



NATIONS
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**PROGRAMME DES NATIONS UNIES
POUR L'ENVIRONNEMENT
PLAN D'ACTION POUR LA MÉDITERRANÉE**

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20^e Réunion du Comité de pilotage de la CMDD

Athènes, Grèce, 23-24 janvier 2019

Point 5 de l'ordre du jour : Programme de travail du Comité de pilotage de la CMDD pour l'exercice biennal 2018-2019, y compris la préparation de la 18^e Réunion de la CMDD

Programme de travail mis à jour du Comité de pilotage de la CMDD pour l'exercice biennal 2018-2019

Pour des raisons de coût et de protection de l'environnement, le tirage du présent document a été restreint. Il est aimablement demandé aux délégations d'apporter leur copie de ce document aux réunions et de s'abstenir de demander des copies supplémentaires.

Programme de travail mis à jour du Comité de pilotage de la CMDD pour l'exercice biennal 2018-2019

Introduction

1. Le présent document est une version mise à jour du Programme de travail du Comité de pilotage de la CMDD pour l'exercice biennal 2018-2019 (document de travail UNEP/MED WG.447/4), comme demandé par la 19^e Réunion du Comité de pilotage de la CMDD (téléconférence, 20 juin 2018).
2. Tout en se focalisant sur une série d'activités d'une importance capitale pour le travail de la CMDD et de son Comité de pilotage, le programme de travail mis à jour est structuré en deux parties : (i) une description narrative des activités ; et, (ii) le programme de travail résumé sous la forme d'un tableau.
3. Le programme de travail mis à jour a pour objectif d'aider le Comité de pilotage de la CMDD à encadrer les travaux de la CMDD, en particulier pour préparer la 18^e Réunion de la CMDD qui se tiendra au Monténégro du 11 au 13 juin 2019, et sa contribution à la 21^e Réunion ordinaire des Parties contractantes à la Convention de Barcelone (COP 21) qui se tiendra en décembre 2019 en Italie.

I. Cadre général

4. Après l'adoption de la Stratégie méditerranéenne pour le développement durable (SMDD) 2016-2025 et la Réforme de la Commission méditerranéenne du développement durable (CMDD) et la mise à jour des documents constitutifs de la CMDD (Décisions IG.22/2 et IG.22/17), un certain nombre d'avancées majeures ont été réalisées en 2016-2017, notamment : la préparation du Tableau de bord méditerranéen du développement durable¹, l'édition pilote du Mécanisme simplifié d'examen par les pairs² (SIMPEER) qui a été couronnée de succès, l'approbation de la Feuille de route MED 2050 – Vers une nouvelle étude prospective sur l'environnement et le développement en Méditerranée – première phase³ ; et, la première édition du Prix Istanbul pour les villes respectueuses de l'environnement (Décision IG.22/19). Les Membres de la CMDD, les Partenaires du PAM et les autres parties prenantes, avec le soutien du Secrétariat, ont également entrepris la mise en place et le suivi des différentes initiatives phares de la SMDD⁴. La présidente de la CMDD a présenté les résultats de la 17^e Réunion de la CMDD aux Points Focaux du PAM lors de leur réunion tenue à Athènes, en Grèce, en septembre 2017, et a participé à la Session ministérielle de la COP 20 à Tirana, en Albanie, en décembre 2017.
5. L'adoption de la Décision IG.23/4 de la COP 20 « Mise en œuvre et suivi de la SMDD 2016-2025 et du Plan d'action régional sur la consommation et la production durables en Méditerranée » et des activités correspondantes approuvées dans le Programme de travail et budget du PAM pour 2018-2019 (Décision IG.23/14) ont ouvert la voie aux travaux de la CMDD pour l'exercice biennal 2018-2019.
6. Suite à ces décisions, les activités en cours au cœur du mandat de la CMDD comprennent : le renseignement et la mise à jour du Tableau de bord méditerranéen de la durabilité, la préparation des études d'évaluation, à savoir le Rapport 2019 sur l'état de l'environnement et du développement (SoED 2019) et la première phase de l'Etude prospective sur l'environnement et le développement en Méditerranée (MED 2050), y compris les études cas sur l'économie bleue, le renforcement et la pérennisation du Mécanisme simplifié d'examen par les pairs (SIMPEER), en mettant en œuvre sa deuxième édition, et la mise en œuvre des Initiatives phares de la SMDD. Les progrès et les perspectives de ces activités sont décrits dans le Rapport sur des questions spécifiques (document de travail UNEP/MED WG.456/3).

¹ Annexe I à la Décision IG.23/4 adoptée lors de la COP 20 à Tirana (Albanie) en décembre 2017.

² Documents d'information UNEP(DEPI)/MED WG.441/Inf.4 et UNEP(DEPI)/MED WG.441/Inf.5 soumis à la 17^e Réunion de la CMDD tenue à Athènes (Grèce) en juillet 2017.

³ Document d'information UNEP/MED WG.447/Inf.4 – 19^e Réunion du Comité de pilotage de la CMDD.

⁴ Document d'information UNEP/MED WG.447/Inf.6 – 19^e Réunion du Comité de pilotage de la CMDD.

II. Description narrative du Programme de travail mis à jour

(a) *Principales activités, conformément au Programme de travail et au budget du PAM pour 2018-2019*

7. Tableau de bord méditerranéen de la durabilité : Les progrès sont présentés dans le document de travail UNEP/MED WG.456/4.

8. Faisant suite à la Décision IG.23/4 et compte tenu de la mission de la CMDD consistant à assurer le suivi de la mise en œuvre de la SMDD grâce à des outils appropriés, le Comité de pilotage de la CMDD devrait coordonner les activités permettant de garantir la cohérence et la synergie totales entre le tableau de bord et les travaux en cours sur les indicateurs des Objectifs de développement durable (ODD) au niveau mondial.

9. Le Secrétariat (Plan Bleu) informe et consulte régulièrement la CMDD et son Comité de pilotage sur divers travaux pour mieux aligner le tableau de bord et les indicateurs ODD, ainsi que sur le renseignement des indicateurs retenus et la production de fiches d'information correspondantes (document de travail UNEP/MED IG.456/3 et documents d'information UNEP/MED IG.456/Inf.3 et UNEP/MED IG.456/Inf.4).

10. Principales étapes indicatives :

- Septembre-octobre 2018 : Les membres du Comité de pilotage de la CMDD feront des observations et fourniront des conseils sur l'actualisation du tableau de bord méditerranéen de la durabilité ;
- Janvier 2019 : Les membres du Comité de pilotage de la CMDD discuteront à leur 20^e Réunion du (i) projet de tableau de bord renseigné et des fiches d'information correspondantes, et de (ii) la mise à jour du tableau de bord ;
- Avril 2019-juin 2019 : Le tableau de bord renseigné et les fiches d'information correspondantes, ainsi que la proposition de mise à jour du tableau de bord sont transmis aux Membres de la CMDD pour examen et commentaires en vue de la discussion qui aura lieu à leur 18^e Réunion.

11. Études d'évaluation (SoED 2019 et MED 2050) : Les progrès sont présentés dans le document de travail UNEP/MED WG.456/4.

12. Les Membres de la CMDD doivent être régulièrement informés et consultés pendant le processus de préparation des études d'évaluation entrepris par le Secrétariat (Plan Bleu), à savoir le Rapport 2019 sur l'état de l'environnement et du développement (SoED 2019) et la première phase de l'Étude prospective sur l'environnement et le développement en Méditerranée (MED 2050), y compris les études de cas sur l'économie bleue en Méditerranée⁵.

13. Les Membres de la CMDD et les Partenaires du PAM seront également contactés par le Secrétariat (Plan Bleu) pour partager des études de cas et des expériences sur l'économie bleue en Méditerranée.

14. Les avancées et les résultats de la première phase de MED 2050, assortis des scénarios tendanciels et des tendances régionales, seront présentés à la CMDD de façon à ce que la Commission soit en mesure de fournir des conseils pour la deuxième phase.

15. La Présidente de la CMDD sera invitée à contribuer, avec le soutien des Membres du Comité de pilotage et du Secrétariat, à la préparation du projet de décision concernant les travaux de la CMDD ainsi que la mise en œuvre et le suivi de la SMDD, y compris la préparation de la deuxième phase de MED 2050, qui sera soumise à la prochaine Réunion des Points Focaux du PAM puis à la COP 21.

16. Principales étapes indicatives :

⁵ Document de travail UNEP/MED WG.447/3 – 19^e Réunion du Comité de pilotage de la CMDD.

- Avril-juin 2019 : Les Membres de la CMDD sont invités à formuler les observations sur les versions préliminaires du SoED 2019 et la feuille de route de la deuxième phase de MED 2050 ;
- Juin 2019 : A sa 18^e Réunion, la CMDD discutera des versions préliminaires du SoED 2019 et de la feuille de route relative à la deuxième phase de MED 2050 ;
- Juin-juillet 2019 : La Présidente de la CMDD contribuera, avec le soutien du Comité de pilotage et du Secrétariat, à l'élaboration du projet de décision concernant les travaux de la CMDD ainsi que la mise en œuvre et le suivi de la SMDD, y compris la préparation de la deuxième phase de MED 2050, qui sera soumise à la prochaine Réunion des Points Focaux du PAM puis à la COP 21.

17. Deuxième édition du SIMPEER : À leur 19^e Réunion, les Membres du Comité de pilotage de la CMDD ont invité le Secrétariat (Plan Bleu) à traduire les recommandations de la 17^e Réunion de la CMDD dans la méthodologie actualisée à mettre en œuvre dans la deuxième édition du SIMPEER (2018-2019), tout en tenant compte également, le cas échéant, des idées exprimées pendant leur réunion.

