of UN agencies (especially the CSD), the MCSD creates conditions for the Parties' involvement in these globally important issues. The MCSD also has the important role of supporting the development of national strategies for sustainable development and promoting capacity building at the national level;
- m) it is not clear whether the Barcelona Convention needs to have such a Commission. It may be better to have a working group which prepares reports for the COP on these issues. The MCSD is too general in its approach, with very few outputs;
- n) more resources are needed for an effective operation of the MCSD, so that it can generate more specific actions to put in practice the principles of sustainable development;
- o) the MCSD should implement pilot studies or projects in order to bridge the gap between the general strategies and the implementation of solutions on the ground; and
- p) the MCSD should prepare a protocol defining the strategy of sustainable development under the Barcelona Convention.

282. In at least one sense, the MCSD is a success story: it does not leave people indifferent. It appears that the MCSD has done innovative and useful work during the period 1996-2000 in the field of thematic issues, but since then its performance seems to have declined. Meanwhile there has been important and interesting work done by the Secretariat on regional issues (such as the Strategic Review, Assessment of National Strategies, support to countries), as mentioned above.

Results of a previous evaluation

283. In 2002, an *Ad Hoc* Evaluation Task Force, consisting of 10-11 of its own members, was established to assess the MCSD. Most of the work (and two meetings in Barcelona) was carried out during 2003 and a report was drafted. The Evaluation was very critical of the performance of MCSD. These critiques which appear in the 'Draft Strategic Assessment of the General Framework of the Barcelona Convention'¹², are summarized below accompanied by comments in italics from the consultants carrying out this external evaluation:

- a) MCSD's work has been relatively academic and its added value rather limited: *this is a very general statement that does not apply to all the activities of the MCSD.*

¹² UNEP(DEC)/MED WG.228/5, 6 August 2003.

- b) There has been minimal participation from some groups and sectors: *indeed this has been a problem as the active involvement of the socio-economic sector and local authorities in the MCSD has been rather limited.*
- c) The MCSD has low visibility at both the regional and national levels: *communication activities related to the MCSD work have been few, but some of the MCSD members feel that this should not be its task or concern. They believe that the visibility of the MCSD will be achieved through the impact of concrete actions.*
- d) The scope of the MCSD work has been very broad, which, combined with the lack of sufficient resources, has not permitted a deeper analysis of several topics; on the other hand, better and more efficient use could have been made of the expertise that has been assigned (both internal and external resources): *the manner in which MCSD topics were selected remains unclear. It is not certain that this was done on the basis of strategic thinking and specific criteria.* And
- e) National participation in the activities organised in the context of the MCSD has been somewhat scarce: *perhaps this is because national committees on sustainable development operate in very few countries.*

284. In conclusion, to varying degrees, these criticisms seem to have elements of truth.

285. An extreme, perhaps unjustified, viewpoint, is that the MCSD has turned into a consultancy group, distributing small amounts of money to experts (including some of its members) to work on task forces and to produce recommendations on too many issues, without examining in depth their feasibility and the prerequisites for their implementation. Usually, these recommendations have been left without follow-up.

286. The criticism of the MCSD even raised questions about its future at its Eighth Meeting (Cavtat, Croatia, 14-16 May 2005)¹³, during which the report of the *Ad Hoc* Task Force was reviewed without endorsement of its recommendations. The extreme views that put in doubt the future role of the MCSD were rejected, and instead serious decisions were taken for improving the MCSD orientation and performance¹⁴.

MCSD mandate

287. There is an important need for an organ such as the MCSD in the Mediterranean. Such an organ should not be one sided, as in sustainability the three pillars are related in inextricable ways. In this sense, the MCSD should not focus only or mainly on environmental aspects, but should work using an integrated approach, derived from a broad mandate. Thus, its membership must better reflect the other pillars of sustainability.

288. It should be noted that solid partnerships with organisations/processes that represent the other two pillars of sustainable development (for example the productive and financial sectors) is a prerequisite for the implementation of the MSSD.

289. A more drastic option would be to consider placing the MCSD under a joint framework of the Barcelona Convention and of the Euro-Mediterranean Partnership. Naturally, this would present complex political and administrative problems; whether they can be resolved in a reasonable time frame should be assessed before any steps are taken in that direction.

¹³ In the absence of one third of its members, and in a critical atmosphere.

¹⁴ UNEP(DEC)/MED WG.217.4, 22 May 2003, especially Annex III, as well as UNEP(DEC)/MED WG.228/3 pp. 11-12..

Secretarial and scientific support for the MCSD

290. The ability of MCSD to respond to its new tasks, including those related to the implementation of MSSD, will depend to a large extent on the provision of adequate support, both administrative and technical/scientific. Various options have been proposed for this. They need to be assessed and one selected on the basis of its merits. Irrespective of the particular option adopted, the clarity of the arrangements is extremely important, so that future misunderstandings are avoided.

The Regional Activity Centres (RACs) and MEDPOL

291. The evaluation conducted for the RACs¹⁵ was based on:

- a) a review of the general documentation available concerning the RACs, and in particular the previous evaluations conducted for each of them;
- b) the responses to the questionnaire prepared for the external evaluation; and
- c) visits to the RACs and interviews with their management and staff, as well as with some 15 MFPs and representatives of institutional stakeholders.

292. Table 1 below provides general background information concerning the RACs.

¹⁵ In what follows the term 'RACs' refers to MEDPOL as well.

Table 1. General information on the RACs and MEDPOL

	MEDPOL^a	REMPEC^b	BP/RAC^c	PAP/RAC^d	ERS/RAC^e	SPA/RAC^f	CP/RAC^g
Year Established	1975	1976	1977	1980	1993	1994	1995
Location	Athens, Greece	Manoel Island, Malta	Sophia Antipolis, France	Split, Croatia	Rome & Palermo, Italy	Tunis, Tunisia	Barcelona, Spain
Status	Programme	Centre under IMO/UNEP agreement, administrated by IMO	National Centre, with an NGO status, with regional function	National Centre with regional function	Public body put at the disposal of MAP	National Centre with regional function	Public Company put at the disposal of MAP
Staff	9.5	4 technical	20.5	9	13 technical 7 administrative and support	5 technical 7 administrative and support	3 technical
Convention Protocols served by the Centres	Land-based Sources Dumping Hazardous Waste	Prevention and Emergency Protocol	No specific Protocol	No specific Protocol	No specific Protocol	SPA and Biodiversity Protocol	No specific Protocol
Mission/ Mandate	Environmental assessment component of MAP and follow-up on implementation of three Protocols	Preventing and combating pollution from oil and other harmful substances	Prospective studies for development compatible with sound environmental management	Safeguard and improve Mediterranean environmental situation by addressing priority actions	Promote and introduce remote sensing and GIS for environmental monitoring and sustainable development	Follow-up on implementation of Protocol	Promote and disseminate cleaner production for industrial sector

^a MEDPOL: Programme for the Assessment and Control of Pollution in the Mediterranean Region

^b REMPEC: Regional Marine Pollution Emergency Response Centre for the Mediterranean

^c BP/RAC: Blue Plan Regional Activity Centre

^d PAP/RAC: Priority Actions Programme Regional Activity Centre

^e ERS/RAC: Environment Remote Sensing Regional Activity Centre

^f SPA/RAC: Specially Protected Areas Regional Activity Centre

^g CP/RAC: Regional Activity Centre for Cleaner Production

293. All RACs and MEDPOL have been subjected to a series of one or more evaluations. A number of these evaluations were conducted by experts that were part of the Centres and/or the Centres' networks, not by external, independent experts. Some were in-depth evaluations.

294. These evaluation exercises have produced reports that comprise detailed analysis, findings and recommendations. For the purpose of this general external evaluation, only the findings and recommendations of previous evaluations that are of strategic value have been considered, and some of them have been incorporated as recommendations included in section A of this Report.

295. Findings in this section are categorized as follows:

- a) findings that are of strategic nature and which are common to all the RACs and applicable to the RAC system in general; and
- b) findings that, while still being of strategic nature, are RAC-specific and accordingly cannot be generalized to all RACs.

The dilemmas of the RACs

296. Previous evaluations have presented numerous recommendations to improve the effectiveness of the RACs' work and help them better fulfill the needs of the Convention identified by the Parties. RACs have in general implemented recommendations that were "doable" and progress has been achieved. However, a number of Parties and Convention partners have expressed their frustration with the fact that in the case of some RACs key recommendations of previous evaluations have not been implemented.

297. To make significant improvement in the effectiveness of the RACs, and real progress towards achieving the objectives of the Barcelona Convention and its Protocols, the root causes of the limited effectiveness have to be addressed. These root causes are embedded in two dilemmas: one concerning implementation and one related to the Focal Points (FPs).

298. The Contracting Parties, represented by the FPs, are aware of the mission, plans, activities and limited budgets of the RACs. These rarely involve 'on-the-ground implementation' or investment projects (except for limited projects of 'demonstration value'). Yet, to fulfill the pressing needs of their countries for actual environmental improvement, the FPs and other stakeholders nonetheless expect the RACs to generate more concrete actions, tangible results and 'on-the-ground implementation'.

300. However, FPs are usually overloaded with work, and sometimes involved with other donors' supported projects that provide much more resources. Accordingly, they allocate limited percentage of their time, effort and attention to the RACs activities and the needed follow up.

301. The RACs' activities and products do not usually come with any significant resources, or go far enough in terms of implementation. In addition, these products and activities are neither visible enough, nor are they politically attractive. As a consequence, FPs face difficulties in convincing top managers and decision-makers to allocate financial resources, usually very limited, to the follow-up activities necessary for the RACs' products to be utilized nationally. This dilemma is much more exacerbated for RACs' activities addressing issues that are within the jurisdiction of Ministries or authorities other than Environment Ministries.

General findings applicable to all RACs

302. In their responses to the questionnaire for this external evaluation, the Parties judgment on the extent to which the RACs' work/activities are helpful, ranged from 'very helpful' to 'of some help'. Only in limited cases did a Party evaluate a RAC's work as being 'irrelevant'.

303. The overall analysis of the responses of Parties is presented in the Table 2 below.

Table 2 – Ranking by Contracting Parties of the usefulness of the RACs

Key: Very helpful √ ; Of some help ≈ ; Irrelevant X ; No response –

	BP	PAP	REMPEC	SPA	ERS	CP	Historic sites	MEDPOL
Party 1	√	√	≈	≈	≈	√	X	≈
Party 2	≈	≈	√	√	X	≈	√	√
Party 3	≈	≈	√	≈	≈	√	≈	X
Party 4	√	√	√	√	√	√	X	√
Party 5	-	-	-	-	-	-	X	-
Party 6	≈	√	√	-	-	√	-	√
Party 7	≈	√	√	√	-	≈	≈	√
Party 8	≈	√	√	√	≈	√	≈	√
Party 9	√	√	√	≈	X	√	X	√
Party 10	≈	√	√	√	≈	√	≈	√
Party 11	√	√	√	≈	≈	√	≈	≈
Party 12	√	√	√	√	X	≈	√	√
Party 13	√	≈	√	√	≈	X	X	√
Party 14	√	√	√	√	√	≈	≈	√
Party 15	√	√	X	≈	X	≈	X	√
Party 16	√	≈	√	≈	√	≈	X	≈
Party 17	√	√	√	≈	X	√	X	√
Party 18	√	√	√	√	≈	√	√	√
Party 19	≈	≈	√	X	≈	≈	X	≈
Party 20	√	√	-	-	≈	√	X	≈
Very helpful	63%	73%	89%	53%	18%	58%	16%	68%
Of some help	37%	27%	5.5%	41%	53%	36%	31%	26%
Irrelevant	0%	0%	5.5%	6%	29%	5%	52%	5%

304. On the basis of the overall results of the questionnaire, the RACs could be grouped into three categories according to the stakeholder's perception of their usefulness:

REMPEC MEDPOL PAP/RAC	Around 3/4 or more of the responses indicated that their work is VERY HELPFUL.
BP/RAC SPA/RAC CP/RAC	Only about 50%-60% of the responses indicated that their work is VERY HELPFUL, and about 40%-50% perceived their work as being of SOME HELP.
ERS/RAC	Less than 25% of the responses perceived its work as being VERY HELPFUL, while 30% indicated that it is IRRELEVANT.
Sec. for Historic Sites	16% of the responses perceived its work as being VERY HELPFUL and 31% as being of SOME HELP.

305. The RAC's work/activities deemed useful were primarily those associated with the implementation of an activity (project) and/or the provision of applied and focused training. The provision of practical tools, such as manuals and guidelines, is also a factor in the positive evaluation of RAC's performance.

306. The studies, reports and the various products of the different RACs are in general valuable, but have not been sufficiently utilized at the national level.

307. Focal points and partner institutions in the countries could better persuade decision makers and other relevant institutional stakeholders to make use of the RACs' products if RACs were to provide more tangible and concrete forms of support. In addition, if the Convention in general was perceived as a visible and politically attractive exercise, this would also help.

308. Parties need to interact more with the Centres, and better formulate their work/activities in directions that would be more beneficial to the region and to the countries.

309. There is inadequate coordination at the national level between the different institutional stakeholders involved, mandated and interested in the RACs' (and the Convention's) activities. This renders the efforts of the RACs (and the Convention at large) less effective.

310. With regards to the degree of cooperation among the different RACs and Programmes, 3/4 of the Parties judged the level of cooperation as 'not very satisfactory'. In addition, all RACs that have been visited indicated that they were not satisfied with the current degree of cooperation among themselves. This could be, at least partially, attributed to the lack of an overarching vision and strategy that would ideally encompass the whole Convention structure and would set clear, and preferably quantifiable, goals and draw a road map on how to achieve these goals. RAC-specific strategies drawn in a coordinated manner to achieve the much needed synergy are not yet developed.

