

MCS D OPERATION AND REFORM

I. Introduction

1. This document is prepared in response to the invitation by the 17th Meeting of Contracting Parties to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its Protocols ("Barcelona Convention") in Paris (France) in February 2012 (Decision IG. 20/13).
2. Following the Decision's request, the purpose of this document is to deepen discussions started at the 14th Mediterranean Commission on Sustainable Development (MCSD) regarding ways to better focus and reform the MCSD structure, building on progress achieved at global level during the Rio+20 Conference and through subsequent steps. The MCSD recommendations will contribute to the proposal that the Steering Committee of the MCSD will present to the 18th Meeting of Contracting Parties regarding MCSD reform in response to Decision IG. 20/13 mentioned above.
3. Mediterranean countries founded the Mediterranean Commission for Sustainable Development (MCSD) in 1996. The revised Barcelona Convention established the MCSD as a subsidiary body to the Contracting Parties (art. 4.2). It was designed as a platform to support exchange, dialogue and recommendations among the Contracting Parties and their partners. Beyond the Contracting Parties to the Barcelona Convention, the MCSD includes representatives of local authorities, socio-economic players and NGOs experienced in environment and sustainable development issues, for a total of 36 members.
4. In the 17 years since its creation, the Commission has made important contributions of which the Mediterranean Strategy for Sustainable Development (MSSD) could be particularly highlighted. The strategy was conceived as a reference framework for the deployment of the sustainable development policies of Mediterranean countries and document UNEP(DEPI)MED WG 383/3 to be considered by this meeting under Agenda Item 2 considers how it could be updated in light of Rio+20. The MCSD has been innovative with regard to the modalities of participation and engagement of civil society organizations and other major stakeholders. At the same time, there is general recognition that, as it happened with the Global Commission for Sustainable Development (CSD), there have been some shortcomings and there is a need to reform.

II. Implications of the outcomes of Rio+20 for the MCSD

5. A critical outcome of the Rio+20 Conference was the decision to establish a universal intergovernmental High Level Political Forum (HLPF) building on the CSD and its "inclusive participation modalities" and "subsequently replacing" the CSD (A/CONF.216/L.1, "The Future We Want", paragraph 84). According to "The Future We Want", the High-Level Forum "could," inter alia: follow up and review progress in the implementation of sustainable development commitments made at previous UN summits and conferences; and strengthen the science-policy interface including in the form of a global sustainable development report. An intergovernmental process under the United Nations General Assembly (UNGA) will define its format and organizational aspects,

with the aim of convening the first high-level forum at the 68th session of the UNGA in 2013.

The mandate of HLPF

6. Delegates agreed that the HLPF should have five key functions: **agenda setting; follow-up; civil society engagement; science-policy interface; and UN system coordination**, as well as on the need for high-level system-wide participation of UN agencies, funds and programmes with other relevant multilateral bodies, and a report for policy-makers that would integrate social, economic and environmental data assessments.
7. In the forthcoming report of the UN Secretary General regarding the lessons learned from the CSD¹, the most important achievement of CSD was stated as being a distinct “home” for keeping the sustainable development agenda under active review. However, the Commission was not as successful in attracting participation from representatives from all three dimensions of sustainable development. It attracted only the environmental community and thus was largely perceived as an “environmental commission”. Nonetheless, CSD provided the space for multi-stakeholder participation and interactive dialogue, including at the ministerial level and recognized the importance and value of voluntary, multi-stakeholder partnerships for sustainable development.
8. In the same report, it is stated that lessons learned from twenty years of Commission’s work is the starting point for the High Level Political Forum on sustainable development. The setting of a focused agenda, its working methods and the related challenge of energized and high-level engagement will be the key to the Forum’s success. Therefore the report proposes that the Forum:
 - should have a clear niche, strongly linked to the follow-up of Rio+20 and other related conferences and summits, while at the same time helping mainstream sustainable development in the work of the United Nations;
 - would need to maintain a strong focus on implementation at all levels in order to overcome the shortcomings and build on the strengths of the CSD, including:
 - sharing of experiences;
 - furthering integration of the three dimensions of sustainable development;
 - engaging more strongly the economic and social policy making communities;
 - enhancing the engagement of major groups, the academic and scientific community; having a focused and flexible agenda and a robust preparation process, with support from a stronger UN inter-agency process;
 - encouraging and strengthening partnerships, initiatives and voluntary commitments; and,
 - reviewing and monitoring progress on a regular basis.
9. Informal meetings and consultations are taking place regarding the format and organizational modalities of the high-level political forum, in order to define the role it should play. There are some delays in the process which Resolution 67/203 of the General Assembly expected to have concluded by May 2013 which make it unlikely that

¹ UN General Assembly, 67th Session, Item 20 (a), Advance Unedited Copy

the first high-level forum could be convened at the beginning of the sixty-eighth session of the Assembly (September 2013).