18. Principales étapes indicatives :

- Janvier 2019 : Le Secrétariat (Plan Bleu) publiera un rapport valorisant l'expérience et les résultats de l'édition pilote du SIMPEER ;
- Janvier 2019 : Le Secrétariat (Plan Bleu) finalisera la révision de la méthodologie du SIMPEER, en tenant compte des recommandations de la 17^e Réunion de la CMDD et des idées exprimées à la 19^e Réunion du Comité de pilotage de la CMDD ;
- Février-avril 2019 : Le Secrétariat (Plan Bleu) élaborera les rapports nationaux du SIMPEER en s'appuyant sur les résultats de l'analyse des documents de référence et des missions dans les pays ;
- Juin 2019 : Le Secrétariat (Plan Bleu) organisera une Réunion d'examen par les pairs rassemblant les Parties contractantes volontaires ;
- Juin 2019 : Les Membres de la CMDD commenteront et analyseront à leur 17^e Réunion la méthodologie mise à jour du SIMPEER ainsi que les résultats préliminaires de la deuxième édition.

19. Interface Science-Politique : Le SoED 2019 et la première phase de MED 2050 bénéficieront d'une coopération avec le Réseau d'experts méditerranéens sur les changements climatiques et environnementaux (MedECC⁶). Soutenu par le système PAM – Convention de Barcelone et l'Union pour la Méditerranée (UpM), le MedECC peut mener à bien l'initiative phare recommandée dans la SMDD au titre de l'Objectif 4 sur les changements climatiques, à travers la mise en place d'une interface science-politique sur les changements climatiques et environnementaux dans la région⁷. Il est prévu à terme que les Membres de la CMDD et les Points Focaux du Plan Bleu – de concert avec le Groupe d'experts sur les changements climatiques de l'Union pour la Méditerranée – soient consultés sur le premier rapport d'évaluation du MedECC et sur son résumé à l'intention des décideurs. Le rapport préliminaire sera examiné par des experts indépendants et par des représentants des gouvernements des pays riverains de la Méditerranée : il est prévu que le résumé à l'intention des décideurs soit soumis à la procédure d'approbation des représentants des Parties contractantes à la Convention de Barcelone et des États membres de l'UpM.

20. Principales étapes indicatives : D'ici fin 2018, le MedECC préparera une brochure sur les risques associés aux changements climatiques et environnementaux en Méditerranée. Cette évaluation préliminaire sera partagée avec les Membres de la CMDD et les Points Focaux du Plan Bleu. Les

⁶ <http://www.medecc.org>

⁷ Document d'information UNEP/MED WG.447/Inf.6 *Factsheets on the implementation of the MSSD and the work of the MCSD* – 19^e Réunion du Comité de pilotage de la CMDD.

auteurs du premier rapport d'évaluation du MedECC se rencontreront à Milan (Italie) en mars 2019 afin de s'assurer de la cohérence générale du rapport et d'organiser sa finalisation. Au cours de l'été 2019, un rapport préliminaire consolidé d'évaluation sera préparé et soumis à un examen scientifique par des pairs indépendants. D'ici fin 2019, les Membres de la CMDD seront consultés pour examiner et commenter le résumé à l'intention des décideurs (version provisoire) du rapport d'évaluation scientifique du MedECC sur les changements climatiques et environnementaux en Méditerranée, en vue d'une possible réunion ad hoc, impliquant les représentants de la Convention de Barcelone, début 2020.

(b) Outil de communication d'informations pour assurer le suivi de la mise en œuvre de la SMDD

21. À leur 17^e Réunion, « les membres de la CMDD ont convenu d'apporter des contributions en fonction de leurs responsabilités et domaines d'expertise pour la réalisation du Plan de mise en œuvre et de suivi de la SMDD 2016-2025, notamment en ce qui concerne l'état d'avancement, afin de permettre à tous les membres de la Commission et au Secrétariat de disposer d'un état des lieux le plus complet possible. À cette fin, le Secrétariat transmettra un document ou un tableau aux membres de la CMDD, dans lequel ils consigneront les activités pertinentes qu'ils entreprennent ».

22. Ce tableau a été soumis et discuté à la 19^e Réunion du Comité de pilotage de la CMDD⁸, qui a pris note de cet outil de communication d'informations pour soutenir le suivi de la mise en œuvre de la SMDD, en particulier pour identifier les disparités et les domaines dans lesquels des efforts supplémentaires sont nécessaires. Ce tableau ou document est également une indication du fait que la mise en œuvre de la SMDD est une entreprise collective, impliquant tous les partenaires et parties prenantes de la Méditerranée, qui va bien au-delà des responsabilités du Secrétariat.

23. Le Comité de pilotage de la CMDD a suggéré de tester l'outil de communication d'informations avant la 18^e Réunion de la CMDD en l'utilisant comme une « liste de vérification » susceptible d'aider les Membres de la CMDD à faire rapport sur leurs activités respectives contribuant à la mise en œuvre de la SMDD. Ce test sera effectué par le Secrétariat afin de présenter les résultats à la 18^e Réunion de la CMDD.

(c) Initiatives phares de la Stratégie méditerranéenne pour le développement durable

24. À sa 17^e Réunion, la CMDD a exhorté les Parties contractantes, ses membres, les Partenaires du PAM, le Secrétariat et d'autres acteurs à prendre des mesures pour lancer les initiatives phares qui ne sont pas encore mises en œuvre. Elle a invité ses membres à fournir un appui solide et à jouer un rôle de chef de file en vue d'accélérer l'exécution de ces initiatives phares, qui doivent contribuer à la mise en œuvre de la SMDD et des ODD, et de faire connaître ces travaux au sein d'instances mondiales et régionales.

25. Le Comité de pilotage de la CMDD a été invité à examiner les initiatives phares ci-après et à fournir au Secrétariat des orientations afin qu'elles soient mises en œuvre en étroite coopération avec les Membres de la CMDD, les Partenaires du PAM et d'autres parties prenantes :

- Dans le cadre de l'Objectif 3 de la SMDD : Entreprendre des évaluations régionales, ainsi que des échanges de connaissances, des solutions à hautes et basses technologies mis en œuvre avec succès en vue d'atteindre une réduction des déchets ;
- Dans le cadre de l'Objectif 5 de la SMDD : Créer et promouvoir un Prix des entreprises méditerranéennes pour l'innovation environnementale ;
- Dans le cadre de l'Objectif 5 de la SMDD : Intégrer les principes de durabilité dans les marchés publics aux échelles nationale et locale ;

⁸ Voir document de travail UNEP/MED WG.447/3 – 19^e Réunion du Comité de pilotage de la CMDD.

- Dans le cadre de l'Objectif 6 de la SMDD : Encourager l'adoption et la mise en œuvre de la Convention d'Aarhus sur l'accès à l'information, la participation du public au processus décisionnel et l'accès à la justice en matière d'environnement ;
- Dans le cadre de l'Objectif 6 de la SMDD : Développer des programmes de renforcement des capacités sur les questions liées à la mise en œuvre et au respect des obligations et accords relatifs à l'environnement, y compris les évaluations de l'impact environnemental et les évaluations environnementales stratégiques ;
- Dans le cadre de l'Objectif 6 de la SMDD : Mettre en place un système d'information intégré pour les pays méditerranéens, accessible au public, à travers un triumvirat composé de gouvernements nationaux, d'organisations internationales et du secteur privé pour rassembler et diffuser de façon transparente des informations sur l'état de l'environnement.

26. À sa 19^e Réunion, le Comité de pilotage de la CMDD a pris note de la nécessité de déployer des efforts pour que soient mises en œuvre les six initiatives phares de la SMDD énumérées ci-dessus, tout en saluant la volonté exprimée par ses membres de fournir, avec l'aide du Secrétariat, des propositions écrites (notes conceptuelles) sur l'argumentaire, la portée, le contenu, le calendrier et les activités indicatifs, ainsi que sur les possibles partenaires qui permettront de mettre en œuvre ces initiatives phares.

27. Le Cercle des représentants parlementaires méditerranéens pour le développement durable (COMPSUD) et le Bureau méditerranéen d'information pour l'environnement, la culture et le développement durable (MIO-ECSDE) ont élaboré une note conceptuelle sur le lancement de l'initiative phare de la SMDD visant à « Entreprendre des évaluations régionales, ainsi que des échanges de connaissances, des solutions à hautes et basses technologies mis en œuvre avec succès en vue d'atteindre une réduction des déchets ». Cette note conceptuelle a été revue par la Présidente de la CMDD.

28. Le Secrétariat a élaboré, avec l'aide du Centre d'Activités Régionales pour la Consommation et la Production Durables (CAR/CPD), une note conceptuelle sur le lancement de l'initiative phare de la SMDD visant à « Créer et promouvoir un Prix des entreprises méditerranéennes pour l'innovation environnementale ». Cette note conceptuelle a été revue par la Présidente de la CMDD.

29. Le Cercle des représentants parlementaires méditerranéens pour le développement durable (COMPSUD) et le Bureau méditerranéen d'information pour l'environnement, la culture et le développement durable (MIO-ECSDE) ont élaboré une note conceptuelle sur le lancement de l'initiative phare de la SMDD visant à « Encourager l'adoption et la mise en œuvre de la Convention d'Aarhus ». Cette note conceptuelle a été revue par la Présidente de la CMDD, le *Mediterranean Programme for International Environmental Law and Negotiation* (MEPIELAN) et le Secrétariat de la Convention d'Aarhus.

30. MEPIELAN a élaboré une note conceptuelle sur le lancement de l'initiative phare de la SMDD visant à « Développer des programmes de renforcement des capacités sur les questions liées à la mise en œuvre et au respect des obligations et accords relatifs à l'environnement, y compris les évaluations de l'impact environnemental et les évaluations environnementales stratégiques ». Cette note conceptuelle a été revue par la Présidente de la CMDD.