311. Responses to the questionnaire indicate that there is an almost equal division of views with regards to the current system of RACs – i.e. national centres carrying out regional functions:

- 40% of the responses indicated that the current system has major advantages and should be maintained;
- 50%, while admitting its advantages, believe that its *modus operandi* needs reform; and
- 10% thought that it has important drawbacks and should be reformed.

312. An important general weakness of the RACs is that they focus on projects for which they receive financial support; then, when the projects are completed, the Centres move on to another venture with poor follow-up of the completed projects. It is clear that long term, steady and predictable flow of financial resources would reflect positively on the performance and effectiveness of the RACs.

313. The effectiveness and efficiency of the RACs' FPs system varies considerably between the different RACs and MEDPOL. While the FP system is working relatively well for some Centres, for others it may be almost non-existent. The relationship and links between the different FPs systems (including the MAP Focal Points system) needs to be analysed and formalized within an overall coordinated set-up provided by MEDU and the MFPs. Clear terms of reference delineating the roles and responsibilities of the FPs, as well as the tools and means available for their support, are not in place.

314. The RACs are not well known outside the inner circle of the Convention. This relatively low technical and political visibility negatively affects the performance and effectiveness of the RACs.

Technical visibility

315. The RACs have produced an abundance of documents, such as studies, plans, guidelines, assessments, etc. The quality of these products needs to be made more consistent and they should appear at regular intervals. The circulation of the results of the RACs work is extremely narrow and needs to be widened and diversified to include all concerned competent authorities, the media, civil society, the scientific community and pressure groups.

Political visibility

316. The 'low profile' and low political visibility of the RACs and their activities (which reflect that of the Convention in general), do not encourage decision makers to pay adequate attention, or devote time and/or resources to their work or their needs. In addition, this situation does not help the FPs and/or Environment Ministries in the different countries to introduce and mainstream the policy decisions taken within the Barcelona Convention framework into the plans of other relevant line Ministries.

317. RACs are required to maintain links, collect data, provide technical assistance and training, and implement projects in a number of countries. In addition, most of the countries, especially those of the South and East of the Mediterranean, require financial and technical assistance to utilize regional products or implement activities at the national level.

318. To effectively satisfy these needs, the RACs would need significant human and financial resources. In the absence of such resources, the majority of stakeholders will continue to perceive the RACs' as one that consist of convening meetings and producing reports and studies – with little on-the-ground implementation and with intermittent periods of action, separated by relatively long periods of inactivity.

319. As stated above, an important general weakness in the RACs' system may stem from the absence of an overall vision and strategy that would encompass the whole Convention structure. There is a need for coordinated and concerted efforts of the RACs working in synergy in order to achieve tangible and quantifiable results.

RAC-specific findings

320. As mentioned earlier, this external evaluation builds on the results of interviews with MFPs and other representatives of stakeholder institutions, feedback from the questionnaire as well as the results of the previous evaluations. In this section, only those findings from the previous evaluations that coincide with the consultants' own conclusions are presented.

The Blue Plan Regional Activity Centre (BP/RAC)

321. The Blue Plan's mandate was first defined at the Intergovernmental Meeting of the Mediterranean Region Coastal Countries on the Blue Plan held in 1977 as: "A process of reflection and prospective studies on the future of the coastal countries part of the Mediterranean basin, and, more specially, on their prospects for development compatible with wise management of the environment".

322. Originally, the BP/RAC's long-term objectives were as follows:

- a) to launch a permanent process of concerted co-operation between the Coastal Countries of the Mediterranean Region;
- b) to make available to relevant authorities and planners in the different countries in the Mediterranean region information that enables them to draw up their own plans to ensure optimum sustainable socio-economic development without degradation of the environment;
- c) to help the governments of the Mediterranean region's coastal countries increase their knowledge of common problems facing them, both in the Mediterranean Sea and in its coastal regions; and
- d) to help these governments take the decisions that will promote rational management of resources and sustainable development.

323. COP-8 (Antalya, 1993), assigned to the BP/RAC the mission of:

- a) pursuing, improving and extending the systemic and prospective studies of population/resources/environment/development interactions;
- b) developing the function of 'A Mediterranean Environment and Development Observatory' and assisting national and local institutions to develop their observatories;
- c) studying the variables, statistics and indicators of the status and trend of the environment; and
- d) contributing through a systemic and prospective approach to the study of MAP Coastal Area Management Programme (CAMP).

324. In addition, the BP/RAC was assigned a significant role in the studies to be undertaken by the MCSD.

Main achievements, products and activities

325. The Blue Plan has, in compliance with its mandate, conducted quality studies, produced valuable documents and implemented important activities. The key achievements of the Blue Plan could be summarized as follows:

- a) the publication in 1989 of *The Blue Plan: Features of the Mediterranean Basin* in five languages;
- b) the preparation and publication of a series of thematic monographs (*The Blue Plan Fascicules*) that provide information and analysis on a number of important issues such as water, energy, tourism, and coastal areas;
- c) provision of support to the studies by the MCSD, which addressed priority themes such as water, tourism, urban development and the free-trade zone and environment. In addition, the BP/RAC prepared and published the document entitled *130 Indicators for Sustainable Development in the Mediterranean Region*;
- d) production of the *Report on Environment and Development in the Mediterranean 2005*; and

- e) provision of the technical coordination for the preparation of the MSSD under the supervision of the Convention Secretariat with contributions from other Convention components.

Key findings

326. The BP/RAC is a competent centre that possesses valuable human resources as well as adequate facilities to operate from. In contrast to other RACs, it has a more policy-orientation than an action-orientation approach and it is more concerned with land use-related issues than with sea-related issues.

327. It has, in compliance with its mandate, conducted serious research and produced valuable documents. It has played a significant role in the studies for the MCSD and provided support for the development and implementation of activities generated by the Commission.

328. The BP/RAC constitutes a tool for the monitoring and evaluation of the environment in the Mediterranean basin as well as on progress concerning sustainable development.

329. The FPs system for the BP/RAC is not operating efficiently. A previous evaluation proposed that the MCSD play the role of the FPs system for the BP/RAC.

330. Initially, the BP/RAC was solely financed by UNEP/MAP and by the French Government. However, the BP/RAC was later successful in mobilizing external assistance from a number of international institutions as well as from various French sources. However, this funding for limited periods and based on contracts/projects creates a certain level of uncertainty, which is not conducive to long term planning and action, and to focus on the projects during their lifetime, with little or poor follow-up after termination of external funding.

331. The quality of the BP/RAC products is highly appreciated; however, there are two major concerns as far as these products are concerned:

- a) the products (and activities in general) need to be brought much more to the attention of the decision makers, pressure groups, the media and the general public. The dissemination/circulation of these products needs to be improved, both in terms of coverage and target audiences; and
- b) the fact that the majority of publications are in French and, to a lesser degree in English, might hinder effective communication with some of the target audience such as decision makers, the media and NGOs. This is especially true for some Southern and practically all Eastern Mediterranean countries.

332. The products of the BP/RAC are in line with its mandate, fulfill the responsibilities assigned to it by the Contracting Parties and address priority fields of activities. However, the usefulness or utilization of these studies varies between countries and depends on the degree of development of the national environmental policy. For the BP/RAC studies to be more useful, they would have to address issues in greater depth to enable national stakeholders to identify what concrete measures and actions should be taken and how.

333. The usefulness or utilization of the BP/RAC products at the national level depends to a large extent on the degree of commitment to sustainable development. This commitment is limited in a relatively large number of countries. Another difficulty stems from the fact that the majority of MFPS are based in the Ministries of Environment and from the absence (or ineffectiveness) of a sustainable development set-up and effective coordination mechanisms at the national level in most cases.

334. The willingness of the national institutions to efficiently disseminate the BP/RAC products, and in general the active interaction of the Contracting Parties representatives with the BP/RAC is currently inadequate. The enhancement of the BP/RAC's (and the Convention's) technical and political visibility could help in partially addressing this constraint.

Environmental Remote Sensing Regional Activity Centre (ERS/RAC)

335. The ERS/RAC was a private entity put at the disposal of MAP in 1993, with the following mandate:

- a) to fully integrate the use of advanced tools such as remote-sensing and geographical information systems (GIS) with more conventional sources of information for environmental monitoring and sustainable development;
- b) to initiate technology and know-how transfer of remote sensing as a tool for environmental monitoring; and
- c) to raise awareness of environmental and sustainable development issues such as desertification, coastal changes, urban expansion, coastal water quality and vegetation cover transformations.

336. Currently ERS/RAC is a public body, with an office in Rome and a second office in Palermo. The total staff of ERS/RAC is around 20 individuals (12/13 technical and 7-8 administrative and support staff).

Main achievements, products and activities

337. ERS/RAC has carried out a number of activities, as reported in the ERS/RAC Evaluation Report (January 2005), including:

- a) support activities to the Coastal Area Management Programme (CAMP);
- b) a number of workshops and other meetings;
- c) surveys, inventories and technical reports;
- d) work carried out with the BP/RAC for identification of indicators for sustainable development in the Mediterranean; and
- e) co-funding of projects, mainly addressing monitoring using remote sensing techniques. These included:
 - DAPHNE project on 'Classification and Monitoring of the Mediterranean Vegetation Relying on Satellite Data';
 - RESSAC project on 'Remote Sensing Support for the Analysis of Coast';
 - Accompanying measures on 'Sustainable Development and Sustainable Use of Natural Resources in Bosnia and Herzegovina' approved in early December 2001 EC DG RTD; and
 - CoLD project on 'Improving coastal land degradation and monitoring in Lebanon and Syria'.

Key findings

338. The quality and impact of the Centre's attempts at communicating and disseminating results of its work were inadequate.

339. A regional approach is lacking in the activities of the Centre. Although it has contributed to some stand-alone activities, the Centre should possibly compile an interactive regional database, incorporating results from different activities, including those of other RACs. This could highlight regional issues, to be shared and discussed at different levels within the Convention structure.

340. Due to the lack of secured financial coverage over the years, and due to the absence of an MoU with a clear mandate for the Centre, it has been extremely difficult to maintain a coherent and qualified internal structure able to ensure the continuity and substance of all the Centre's activities.

341. Within the context of the recent evaluation of the ERS/RAC and in response to a question concerning alternatives for its future operation, there was agreement on the need to develop a more synergistic and strategic coordination and collaboration with the other components of the Convention. This requires strengthening ERS/RAC's structure in terms of personnel and availability of funds. The importance of refocusing the Centre towards communication and information technology was emphasized.

Special Protected Areas Regional Activity Centre (SPA/RAC)

342. The SPA/RAC was established in (1991) in Tunisia as a National Centre with Regional Functions and Activities. The staff of the Centre comprises 5 scientific/technical staff members and 7 administrative and support staff. The Centre occupies a limited office space which does not provide comfortable working conditions.

Main achievements, products and activities

343. The activities and products of the SPA/RAC revolve around:

- a) expert group meetings, workshops and training seminars: a relatively large number of meetings and workshops/training seminars have been organized;
- b) production of publications: a number of technical publications and reports including guidelines covering a wide spectrum of important subjects have been produced; and
- c) technical cooperation, in the form of grants and fellowships, expert missions and advisory services.

344. These activities and products were undertaken within the context of two important projects: 'Project for the preparation of a Strategic Action Plan for the Conservation of Biological Diversity (SAP/BIO)' and 'Regional Project for the Development of Marine and Coastal Protected Areas in the Mediterranean Region (MedMPA)'.

Key findings

345. The fact that the SPA/RAC is based in a Southern Mediterranean country is itself positive. No other RAC is located outside Europe.

346. A number of activities and outputs of the SPA/RAC have been deemed particularly successful. These include the training workshops, especially those concerning marine turtles and sea grass, and the preparation of species-specific Action Plans, such as those for cetaceans, turtles and invasive species.

347. Countries where there has thus far been limited progress in the establishment and management of Protected Areas, expect more technical and financial assistance from/through SPA/RAC for activities such as inventories of biodiversity or establishment of protected areas.

348. A number of stakeholders voiced concerns that, due to the severe degradation of the Mediterranean, the SPA/RAC should pay more attention to practical on-the-ground conservation efforts.

349. However, there is recognition that the SPA/RAC, with its current limited human and financial resources and inadequate facilities, is not in a position to assume these responsibilities.

350. As is the case with most other RACs, the Centre is not known outside the inner circle of individuals working directly with the SPA/RAC, and needs to be more widely publicized.

351. A large number of stakeholders expressed dissatisfaction with the fact that there is no clear differentiation of the Centre's functions at the national and regional level, and with the fact that the Convention Secretariat pays no clear role in the selection of the top management of the Centre. It should be pointed out that this is also the case with other RACs, but the case was repeatedly stated in relation to SPA/RAC as being an issue that requires particular attention.

Regional Activity Centre for Cleaner Production (CP/RAC)

352. The CP/RAC is an organization integrated into the Centre for the Enterprise and the Environment (CEMA), a public company affiliated to the Department of the Environment of the Generalitat de Catalunya (the autonomous government of Catalonia, Spain).

353. In 1995, COP-9 accepted the offer of the Government of Spain that this public company become the Regional Activity Centre for Cleaner Production (CP/RAC).

354. The mission of the CP/RAC is mainly focused on promoting and disseminating cleaner production for the industrial sector in the Mediterranean.