III. MCSD Mandate and Composition

The mandate of MCSD

10. The MCSD terms of reference are provided for in Decision IG 17/5 which adopted the Governance paper at the 15th Meeting of Contracting Parties to the Barcelona Convention held in Almeria (Spain). Its tasks are to:

- Assist Mediterranean countries and other stakeholders active in the region in the adoption and implementation of sustainable development policies, including the integration of environmental considerations into other policies;
- Ensure the follow-up of MSSD implementation through appropriate tools, mechanisms and criteria that would better enhance an efficient follow-up function;
- Promote the exchange of experience and good practices regarding the integration of environmental and socioeconomic policies, as well as examples which show the application of international sustainable development commitments at suitable scales in different countries;
- Identify the obstacles encountered and support regional and subregional cooperation for the effective implementation of the sustainable development principle;
- Coordinate the periodical drafting of the report on the state of implementation of the MCSD recommendations; and,
- Produce opinions of the overall MAP Work Programme and the functioning of the Coordinating Unit and the RACs, with the aim of integrating sustainability considerations into the MAP / Barcelona Convention system as a whole.

MCSD composition

11. Decision IG 17/5 above-cited considered that the MCSD “should involve the greatest possible variety of national actors in its work, so as to ensure the greatest possible dissemination of the concepts promoted”. For this to be achieved the composition of the Commission was agreed to be expanded as follows:

- 22 representatives designated by the competent bodies of the Contracting Parties
- 3 representatives of local authorities
- 3 representatives of NGOs
- 3 representatives of socio- economic stakeholders
- 3 representatives of the scientific community
- 3 representatives of intergovernmental organizations working in the field of sustainable development
- 3 eminent experts in the field of the topics of the MCSD meeting agenda

12. It was also underlined that all efforts should be made to ensure participation of representatives from both environmental and development sector and appropriate geographical representation, and media participation.

Strengthening the MCSD

13. The MCSD has contributed in many ways to MAP and its activities by broadening perspectives and linking environmental protection to development issues; enriching discussions and eventually policies and actions on environmental management around the Mediterranean; and, enabling the dialogue with civil society on environment/development issues. The MCSD has been an innovation at the global scale, the only Sustainable Development Commission at the Regional Seas level of UNEP, benefiting from a long established cooperation on environmental protection in the Region under the Barcelona Convention and its Protocols. In that sense the MCSD supports the catalytic role of MAP in regional governance.
14. However, as it has been noted at several MCSD meetings (such as at the 8th Meeting of MCSD, Cavtat, Croatia, May 2003) and assessments (such as the NSSD assessment, MSSD assessment), the role of MCSD has been limited in scope. This can be attributed to various factors influencing the effectiveness of the MCSD such as the long-term horizon of Sustainable Development strategies; the broad mandate and very limited means they were given; the challenges to maintain substantive technical coherence while ensuring cross-sectoral integration; the difficulties in securing involvement of all relevant stakeholders; the insufficient focus on effective monitoring; the complexities of Mediterranean regional governance; and, the limited political will and commitment. (UNEP(DEPI)/MED WG.358/5 - The Roles and Modalities of the Mediterranean Commission for Sustainable Development)
15. With regard to its composition, the assessment of the implementation of the MSSD carried out in 2011 and submitted to the 14th Meeting of MCSD (UNEP(DEPI)/MED WG.358/4) provide suggestions on the institutional framework within which the MSSD work can be improved. Some of these suggestions reflect the findings of the 2001 Report evaluating the MCSD: "Although they are high ranking as is required, the representatives of the Contracting Parties in the MCSD are usually officials from the Ministries of the Environment."
16. The 14th Meeting of MCSD discussed the analysis of the role and modalities of the Commission contained in document UNEP(DEPI)/MED WG.358/5. The scope, methods of work, roles and functions of the MCSD in a changing global and regional context were reviewed. The conclusions and recommendations of the 14th Meeting of MCSD provided guidance on Institutional framework for sustainable development in the Mediterranean:
 - **A consensus** was reached on the **primary function** of the MCSD as an **advisory body**, focusing on creating synergies for regional integration, and on the need for practical action, drawing on national expertise, in pursuing its work.
 - There is a need to **rethink the role, modalities and priorities of the MCSD**.

- **Emerging issues** such as the **ecosystem approach, climate change adaptation and the green economy** approach should be taken on board.
- There is a need for **integration** and **coordination** with the other existing international and regional sustainable development and environmental programmes, policy frameworks and initiatives.
- It is crucial to focus on **the MCSD's comparative advantage** and the input it could provide in **facilitating environmental mainstreaming and integration**, and **strengthening cross-sectoral and intersectoral environment/development policy coordination** at national and regional levels.
- The Commission should serve as a **platform of reference** and a tool for **enhancing regional dialogue on environment and development issues**, assisting Contracting Parties in introducing **environmental concerns into sectoral policies**.
- Expand the work of the MCSD to **include other stakeholders** to give the Barcelona Convention broader appeal.
- There is a **need to establish a coherent monitoring system for the MSSD and its periodic review**.