31. Les quatre notes conceptuelles susmentionnées sont soumises aux membres du Comité de pilotage de la CMDD pour discussion à leur 20^e Réunion telles qu'elles figurent à l'Annexe I du présent document.

(d) *Évaluation à mi-parcours de la SMDD et du Plan d'action régional sur la consommation et la production durables en Méditerranée*

32. L'évaluation à mi-parcours de la SMDD, telle que recommandée par l'Action régionale 7.2.4 de la SMDD, et l'évaluation à mi-parcours fondée sur des indicateurs du Plan d'action régional sur la consommation et la production durables en Méditerranée (PA CPD) devront être effectuées en 2020-2021 afin d'être présentées à la COP 22.

33. Cette question est traitée dans le Rapport sur les questions spécifiques (document de travail UNEP/MED WG.456/3).

34. La Présidente de la CMDD, avec le soutien des Membres du Comité de pilotage de la CMDD et du Secrétariat, devrait contribuer à l'élaboration des feuilles de route concernant les évaluations à mi-parcours de la SMDD et du Plan d'action régional CPD. Ces feuilles de route seront présentées et discutées à la 18^e Réunion de la CMDD afin de les soumettre à la Réunion des Points Focaux du PAM puis à la COP 21.

(e) Composition de la CMDD

35. Cette question est traitée dans le document de travail UNEP/MED WG.456/4 *Composition de la CMDD pour l'exercice biennal 2020-2021*.

(f) Préparation de la 18^e Réunion de la CMDD

36. Conformément au mandat de la CMDD (Mandat de la CMDD, Annexe I, Décision IG. 22/17), le Secrétariat propose les points suivants pour examen par les membres du Comité de pilotage de la CMDD afin de faciliter leur discussion sur la préparation de la 18^e Réunion de la CMDD et sur le choix des points à éventuellement inscrire à l'ordre du jour :

- Examen du rapport analytique du Coordonnateur (conformément à l'Article 8 du Règlement intérieur de la CMDD) ;
- Élaboration d'opinions au sujet du Programme de travail du PAM pour 2020-2021, dans le but d'intégrer les considérations de durabilité dans l'ensemble du système PAM – Convention de Barcelone, y compris la question de l'évaluation à mi-parcours de la SMDD ;
- Mise en œuvre du Programme 2030 et des ODD et formulation d'avis et de recommandations aux fins de l'intégration et de la coordination du travail de la CMDD avec les autres programmes environnementaux et de développement durable, cadres d'orientation et initiatives existant tant au niveau international que régional. Organisations qui pourraient éventuellement être contactées en vue de l'identification et de l'invitation de l'(des) orateur(s) principal(aux) potentiel(s) : Département des affaires économiques et sociales des Nations unies (DAES-NU), Commission économique des Nations Unies pour l'Afrique (CEA), Commission économique des Nations Unies pour l'Europe (CEE), Commission économique et sociale des Nations Unies pour l'Asie occidentale (CESAO) ;
- Centrage d'un point spécifique de l'ordre du jour sur les exercices d'apprentissage par les pairs concernant les structures et les processus nationaux de développement durable (c'est-à-dire la deuxième édition du SIMPEER, 2018-2019, et les Examens nationaux volontaires des pays méditerranéens présentés lors des Forums politiques de haut niveau de 2018 et 2019), en gardant à l'esprit la mission de la CMDD qui consiste à aider les pays méditerranéens et les autres parties prenantes à mettre en œuvre des politiques de développement durable. Les Parties contractantes concernées sont les suivantes :
 - Albanie, Égypte (manifestation d'intérêt à confirmer) et Tunisie pour le SIMPEER ;
 - Albanie, Égypte, Grèce, Liban, Malte et Espagne pour les Examens nationaux volontaires présentés lors du Forum politique de haut niveau de 2018 ;
 - Algérie, Bosnie-Herzégovine, Croatie, France, Israël, Tunisie et Turquie pour les Examens nationaux volontaires présentés lors du Forum politique de haut niveau de 2019.
- Examen du suivi de la mise en œuvre de la SMDD, y compris des contributions (documents) des Membres de la CMDD, Composantes du PAM et autres parties prenantes. Au-delà de la présentation et de la discussion du Tableau de bord méditerranéen de la durabilité renseigné et de sa mise à jour, le suivi de la mise en œuvre de la SMDD peut être enrichi par l'introduction de notes conceptuelles sur le lancement d'initiatives phares de la SMDD (Annex I) et/ou des

actions régionales et nationales visant à promouvoir l'échange d'expériences et de bonnes pratiques relatives à l'intégration des politiques socio-économiques et environnementales ;

- Organisation d'une session sur les Études d'évaluation effectuées par le Plan Bleu, c'est-à-dire le SoED 2019 et la première phase de MED 2050. Les Membres de la CMDDD doivent être invités à discuter de la première version préliminaire du SoED 2019, des résultats de la première phase de la MED 2050 et du projet de feuille de route pour sa deuxième phase ;
- Organisation d'une session sur *La dimension régionale de la transition vers une économie bleue, inclusive et durable : le cas de la Méditerranée*, s'appuyant sur les résultats de la manifestation parallèle organisée par le PAM et qui s'est tenue à Nairobi (Kenya), le 28 novembre 2018, pendant la Conférence internationale sur l'économie bleue durable (voir brochure en Annexe II du présent document) et sur les études de cas réalisées par le Plan Bleu.
- Organisation d'une session, en coopération avec les Membres de la CMDDD représentant le groupe des Autorités locales, sur la mise en œuvre du développement durable au niveau local/municipal, en mettant l'accent sur l'économie circulaire dans les villes méditerranéennes, avec des interventions spécifiques de représentants invités d'autorités locales et de municipalités. Si cela s'avère pertinent, cette session pourrait bénéficier des résultats de la Conférence sur l'environnement bâti durable de 2019 « Politiques pour un environnement bâti durable » (Scilla, Italie, 16-17 mai 2019), dans le cadre de laquelle MedCities et le Secrétariat sont conviés à organiser une session interactive sur « La planification et la gestion de villes méditerranéennes durables ».

III. Programme de travail mis à jour sous forme d'un tableau

(Voir Tableau 1 aux pages 8 et 9)

Tableau 1 : Programme de travail du Comité de pilotage de la CMDD pour l'exercice 2018-2019 (proposition)

Période	Activité	Responsable	Principaux contributeurs ou examinateurs
Septembre-octobre 2018	Les Membres du Comité de pilotage de la CMDD font des observations et donnent des orientations sur l'actualisation du Tableau de bord méditerranéen de la durabilité	Secrétariat (Plan Bleu) en coopération avec le Comité de pilotage de la CMDD	Comité de pilotage de la CMDD
Novembre-décembre 2018	Préparation de la 20 ^e Réunion du Comité de pilotage de la CMDD	Secrétariat, en étroite coopération avec la Présidente de la CMDD	Comité de pilotage de la CMDD
Janvier 2019	20 ^e Réunion du Comité de pilotage de la CMDD Les membres du Comité de pilotage de la CMDD discutent à leur 20 ^e Réunion du (i) projet de tableau de bord renseigné et des fiches d'information correspondantes, et de (ii) la mise à jour du tableau de bord Publication relative à l'expérience et aux résultats de l'édition pilote du SIMPEER Révision de la méthodologie du SIMPEER tenant compte des recommandations de la 17 ^e Réunion de la CMDD et des idées exprimées lors de la 19 ^e Réunion du Comité de pilotage de la CMDD	Présidente de la CMDD, avec l'appui du Comité de pilotage et du Secrétariat Comité de pilotage de la CMDD Secrétariat (Plan Bleu) Secrétariat (Plan Bleu)	Comité de pilotage de la CMDD Secrétariat (Plan Bleu) Comité de pilotage de la CMDD Comité de pilotage de la CMDD
Février 2019	Suivi de la 20 ^e Réunion du Comité de pilotage de la CMDD	Secrétariat, Plan Bleu	Comité de pilotage de la CMDD
Février-avril 2019	Élaboration des rapports nationaux du SIMPEER et des missions dans les pays	Secrétariat (Plan Bleu)	Parties contractantes volontaires
Avril 2019	Le projet de rapport final de la deuxième édition du SIMPEER est soumis aux Membres de la CMDD pour discussion à la 18 ^e Réunion de la CMDD	Secrétariat (Plan Bleu)	CMDD
Avril-juin 2019	Le tableau de bord renseigné et les fiches d'information correspondantes, ainsi qu'une proposition d'actualisation du tableau de bord sont transmis aux Membres de la CMDD pour examen et observations en vue de leur 18 ^e Réunion	Secrétariat (Plan Bleu)	CMDD