355. The CP/RAC shares its infrastructure (premises and administrative personnel) with other areas of the CEMA. Currently, the CP/RAC has three full-time staff members: a coordinator and two technical staff under the supervision of the CEMA Director, who is also the Director of the CP/RAC.

Main achievements, products and activities

356. The activities of the CP/RAC include the active participation in different MAP events where it offers its experience in the field of cleaner production.

357. The CP/RAC prepared a number of guidelines for best environmental practices, best available techniques and cleaner technologies. The Centre also prepared a Regional Plan for the Reduction of the Generation of Hazardous Waste (20% reduction by 2007).

358. The CP/RAC played an active role in and provided input to the efforts of the MCSD and to the preparation of the MSSD. In particular, it coordinated the MCSD's Industry and Sustainable Development Working Group and participated in the organization of a number of meetings within this context.

359. With a view to introducing the concepts of cleaner production and pollution prevention, the CP/RAC carried out networking activities with the MFPs, experts and industrialists from the Mediterranean countries. It has participated in a number of training and assessment activities.

360. The CP/RAC has also conducted a range of studies of both a general nature promoting pollution prevention, as well as sectoral studies (tanning, food canning, dairy products, etc.).

361. In addition, the CP/RAC disseminates news, experiences and case studies concerning cleaner production using a number of tools such as producing a newsletter, publications on case studies (MedClean) and annual technical publications. The Centre has also set-up a database of experts on cleaner technologies.

Key findings

362. The role of the CP/RAC is currently based on the acceptance by COP-9 of the proposal made by the Spanish Government. However there is no official document agreed to and signed between the Spanish Government and the Convention that describes the mission, mandate, responsibilities and *modus operandi* of the Centre.

363. So far, all the CP/RAC activities and products have been focused on promoting and introducing pollution prevention and cleaner production as applied to the industrial sector. In this respect, the CP/RAC is, and will continue to face competition from other large programmes and projects funded by bilateral or multi-lateral institutions which have the resources to support implementation at the national level. This is especially true given that pollution prevention and cleaner production for the industrial sector has little Mediterranean specificity.

364. The Centre has thus far limited its focus to the manufacturing industrial sector. The MFPs have previously recommended that the Centre addresses other economic sectors such as tourism, agriculture and services. Some of these areas may reflect the real needs of the countries, and areas that at the same time may be receiving less attention and support from other bilateral and multilateral donors.

365. As mentioned in previous evaluation(s) of the CP/RAC – as is the case with most other RACs – there is neither a mechanism that defines specific actions for implementing the recommendations stemming from the efforts of the Centre, nor a system for the follow-up of actions that need to be carried out by the different stakeholders.

366. Previous evaluations have recorded the effort made by the CP/RAC in integrating a regional approach in its activities. However, this has not been reflected in a consolidated presence in the Mediterranean countries where the Centre's visibility and penetration is still weak. There is a poor or non-existent interaction between the CP/RAC and its end-clients, the industries.

367. In this and in previous evaluation exercises some MFPs questioned the lack of correspondence between some of the CP/RAC's activities and the actual needs of the industrial and economic sectors of their countries.

Priority Actions Programme Regional Activity Centre (PAP/RAC)

368. The PAP/RAC was established in Split (Croatia) in 1980 to assist in the implementation of the Integrated Planning Component of MAP. The initial mandate and scope of activities of the PAP/RAC was to address 10 priority actions. These priority actions

were quite diverse and covered a broad spectrum of issues, from water resource management to renewable energy. The mandate of the PAP/RAC was re-examined a couple of times with a view of narrowing its focus.

369. Currently, the mandate of the PAP/RAC is focused on Integrated Coastal Area Management (ICAM) and activities in support of ICAM.

370. The Government of Croatia has offered adequate office space under a Host Country Agreement with UNEP signed in 1996. The PAP/RAC has eight staff members.

Main achievements, outputs and activities

371. The activities of the PAP/RAC have covered a broad spectrum of issues (priority actions). However, the PAP/RCA's activities and outputs have been significant for some of the priority actions but limited for others.

372. The priority actions or work programme of the Centre have revolved around the following:

- a) integrated planning and management of coastal areas;
- b) water resources development for Mediterranean islands and isolated coastal zones;
- c) applications of EIA in the development of Mediterranean coastal areas;
- d) urban management, including solid and liquid waste management;
- e) sustainable tourism;
- f) soil erosion mapping and monitoring;
- g) environmental planning and management of aquaculture;
- h) rehabilitation and reconstruction of Mediterranean historic settlements;
- i) land use planning in earthquake zones; and
- j) Mediterranean Cooperative Network on renewable sources of energy.

373. The PAP/RAC's activities and outputs have been much more significant for the upper half of the above list of programmes. These included, but were not limited to:

- a) production of technical documents and publications such as guidelines, codes of practice and methodological documents;
- b) regional and national training courses and workshops;
- c) advisory assistance provided to national institutions;
- d) case studies presenting experiences; support to the preparation of project proposals and feasibility studies; and
- e) expert meetings.

374. Coastal Area Management Plans (CAMPs), which are essentially small scale pilot projects implemented at the national or local level, have been a key successful element of the Centre's activities. CAMPs have provided hands-on demonstration of ICAM and introduced its tools and techniques in a practical manner. CAMPs are recognized by the majority of stakeholders as a useful and successful operation.

375. The PAP/RAC has also played a key role in supporting the Working Group on Sustainable Management of Coastal Zones and the Working Group on Urban Management and Sustainable Development of the MCSD.

Key findings

376. The PAP/RAC is one of three Centres whose work has been judged by the majority of Parties and stakeholders as being very helpful. There is recognition of the quality of its products both inside and outside of the Mediterranean.

377. There are no weaknesses, or areas that need improvement specific to PAP/RAC. However, most of the concerns related to the RACs that are of a general nature apply also to the PAP/RAC, namely:

- a) the need to disseminate its products more efficiently to reach its target groups;
- b) the relatively weak interaction between the Centre and its FPs;
- c) coordination and cooperation with the other RACs; and
- d) more effective mobilization of external resources (although the PAP/RAC has been quite successful in this area).

378. The Contracting Parties perception is that too much emphasis had been placed on technical reports, workshop proceedings and guidelines, and insufficient effort had been given to follow-up on the national utilization and implementation of these documents. This insufficient follow-up also applies to some of the CAMPs.

The Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC)

379. The Regional Oil Combating Centre for the Mediterranean (ROCC) was established in 1976 with a mandate to deal with the threat of major oil spillages in the Mediterranean. The International Maritime Organization (IMO) was entrusted with the responsibility for the establishment and operation of the Centre. The Government of Malta offered to host the ROCC and offered premises on Manoel Island.

380. In 1989, the Contracting Parties to the Barcelona Convention decided to expand the mandate and activities of the Centre to include harmful substances other than oil, and to adopt its current name. In that respect, REMPEC is unique in that it is administered by the IMO under a joint IMO/UNEP project. REMPEC currently occupies adequate office space with reasonable facilities. REMPEC has 4 professional staff who all have UN employee status.

381. The legal basis for the Centre's work stems from the 1976 Emergency Protocol, the two Resolutions adopted by the COP in 1976 and 1989, and the Prevention and Emergency Protocol of 2002.

Main achievements, outputs and activities

382. REMPEC's activities are numerous and diverse and cannot be presented in detail within the context of this evaluation. They have included awareness raising, technical advice and assistance to countries, networking, promoting sub-regional contingency plans, organizing 'alert' and live exercises, assistance to the national authorities in the development of their National Contingency Plans, and organizing national exercises.

383. REMPEC has also undertaken activities that facilitate information exchange. In this respect, the Regional Information System (RIS) is one of the main outputs of Centre. It has also organized and activated the Mediterranean Assistance Unit (MAU) to provide advice in the event of an emergency due to an oil or chemical spill or incident.

384. Training at the national, sub-regional and regional levels is a major activity of REMPEC. Training activities covered general training needs as well as a wide spectrum of specific training requirements, such as contingency planning, marine pollution crisis management, marine pollution prevention, control and response, etc.

Key finding

385. The Parties' and REMPEC FP's perception of the Centre's performance was quite positive. This was clearly reflected in the responses to the questionnaires prepared for the 2003 exhaustive evaluation of REMPEC, as well as for this external evaluation. In particular, according to the results of the latter, the activities of REMPEC were on the average judged to be the most useful in comparison to other RACs. Close to 90% of responses evaluated REMPEC's activities to be very helpful.

386. REMPEC has been relatively successful in mobilizing external financial resources for its activities. The Centre has worked with a number of beneficiary countries to prepare project proposals, which were submitted to European funding mechanisms, in particular to LIFE and MEDA. This resulted in the implementation of five projects, with REMPEC undertaking the overall project management.

387. REMPEC has been quite successful in establishing good working relations with, and involving the private sector. In particular, it has established a relationship with the Mediterranean Oil Industry. Some oil industries have demonstrated their support for the work of REMPEC by providing the services of junior engineers to work on secondment at REMPEC. This cooperation between REMPEC and the private sector is a very useful approach and should be expanded and enhanced.

Secretariat for the Protection of Coastal Historic Sites

388. The Programme on the 100 Historic Sites, which serves as the MAP's Secretariat for the Protection of Coastal Historic Sites, has a 16-year history, with various ups and downs which are summarised below.

389. The Programme stemmed from the Genoa Declaration of the Barcelona Convention (September 1985), which included among the actions to be carried out, the identification and protection of at least 100 Historic Coastal Sites. UNESCO was involved and the International Council on Monuments and Sites (ICOMOS) was charged with preparing the criteria for the selection of sites. A first list was approved in 1987.

390. In January 1989, at a meeting of experts held in Marseille, a document on 'Guidelines for knowledge, protection, planning and management of historic sites of common Mediterranean interest' was debated and a Charter accepted, while a network of experts was to be established. The Municipality of Marseille offered to host the secretariat of this network,

through the *Atelier du Patrimoine* of the city and this offer was accepted by the Parties in October 1989.

391. According to its proponents, the Programme was conceived as a means to maintain and strengthen the links between the environment and the cultural heritage, during a period heavily influenced by the Rio Conference of 1992. It included an assessment of the risks threatening 115 sites throughout the Mediterranean and focused on the marine coast, and specifically on archaeological and underwater heritage.

392. During the early 1990s, the Programme worked closely with UNESCO (in particular concerning 40 sites that were already listed as World Heritage Sites), creating a double monitoring of these sites. The Programme diligently carried out a considerable number of activities and generated high levels of interest.

393. These activities were reduced during the second part of the decade, seemingly due to internal disagreements, external criticism and general uncertainty. In addition, a number of Parties appeared to desire a discontinuation of these activities. The persons involved with the Programme felt a strong and growing marginalisation after the approval of MAP Phase II in 1995, and the disappearance of the notion of culture from it.

394. The expression of certain dissatisfaction with the progress of the Programme led to discussions and actions for its restructuring and improvement:

- a) in 2001 a detailed evaluation of the Programme was carried out. The report proposed a more open and better-structured approach;
- b) the issue was discussed in the MCSD meeting in Antalya (Turkey), in March 2002;
- c) the MCSD convened a special meeting of voluntary representatives on the cultural heritage in MAP in April 2003 to debate the issue, and propose specific measures;
- d) in May 2003, the 13th Meeting of the MCSD decided to entrust a consultant with the finalisation of a MEDU proposal for the reorganisation of the Programme;
- e) in November 2003, the issue was again discussed at COP-13; and
- f) in 2004, a detailed draft programme was commissioned, to be reviewed by an expert meeting in late 2004 or early 2005. The final report of the consultants – that should have been ready in December 2004– has just been made available. It proposes the establishment of a new initiative called MEDPATRIMOINE to provide support to Mediterranean local government institutions and to be funded by them.

395. A number of significant activities were carried out under this Programme, of which the most important are summarised below:

- a) a report on the planning, design and implementation of the rehabilitation of historic sites. It was prepared by PAP/RAC based on information from experiences in seven countries. The report was presented at a meeting in Barcelona in October 1990;
- b) a seminar on the methodology applied in Arab countries, held in Tripoli in 1991;

- c) an inventory of sites of cultural, aesthetic, archaeological, scientific and historic interest was entrusted to SPA/RAC in 1991;
- d) the Programme officers visited more than 100 sites of historic interest during the early 1990s. In addition, they participated in almost all MAP meetings, and provided information on the Programme. During these many visits, a network of 280 site directors would be established;
- e) a number of technical meetings were held also in the framework of the Programme (seven during the 1992-1994 period);
- f) data sheets were prepared and completed on the conditions of stone used as building material (about 100);
- g) technical assistance was provided in a number of cases;
- h) reports were prepared, mainly on technical issues;
- i) a number of training workshops and visits to the *Atelier du Patrimoine* were mentioned, but there does not seem to be a systematic record; and
- j) the Programme contributed to the CAMPs of Sfax (Tunisia), Rhodes (Greece), Fuka-Matrouh (Egypt) and the coastal zone of Algeria.

396. In addition, Agenda 21 MED (Tunis, 1994) included municipal action plans for integrating cultural heritage, and these have been prepared for a number of cities, especially in Morocco and Tunisia, including Marrakech, Meknès and El-Jem; the support provided by the Programme could not be ascertained.

397. It should be noted that for the specific sites in which the Programme was involved, besides data sheets on the deterioration of building materials, a yearly monitoring was maintained, based on work published or presented in conferences and seminars. This covers the historic evolution of the site, administrative and legal measures, archaeological discoveries and participation in national and international projects on cultural heritage.

398. All in all, the activities mentioned were certainly useful, with a strong technical orientation, but rather opportunistic, and perhaps not sufficiently strategic.