IV. Further reflections

17. *Focus:* Both the Rio+20 and the follow up process for transforming the CSD into a HLPF and previous discussions on strengthening the MCSD refer to the need for a clear niche. As acknowledged by the 14th MCSD, the asymmetry of competencies on the environmental, social and economic pillars for sustainable development in the region makes it difficult for the MCSD to aim for a balanced integration of all pillars in the same manner as it is expected that will happen at the global level. In this context, the Paris Declaration adopted by COP17 in Paris (France) on February 2012 opted for a focus on environmental sustainability by calling on the MCSD to propose policies for the implementation of a "Blue Economy" for the Mediterranean, having MSSD as appropriate strategic policy framework. A "Blue Growth" approach further contributes to integrate socio-economic dimensions to the efforts to reach healthy marine and coastal ecosystems in the Mediterranean.
18. *Core Functions:*
 - a. The **follow up and review of progress** in implementing sustainable development commitments has been identified as a core function at Global level. Four of the expected tasks of the MCSD in above-cited Decision IG 17/5 by COP 15 refer to this function. Namely, the follow up to MSSD implementation, the exchange of best practices, the identification of obstacles to implementation and the opinions on MAP Programme of Work. While monitoring progress on MSSD indicators has been systematically carried out thanks to the periodic updates by Plan Bleu, progress on following up programmes and projects beyond MAP's Programme of Work was not. Consideration should be given as to whether the MCSD may follow the global trend and also include among its core functions strengthening the monitoring of programmes and projects that implement and finance Sustainable

Development in the Mediterranean so as to enhance its ability to providing guidance on progress and gaps to achieve sustainable development efforts and initiatives in the Mediterranean. As at the global level, doing so by adopting procedures similar to the OECD's performance peer review model may also be considered.

- b. The function of **Civil Society Engagement** has been one of the major innovations of the MCSD. Considerations on how this function could be further strengthened and expanded to include missing major actors such as the private sector are needed.
 - c. If as with the HLPF the MCSD would be upgraded to perform as an "**agenda setting**" body, consideration should be given to ways to efficiently prepare its work including by establishing a capacity to function in-between meetings. It should be noted that this will require additional funding.
 - d. The **science-policy interface** was never part of MCSD functions. For activities related to the Barcelona Convention, science-policy interface takes place through other mechanisms and procedures. In the MCSD, the connection was indirectly guaranteed through participants including representatives of scientific organization or observers such as IUCN. Perhaps its participation could be upgraded and that of others considered.
 - e. In the Mediterranean it is difficult to find UN Regional Organizations with a purely Mediterranean focus as most follow UN groupings' structures. In spite of this, and acknowledging that the contribution could not be the same that the one in HLPF, **involvement of active UN organizations** in the region other than UNEP (UNDP, UNIDO, FAO, WTO, WB and others) could be envisaged as adding value to the work of MCSD.
19. *Operations*: A focused agenda and sharpened working methods are essential to re-energize the MCSD. A clear definition of actors engaged in its preparatory work is needed. Also, which are the exact nature of the outcomes the MCSD produces in response to each of the core functions it performs. In addition, the level of ambition should be commensurate to its means.
20. *Synergies*: In addressing this point and as acknowledged by the 14th MCSD Meeting, regional specificities should be taken into account. This includes considering that there is a regional institution with a cross-cutting mandate, the Union for the Mediterranean (UfM) which holds an inter-ministerial political structure and a mandate to work for multi-source funding of projects; and, that there are regional institutions with responsibilities over sectors of fundamental importance for regional environmental sustainability such as the General Fisheries Commission for the Mediterranean (GFCM). Consideration could also be given to priority relevant institutions, particularly private sector.
21. *Composition*: Following the well-established principle in Environmental Governance that form follows function, further refinement of the MCSD composition may be discussed once the previous issues have been addressed. In any case, if government representatives at the MCSD continue to be in their majority environment/environmental sustainability experts, then the selection of representatives

from the other groups should be done in a manner that sufficiently reflects the three pillars, thus allowing the MCSD to adequately perform its mandate.

V. Questions to guide the debate

22. The MCSD should seek to address the following questions to support the Steering Committee in developing proposals to be submitted to the Contracting Parties regarding the mandate, it was given to submit a recommendation on how to submit a recommendation on how to reform the MCSD with a view to further enhance its contribution to sustainable development in the Mediterranean:
- i. What will be the “mirroring effect” of Rio+20 outcome of High Level Political Forum that is replacing CSD in the case of Mediterranean?
 - ii. Wearing a role of an advisory body, what are the core functions that MCSD should perform?
 - a. Follow-up and monitoring of policies and/or progress in implementation of the MSSD and/or identification of programmes/solutions supporting implementation and/or priority sectors to focus on and/or best practices?
 - b. Encourage partnerships and coordination between the states and with non-state actors such as local governments, business, civil society and academia at all stages of development?
 - c. Agenda setter on priority and emerging issues?
 - d. Encourage involvement of UN actors other than UNEP
 - iii. How can a new framework mobilize involvement of social and economic actors to ensure integration of three pillars of sustainable development in MCSD?
 - iv. Are there alternative ways of operation?
 - v. What are the views of the MCSD regarding its composition in the future?