Période	Activité	Responsable	Principaux contributeurs ou examinateurs
Avril-juin 2019	Les Membres de la CMDD font des observations sur la première version du SoED 2019 et le projet de Feuille de route pour la deuxième phase de MED 2050	Secrétariat (Plan Bleu), en coopération avec le Comité de pilotage de la CMDD	CMDD
Juin 2019	18 ^e Réunion de la CMDD. Les Membres de la CMDD discutent du Tableau de bord méditerranéen de la durabilité renseigné, de la première version du SoED 2019, de la Feuille de route pour la deuxième phase de MED 2050, du projet de rapport final de la deuxième édition du SIMPEER et du premier rapport d'évaluation scientifique du MedECC sur les changements climatiques et environnementaux en Méditerranée Réunion d'examen par les pairs rassemblant les Parties contractantes volontaires	Secrétariat (Plan Bleu), Comité de pilotage de la CMDD, Monténégro (pays hôte) Secrétariat (Plan Bleu), Comité de pilotage de la CMDD	CMDD Parties contractantes volontaires, Comité de pilotage de la CMDD
Juin-juillet 2019	La Présidente de la CMDD contribue au projet de décision lié au travail de la CMDD ainsi qu'à la mise en œuvre et au suivi de la SMDD à soumettre aux Points Focaux du PAM, puis à la COP 21 Le rapport final de la deuxième édition du SIMPEER est soumis aux Points Focaux du PAM en tant que document d'information	Présidente de la CMDD Secrétariat (Plan Bleu)	Comité de pilotage de la CMDD, Secrétariat Comité de pilotage de la CMDD et Parties contractantes volontaires
Juillet-août 2019	Préparation de la contribution de la CMDD à la Réunion des Points Focaux du PAM	Présidente de la CMDD	Comité de pilotage de la CMDD, Secrétariat
Septembre 2019	La Présidente de la CMDD présente les résultats de la 18 ^e Réunion de la CMDD aux Points Focaux	Présidente de la CMDD	Comité de pilotage de la CMDD, Secrétariat
Octobre-novembre 2019	Publication du Rapport final de la deuxième édition du SIMPEER	Secrétariat (Plan Bleu)	Parties contractantes volontaires, Comité de pilotage de la CMDD
Décembre 2019	La Présidente de la CMDD présente les recommandations de la CMDD aux Parties contractantes à la COP 21	Présidente de la CMDD	Comité de pilotage de la CMDD, Secrétariat

Annex I :

Initiatives phares de la SMDD – Notes de concept provisoires

- A. Note de concept provisoire sur l'initiative phare de la SMDD « Entreprendre des évaluations régionales, ainsi que des échanges de connaissances, des solutions à hautes et basses technologies mis en œuvre avec succès en vue d'atteindre une réduction des déchets », par COMPSUD et MIO-ECSDE
- B. Note de concept provisoire sur l'initiative phare de la SMDD « Créer et promouvoir un Prix des entreprises méditerranéennes pour l'innovation environnementale », par le Secrétariat (CAR/CPD)
- C. Note de concept provisoire sur l'initiative phare de la SMDD « Encourager l'adoption et la mise en œuvre de la Convention d'Aarhus sur l'accès à l'information, la participation du public au processus décisionnel et l'accès à la justice en matière d'environnement », par COMPSUD et MIO-ECSDE, avec le soutien de MEPIELAN et du Secrétariat de la Convention d'Aarhus
- D. Note de concept provisoire sur l'initiative phare de la SMDD « Développer des programmes de renforcement des capacités sur les questions liées à la mise en œuvre et au respect des obligations et accords relatifs à l'environnement, y compris les évaluations de l'impact environnemental et les évaluations environnementales stratégiques », par MEPIELAN

(en anglais)

A. Draft Concept Note on the MSSD Flagship Initiative to “Undertake regional assessments, as well as knowledge exchanges, of high- and low-tech solutions, that have been successfully implemented to achieve waste reduction”

Prepared by COMPSUD and MIO-ECSDE. Reviewed by the President of the MCSD.

Key words: waste management, waste reduction, high- and low-tech solutions, regional assessment, awareness-raising, knowledge exchange

Rationale for Elaborating and Submitting the Present Concept Note

At its 19th Meeting held via teleconference on 20 June 2017, the MCSD Steering Committee discussed the issue of the six MSSD Flagship Initiatives that have not yet been launched. The President of the MCSD Steering Committee invited members of the Committee to take the lead on facilitating their launch, implementation and follow-up.

As Vice-President of the MCSD Steering Committee, COMPSUD offered to draft proposals (concept note), in cooperation with one Member of the MCSD (MIO-ECSDE) and following guidelines provided by the Secretariat, for two Flagship Initiatives, including this one on regional assessments and knowledge exchanges of high- and low-tech solutions that have been successfully implemented to achieve waste reduction.

Based on the discussions and conclusions of the 19th Meeting of the MCSD Steering Committee, this Concept Note attempts to provide proposals for ways and means to put in motion the MSSD Flagship Initiative to “Undertake regional assessments, as well as knowledge exchanges, of high- and low-tech solutions, that have been successfully implemented to achieve waste reduction”, as well as on the scope, content, indicative activities and possible leader of this Flagship Initiative.

Background of the Concept Note

The MSSD Objective 3 focuses on “Planning and managing sustainable Mediterranean cities”, with the following rationale:

While the urbanization continues apace, in particular along its southern shores, most Mediterranean cities, notably the coastal ones, are not being managed sustainably in relation to their carrying capacities and are insufficiently resilient. Yet as engines of economic development, innovation and creativity, cities are critical for sustainable development, as the climate friendly cities agenda shows. For those reasons, a new, sustainable, inclusive and creative approach to planning and managing Mediterranean cities is the best hope for riparian urban settlements. Key elements of this approach are the following: use inclusive urban planning and management processes, promote socio-economic cohesion, reduce environmental pressures, increase resilience, protect and rehabilitate historical areas, and promote green buildings and sustainable waste management within the context of a more circular economy.

Under MSSD Objective 3, “Promote sustainable waste management within the context of a more circular economy” corresponds to the Strategic Direction 3.4, with the following description:

Solid and liquid waste production and management remain major concerns in many urban regions in the Mediterranean. The MSSD promotes national measures for implementing innovative waste management solutions, in line with the waste hierarchy: prevention, reduction, reuse, sorting, recycling, recovery, and, as the least preferred option, disposal. It is also a priority to develop behavioural change schemes that will lead to reduction in waste volumes and to develop legal and financial frameworks to support sustainable waste management.

Under Strategic Direction 3.4, the MSSD contains the Flagship Initiative 3.4.5, as one of the overall 11 MSSD Flagship Initiatives, aiming at the elaboration of a regional assessment of the effectiveness of high-tech and low-tech solutions, including but not limited to awareness-raising and economic measures that have been implemented, with a view to their more widespread utilization in waste reduction efforts. The summary of the MSSD Flagship Initiative on Waste Reduction Solutions with its associated indicators is presented as below:

Flagship Initiative	Owners	Time frame	Indicators
3.4.5. Undertake regional assessments, as well as knowledge exchanges, of high- and low-tech solutions, that have been successfully implemented to achieve waste reduction.	Regional institutions, national governments, local authorities, academia, civil society, private sector	2018-onward	Status of the assessment initiative Waste generated by type per country

Putting in motion the MSSD Flagship Initiative on Regional Assessments and Knowledge Exchanges of High- and Low-Tech Solutions to Achieve Waste Reduction

In order to ensure a realistic approach and a timely launching of the Flagship Initiative, the present proposal concretely suggests that the activities envisaged under the Flagship Initiative be fully integrated / included in the Work Programme of the upcoming ENI - Water and Environment Support Mechanism (WES) project.

The WES project is entered into its tendering phase, i.e. short-listing of eligible consortia - the awarded WES proposal and consortium will not be known till April-May 2019. It is a regional EU funded project under the “EU for GreenMed III and sustainable transport” line⁹. The beneficiary countries are the following: Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Palestine, Syria, and Tunisia. It is planned for a 4-year duration and approximately EUR 9 million budget. (WES Terms of Reference are not yet public).

One of the objectives of the WES project is to reduce the pollution reaching the Mediterranean Sea by providing technical assistance and trainings to enforce national regulatory frameworks, to foster dialogue at national and regional levels and, to promote the exchange of best practices among various stakeholders. A special attention will be given to measures aimed at reduction and prevention of plastic pollution. The support to the pollution prevention under the WES project should be done within the framework of the Horizon 2020 for a cleaner Mediterranean and the Barcelona Convention. Therefore, the implementation of the MSSD 2016-2025 is of direct relevance to the WES project.

As soon as the WES contract is awarded to one of the submitting consortia in 2019, COMPSUD and/or MIO-ECSDE, with support from the Secretariat, should approach the European Commission / DG NEAR Project Manager and/or the project implementers during its inception phase (foreseen from May-July 2019) in order to practically see how to best incorporate the implementation of the Flagship Initiative in the WES project. EC DG NEAR could also be approached in advance for anticipation. Furthermore, if a few Contracting Parties request the MSSD Flagship Initiative to be part of the WES work programme at the first project steering committee meeting (or even during the inception missions), the MSSD Flagship Initiative could be included as a needed driven request.

The MSSD Flagship Initiative on Waste Reduction Solutions could include a number of practical actions, subject to availability of resources, in line with the WES project objectives, to be carried out by the WES project consortium, such as suggested in the following table. It is worth to note that this table will be revisited once the WES project is awarded and running.

What	Who	By when
Conduct a regional assessment of high- and low-tech solutions including but not limited to awareness-raising and economic measures, that have been successfully implemented in Mediterranean countries and elsewhere (e.g. in the EU) to achieve waste reduction and promote the principles of circular economy, relevant to the Mediterranean countries’ context and needs. Approaches to be assessed might indicatively include <i>inter alia</i> : the overall application of the hierarchy approach in waste management to promote a circular economy; for municipal	The WES consortium COMPSUD and/or MIO Support from MCSD Members and the Secretariat	September 2019 – February 2020 (tbc)

⁹ EuropeAid/139671/DH/SER/MULTI

What	Who	By when
waste: methods for sorting at source bio-wastes and other streams of recyclable wastes (glass, paper, aluminium, plastic) to increase levels of recycling, reuse of treated wastewater, etc; for non-municipal waste: the promotion of use of secondary or by-products in other production processes, possibilities for industrial symbiosis, the collection and management of specific streams of waste, e.g. lubricant oils, accumulators, tires, WEEEs, construction waste; etc.		
Develop a 'repository' or on-line tool for facilitated access to the solutions and their more widespread utilization in waste reduction efforts	The WES consortium COMPSUD and/or MIO Support from MCSD Members and the Secretariat	January – April 2020 (tbc)
Integrate the above elements in the relevant WES trainings	The WES consortium COMPSUD and/or MIO Support from MCSD Members and the Secretariat	September 2019 – December 2022 (tbc)

References

H2020 Supporting Mechanism: <https://www.swim-h2020.eu/category/solid-waste-management/>;
<http://www.cprac.org/es/proyectos/horizon-2020>

Association of Cities and Regions for Recycling and sustainable Resource management (ACR+MED):
<http://www.acrplus.org/en/>

SWEEP-Net, the Regional Solid Waste Exchange of Information and Expertise Network in Mashreq and Maghreb countries <http://www.sweep-net.org/> See also: <http://nswmp.net/in/sweep-net/>

MED-3R Euro-Mediterranean Strategic Platform for a suitable waste management: <http://www.med-3r.org/index.php/en>

B. Draft Concept Note on the MSSD Flagship Initiative to “Create and Promote a Mediterranean Business Award for Environmental Innovation”

Prepared by the Secretariat (SCP/RAC).