Evaluation elements

399. In the responses to the questionnaire for the external evaluation, three Parties indicated that the activities/outputs of the Secretariat have been very helpful; six Parties that it has been of some help, and 10 Parties that it has been irrelevant.

400. In addition, one Party has observed that the work of the Secretariat may represent a duplication with that of the World Heritage Convention.

401. Today, the major international conventions concerned with biodiversity (such as CBD and Ramsar) are incorporating cultural values in their work. This process is still in a preliminary phase and requires difficult and systematic efforts to develop a common language and approach. One of the major hurdles is the lack of co-operation between ministries and services responsible for culture and those concerned with biodiversity. In addition, the imperative need to relate biodiversity to human activities (and through it relate culture with nature) is not understood (or accepted) by a number of experts from the natural sciences.

402. These general aspects perhaps explain the dissatisfaction that is apparent in many of the documents examined. A dissatisfaction that indicates that the Programme has not fulfilled the initial expectations of numerous Contracting Parties, in spite of the enthusiasm and dedication of its key proponents and protagonists. This is due to a number of factors, but mainly to inherent weaknesses in the early phases of conception of the Programme. Ministries of Culture were never involved directly in the Programme, while the MFPs –who approved and supervised its activities – represented almost exclusively Ministries of Environment, leading to misunderstandings and disagreements. Various shortcomings can be identified, but only the key ones are mentioned below.

403. The concept of the project, involving historic sites and cultural heritage, was never fully clarified, implying particular emphasis on ‘high’ culture. This is confirmed by the list of sites, which to large extent (70%) were well-known archaeological sites. Most of the other cases concern large and prominent cities (Barcelona, Genoa, Istanbul, Rome, Trieste, Venice) and famous historic monuments (such as the Piazza de Duomo in Pisa).

404. The relation of the Programme to the work of the Barcelona Convention, which concerns mainly the environment, remained undefined. In the meanwhile, and as mentioned above, other major conventions are starting to view cultural values as an asset in managing the environment and propose an integrated view of culture and nature¹⁶.

405. This resulted perhaps from the particular selection of participants in the Marseille meeting of 1989, which consisted mainly of archaeologists, curators and architects. Thus, the message of the then MAP Co-ordinator at that meeting that ‘the ambition of the initiative was to promote an alliance among ecologists, archaeologists and managers’ was not well-heeded.

406. Some doubts have been expressed as to the degree of co-operation obtained with other major actors in the field of cultural heritage, such as UNESCO, its Man and the Biosphere Programme, the World Heritage Convention and ICOMOS. Yet, during the initial period, there has been satisfactory co-operation between the Programme and UNESCO, as well as with ICOMOS, leading to a request in 1990 for the Programme to act in the name of both MAP and UNESCO. This became weaker later on, as the Programme faced the difficulties already mentioned.

407. Although there have been punctual collaborations in a number of cases, it has not been possible to identify corresponding joint work plans or memoranda of collaboration, which would document a systematic and long-term co-operation. This is troubling, as many of the sites on the list of the Programme are also protected under other international classifications. For example, almost half of the MAP sites are also listed under the World Heritage Convention.

408. The Programme’s relationship with the European Commission –at least until the Johannesburg Summit– was limited to DG X (Conservation of the Architectural Heritage) and consisted of expert missions, related to the Programme and to MAP. The Directorate responsible for Environment (EC/DG XI) became concerned with the cultural environment much later, and this perhaps explains why no major project was launched with EC financing. Thus, a valuable opportunity for a joint intervention to benefit the cultural heritage of the Basin was missed.

¹⁶ For example, Ramsar Resolution VIII.19 on ‘Taking into account the cultural values of wetlands for the effective management of sites’.

409. On the other hand, beginning in 1996, the Programme was involved with the establishment of EuroMed Culture, and on the basis of its experience the Programme Co-ordinator was selected as principal expert and then main evaluator of 15 projects in 2000.

410. On the Mediterranean level and according to the initial planning, a network of officials responsible for the sites selected was to be established. Meeting on a biannual basis, the network was to prepare the following:

- a) a directory of the Mediterranean heritage;
- b) a directory of 100 historic sites,
- c) an list of experts; and
- d) a multilingual glossary of archaeological and architectural terms.

411. A first meeting of experts was held in Marseilles in 1989 and a second one in Thessaloniki in 1993. A third one planned in Naples in 1995 suffered from the abandonment of the section on culture from MAP. As a result, the tasks mentioned above could apparently not be carried out.

412. Thus, the existence of an institutional and fully functioning network of heritage sites, or directors, or experts could not be established and maintained, especially after 1995. This is unfortunate, as such a network could have been the main tool for promoting the conservation of cultural values in the region, and the means for achieving integration with environmental efforts. Communication between the Programme unit in Marseille and specialised services in Ministries of Culture, as well as individual experts, remained lively. In particular, the Programme Co-ordinator participated actively in many institutions related to culture as an individual expert, representing the Programme. This has resulted in an informal network of experts, interested in the 100 Sites Programme, which has continued up to the present.

413. Communication with MEDU and some of the MFPs has been far from satisfactory. In this context, it should be noted that the technical reports submitted by the Programme since 1995 –especially in the frameworks of the CAMPs– have not been included in the list of MAP publications.

The orientation of the Programme

414. At the constituent 1989 meeting in Marseille, the following two issues were identified: a) the impact of visitors; and b) the conservation of (building) materials and stone degradation.

415. Soon after, however, the first issue –very pertinent to sustainable development and to a more holistic approach– was in essence replaced by the protection of the underwater heritage, including shipwrecks, an issue in which the *Atelier du Patrimoine* had particular interest and competence. This was done apparently at the request of the MAP Bureau.

416. As the Programme always suffered from limited financial support (the financial contribution by MAP having stopped in 1995), these resources could have been directed to a more strategic –and less technical– approach to the conservation of the cultural heritage.

417. Such a broader and strategic approach has been developed within the Programme in more recent years, focusing on the development of Mediterranean cities, in which cultural heritage appears related strongly to sustainable development of the urban environment.

418. Until 2002, a main theme of the Programme was of 'A methodological approach to the establishment of plans for the rehabilitation and restoration of historic cities'. In addition, missions entrusted to the Programme and its Co-ordinator have led to contributions on the revision of the master plans of various Mediterranean cities and assistance in the process of designation of World Heritage Sites (which included the establishment of a system for heritage management).

419. This broader and strategic approach has been incorporated in the draft of the MSSD and has been implemented in a number of concrete cases, such as the meetings of mayors of Maghreb countries in Marrakech (December 2004) and Damascus (January 2005), the Alexandrina Library and the Anna Lindt Foundation (since February 2005). Within this broader and global context, training and public awareness meetings for decision-makers were planned in June 2005 in Algiers and July 2005 in the Middle East. The links of these activities with MAP need clarification.

Administrative aspects

420. The operational and administrative aspects of the Programme were not considered with sufficient clarity in the beginning and this led to a degree of confusion, conflicting interpretations and diverging expectations. More specifically, the following points should be noted:

- a) the initial Memorandum of Co-operation was not signed with the Municipality of Marseille, but with the French Government, which caused some difficulties, especially financial;
- b) the *Atelier du Patrimoine*, in spite of additional support from the Marseille Museum of History, was constantly involved in technical work, carried out in a flexible manner, and did not have the capacity to undertake the complex –and sometimes rigid– tasks of Programme secretariat, especially as an officer responsible for administrative and financial management was never appointed, due to lack of funds. The position of this organisation within the MAP framework and its relation with MEDU remained too flexible;
- c) the Programme Co-ordinator is a person of significant international reputation and recognition, who has serious responsibilities to the City of Marseille. Although his overall personal contribution to the Programme has been high, he can only devote approximately half of his time to the substantive aspects of the Programme and even less to administrative matters. In recent years, he might have been discouraged by MAP's attitude towards cultural aspects;
- d) the relation of the Programme to the RACs (PAP/RAC, SPA/RAC and BP/RAC) went through different phases related to the evolution from MAP Phase I to MAP Phase II. More specifically, in 1989 the Programme was associated with PAP/RAC and worked closely with it until 1993, when the latter abandoned its work on rehabilitation and restoration of historic buildings. Co-operation continued on certain CAMPs, especially those of Rhodes and the Fuka Matrouh. Various arrangements were made, but no definitive decision was taken, until quite recently, when the Programme was associated to the work of MCSD. For the BP/RAC, the collaboration centred on the coastal action plans. Relationship with RAC/SPA started actively in the framework of the Protocol on Specially Protected Areas, but were stopped when cultural aspects were removed under MAP II. Relationships with other centres (such as REMPEC) continue. Overall, the collaboration has not been systematic, stable or well planned, probably due to weaknesses in the MAP co-ordination; and

- e) the lack of full, continuous and transparent financial reporting indicates that the arrangements agreed to in the beginning –especially the lack of a responsible administrative and financial officer– did not prove satisfactory.

421. In relation to this last point, and for reasons of fairness, it must be pointed out that – since 1995– the funding of the Programme was ensured by the City of Marseille (from its budget of International Relations and the *Atelier du Patrimoine*) and by payments for expert missions entrusted by UNESCO, the European Commission and certain Mediterranean countries, with no participation of MAP. Thus, financial reporting to MEDU might not be pertinent.

422. Perhaps many of these problems resulted from confusion as to the relation of the Programme to MAP, with various key individuals involved holding very different opinions. The links between the two were obviously weakened once the Programme stopped being funded by MAP in 1995.

A vision for the future

423. For the period 2006-2010, there is a strong vision for the Network / Programme of the 110 Historic Sites. The intention is to develop actions in the area of information and public awareness and co-operation and technical assistance, in a broader framework than the one requested by the Contracting Parties in 1989, which focused on technical aspects.

424. According to the Programme co-ordinator, this more global and holistic approach is being developed in collaboration with the Directorate of International Relations of the City of Marseille on the one hand, and the European Commission, the Council of Europe, UNESCO, ICOMOS and the World Bank on the other. The examples of work being done on cultural heritage in the context of sustainable urban planning in the cities of Maghreb and the Near East, and especially Alexandria and Istanbul, have been mentioned.

425. In addition, the feasibility of the two experts' proposal for the establishment of MEDPATRIMOINE must be evaluated, as on first sight (a) it does not appear directly related to the mandate of MAP and (b) might not prove realistic.

426. As for the continued involvement of the Convention with cultural issues, a number of general points should be kept in mind:

- a) culture is society specific. In spite of historical and religious currents that have affected the whole of the Mediterranean, culture still remains a major element of national –and often local– identity. Consequently, it has to be treated with utmost respect, avoiding generalised approaches and relying instead on 'bottom-up' methods;
- b) it should be recognised that culture includes both past heritage, but also living heritage that being constantly created by contemporary societies. Thus the understanding of the dynamic and diachronic nature of culture must be promoted;
- c) cultural heritage covers both tangible and intangible elements. Both are important for the identity of societies, but the conservation of intangible elements is sometimes even more difficult and requires particular attention;
- d) nowhere are cultural values more important than in landscapes, which are the result of interaction between human societies and nature, and which incorporate human perception. They are an invaluable factor in human well-

being and in visitor attraction. Thus cultural landscapes should be in the focus of the new Convention Programme. Collaboration with the new European Landscape Convention of the Council of Europe would be beneficial to both sides; and

- e) the relation between tourism and cultural heritage should be better analysed. In the case of past heritage the focus should be on its protection from visitor pressures. In the case of living cultural values, care must be given to protect their authenticity and their significance for current and future societies;

Programme for the Assessment and Control of Pollution in the Mediterranean Region (MEDPOL)

427. MEDPOL was created in 1975 as the environment assessment component of MAP. Currently, MEDPOL is responsible for the follow-up of the implementation of three Protocols, namely: Land-based Sources, Dumping, and Hazardous Wastes.

428. MEDPOL shares the office space with MEDU in Athens and has a staff consisting of 9.5 persons who are under the supervision of the Coordinator of the Convention.

Main achievements, products and activities

429. MEDPOL is involved with four work programmes, namely:

- a) marine pollution monitoring activities;
- b) implementation of the Strategic Action Programme (SAP), the technical arm of the LBS Protocol. This programme has been in effect since the approval of the SAP in 1997;
- c) implementation of the Protocol for the prevention and elimination of pollution of the Mediterranean Sea by dumping from ships and aircraft. Work activities were initiated in 2003; and
- d) implementation of the Protocol for the prevention of pollution of the Mediterranean Sea by transboundary movements of hazardous waste and their disposal.

430. MEDPOL is a major component of the Convention set-up, with a large number of activities and products that were scrutinized in detail in a comprehensive evaluation that has just been completed and the report of which was adopted in March 2005.

Key findings

431. Based on the results of the questionnaire of this external evaluation, the perception of the stakeholders concerning the usefulness of MEDPOL's work was positive. Around 75% of the responses indicated that the work of MEDPOL is considered very useful.

432. In line with the above-mentioned evaluation conducted for MEDPOL, the following conclusions could be drawn:

- a) with regards to the monitoring activities, although the preparatory work for these activities was regarded as being satisfactory, the implementation was not satisfactory. Only about 50% of the Mediterranean countries finalized their bilateral agreements with UNEP/MAP for monitoring and assessment;

- b) as for the LBS Protocol, MEDPOL has satisfactorily undertaken the preparatory work and the support activities for implementation. With respect to the achievements of MEDPOL in the implementation of the LBS Protocol, it is evaluated as being satisfactory since 17 out of 21 countries fulfilled their reporting requirements; and
- c) as to the two other Protocols (Dumping and Hazardous Wastes), although MEDPOL has undertaken some preparatory work (more for the Dumping Protocol), it has not developed a work programme for implementation. The performance in these cases was judged as unsatisfactory, even though these two Protocols have not yet entered into force due to insufficient ratifications.

433. Perceptions of the Contracting Parties and stakeholders of the monitoring activities were generally positive. Capacity building activities related to the monitoring activities were also perceived in a positive manner by stakeholders.

434. However, a number of weaknesses were also noted:

- a) there is no appraisal as to whether the monitoring database serves its intended purpose;
- b) concerns were expressed in relation to public awareness of the MEDPOL database;
- c) there is a lack of follow-up on the effectiveness of the training provided as well as a lack of continuity in training programmes; and
- d) there is a shortage of material resources (for laboratories) such as equipment, consumables, reference documents, etc.

435. The implementation of the LBS Protocol, including the activities of National Diagnostic Analyses (NDA) and National Baseline Budgets of Pollutants (NBB) are perceived favourably by stakeholders. Nevertheless, reservations have been expressed concerning the foreseeable mechanism for implementation of the National Action Plans. This is a very important issue that needs to be taken into consideration in the formulation of MEDPOL Phase IV.

436. MEDPOL was quite successful in mobilizing external resources: it has raised 8.2 million USD between 1996 and 2003, compared to the 11.9 million USD allocated through the Mediterranean Trust Fund for the same period.

MAP Coordinating Unit (MEDU)

437. Thirteen Parties considered that the role played by MEDU in relation to MAP and the Convention in general has been very effective, and six Parties that it has been effective to some extent.

438. Twelve Parties indicated that MEDU should play a more proactive role vis-à-vis the Parties; nine Parties indicated that MEDU should be given much more substantial means to serve the Parties; and four Parties indicated that MEDU should become an operational body for the implementation of projects and programmes.

439. Parties indicated that MEDU should develop the capacity to undertake the following functions:

- a) providing more assistance for national implementation;
- b) liaising with other relevant conventions;
- c) stimulating and coordinating the activities of RACs and Programmes and developing HQ agreements with the host country of each RAC;
- d) reinforcing the cooperation with the EU, EUROMED, the World Bank, the EIB, GEF and other financing mechanisms;
- e) coordinating project implementation that involves several RACs;
- f) practicing a more transparent financial management;
- g) encouraging more the actions leading to national implementation;
- h) reinforcing the geographical representation of Parties in MEDU staff (there are Parties that never have had a national working at MEDU in 30 years);
- i) providing more assistance in relation to development of national legislation;
- j) promoting more transparency in decision-making processes;
- k) preparing annual plans of meetings and activities; and
- l) promoting better links between the RACs and the Parties.

440. Other general observations regarding MEDU included:

- a) it needs to improve communications, particularly via Internet; and
- b) it should make a more transparent use and recruitment of experts/consultants.

Mediterranean Trust Fund (MTF)

441. Nine Parties were of the opinion that MTF has the required level of resources and a number of other Parties indicated that the MTF resources should be increased for the following purposes:

- a) promote concrete actions towards the integration of the environmental considerations in economic growth;
- b) the development of concrete projects in new areas such as energy, since energy services are fundamental to all three pillars of sustainable development and essential for sustaining human life and improving human welfare;
- c) capacity building activities;
- d) to assist with the establishment of national coordination units for MAP implementation in each Party; and
- e) to provide support to sub-regional initiatives.

442. Other observations by Parties about the MTF included:

- a) the role of the MTF is to undertake regional activities that are of a coordination or catalytic nature. It has a reasonable budget for this purpose. What is needed is more money at the national level to implement the provisions of the Convention; and
- b) the MAP budget could go further if the length of meetings were to be reduced. While it is important to meet people face-to-face from time to time, a certain amount of work could also be undertaken by remote means (tele- and video-conferencing for example).

Relations with bilateral and multilateral donors

443. Over the past ten years, MAP has obtained funding from a number of donors and especially from the Global Environment Facility (GEF), the *Fond Français pour l'Environnement Mondiale* (the 'French GEF') and the Mediterranean Aid (MEDA), a financial instrument of the EU. Unfortunately, it was not easy for the consultants to analyse and interpret the information available in the Secretariat as to provide a clear picture of the funding received in the last 10 years.

444. As indicated in the conclusions in section A of this report, it seems clear that:

- a) the number of major donors is limited; and
- b) project development and search for funds is often left to the RACs, without sufficient co-ordination.

445. In their responses to the questionnaire for this external evaluation, five Parties indicated that MAP/MEDU has played a useful role vis-à-vis bilateral and multilateral donors, while two Parties were of the opinion that MAP/MEDU's catalytic role vis-à-vis bilateral and multilateral donors has been poor.

446. Twelve Parties indicated that MAP/MEDU should play a much more proactive role vis-à-vis bilateral and multilateral donors.

447. Other observations on this matter included:

- a) considerably more attention should be given to the sub-regional approach;
- b) there is a great need for more coordination of donors in the Mediterranean, particularly at the regional (as opposed to national) level;
- c) MEDU should work more with bilateral donors;
- d) the Parties and MAP have the responsibility for guiding development in the region through the promotion of a balanced use of resources that allows to integrate economic growth with protection of the environment. To face this challenge, MAP must strengthen and consolidate bilateral cooperation between countries through the involvement of the private sector, multilateral financial institutions and civil society, and create synergies with the European Commission, the Euro-Mediterranean Partnership and the other programmes active in the region; and
- e) the GEF project has been very satisfactory.

Relationships with the European Union/European Commission

Context

448. The European Community is a Party to the Barcelona Convention on equal footing with the other Parties. Nevertheless, due to the different nature of the EC as a Party and the particular role played by the EU in the Mediterranean region, the relationship with this Party to the Convention requires a separate treatment. The Focal Point of the EU as a Party is the European Commission (EC), and more specifically the Environment Directorate-General (DG-ENV).

459. In addition, it should also be taken into account that among the other 21 Contracting Parties to the Convention, seven are now EU members, and two others are working towards accession to the EU. This means that 45% of the Parties are now subject to EU binding legislation or preparing themselves to adopt it.

450. In their responses to the questionnaire used for this external evaluation, four Parties indicated that the relationships between the Convention and the EU/EC have been very appropriate, 11 Parties indicated that they have been appropriate, and one Party indicated that they have not been appropriate.

451. The observations provided by Parties on this matter included:

- a) the EC often “calls the tune” in the Convention affairs;
- b) there is a need for closer relationships between MEDU and the Commission, particularly following the recent EU enlargement in which three more CPs became EU Member States, and in view of the new European Neighbourhood Policy (in which the EU is also encouraging the southern and eastern Mediterranean countries to move closer to standards and norms in the EU *acquis*);
- c) it is essential for MEDU and the Parties to understand the political and legal limitations in the commitments that the EC can take without the explicit endorsement of the European Council;
- d) while the relationships MAP/EC are very important, the relationships with the Euro-Mediterranean Partnership are also of great significance and should not be neglected;
- e) of recently, the EU has come closer to MAP and this process is welcome and should be further encouraged. The EU should take a more active role in financing MAP activities;
- f) MAP should lead a process in which input from the Mediterranean countries could be provided to relevant EU policies. MAP could be far more proactive in generating professional benefits from EU knowledge and expertise, e.g. availability of online data sources, video conferencing with experts on request, etc.;
- g) a stronger coordination among the EU member countries and the EC is necessary to ensure coherence among the various initiatives and funding made available to MAP;
- h) MEDU should promote a more proactive participation of the EC, particularly in mobilizing resources to support the developing countries; and
- i) MAP activities and programmes are in synergy with the EC environment programmes (i.e. SMAP).

Attitude of the EC towards the Convention

452. The DG ENV participates very actively in the Convention processes and attends meetings regularly. The EC was the only Party that submitted the response to the questionnaire related to this External Evaluation within the established deadline, having gone through an internal consultation process for the preparation of the answers, as

recommended. In principle, other DGs are kept informed (especially the External Relations Directorate-General, Transport and Energy, and Fisheries).

453. The EC makes an annual obligatory contribution amounting to 2.5% of the Convention budget, as well as approximately half million euros yearly, which constitutes a regular voluntary payment covering activities in the biennial work programme of the Convention. Besides these two contributions, the EC finances specific MAP projects, on the basis of competitive procedures.

454. The officials representing the EC participate actively in key issues and appear positive and supportive towards the Convention.

455. In spite of good intentions¹⁷, however, and at the institutional level, the EC does not seem to recognise the Convention process as a credible, major and permanent partner in the Mediterranean; thus, it does not use its structure and services as effectively as would seem possible, and it does not involve MEDU and the other components of the Convention process substantially in the major EU initiatives in the region, such as the Euro-Mediterranean Partnership (EMP) and the Short and Medium-term Priority Environmental Action Programme (SMAP). On the contrary, it treats the components of the Convention process as it would any other interested party submitting project proposals on a competitive basis.

456. The reasons for this unsatisfactory relationship are complex and numerous. The expansion of the EU to the East of Europe may have directed the interest of the EC away from the Mediterranean (although three of the new members are from this region). In addition, the political pressure for financial transparency and accountability of the EC and the new Financial Regulation, and the resulting bureaucracy, certainly play a key role. A major political and legal problem that may exist is that the EC treats the Convention (at least concerning project financing) as an outside organisation, while at the same time the EC participates officially in all the Convention's decision-making processes as a system insider.

457. Another reason for this attitude from the EC towards the Barcelona Convention is that the EC is involved in other several regional seas processes that EU Member States are party to. Thus, it cannot treat the Barcelona Convention and its process in a privileged manner.

458. Finally, the EU's political, institutional, legislative and external cooperation processes are so complex in general – and even more so in relation to the Mediterranean, part of which 'belongs' to the EU and part of which does not – that it becomes very difficult to find ways and means for establishing a more significant and substantial cooperation with the Convention.

Attitude of the Convention towards the EC

459. Within the Convention, some of the Contracting Parties (including some EU Member States) maintain that the EC is a Contracting Party like any other, and should not be treated differently. There is also a degree of suspicion (especially among some of the states that are not members of the EU) concerning the perceived hegemonic role of the EC within the Convention.

460. The majority, however, including MEDU, consider that the EU plays a major and positive role in the Mediterranean, and that unless there is a very close institutional

¹⁷ During the 2nd Euro-Mediterranean Conference, for example, held in Athens in July 2002, the EU Foreign Ministers acknowledged the importance of strengthening the links between the Convention and the Euro-Mediterranean Partnership.

relationship between the EU and the Convention, the latter runs the danger of becoming marginalized and left behind the EU initiatives in the region¹⁸.

461. There is also concern due to the fact that the Parties that are EU members may have no choice but to orient themselves in the first instance towards the EU, which might weaken their links with the Convention. This could undermine the basic strength of the treaty process, which is the equitable participation of countries from all the sub-regions of the Mediterranean basin. It is true that even if the EU members have to follow the common position adopted in all issues, they are free to do more if they so wish within that common position.

462. Of course, even the strongest proponents of closer links with the EC recognise that the Convention process must retain its independence and identity.

463. The relationship between the two sides is made more difficult by the fact that the key officials involved belong to very different bureaucracies (the UN/UNEP and the EC), with different mentalities and practices. At a broader level, policies and priorities of the UN and the EU are at times quite different.

464. In addition, EU priorities concerning the Mediterranean –which result from an interaction of the European Parliament, the Council and the Commission– are not always consistent, since they are influenced by broader considerations, and thus its policies in the region are often in flux.

The role of the MSSD in relation to the EC

465. It is only reasonable that the EC maintain a particular interest in the work of the MCSD, although it has expressed at times its dissatisfaction with MCSD priorities and results. At present, a serious effort is being made to refocus the work of the MCSD on the preparation of a widely acceptable Mediterranean Strategy for Sustainable Development (MSSD), which would be the axis of its future work and would respond to the EC's reservations.

466. Some of the stakeholders consider that the interest of the EU and its EMP in the Convention may be gained through the MSSD, leading eventually to the endorsement of the MSSD by the EMP during its High Level Conference to be held in Barcelona on 27-28 November 2005. Initially there were doubts as to that possibility, as the time schedule for the finalisation and approval of the MSSD is extremely tight, leaving very limited margins for the necessary political and administrative procedures that this major step would require. A very positive step, however, has been the decision by the Foreign Affairs Ministers participating in the Euro-Mediterranean Partnership Meeting in Luxembourg on 30-31 May 2005 to take note of and support the completion of the MSSD. In any case, efforts to more strongly link the Convention with the Barcelona Process are required. It could be extremely important that this is 'championed' by one or more EU-member states.

¹⁸ The EU is proceeding with the preparation of a Marine Strategy and a Green Paper on Maritime Affairs, which will have clear implications for the Convention, especially if the Strategy is translated into a EU Directive (of compulsory application by the Parties that are EU members). MEDU and MED POL were involved in the preparation of the Strategy, where it is proposed that MAP should be a partner for the implementation of the Strategy, once approved, but MAP has not been consulted in the preparation of the Green Paper. The EU Commissioner for Fisheries and Maritime Affairs has had discussions with MEDU on the Green Paper and has delegated that the head of the Secretariat for the development of the Maritime Policy establish contact with MEDU to ensure that MAP is involved in the consultation process.

Synergy and cooperation with other Conventions, processes and partners

467. There are a considerable number of other intergovernmental treaties, global and regional processes, and activities undertaken by partners which are very relevant to the Convention.