Key words: Resource efficiency, Eco-innovation, Environmental-friendly business innovations, Eco-design, Sustainable products and services, Sustainable Consumption and Production (SCP), Green/Blue/circular economy, Green entrepreneurship, Green and social incubators, Corporate social and environmental responsibility

Rationale for Elaborating and Submitting the Present Concept Note

At its 19th Meeting held via teleconference on 20 June 2017, the MCSD Steering Committee discussed the issue of the six MSSD Flagship Initiatives that have not yet been launched. The President of the MCSD Steering Committee invited members of the Committee and the Secretariat through its MAP Components to take the lead on facilitating their launch, implementation and follow-up.

Based on the discussions and conclusions of the 19th Meeting of the MCSD Steering Committee, this Concept Note attempts to provide proposals for ways and means to put in motion the MSSD Flagship Initiative to “Create and Promote a Mediterranean Business Award for Environmental Innovation”.

Background of the Concept Note

The MSSD Objective 5 focuses on Transition towards a Green and Blue Economy, with the following rationale:

A green economy – called blue economy when applied to the coastal, marine and maritime sectors – is one that promotes sustainable development whilst improving human well-being and social equity, and significantly reducing environmental risks and ecological scarcities. Besides being about renewable energy, waste management, and sustainable consumption and production, the green economy concept draws on new and emerging paradigms such as the circular economy, the collaborative economy and the functional economy. The green economy explicitly includes the objectives of decent jobs creation for all, particularly youth and women, and social inclusion, in order to eradicate poverty and promote a more healthy and just society. The Strategy encourages the measurement of development, progress and well-being, as well as environmental friendly and social innovation. It promotes sustainable consumption and production patterns, as well as the integration of sustainability principles into decision-making on public and private investment. The Strategy also recommends a greener and more inclusive market that integrates the true environmental and social cost of products and services. The Strategy is complemented by the UNEP/MAP Sustainable Consumption and Production Action Plan for the Mediterranean.

The MSSD Objective 5 is complemented by the Regional Action Plan on Sustainable Consumption and Production in the Mediterranean (SCP Regional Action Plan), which was adopted by the Contracting Parties at COP 19 (Decision IG.22/5), as a forward-looking framework, to complement and work in full synergy with existing national and regional policy frameworks, and to support the implementation of the Barcelona Convention and its Protocols. The SCP Regional Action Plan is aligned with the MSSD Vision and Objectives, particularly the Objective 5.

Under MSSD Objective 5, “Encourage environmentally-friendly and social innovation” corresponds to the Strategic Direction 5.4, with the following description:

A large part of the pollution in the Mediterranean is due to inefficient industrial processes and poor management of waste. Apart from harming the environment and health, it also jeopardizes the competitiveness and long-term sustainability of industries. Strategic direction 5.4 promotes resource efficiency and eco-innovation as critical tools to allow businesses and economies to be more productive, while reducing cost, waste and use of raw materials. Creating and connecting green and social incubators and training programmes, including through partnerships between universities, businesses and research centres at national and regional scales is also necessary. At a regional level, a Mediterranean network of green and social incubators and training programmes is envisaged.

Under Strategic Direction 5.4, the MSSD contains Flagship Initiative 5.4.5, as one of the overall 11 MSSD Flagship Initiatives, on the Creation and Promotion of a Mediterranean Business Award for Environmental Innovation. The summary of this MSSD Flagship Initiative is presented below:

Flagship Initiative	Owners	Time frame	Indicators
5.4.5. Create and promote a Mediterranean business award for environmental innovation.	Regional institutions, national governments	2016-2020	Business award put in place

Environmental innovation is based on efforts from entrepreneurs to “green” their practices, processes, products, and services. Such “green efforts” – in the domains of waste management and recycling, natural products, renewable energy, and water saving – and the principles of a circular economy aims at decoupling prosperity and use of resources, and to provide credible market-oriented responses to sustainability challenges. Environmental innovation means also “doing more with less”, optimizing use of natural resources, reducing/reusing/recycling/recovering waste and promoting “better-for-the-planet” goods and services. For the private sector, environmental innovations lower costs, increase revenues, and ensure stable supply chains. They are profitable for nature, for society and for the private sector.

Putting in motion the MSSD Flagship Initiative on the Creation and Promotion of a Mediterranean Business Award for Environmental Innovation

The implementation of the MSSD Objective 5 and SCP Regional Action Plan was supported by the SwitchMed Programme¹⁰ and SCP/RAC’s activities, as indicated by the conclusions of the 17th Meeting of the MCSD, held in Athens, Greece, on 5-7 July 2018, when the MCSD Members expressed support to the continuation of these activities to foster green entrepreneurship ecosystems in the region. MCSD Members also acknowledged the successful example of the Catalonia Eco-Design Award developed by the Waste Agency of Catalonia (ARC: *Agència de Residus de Catalunya*).

The Catalonia Eco-Design Award was created in 2001 under the name of Design for Recycling Award. Then, it evolved into the Eco-Design Award as part of the Catalan Eco-Design Strategy (*Ecodiscat*) 2012-2015, promoted by the Ministry of Territory and Sustainability of the Government of Catalonia and coordinated by the Directorate General for Environmental Quality. Its goal is to encourage the incorporation of eco-design in the production process, to foster a cross-cutting approach and knowledge transfer, and to boost the consumption and production of sustainable products and services. The Award recognizes innovative products and services (e.g. existing products, products in development, strategies for sustainable product design, young designers) that promote eco-design and circular economy solutions.

The Award has five categories: Categories A, B, C and D are for entrants from Catalonia, and Category E - Euro-Mediterranean Design opened to entrepreneurs for all Mediterranean countries, Contracting Parties to the Barcelona Convention. The 2015-pilot edition of the Category E was supported by the SwitchMed programme, with 45 applications from 11 countries¹¹; the Award Ceremony held in Barcelona brought +150 representatives from Mediterranean countries. This successful pilot edition has not been reproduced so far.

The present concept note proposes to create a proper Mediterranean Business Award for Environmental Innovation, based on the solid experience of the Catalan Eco-Design Award and in particular on the lessons learned from the creation of its Euro-Mediterranean Category E. This edition will be operationally linked to the implementation of the relevant MSSD Flagship Initiative.

More specifically, the MAP – Barcelona Convention system has the institutional mandate, via the MSSD Flagship Initiative 5.4.5, to create and promote a Mediterranean Business Award for Environmental Innovation, and SCP/RAC as a centre hosted by the Waste Agency of Catalonia and

¹⁰ <http://switchmed.eu/>

¹¹ Croatia, Egypt, Spain, France, Greece, Israel, Italy, Lebanon, Morocco, Tunisia, and Turkey.

the initiator of the Euro-Mediterranean Category E of the Catalan Eco-Design Award has the necessary skills and experience to support the technical process of such initiative. Therefore, a possible avenue would be that the Secretariat flags the Mediterranean Award. This setting-up requires external funds to cover the implementation of the MSSD Flagship Initiative. The forthcoming launch of the EU funded SwitchMed II at the beginning of 2019 includes resources to fund the organization of a Mediterranean Business Award for Environmental Innovation and the preparation of a long-term strategy for its replication over the years. It is expected that the first edition will target southern Mediterranean countries, including Jordan and Palestine, as beneficiaries of the SwitchMed II programme; eligible applicants should be based in the following countries: Algeria, Morocco, Tunisia, Egypt, Jordan, Israel, Palestine and Lebanon. A specific attention will be put on awarding initiatives led by women and youth. It should be possible to develop several categories of the Mediterranean Business Award for Environmental Innovation.

Objectives of the Mediterranean Business Award for Environmental Innovation

The Mediterranean Business Award for Environmental Innovation will be based on the proceedings of the Eco-Design Award developed in 2015 by the Waste Agency of Catalonia, as explained above. This Award will aim to recognize, reward, and encourage the efforts of entrepreneurs to incorporate environmental innovation and eco-design in the production process, to foster knowledge transfer and a cross-cutting approach between the three pillars of sustainable development, and to boost circular economy solutions and the consumption of sustainable products and services in the Mediterranean.

The objectives of such an Award could be to:

- Recognize and reward the efforts of entrepreneurs to incorporate environmental innovation and eco-design in their production process;
- Encourage entrepreneurs to move towards more environment friendly patterns of production, boost circular economy solutions and their practical application, as well as the consumption of sustainable products and services;
- Enable entrepreneurs to act as a role model to inspire other entrepreneurs, to foster knowledge transfer between green entrepreneurs, and to further promote corporate social and environmental responsibility;
- Raise the awareness of the general public regarding environmental-friendly business innovations;
- Provide a practical response to the implementation of Sustainable Development Goals (SDGs), in particular SDG 12, in the Mediterranean region.