468. Responses to the questionnaire for the external evaluation reveal that, in general, the Convention has developed very little cooperation with other conventions and processes at the regional and global level. This situation seems to be reflected in the Parties, where, with few exceptions, MFPs appear to maintain very few contacts and cooperation with those responsible for the implementation of other key multilateral environmental agreements.

469. Within the broad objective of achieving synergy, the Convention's relationships with other stakeholders active in the Mediterranean –some even established within it– is of capital importance. The Convention should be seen as a key mechanism for environment and sustainable development in the region, and not as an individual intergovernmental institution that is occupying an isolated *niche* with a limited mandate. This will require concerted efforts in the coming years mainly from MEDU and the other Convention components.

470. An important element to be taken into account is that the Convention treats the Mediterranean basin as a region, while other international processes generally separate it into three sub-regions, especially for reporting purposes.¹⁹

471. Of course, it should be recognised that co-operation and synergies with other organisations/processes require a considerable investment of time and resources, usually at a high level, if positive results are to be obtained. In addition, such joint efforts are voluntary and require strong and sustained interest from the parties involved, open-mindedness and generosity. The combination of all these factors makes successful co-operation rather difficult.

472. Thus, the overall impression is that the Convention has maintained contacts with very many organisations and institutions, most of them inter-governmental, but not all of them have been systematic, and few have provided significant and concrete outputs. These are summarised in the table below.

Table 3 - Major organisations collaborating with MAP

<i>Organisation</i>	<i>Type</i>	<i>Co-operation</i>
ALESCO		With RAC/SPA
ACCOBAMS		Action Plan for Cetaceans adopted by MAP; MoU signed on this
AIIIE (Adriatic and Ionian Initiative)	IGO	MEDPOL: Monitoring River basin management
AEWA (CMS)	IGO	Action Plan for Birds adopted by MAP
Arab League	IGO	
Bern Convention, CoE	IGO	RAC/SPA
Black Sea Programme	IGO	
CIHEAM (Centre International de Hautes Etudes Agronomiques Méditerranéennes)		BP/RAC: Agreement signed in 2003 Agriculture, environment, sustainability
CEDARE (Centre for Environment and		BP/RAC: Waste management

¹⁹ Such as the UNEP Global Environment Outlook (GEO) and the reporting for the World Summit on Sustainable Development (WSSD).

Development for Arab region and Europe)		
CBD (Convention on Biological Diversity)	IGO	MoC signed, RAC-SPA Clearing House Mechanism (CHM) Indicators for coastal and marine biodiversity Marine and coastal protected areas
CCD (Convention to Combat Desertification)	IGO	Implementation in the Mediterranean
CMS (Convention on Migratory Species)	IGO	Action Plans for Marine Turtles and Monk Seals adopted by MAP
Convention on Wetlands (Ramsar, 1971)	IGO	MoC signed, but has lapsed RAC/SPA: Mediterranean wetlands
EEA (European Environment Agency)	IGO	MoU developed BP/RAC: Indicators and statistics MEDPOL: Indicators and information ERS/RAC: Remote sensing
Espoo Convention ²⁰	IGO	MEDU: Contacts initiated in 2003
FAO/CGPM (Food and Agriculture Organisation)	IGO	BP/RAC: Agriculture PAP/RAC: Soil issues RAC/SPA: MoU signed for SAP BIO Conservation of marine resources Mitigation of fish catch impacts ²¹
GEF (Global Environment Facility)	IGO	BIO Strategic Action Programme
GWP-Med (Global Water Partnership)	IGO+NGO	BP/RAC/: In Partnership Council
IMO (International Maritime Organisation)		REMPEC: Funding by IMO Ballast water and invasive species
INOC (Inter-Islamic Network on Oceanography)		Co-operation with RAC/SPA
IUCN Headquarters IUCN Med. Co-operation Centre, Malaga IUCN WESCANA Region	NGO + governments network	MoC, co-operation with RAC/SPA
METAP (Mediterranean Environmental Technical Assistance Programme)	EIB + WB programme	MEDU, MEDPOL: Institutional co-operation BP/RAC Free trade and environment PAP/RAC: Coastal zone management
MIO-ECSDE	NGO network	MAP/MCSD
RAMOGE ²²	IGO	MED POL: Bio-monitoring
Ramsar / MedWet (Mediterranean Wetlands Initiative)	IGO +	Through RAC/SPA, MoC lapsed
REC (Regional Environmental Centre for East and Central Europe)		MEDU: Strategy for information, awareness and public participation
Red Sea Programme	IGO	
WHO (World Health Organisation)	IGO	MEDU: Permanent co-operation
WWF International WWF MedPO (Mediterranean Programme)	NGO network NGO network	MEDU RAC/SPA MCSD: Participation
UNECE (United Nations Economic	IGO	MEDU

²⁰ On the Environmental Impact Assessment in Transboundary Context, (UNECE).

²¹ On birds, marine turtles and cetaceans.

²² Environmental agreement among France, Italy and Monaco, named after Saint-Raphaël, Monaco and Genoa.

Commission for Europe)		
UNEP/WCMC (World Conservation Monitoring Centre)		

473. It was not feasible within the scope of the present evaluation to analyse and evaluate the relationship with each of the organisations listed in Table 3, but certain general comments can be made for three major categories: intergovernmental organizations (IGOs), non-governmental organisations (NGOs) and other stakeholders.

IGOs

474. This category includes mainly the global conventions (such as CBD, Bern, Bonn, Desertification, Ramsar, UNCLOS, UNFCCC, etc), United Nations agencies and services, the European Commission and the Council of Europe, the Arab League, the EMP, other Regional Seas Programmes (Black Sea, Red Sea) and others.

475. Collaboration agreements have been signed with some IGOs, but these have not been followed closely and their implementation has usually not been satisfactory. A characteristic example is the MoC signed in 2001 with the Convention on Wetlands (see http://www.ramsar.org/key_barcelona_moc_e.htm). The joint work plan appended has not been implemented and the MoC lapsed in 2002, and has not been renewed three years later. Contacts to re-sign it, perhaps in a more effective form, were initiated in early 2005.

476. Relationships with all biodiversity-oriented bodies and processes have been delegated to RAC/SPA. This can be justified on the basis of competence and decentralisation. However, RAC/SPA is mainly a technical centre and would seem inappropriate that it handle complex relationships with major intergovernmental institutions.

NGOs

477. In the beginning, the Contracting Parties to the Barcelona Convention were reluctant to accept NGOs in its activities; at every meeting, the list of NGO observers had to be approved by the Parties. This reflected the broader unsatisfactory relationship of NGOs with governments in the Mediterranean at that time. Slowly the situation has improved, with confidence on both sides increasing and thus more permanent relationships being built within the Convention processes. This culminated at the establishment of MCSD, in which NGOs were accepted as equal members (although the two-year rotation system placed them at a considerable disadvantage). Today, a number of NGOs (such as Greenpeace, MIO-ECSDE and WWF) are considered Convention partners and participate more or less effectively in its activities.

478. It should be noted that various NGOs have been eager to become members of the MCSD, seeking recognition and eventually funding, but once designated their contribution varied widely, from substantial to insignificant.

479. A positive development has been the approval by the Contracting Parties (Monaco, November 2001) of criteria for the inclusion of NGOs in the Convention's activities. On this basis, and after a call for submission of information, 70 NGOs were selected. The Convention funds certain activities and projects of NGOs, with MoUs being signed²³, but the funding is approved without a strategic view, on a first come first served basis.

²³ In 2002, for example, 18 MoUs were signed for allocations of USD 106,000 and six for USD 22,000. See UNEP(DEC)MED WG 228/3, p. 22.

480. In the responses to the questionnaire used for this external evaluation, the working relation of the MFP with national NGOs on issues related to the Convention were in general described as follows:

- a) in four Parties there is a formal system for NGO involvement in MAP/Conventions issues;
- b) in eight Parties there is no formal system but contacts with NGOs on these matters are systematic;
- c) in seven Parties, contacts with NGOs on these matters are sporadic; and
- d) no Party has indicated that there are no contacts with national NGOs on these matters.

481. From the Parties' responses above, and from the feed-back received by the consultants from a number of NGOs, it can be concluded that the involvement of the NGO community in the Convention issues at the national and regional levels is of an *ad-hoc* nature and that a true partnership is not in place.

482. Parties have provided the following list of major national NGOs as being regularly involved in MAP/Convention matters at national levels (nevertheless, the Secretariat has provided a list which includes other NGOs not listed by the Parties):

B&H:	Center for Environmentally Sustainable Development of B&H (CESD), Lijepa nasa, Capljina
Croatia	ODRAZ, Pokret prijatelja prirode "Ljepa nasa"; Zelena Akcija; ZMERGO
Cyprus	Cyprus Conservation Foundation, The Laona Project
France	WWF-France, Amis de la Terre, Comité Français de l'UICN, Enda Europe, Forêt méditerranéenne, Fédération des Parcs Naturels Régionaux, Programme Solidarité Eau
Greece	MIO-ECSDE, SOS Mediterranean Network, Greenpeace
Israel	Society for the Protection of Nature in Israel, The Heschel Center for Environmental Learning and Leadership, Friends of the Earth Middle East
Italy	WWF-Italy, Greenpeace, Marevivo, Lega Ambiente, Amici della Terra, Amici per la Vita
Lybia	International Energy Foundation
Morocco	Enda, CMEP, Association Marocaine pour la protection de l'Environnement
Spain	ADENA/WWF, Greenpeace, Ecologistas en Acción, SEO/BirdLife, Amigos de la Tierra, Oceana, Trade Unions, Industrial associations
Syria	Association for the Protection of the Coastal Zone
Tunisia	Association Tunisienne pour la Protection de la Nature, Association des Amis des Oiseaux, WWF-Tunisie, Association de développement durable
Turkey	Turkish Marine Research Foundation, Underwater Research Society, Mediterranean Seal Research Group, Conservation of Natural Life Foundation, Turkish Marine Protection Association

483. The evaluation has observed that the contribution of each NGO recognised as MAP partner to the work of the Convention is not carried out systematically nor on the basis of clear and objective criteria.

Other stakeholders

484. Through the MCSD, the Convention system has attempted to initiate contacts and to cultivate collaboration with other stakeholders in the region, especially local authorities and the business sector, with rather unsatisfactory results. It appears that the business sector is not really interested in the work of the Convention –a factor that merits further examination– and that local authorities feel uncomfortable participating in international activities.

485. And yet a strong working relationship between the Convention on the one hand and socio-economic actors and local authorities on the other is essential both in increasing the inputs to the system and to provide a broader level of legitimacy. This is especially important for the MCSD, but also concerns other areas of the work of the Convention.

Outreach strategy and activities

486. In their responses to the questionnaire, 11 Parties considered that the transmission of information from MEDU is effective and timely; five Parties that it is not very effective and timely; and two Parties that it is poor.

487. Nine Parties were of the opinion that MEDU's use of modern means of electronic communications (e-mail, website(s), moderated and unmediated email lists, e-learning, etc) is effective and useful; six Parties that it is not very effective and useful; and two Parties that it is poor.

488. Concerning the printed materials generated by MEDU, 10 Parties considered that they are very useful in content; and two Parties that they are not very useful. Nine Parties were of the opinion that those materials have been adequate in terms of quantity, and four Parties considered that MEDU should produce more.

489. One Party added that while the content of MEDU materials is generally of a high quality, there is a need to clearly identify the audiences of each publication, and ensure that these address their needs (level of detail, etc.). Then, there needs to be a way of ensuring that publications actually get to the intended audience. Unfortunately, a large percentage of MEDU publications probably end up just gathering dust.

490. In relation to the use of languages in the printed materials, 13 Parties considered that it is adequate. Three Parties advocated for a wider use of the Arabic language, one Party indicated that MEDU should attempt to use all Parties' languages, exploiting the potentialities of ICT for a low cost and wider outreach.

491. Concerning, the three main priorities for improvement in the area of MAP/Convention communications, the only aspects that were suggested by a number of Parties was the need to improve the Convention web site and of updating it regularly. Otherwise, the priorities listed by Parties were very diverse, as shown in the following lists:

Priority 1:

- More attention to sub-regional projects
- Reaching the local administration and the public
- Doubling the budget for communications
- Targeting both the content and the distribution of all communications to specific audiences to meet specific information needs
- Increased use of electronic communications as a mean to reduce the number of meetings
- Seminars at national level to present and promote MAP

Preparation of a communications strategy
Development of materials addressed to the public at large

Priority 2:

Produce and distribute more information on the natural and economic resources of karst
Use professional PR firm(s)
Increase the visibility of MAP making use of its 30th Anniversary and the 10th Anniversary of the EUROMED
Improve communications between the RACs and the countries
An overall communication and outreach strategy and implementation plan
Assist in the establishment of a "MAP library" in each Party
Outreach activities addressed to other stakeholders in fields other than the environment
Production of practical guides

Priority 3:

More emphasis on water resources management
Promote issues/concepts, not institutions/structures
Coordinating the content and timing of publications being sent out from different RACs
Stronger dissemination of information about MAP's overall results to its main stakeholders
More publications on cross-cutting issues

The system of MAP Focal Points and Focal Points for RACs and MEDPOL

492. 18 Parties indicated that they have a MFP and FPs for other MAP components. One Party indicated that it has a MAP office with a secretary at 50% that coordinates the work of the FPs.

493. Eight Parties indicated that the FPs for other MAP components work always through the MFP; six Parties that they do so when so required, and five Parties indicated that the FPs work independently.

494. Concerning the *modus operandi* of the focal points, the Parties reported that:

- a) nine Parties have a formal system of consultation and coordination among the different FPs:
- b) in nine Parties the FPs consult and coordinate among them as the need arises;
- c) in five Parties there is little consultation and coordination among the different FPs;
- d) in four Parties there is a formal system in place by which the MFP informs and coordinates with other relevant sectors in the government;
- e) in 11 Parties, information and coordination with other sectors in the government are done when the need arises; and
- f) in two Parties there is little contact between the MFP and other sectors in the government related to MAP and the Convention in general.

495. The information provided indicates that only in very few Parties is there an active involvement of other sectors of government, in addition to the unit/division/department that hosts the MFP, in issues related to MAP and/or the Convention in general.

496. Eight Parties were of the opinion that there should be more guidance from the COP on the role of MFPs and FPs for other MAP components, while other nine Parties considered that there is sufficient guidance on this matter.

497. 19 Parties considered that the regular meetings of MAP Focal Points are very useful.

498. Concerning the regular meetings of FPs for RACs/MEDPOL, 11 Parties were of the opinion that they are very useful, while two Parties considered that they are not very useful.

499. The observations provided on this matter included:

- a) there is a need for the RAC FPs to evaluate more critically the proposals which are being passed up to the MFPs;
- b) Parties should be encouraged to establish an inter-ministerial network of focal points and to ensure that real experts are assigned to the function of FPs;
- c) all FPs should be provided with general information about MAP in general;
- d) there is a need for a more focussed dialogue, not just presentation of activities undertaken;
- e) joint meeting among several RACs can be very useful to identify common issues, to promote cross-fertilization and to devise better work sharing among the Centres;
- f) there is not a very active participation: participants do not study the documentation or prefer not to speak because of their 'client relationship' with the RAC in question; and
- g) there should be an allocation of some remuneration by MAP to the MFP and RACs' FPs in order to encourage them to play an effective role.

500. Parties observed that the efficiency of the FPs system could be improved by:

- a) more contacts by e-mail between RACs and their FPs in between RAC FP meetings might be a good way to keep the RAC FPs more involved in the ongoing work of the RACs, and to help ensure that it is really supporting national needs;
- b) better use of electronic communication, to complement and even substitute for physical meetings, whenever possible;
- c) the organization of FP meetings at sub-regional level;
- d) undertaking more capacity building activities at national level;
- e) the development of terms of reference for the FP function;

- f) leaving the payment of participation costs by MAP to the discretion of MEDU, on the basis of agreed upon rules concerning active inputs to the meeting in question;
- g) providing more systematic information about all the activities undertaken by the RACs;
- h) promoting more transparency: increase the decision capacity of the RACs' FPs and MPFs instead of unilateral decisions taken by the Bureau; and
- i) improving the communication and coordination among FPs.

501. While the consultants were unable to observe *in situ* the *modus operandi* of the MFPs in all Parties, their experience in a number of them, both developed and developing countries, revealed that:

- a) the MPFs, generally located in the Ministries of Environment, have in many cases very little contact or working relations with other key national institutions in the government, the private or in the civil society sectors which have major responsibilities/impact on marine, coastal and sustainable development issues. In some cases the MFPs have little contact even with other key units inside the same Ministry;
- b) the MFP function is delegated to technical officers, sometimes at a low level in the internal hierarchy of the Ministry, with minimal or no involvement at the level of Director General or higher; and
- c) MFPs are in general overworked, having many other responsibilities apart from the Convention and its Protocols. At least in one Party, the ability of the administration to deal with the Convention is so weak that the MFP function has been delegated to experts outside the government, diluting in this way the political involvement with and commitment to the Convention.

Part IV of the External Evaluation Questionnaire

The future orientation of MAP and its relationships with other regional and international organizations and processes

Context

502. One of the main challenges in the preparation of a MAP Phase III (which this external evaluation recommends be called Vision and Strategic Statement, abandoning the name "MAP") could be the question of identifying the most adequate and efficient 'niche' for the Convention in the current regional and international context. These challenges include both the issues that a new phase of the Convention should address and the mechanisms that should be used for its effective implementation.

Contributions from Parties

503. The contributions from Parties towards this part of the evaluation were not particularly informative. The quality of the responses from the 20 Parties that submitted the questionnaire can be ranked as follows: the contribution of three Parties was substantive and meaningful; the contribution of four Parties was of acceptable quality; the contribution of five Parties was poor; and eight Parties did not make any contribution.

504. Concerning the overarching concerns of a possible new phase, the Parties have proposed:

- a) integrated management of river basins;
- b) concrete actions in the areas of:
 - i) assistance to countries for the reduction and elimination of pollution, including diffuse sources, sewage collection, treatment and disposal and others;
 - ii) assistance to countries in developing national legal instruments and national programmes and activities for the sustainable use of living and non-living resources, including the full implementation of ICAM and related concepts;
 - iii) assistance to countries to implement fully regional instruments, programmes and activities developed in the framework of the Convention, as well as the EC;
 - iv) as more and more Mediterranean countries are and will be joining the EU, efforts should be devoted to incorporate EC approaches, as appropriate, to the protection of the Mediterranean environment and the sustainable use of its resources;
- c) to follow the priorities identified in the MSSD;
- d) all the emphasis should be on the implementation of the Convention and the existing Protocols, restraining the drive to develop new ones. An important aspect of this includes finding ways of helping environment ministries in the region to raise their capacity to implement, including improving their ability to work with other parts of their national administration to promote environmental integration;
- e) clarify the question of the 'Mediterranean specificity', which is not always clear for all countries;
- f) effective implementation of existing or forthcoming (e.g. ICAM) legal tools and reinforcement of the capacity to do so;
- g) clarify the links between the legal dimension and the centres and programmes, as well as the work of RACs that are not dealing with the implementation of a particular Protocol;

- h) clarify the links with multilateral donors, including the EU, in order to obtain financing for concrete actions (infrastructures) and reinforcement of national capacities to manage this type of concrete projects;
- i) application and monitoring/evaluation of the MSSD;
- j) emphasis on pollution control in the Mediterranean Sea;
- k) to act as the main strategic and operational arm of the EU neighbouring and partnership policy in the non-EU Parties to the Convention vis-à-vis regional environmental programmes and activities;
- l) to support the process of EU neighbouring countries, who are also Parties to the Convention, to move closer to the EU body of environmental legislation and norms;
- m) to facilitate the environmental sustainability of the Euro-Mediterranean Free Trade Area (EMFTA);
- n) to become an operational body for the implementation of projects and programmes;
- o) to improve the consistency between the Convention and EU legislation;
- p) biodiversity protection in the high sea;
- q) development of guidelines for the management of Specially Protected Areas of Mediterranean Interest (SPAMI);
- r) more funding for pilot projects in developing countries;
- s) establish effective synergies with the global conventions;
- t) encourage regional partnerships;
- u) launch ambitious pilot projects linking sustainable development and protection of the marine environment;
- v) development of a sub-regional mechanism for implementation of the Convention and its Protocols; and
- w) develop communication and cooperation mechanisms on transboundary pollution.

505. As to the key approach to be adopted in a new phase (e.g. provide a general framework for action at the national and regional level) – as done by MAP Phases I and II – or be more specific, defining, for example, a series a major regional programmes on issues of shared concern, the Parties have made the following proposals:

- a) to privilege actions at the sub-regional level;
- b) to be more specific, but not to neglect the common framework for action;
- c) concentrate solely on regional programmes/activities/initiatives;
- d) given that the amended Convention is now in force, as well as the existence of the SAP, BIO-SAP and the proposed strategy for the implementation of the new Emergency Protocol, the new phase document could be quite short, making reference to these other documents;
- e) a 10-year strategic document may be useful, but not in the format of the MAP Phase II document;
- f) define a series of major regional programmes on issues of shared concerns, building upon the most promising Type II initiatives launched in the region at the Johannesburg Summit;
- g) development and implementation of National Action Plans for implementation of SAP/BIO and SAP/MED as the tool that provide improvement of the marine ecosystem. Obtaining GEF and other funds is essential for implementation of the issues defined in these two strategic documents;
- h) development and implementation of National Sustainable Development Strategies (NSSD) and Action plans in accordance with the issues and goals defined in the MSSD;
- i) establishment of a system of national sustainable indicators that will contribute to the successful implementation of NSSDs;
- j) providing support to Parties to meet the MDGs at the national level;

- k) development and implementation of the National Coastal Zone Management Strategies as well as realization of ICAM programmes;
- l) compliance of national systems with the Regional Strategy for Prevention of and Response to Marine Pollution from Ships; establishment of national systems available to prevent and control operational pollution in the Mediterranean region; installation of port reception facilities in ports, etc;
- m) harmonization of national legislations with international agreements and EU legal acts relevant to the Convention;
- n) providing operational mechanisms at a sub regional level;
- o) strengthening of national capacities (human and technical) to work on regional issues;
- p) raising of public awareness on the importance of implementing the Convention policies;
- q) be more specific, for example by launching significant regional projects; and
- r) development of national actions plans to implement the Convention and its Protocols.

506. As to the main reforms that should be introduced in the current Convention structure and *modus operandi* in order to ensure an efficient implementation of a new phase, Parties contributed the following views:

- a) the Convention could develop the capacity to implement more GEF-funded projects and also to assist countries to obtain their own GEF Projects in order to implement the Convention;
- b) establishment of an inter-agency platform on sustainable development;
- c) better coordination of RACs;
- d) re-evaluating the added value of the MCSD;
- e) making better use of electronic communications and advance distribution of documents to cut down on time and frequency of meetings; ensuring a much better system for diffusing targeted information – via the Web and in print;
- f) stronger support to the RAC/SPA;
- g) clarify the different roles of the Convention and the Parties in the quest to meet the objectives of the treaty;
- h) better definition of the RACs' mandate;
- i) better coordination of the MCSD activities by the Secretariat;
- j) while this question could be premature, certainly a stronger management function at the Secretariat level, without creating undue red tape for the day-to-day running of the RACs;
- k) a stronger external communication strategy and a strengthened capability to make its activities and results more relevant to national and regional policy-makers would also be needed;
- l) provide more financial means for implementation of policies and issues;
- m) synchronize the actions of the Convention components on common issues;
- n) provide expert support for implementation of policies at national level given the serious lack of own capacities in some Parties;
- o) strong synergies with other international agreements in order to provide more efficient performance at national level as well as to avoid overlaps;
- p) provide efficient mechanisms for implementation of RACs' activities at national level (seminars and training for national staff, more frequent meetings with national authorities and more frequent analysis of the implementation at national level);
- q) the Secretariat should play a more active role in the implementation of the Convention priorities;
- r) RACs should be more independent from their respective host country and their work programme more closely related to the Convention objectives;
- s) the role of the Secretariat should be reviewed;

- t) MAP should be more responsive to the requirements of Parties; and
- u) much better communication, coordination and transfer of information/technology between the Convention and the Parties.

507. The consultants have included a considerable number of these points in the recommendations that appear in section A of this Report since they were validated during the extensive consultation process.

ANNEX I

Proposal for

UPDATED RULES OF PROCEDURE for meetings and conferences of the Contracting Parties to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its related Protocols

PURPOSES

Rule 1

These rules of procedure shall apply to any meeting and conference of the Contracting Parties as provided in articles 18 and 21 of the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and in any appropriate article of its related Protocols.

DEFINITIONS

Rule 2

For the purposes of these rules:

1. The word 'Convention' shall apply to the 1995 Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean;
2. The term 'Executive Secretary' shall apply to the head of the Secretariat established by the United Nations Environment Programme as provided in Article 17 of the Convention;
3. The term 'Secretariat' shall apply to the unit established by the United Nations Environment Programme as provided in article 17 of the Convention;
4. The term 'meeting' shall apply to any ordinary or extraordinary meeting of the Contracting Parties.

PLACE OF MEETINGS

Rule 3

Unless they decide otherwise, the Contracting Parties shall normally meet at the seat of the Secretariat.

DATES OF THE MEETINGS

Rule 4

1. As provided in article 18 of the Convention, the Contracting Parties shall hold ordinary meetings once every two years and extraordinary meetings on the conditions provided for in that article. [To be revised if there is agreement and it is possible to hold meetings every three years.]

2. In accordance with article 18 of the Convention, the Executive Secretary shall convene any meetings and conferences of the Contracting Parties.

3. Any ordinary meeting shall fix the opening date and the duration of the next ordinary meeting.

4. Any extraordinary meeting shall be convened not less than fifteen days or more than ninety days after the date at which the request mentioned in article 18 of the Convention has been received or formulated by the Executive Secretary.

5. The opening date and the duration of any conference decided upon in accordance with articles 21 and 22 of the Convention shall be fixed by a joint agreement of the Contracting Parties which requested the convening of the conference.

INVITATIONS

Rule 5

1. The Executive Secretary shall invite to send representatives to the meetings and conferences all States that are Contracting Parties to the Convention.

Rule 6

1. The Executive Secretary shall, with the tacit agreement of two thirds of the Contracting Parties, invite to send representatives to observe any meeting or conference, any other State Member of the United Nations or member of its specialized agencies which so requests and has a direct concern in the protection of the marine environment and the coastal region of the Mediterranean.

2. Such observers, upon invitation of the President and with the tacit consent of the meeting or the conference, may participate without vote in the deliberations of the meeting or of the conference in matters of direct concern to the States they represent.

Rule 7

1. The Executive Secretary shall invite to send representatives to observe any meeting or conference: the United Nations and its competent subsidiary bodies, the International Atomic Energy Agency and the specialized agencies if they participate in the activities of the Convention.

2. Such observers may, upon invitation of the President and with the tacit consent of the meeting or the conference, participate without vote in the deliberations of any meeting or conference in matters related to the activities of the organization or body that they represent.