Mediterranean green entrepreneurs and circular businesses – including members of the SwitchMed community, i.e. the Switchers – will be invited to submit an application, following an open call for submissions. The possible categories could include products already available in the market, products under development or product promotion strategies that are developed in Mediterranean countries and that take into account environmental considerations with the goal of reducing the environmental impact of the product over the course of its life cycle.

For the first edition, applications should be submitted by entrepreneurs and circular businesses from a SwitchMed beneficiary country (listed above). Any person or corporate entity, domiciled or with corporate headquarters in those countries, who designs or manufactures a product or service, promotes or designs a product or service under development, or promotes any eco-innovation strategy, should be invited to submit an application.

In the further elaboration of the objectives and criteria of the Award, the recently launched “European Sustainability Award” by the European Commission with the support of the EU Multi-stakeholder Platform on SDGs aiming to recognize the initiatives (by the private sector, large companies and SMEs, public agencies, civil society and youth) working towards turning the SDGs into concrete solutions and opportunities, could be used as a possible source of inspiration and information.

Eligibility and Evaluation Criteria

Below are listed possible evaluation criteria that could be used for the eligibility and evaluation of applicants. Those criteria will be reviewed after the launch of SwitchMed II in 2019. A specific focus will be put on awarding initiatives led by youth and women.

a) Basic Criteria:

- Incorporation of significant eco-design strategies in the product life cycle. For example: reduction in resource consumption; selection of materials with a smaller environmental impact; reduction of the environmental impact of the production process; optimization of the distribution process; reduction of environmental impact during use; lengthening of the useful-life stage; optimization of the end-of-life stage, enhanced potential for recyclability, utilization of waste, secondary or by products from other production processes as primary material for its production.
- Quality of the design: What the design offers in respect of emotional and functional aspects, paying special attention to usability, ergonomics, safety, aesthetics, functionality, *repairability*, its perception and acceptance by end-users, and its capacity to meet a need.
- Innovation: The added value offered by the product, project or strategy in respect of the possible alternatives that exist in the market.

For products under development, other considerations could be take into account such as whether the submitted entry has been comprehensively studied and developed, how close it is to completion, and its feasibility from an economic and market-based perspective.

b) Additional Criteria:

- Application of environmental evaluation methodologies, for example: MET (materials, energy and toxicity) matrices, SEA (strategic environmental assessment), LCA (life-cycle assessment).
- Potential environmental benefit: Estimate of the savings associated with the use of the product in terms of its overall impact, taking into account the environmental improvement per product unit and the global sales volume.
- Possession of labels that accredit the environmental benefits of the product: Eco-labels granted by official bodies or recognized private organizations.
- Implementation of an environmental management system in the design and development process: Eco-design, EMAS, ISO 14006.
- Socio-economic impact of the entry on the market or on its scope of application.
- Implementation, quality and repercussion of the communication and awareness-raising strategies.

c) Exclusion from Participation:

Products already in the market, products under development or product promotion strategies should not eligible for submission to the Award if they are in any of the situations listed below:

- If they are submitted simultaneously in more than one of the Catalan Eco-Design categories, whether approached from the same or a different perspective;
- If their main value is artistic (works of art);
- If they are buildings or other complex architectural elements;
- If they are one-off items that cannot be mass-produced;
- If a member of the judging panel has participated actively in the entry submission as a designer, as a manufacturing company or distributor of the product, or as the promoter of a strategy.

Application, Evaluation and Nomination Process

An application form should be developed in two main parts: (i) open questions to introduce the entrepreneur/business and its products/services/strategies; (ii) specific questions based on criteria enumerated above.

The evaluation should be undertaken through the criteria proposed above.

After a first screening to check eligibility of applicants, the accepted applications should be evaluated by a team of independent experts selected by the Secretariat (Coordinating Unit and SCP/RAC), taking into account their different backgrounds and experiences in relation to the scope of the Award and the evaluation criteria.

The composition of the Jury will be decided at a later stage and should include the President of the MCSD.

Questions from possible applicants should be allowed before submission. To this end a helpdesk should be established when the call of submissions is launched, so possible applicants are able to further inquire about the Award through the helpdesk.

The selection will probably be carried out via the following three steps:

First Step: Initial Screening

With the end of the submission deadline, an initial screening will be conducted by the Secretariat and its SCP/RAC to ensure that the applicants fulfill the eligibility criteria and that the submission forms are correctly filled.

Second Step: Short-Listing

The Secretariat and its SCP/RAC supported by independent experts will select the appropriated number of applicants for the Award. An evaluation report will be sent electronically to the Jury for approval.

A letter will be sent to the short-listed entrepreneurs regarding their nomination.

Third Step: Selection

The Jury will select the winning entrepreneur(s)/business(es) through electronic means. Every effort should be made to take a decision by consensus. If no consensus can be reached, 4/6 majority should be applied. In the case of more than one winner, geographical balance should be ensured.

Award Giving and Ceremony

The Award should consist of at least an honorary board (commemorative object) and the permission to use the logo of the Award by the winning entrepreneur(s)/business(es). Access to finance to the awardees will be also considered for the ones that will have an eco-designed product at the ideation stage or early stage of development. This will be done as part of the Switchers Fund¹² currently being developed by SCP/RAC.

Media coverage and visibility will also bring added value. The Award should be conferred on a biannual basis during the Meeting of the MCSD, the Ordinary Meeting of the Contracting Parties to the Barcelona Convention, or the SwitchMed Connect events.

In terms of planning and timelines, and according to the MSSD stating that the Flagship Initiative should be launched for the period 2016-2020, a possible timeline could be the following (proposal):

When (period)	What (task, step)
1 st semester 2019	Definition of the categories and criteria for the Award Definition of the visual identity, including logo

¹² <https://www.theswitchersfund.eu/en/>

When (period)	What (task, step)
2 nd semester 2019	Development of a database of contacts for the dissemination of the Award (based on the SwitchMed Action Network and Switchers) Preparation of a Communication Strategy Definition/mobilization of the Jury
1 st semester 2020	Launch of the Award Extensive communication campaign Evaluation of the candidates
2 nd semester 2020	Selection and nomination of the candidates Celebration of the Award Design of the strategy for the replication of the Award to be considered at COP 22 (for instance in the context of the implementation of the MAP Resource Mobilization Strategy)

References:

SwitchMed Programme: <http://switchmed.eu/>

The Switchers Platform: <https://www.theswitchers.eu/en/>

The Switchers Fund: <https://www.theswitchersfund.eu/en/>

Catalonia Eco-design Award 2015:

Webpage:

http://residus.gencat.cat/en/ambits_dactuacio/sensibilitzacio/premis_medi_ambient/premi-catalunya-decodisseny/index.html

General Information:

http://residus.gencat.cat/en/ambits_dactuacio/sensibilitzacio/premis_medi_ambient/premi-catalunya-decodisseny/informacio-general-del-premi/

Category E – Euro-Mediterranean design:

http://residus.gencat.cat/en/ambits_dactuacio/sensibilitzacio/premis_medi_ambient/premi-catalunya-decodisseny/categoria-e.-disseny-euromediterrani/

C. Draft Concept Note on the MSSD Flagship Initiative to Encourage the Accession to and Implementation of the Aarhus Convention on Public Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention)

Prepared by COMPSUD and MIO-ECSDE. Reviewed by the President of the MCSD, MEPIELAN and the Aarhus Convention Secretariat.

Key words: Aarhus Convention on Public Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention); Public participation; Access to information; Access justice; Integrity in decision making; Environmental matters; Governance

Rationale for Elaborating and Submitting the Present Concept Note

At its 19th Meeting held via teleconference on 20 June 2017, the MCSD Steering Committee discussed the issue of the six MSSD Flagship Initiatives that have not yet been launched. The President of the MCSD Steering Committee invited members of the Committee to take the lead on facilitating their launch, implementation and follow-up.

As Vice-President of the MCSD Steering Committee, COMPSUD offered to draft proposals (concept note), in cooperation with two Members of the MCSD (MIO-ECSDE and MEPIELAN) and following guidelines provided by the Secretariat, for two Flagship Initiatives, including this one on the accession to and implementation of the Aarhus Convention.

Based on the discussions and conclusions of the 19th Meeting of the MCSD Steering Committee, this Concept Note attempts to provide proposals for ways and means to put in motion the MSSD Flagship Initiative on Public Participation via the Aarhus Convention, as well as on the scope, content, indicative activities and possible leader of this Flagship Initiative.

Background of the Concept Note

The MSSD Objective 6 focuses on Improving Governance in support of Sustainable Development, with the following rationale:

Governance is a crosscutting objective and concerns the inclusion of non-state actors in decision-making processes, using new forms of cooperation arrangements. Regional challenges for environmental governance include fragmentation of responsibility, uncoordinated and non-results-based planning and implementation, as well as weak human and financial resources in the public sector, particularly at the local level. Regarding improvement of environmental governance in the Mediterranean, the MSSD rests on five pillars: Enhance international dialogue and cooperation, including on emergency-preparedness; Promote stakeholder engagement to secure inclusive processes and integrity in decision-making; Promote implementation and compliance with environmental obligations and agreements, including through policy coherence based on inter-ministerial coordination; Promote education and research; and, Enhance regional capabilities for information management.

Under MSSD Objective 6 on Governance, “Promote the engagement of civil society, scientists, local communities and other stakeholders in the governance process at all levels, in order to secure inclusive processes and integrity in decision-making” corresponds to the Strategic Direction 6.2, with the following description:

Public participation is particularly important at the local level, which is the level of government closest to the people, and the level of decision-making where many environment-related decisions are taken. Increased public participation has to be achieved through support for national and local governments and institutions by means of improved legal frameworks and human and financial resources, and has to include skills related to partnership building, negotiation and conflict resolution. The MSSD also envisages support for and strengthening of the organizational capacity of local, national and regional stakeholders, including voluntary organizations, cooperatives, associations, networks, and producer

groups, in terms of legal frameworks and human and financial resources. That will contribute to better decision-making, implementation of policies, plans and projects, and monitoring.