Rule 8

1. The Executive Secretary shall, with the tacit consent of the two thirds of the Contracting Parties, invite to send representatives to observe any meeting or conference, any intergovernmental organization, other than the United Nations, the specialized agencies and the International Atomic Energy Agency, which has a direct concern in the protection of the marine environment and the coastal region of the Mediterranean.

2. The Executive Secretary shall, with the tacit consent of the Contracting Parties, invite to send representatives, to observe any public sitting of any meeting or conference, including the meetings of technical committees, any international and national non-governmental organization which has a direct concern in the protection of the marine environment and the coastal region of the Mediterranean.

3. Such observers may, upon the invitation of the President and with the tacit consent of the meeting or the conference, participate without vote in the deliberations of the meeting or conference dealing with matters of direct concern to the organizations they represent.

REPRESENTATION AND CREDENTIALS

Rule 9

Each Party participating in a meeting shall be represented by a delegation consisting of a head of delegation and such other accredited representatives, alternate representatives and advisers as it may require.

Rule 10

A representative may be designated as an alternate head of delegation. An alternate representative or an adviser may act as a representative upon designation by the head of delegation.

Rule 11

The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Executive Secretary of the Conference of the Parties or the representative of the Executive Secretary if possible not later than twenty-four hours after the opening of the meeting. Any later change in the composition of the delegation shall also be submitted to the Executive Secretary or the representative of the Executive Secretary. The credentials shall be issued either by the Head of State or Government or by the Minister for Foreign Affairs or, in the case of a regional economic integration organization, by the competent authority of that organization.

Rule 12

The Bureau of any meeting shall examine the credentials and submit its report to the Conference of the Parties for decision.

Rule 13

Pending a decision of the Conference of the Parties upon their credentials, representatives shall be entitled to participate provisionally in the meeting.

PUBLICITY

Rule 14

Plenary sittings of the meetings and conferences shall be held in public unless the meeting or the conference decides otherwise. Sittings of subsidiary bodies of the meetings and conferences shall be held in private, unless the meeting or the conference decides otherwise.

AGENDA

Rule 15

In agreement with the Bureau, the Executive Secretary shall prepare the provisional agenda of each meeting and conference.

Rule 16

The provisional agenda of each ordinary meeting shall include:

- (1) All items mentioned in article 18, paragraph 2 of the Convention and in any appropriate article of its related protocols;
- (2) All items the inclusion of which has been requested at a previous meeting;
- (3) A report by the Executive Secretary on the work undertaken or achieved as part of the implementation of the Convention and its Protocols since the last ordinary meeting and containing recommendations for activities to be undertaken in the forthcoming biennium;
- (4) Any item proposed by a Contracting Party;
- (5) The provisional budget as well as all questions pertaining to the accounts and financial arrangements.

Rule 17

The provisional agenda, together with supporting documents for each ordinary meeting, shall be communicated by the Executive Secretary to the Contracting Parties at least two months before the opening of the meeting.

Rule 18

The Executive Secretary shall, in agreement with the Bureau, include any questions suitable for the agenda which may arise between the dispatch of the provisional agenda and the opening of the meeting in a supplementary provisional agenda which the meeting shall examine together with the provisional agenda.

ADOPTION OF THE AGENDA

Rule 19

At the opening of the ordinary meeting, the Contracting Parties, when adopting the agenda for the meeting, may add, delete, defer or amend items. Only items which are considered by the meeting to be urgent and important may be added to the agenda.

Rule 20

The provisional agenda for an extraordinary meeting or for any conference, as provided in articles 18, 21 and 22 of the Convention, shall consist only of those items proposed for consideration in the request for the holding of the extraordinary meeting or the conference. It shall be transmitted to the Contracting Parties at the same time as the invitation to the extraordinary meeting or the conference.

Rule 21

The Executive Secretary shall report to the meeting on the administrative and financial implications of all substantive agenda items submitted to the meeting, before they are considered by it. Unless the meeting decides otherwise, no such item shall be considered until at least forty-eight hours after the meeting has received the Executive Secretary's report on administrative and financial implications.

Rule 22

Any item of the agenda of an ordinary meeting, consideration of which has not been completed at the meeting, shall be included automatically in the agenda of the next ordinary meeting, unless otherwise decided by the Contracting Parties.

REPRESENTATION AND CREDENTIALS

Rule 23

Each Contracting Party shall be represented by an accredited representative, who may be accompanied by such alternates and advisers as may be required.

Rule 24

The credentials of representatives and the names of alternate representatives and advisers shall be submitted by the Contracting Parties to the Executive Director before the opening sitting of a meeting which the representatives are to attend. The Bureau of any meeting or conference shall examine the credentials and submit its report to the meeting or the conference.

Rule 25

1. At the commencement of the first sitting of each ordinary meeting or conference, a President, four Vice-Presidents and a Rapporteur are to be elected from among the representatives of the Contracting Parties.
2. The President, four Vice-Presidents and the Rapporteur elected at an ordinary meeting shall remain in office until their successors are elected at the next ordinary meeting and shall serve in that capacity at any intervening extraordinary meetings. Exceptionally, these officers may be re-elected for one further consecutive term.
3. The President, or a Vice-President acting as President, shall participate in the meeting or the conference in that capacity and shall not at the same time exercise the rights of a representative of a Contracting Party. In such a case, the Contracting Party concerned may designate another representative who shall be entitled to represent the Contracting Party in the meeting or the conference and to exercise the right to vote.
4. If a member of the Bureau resigns or otherwise becomes unable to continue to perform his/her functions, a representative of the same Contracting Party shall replace him/her for the remainder of his/her mandate.

Rule 26

At the first sitting of each ordinary meeting, the President of the previous ordinary meeting, or in his/her absence, the representative of his/her country, shall preside until the meeting has elected a President for the meeting.

ACTING PRESIDENT

Rule 27

If the President is temporarily absent from a sitting or any part thereof, he/she shall appoint one of the Vice-Presidents to assume his/her duties.

BUREAU

Rule 28

The Bureau of the meeting or of the conference shall consist of the President, the four Vice-Presidents and the Rapporteur. The President, or in his/her absence one of the Vice-Presidents designated by him/her, shall serve as Chairperson of the Bureau.

ORGANIZATION OF THE MEETING

Rule 29

1. During the course of a meeting or of a conference, the Contracting Parties shall establish such committees and other working groups as may be required for the transaction of its business.

2. Unless otherwise decided, the meeting or the conference shall elect a Chairperson for each such committee and working group. The meeting or the conference shall determine the matters to be considered by each such committee or working group and may authorize the Bureau, upon the request of the Chairperson of a committee or working group, to adjust the allocation of work.

Rule 30

The Executive Secretary shall act as secretary of any meeting or conference. He/she may delegate his/her functions to a member of the Secretariat.

Rule 31

The Secretariat shall arrange for interpretation of speeches made at meetings or conferences; receive, translate and circulate the documents of the meeting or conference and its committees and working groups; and publish and circulate the resolutions, reports and relevant documentation of the meeting or the conference. It shall have custody of the documents in the archives of the meeting or conference and generally perform all other work that the meeting or the conference may require.

LANGUAGES

Rule 32

Arabic, English and French are the official languages of the Meeting or Conferences of the Contracting Parties.

Rule 33

1. Statements made in a language of the meeting or conference shall be interpreted into the two other official languages.

2. A representative may speak in a language other than a language of the meeting or conference, if he/she provides for interpretation into one such language.

Rule 34

All working documents of the meeting or conference and all reports, resolutions, recommendations and decisions of the meetings or conferences shall be drawn up in one of the official languages and translated into the two other official languages.

CONDUCT OF BUSINESS

Rule 35

Two thirds of the Contracting Parties shall constitute a quorum.

Rule 36

In addition to exercising the powers conferred upon him/her elsewhere by these rules, the President shall declare the opening and the closing of the meeting or of the conference. He/she shall direct the discussions, ensure the observance of these rules, accord the right to speak, put questions to the vote and announce decisions resulting from the votes.

POINTS OF ORDER

Rule 37

Subject to the provisions of rule 46, a representative may at any time raise a point of order which shall be decided immediately by the President in accordance with these rules. A representative may appeal against the rules of the President. The appeal shall be put to the vote immediately and the ruling shall stand unless overruled by a majority of the Contracting Parties present and voting. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

Rule 38

Proposals and amendments shall normally be introduced in writing by the Contracting Parties and handed to the secretariat, which shall circulate copies to delegations. As a general rule, no proposal shall be discussed or put to the vote at any sitting unless copies of it have been circulated to delegations not later than the day preceding the sitting. The President may, however, permit the discussion and consideration of amendments or of procedural motions even

though these amendments and motions have not been circulated or have been circulated only the same day.

Rule 39

Subject to the provisions of rule 32, the following motions shall have precedence, in the order indicated below, over all other proposals or motions before the meeting:

- (1) To suspend a sitting;
- (2) To adjourn a sitting;
- (3) To adjourn the debate on the question under discussion; and
- (4) For the closure of the debate on the question under discussion.

Permission to speak on a motion falling within 1 to 4 above shall be granted only to the proposer and in addition, to one speaker in favour and one speaker against the motion, after which it shall be put immediately to the vote.

Rule 40

If two or more proposals relate to the same question, the meeting or conference, unless it decides otherwise, shall vote on the proposals in the order in which they have been submitted.

Rule 41

Any representative may request that parts of a proposal or of an amendment be voted on separately. If objection is made to the request for division, the President shall permit two representatives to speak, one in favour of and the other against the motion, after which it shall be put immediately to the vote.

Rule 42

If the motion referred to in rule 35 is adopted, those parts of a proposal or of an amendment which have been approved shall then be put to the vote as a whole; if all the operative parts of a proposal or amendment have been rejected the proposal or amendment shall be considered to be rejected as a whole.

Rule 43

A motion is considered to be an amendment to a proposal if it merely adds to, deletes from, or revises parts of that proposal. An amendment shall be voted on before the proposal to which it relates is put to the vote, and if the amendment is adopted, the amended proposal shall then be voted on.

Rule 44

If two or more amendments are moved to a proposal, the meeting or conference shall first vote on the amendment furthest removed in substance from the original proposal, then on the amendment next furthest removed there from, and so on, until all amendments have been put to the vote. The President shall determine the order of voting on the amendments under this rule.

Rule 45

A proposal or motion may be withdrawn by its proposer at any time before voting on it has begun, provided that the motion has not been amended. A proposal or motion withdrawn may be reintroduced by any other Contracting Party.

Rule 46

When a proposal has been adopted or rejected, it may not be reconsidered at the same session, unless the meeting or the conference, by a two-thirds majority of the Contracting Parties present and voting, decides in favour of reconsideration. Permission to speak on a motion to reconsider shall be accorded only to the mover and one other supporter, after which it shall be put immediately to the vote.

VOTING

Rule 47

1. Each Contracting Party shall have one vote.
2. A Contracting Party that is more than twenty-four months in arrears with its contribution shall not be entitled to vote. However, the meeting may authorize this Contracting Party to participate in the vote if it finds out that arrears are due to circumstances beyond its control.
3. Without prejudice to the provisions of paragraph 47.2 above, article 25 of the Convention shall apply with regard to the European Economic Community and its member States.

Rule 48

1. Unless otherwise provided by the Convention, the protocols or the financial terms of reference, substantive decisions, recommendations and resolutions shall be made by consensus.
2. For the purpose of these rules, the phrase "Contracting Parties present and voting" means Contracting Parties present at the sitting at which voting takes place and casting an affirmative or negative vote or abstaining from voting.

Rule 49

1. Procedural decisions are taken by a simple majority.
2. Any difference of opinion as to the question whether the matter is of a procedural or substantive nature is also decided by a simple majority.
3. If a vote is equally divided, a second vote shall be taken. If this vote also is equally divided, the proposal shall be regarded as rejected.

Rule 50

Voting shall normally be by show of hands. However, any Contracting Party may request a roll-call vote which shall be taken in the alphabetical order of the names of the Contracting Parties in French, beginning with the Contracting Party whose name is drawn by lot by the President. Any Contracting Party may also request a secret ballot.

Rule 51

The vote of each Contracting Party participating in a roll-call vote shall be recorded in the relevant documents of the meeting or of the conference.

Rule 52

After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting. The President may permit the Contracting Parties to explain their votes, either before or after the voting. The President may limit the time to be allowed for such explanations. The President shall not permit the proposer of a proposal or of an amendment to explain his/her vote on his/her own proposal or amendment.

SOUND RECORDS OF THE MEETING

Rule 53

Sound records of the meeting or of the conference, and possibly of its committees and working groups, shall be kept by the Secretariat in accordance with the practice of the United Nations.

AD HOC MEETINGS

Rule 54

1. The Contracting Parties may recommend, taking duly into account financial implications, to the Executive Secretary the convening of *ad hoc* meetings of the Contracting Parties, or of Governmental experts, in order to study problems which, because of their specialized nature, could not fruitfully be discussed during the normal sittings.
2. The terms of reference of these *ad hoc* meetings and the questions to be discussed shall be determined by the Contracting Parties.
3. Unless otherwise decided, each *ad hoc* meeting shall elect its own officers.
4. These rules of procedure shall apply *mutatis mutandis* to the subsidiary bodies and *ad hoc* meetings.

AMENDMENTS OF PROCEDURE

Rule 55

These rules of procedure may be amended by a decision of the meeting or conference taken by consensus of the Contracting Parties present and voting.

OVERRIDING AUTHORITY OF THE CONVENTION

Rule 56

In the event of any conflict between any provision of these rules and any provision of the Convention, the Convention shall prevail.