Under Strategic Direction 6.2, the MSSD contains Flagship Initiative 6.2.3, as one of the overall 11 MSSD Flagship Initiatives, on the accession to the Aarhus Convention¹³. The summary of the MSSD Flagship Initiative on Public Participation and Aarhus Convention with its associated indicator and target is presented as below:

Flagship Initiative	Owners	Time frame	Indicators
6.2.3. Encourage the accession to and implementation of the AC on Public Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.	International institutions, national governments, local authorities, civil society	2016-2020	Number of countries accessing the Aarhus Convention <u>Target:</u> by 2025 two-thirds of Mediterranean countries have acceded to the Aarhus Convention

Background information on the Aarhus Convention is reported in Annex 1 of this concept note.

Relevance of the Aarhus Convention for the Mediterranean Countries and Potential Benefits of the Accession to the Convention

The Contracting Parties to the Barcelona Convention have already a series of commitments to engage stakeholders and the public, at large, in consultations and participatory governance: e.g. for the Integrated Coastal Zone Management (ICZM), for the Ecosystem Approach (EcAp). These commitments concern all the countries of the region, most of which, apply participatory processes for Environmental Impact Assessment (EIA), Strategic Environmental Assessment (SEA), Integrated Water Resources Management (IWRM), management of specially protected areas, adaptation to climate change, etc. Participatory and information/communication processes are also related and supported by the Mediterranean Strategy for Education for Sustainable Development (MSESD) and its Action Plan¹⁴, both of which are endorsed and constitute integral parts of the MSSD. Accession to the Aarhus Convention provides a solid and comprehensive framework for governance to engage the public effectively.

The Aarhus Convention is widely accepted to be the leading example of implementation of Principle 10 of the Rio Declaration. Apart from engaging the public, accession to the Convention, could facilitate the design and implementation of National Strategies for Sustainable Development, green economy strategies and, most importantly, the implementation of 2030 Agenda for Sustainable Development and the Sustainable Development Goals (SDGs) at national level, as also stipulated by SDG Target 12.8 “by 2030 ensure that people everywhere have the relevant information and awareness for sustainable development and lifestyles in harmony with nature”. Being a Party to the Aarhus Convention will significantly contribute to country’s efforts to promote citizen-centred and environmentally sound policies.

Accession to the Aarhus Convention would greatly support Government’s policies to tackle poverty and inequality by ensuring that all persons, including the poorest segments of society and rural communities, are able to participate in decision-making processes regarding issues that impact their lives and, as a result, to benefit from the income generated by different sectors of the economy, including the mining and extractive industries.

Owing to their cross-cutting nature, the implementation of the Aarhus Convention and of its Protocol on Pollutant Release and Transfer Registers (PRTRs) have multiple benefits to the successful implementation of the overall 2030 Agenda, as a whole, and to all SDGs apart from just the environment ones, and are directly linked to a very wide array of issues and policies such as: ending poverty (SDG 1); health protection (SDG 3); water and sanitation management (SDG 6); clean energy

¹³ <http://ec.europa.eu/environment/aarhus/>

¹⁴ <http://ufmsecretariat.org/wp-content/uploads/2014/05/Mediterranean-Strategy-on-Education-for-sustainable-development-.pdf>; http://www.esdmedcyprus.pi.ac.cy/files/ENG_Action_Plan.pdf

(SDG 7); green economy (SDGs 8, 9 and 12); reduction of inequalities (SDG 10); sustainable consumption and production (SDG 12); climate action (SDG 13); tourism (SDGs 8, 12, 14 and 15); urban planning (SDGs 11 and 13); and, most importantly, the promotion of effective, accountable and transparent institutions, effective access to information, effective and inclusive public participation and transparency in national and international decision-making and effective and equal access to justice for all (SDG 16).

The background of governance and administrative culture of Mediterranean countries vary widely. However, this diversity is not a problem; the current Parties to the Aarhus Convention also come from a wide range of political and economic backgrounds.

Informed participation in the decision-making process leads to better decisions, as the government or implementing agencies take into account valuable information from the public concerned. This process ultimately enhances public confidence to governmental decisions and reduces the instances of lengthy legal procedures and appeals and costly remedial measures by the State. It also helps to achieve greater political stability and sustainable economic development at the national level.

In addition, countries would draw many specific benefits from being a Party to the Aarhus Convention, including:

- Increased efficiency due to the sharing of resources and know-how between the various Parties and organizations. It creates opportunities for cooperation and exchange with other Parties;
- Aarhus Convention's bodies under the instrument that carry out technical assistance, workshops, capacity building, and a dedicated secretariat to provide on-going support;
- The Aarhus Convention's requirements provide a structure upon which partner organizations (international organizations, IFIs, bilateral donors) can channel their support.

Moreover, officially declaring to the international community that your country is a country which aspires to be strong supporter of environmental democracy provides greater political visibility at international level. Accession to such convention will send a strong signal to other States, including trade and aid partners, as well as foreign investors and international institutions of the Government's commitment to effective governance and democracy.

The Aarhus Convention is therefore recognized to bring value to all its Parties, wherever on the political or economic spectrum they stand and it brings more benefits than costs to the countries that have ratified it.

Putting in Motion the MSSD Flagship Initiative on Public Participation via the Aarhus Convention

The Aarhus Convention is open for accession by any UN Member State. For States which are not Members of UNECE accession requires an approval by the Aarhus Convention's Meeting of the Parties. In recent years, Parties to the Aarhus Convention have made clear their strong encouragement for countries outside the UNECE region to join. To guide interested non-UNECE Member States on the accession, they adopted a decision IV/5¹⁵, encouraging States outside the UNECE region to accede to the Aarhus Convention and welcoming any expression of interest to do so. The major steps of the accession procedure for non UNECE Member States are outline in paragraph 4 of the decision.

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http://www.unece.org/fileadmin/DAM/env/pp/mop4/Documents/Post_Session/ece_mp.pp_2011_2_add.1_eng.pdf - in English (page 26);

http://www.unece.org/fileadmin/DAM/env/pp/mop4/Documents/Post_Session/ece_mp.pp_2011_2_add.1_fre.pdf - in French (page 28).

In the Budva Declaration¹⁶ adopted at their recent Joint High-level Segment (Budva, Montenegro, September 2017), the Aarhus Convention's and its Protocol's Meetings of the Parties once more stated: "We invite interested States to accede to the Convention and its Protocol or to apply their provisions, and we stand ready to offer our experience and knowledge in that regard. In the forthcoming period, we will strive to encourage new accessions, in line with the Strategic Plan for 2015–2020" (para. 28).

The table below provides an overview of the Mediterranean countries which are or are not Parties to the Aarhus Convention and its Protocol on PRTRs.

Barcelona Convention and UNECE Member States	Barcelona Convention Member States, which are not UNECE Member States	Party to the Aarhus Convention	Party to the Protocol on PRTRs
Albania		X	X
	Algeria		
Bosnia and Herzegovina		X	
Croatia		X	X
Cyprus		X	X
	Egypt		
France		X	X
Greece		X	X
Israel			X
Italy		X	
	Lebanon		
	Libya		
Malta		X	X
Monaco			
Montenegro		X	X
	Morocco		
Slovenia		X	X
Spain		X	X
	Syria		
	Tunisia		
Turkey			
European Union		X	X

12 of the 22 (54,5%) Contracting Parties to the Barcelona Convention are already Parties to the Aarhus Convention. The MSSD Target of two-thirds can be achieved by having five more Mediterranean countries joining the Aarhus Convention. The table above shows that the priority should be given to:

¹⁶ http://www.unece.org/fileadmin/DAM/env/pp/mop6/HLS/ECE_MP.PP_2017_16_Add.1-ECE_MP.PRTR_2017_2_Add.1_E.pdf - in English;
http://www.unece.org/fileadmin/DAM/env/pp/mop6/HLS/ECE_MP.PP_2017_16_Add.1-ECE_MP.PRTR_2017_2_Add.1_F.pdf - in French.

- (a) Three UNECE Member States: Israel, Monaco and Turkey. No approval by the Meeting of the Parties to the Aarhus Convention is required for their accession.
- (b) Seven not-UNECE Member States: Algeria, Egypt, Lebanon, Libya, Morocco, Syria, and Tunisia. Their accession requires an approval by the Meeting of the Parties to the Aarhus Convention.

The familiarization with and possible accession to the Aarhus Convention by the Mediterranean countries mentioned above requires first and foremost a strong political will from the governments of these countries to fulfill in a solid way the commitments concerning access to information, public participation and access to justice in environmental matters.

Activities aimed at familiarization with and promotion of the accession to the Aarhus Convention requires also dissemination of information and capacity building meetings, which may be co-organized by the Contracting Parties to the Barcelona Convention, the Barcelona Convention and Aarhus Convention Secretariats, and/or programmes such as for instance the SWIM-Horizon 2020 SM¹⁷.

With respect to the political dimension of the present MSSD Flagship Initiative, an awareness raising and information campaign to make the benefits of joining the Aarhus Convention known to the above target countries could be undertaken by COMPSUD, on a voluntary basis, with advisory and expert support from both Secretariats of the Barcelona Convention and Aarhus Convention, as well as from MIO-ECSDE for the simultaneous mobilization of NGOs and other civil society organizations. Relatedly, and in view of the catalytic interconnection between law and policy aspects associated with the process of development of the Aarhus Convention regime, its promotion and expansion to other States, and the development of capacity building through training on targeted creative negotiation knowledge and skills for the construction of environmental common interest could be undertaken by MEPIELAN with the support of the Secretariats of the Barcelona Convention and Aarhus Convention.

Regarding its law and governance dimension, the compatibility of the legislation of the Contracting Parties to the Barcelona Convention with the provisions of the Aarhus Convention in combination with the necessary institutional arrangements for the effective exercise of the procedural rights set in the Aarhus Convention should be explored. Relatedly, there should be examined the process element of this dimension: how public authorities take all the necessary measures to ensure both access and dissemination of the environmental information and how they can effectively arrange public consultation procedures, also through the elimination of the relevant barriers. In addition, the establishment of specific administrative bodies or other independent institutions established by law (Ombudsman) that could contribute to the implementation of the relevant requirements should be examined. Further, the promotion of the active engagement of the subnational levels of government (municipalities, regional authorities) in decision-making processes, through the organization of a series of training workshops and/or by the establishment of relevant working groups aiming at improving coordination and cooperation in the implementation of the Aarhus Convention should also be pursued. Of particular importance would be the discussion and dissemination of best practices among the Mediterranean countries of the Aarhus Convention concerning access to environmental information and public participation. The examination of these necessary reformative actions could be undertaken by MEPIELAN with the support from the Secretariats of the Barcelona Convention and the Aarhus Convention.

Furthermore, an important “added value” for the present MSSD Flagship Initiative would be the examination of the interaction between the Aarhus Convention and the very recently adopted Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, 2018 (the Escazú Agreement) for the purpose of developing an appropriate platform of facilitating the accession of Developing States to the Aarhus Convention, and thus paving the way to the process of exploring the expansion of operation of the Aarhus Convention in view of the contextual particularities, the need for their informed management at all levels, and in the light of

¹⁷ An effort will be made to include the relevant activities in the Work Programme of the follow-up project of SWIM-H2020 SM.

the implementation of the transformative Sustainable Development Goals (especially SDG 17 and SDG 16). This action could be undertaken by MEPIELAN with the support of the Secretariats of the Barcelona Convention and Aarhus Convention.

The MSSD Flagship Initiative on Public Participation provides a great opportunity for the Mediterranean countries to be familiarized, use and, eventually, accede to the Aarhus Convention. There are a number of practical actions to promote this, subject to availability of resources, such as suggested in the following table:

What	Who	By when
Present the benefits of acceding the Aarhus Convention and urge more Mediterranean countries to join, by delivering a keynote speech on the matter at the 18 th Meeting of the MCSD	Aarhus Convention Secretariat, in cooperation with the Barcelona Convention Secretariat, with support from the MCSD Steering Committee (in particular COMPSUD) and MIO-ECSDE	2019 (18 th Meeting of the MCSD)
Participation of the Aarhus Convention Secretariat and/or experts in the Aarhus Convention (as appropriate) in relevant meetings in the region as to provide expert and advisory support	Aarhus Convention Secretariat	On-going (cont'd)
Provision of information to relevant Ministries and Parliaments of interested countries	Barcelona Convention Secretariat, in cooperation with the Aarhus Convention Secretariat, with support from the MCSD and its Steering Committee. COMPSUD may facilitate to the extent possible the flow of this information, through its membership	By 2022
Provision of appropriate information and mobilization of the civil society of interested countries in encouraging the governments to use and eventually accede to the Aarhus Convention	Barcelona Convention Secretariat, in cooperation with the Aarhus Convention Secretariat, with support from MAP Partners and MCSD Members. MIO-ECSDE could play an active role through its own membership	By 2022
Participation of Governments and relevant stakeholders in the Aarhus Convention capacity building events and policy meetings	Governments, supported by the Secretariats of the Barcelona and Aarhus Conventions, with support from MAP Partners and MCSD Members.	Ongoing (cont'd)
Organization of specific targeted meetings/trainings in the region to promote the Aarhus Convention	Barcelona Convention Secretariat, the MCSD Steering Committee and relevant MCSD Members and MAP Partners, in cooperation with the Aarhus Convention Secretariat. MEPIELAN could play an active contributing role through its own membership and specialty.	By 2024
Preparation of Mediterranean countries' overviews of compatibility of their laws and institutional arrangements with the Aarhus Convention's requirements, including the necessary practical measures taken by the public authorities at all levels and the dissemination of best practices among the Mediterranean countries	Aarhus Convention Secretariat, in cooperation with the Barcelona Convention Secretariat and the contribution of MEPIELAN that will play an active role through its own membership and specialty.	By 2024

What	Who	By when
Translation of practical guidelines/recommendations developed under the Aarhus Convention in national languages	Contracting Parties to the Barcelona Convention and Barcelona Convention Secretariat, in cooperation with the Aarhus Convention Secretariat	By 2025
Examination of the interaction between the Barcelona Convention and the Escazú Convention - expansion of the Aarhus Convention to Developing Mediterranean countries and in light of the SDGs implementation	Secretariats of the Barcelona Convention, the Aarhus Convention and the Escazú Convention, in cooperation with MEPIELAN	By 2024

References, Additional Information, Key Links and Materials

- UNECE Welcome page: <http://www.unece.org/env/pp/welcome.html>
- Text of the Aarhus Convention: <http://www.unece.org/env/pp/treatytext.html>
- Status of ratification: <http://www.unece.org/env/pp/ratification.html>
- Brochure about the Aarhus Convention for general public, available in Arabic, Chinese, English, French, Russian and Spanish: <http://www.unece.org/index.php?id=35452>
- Implementation Guide to the Aarhus Convention available in Chinese, English, French and Russian: <http://www.unece.org/index.php?id=35869>
- Maastricht Recommendations on Public Participation in Decision-Making, provide step-by-step practical tool on how to organize effective public participation, available in English, French and Russian: <http://www.unece.org/index.php?id=49142>
- Almaty Guidelines on promoting the principles of access to information, public participation in decision-making and access to justice in international forums dealing with matters relating to the environment, available in English
(<http://www.unece.org/fileadmin/DAM/env/documents/2005/pp/ece/ece.mp.pp.2005.2.add.5.e.pdf>),
French
(<http://www.unece.org/fileadmin/DAM/env/documents/2005/pp/ece/ece.mp.pp.2005.2.add.5.f.pdf>)
and Russian
(<http://www.unece.org/fileadmin/DAM/env/documents/2005/pp/ece/ece.mp.pp.2005.2.add.5.r.pdf>).
- Lucca Guidelines on access to information, public participation and access to justice with respect to genetically modified organisms, available in English
(<http://www.unece.org/fileadmin/DAM/env/pp/documents/gmoguidelinesenglish.pdf>), French
(<http://www.unece.org/fileadmin/DAM/env/pp/documents/gmoguidelinesfrench.pdf>), and Russian
(<http://www.unece.org/fileadmin/DAM/env/pp/documents/gmoguidelinesrussian.pdf>).

For the Protocol on PRTRs

- Text of the Protocol: <http://www.unece.org/env/pp/prtr/docs/prtrtext.html>
- Brochure about the Protocol for general public, available in English, French and Russian: <http://www.unece.org/index.php?id=25411>
- Implementation Guidance to the Protocol provides detailed explanation on how to implement the Protocol, available in English, French, Russian and Spanish: <http://www.unece.org/index.php?id=4800>

For the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, 2018 (the Escazú Agreement)

- Text of the Agreement: http://repositorio.cepal.org/bitstream/handle/11362/43583/1/S1800428_en.pdf

Annex 1: Background Information on the Aarhus Convention

The UNECE¹⁸ Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters was adopted on 25 June 1998 in the Danish city of Aarhus at the Fourth Ministerial Conference in the ‘Environment for Europe’ process. Together with its Protocol on Pollutant Release and Transfer Registers (PRTRs), it protects every person’s right to live in an environment adequate to his or her health and well-being. They are the only global legally binding instruments on environmental democracy, which are open for accession by any UN Member State interested to join¹⁹ – that put Principle 10 of the Rio Declaration on Environment and Development in practice and in legal terms.

As a new kind of environmental agreement, the Aarhus Convention links environmental rights and human rights; acknowledges that we owe an obligation to future generations; establishes that sustainable development can be achieved only through the involvement of all stakeholders; links government accountability and environmental protection; focuses on interactions between the public and public authorities establishing procedural rights in the framework of environmental governance; safeguards the rights to passive and active information.

The subject of the Aarhus Convention goes to the heart of the relationship between people and governments. The Convention is not only an environmental agreement, it is also a Convention about government accountability, transparency and responsiveness. It grants the public rights and imposes on the Parties and public authorities’ obligations regarding access to information and public participation and access to justice. Moreover, the Aarhus Convention is also forging a new process for public participation in the negotiation and implementation of international agreements.

The adoption of the Aarhus Convention in June 1998 was a major step forward in the field of procedural environmental rights. For the first time, the interlinked rights of access to information, public participation and access to justice were addressed in a comprehensive way in a single international treaty.

The 47 Parties (as of 24 September 2018) to the Aarhus Convention include:

- Countries with some of the world’s lowest GDPs per capita (for example, Republic of Moldova, Tajikistan) to countries with some of the highest (for example, Germany, Norway);
- A wide range of political and legal traditions from former Soviet countries to western democracies;
- Countries with federal systems (for example, Belgium, Germany, Spain) and national governments only (for example, Azerbaijan, Ukraine);
- Countries concerned with a diverse range of environmental activities and issues (e.g. mining, oil and gas exploration, water pollution and shortages, nuclear energy, renewable energies, desertification).

With forty-seven States and the European Union Parties to the Aarhus Convention, the latter is having a substantial impact in promoting environmental democracy in countries across the Eurasia continent. A number of countries with economies in transition including those from Central Asia – Kazakhstan, Kyrgyzstan, Tajikistan and Turkmenistan and Caucasian countries, namely Armenia, Azerbaijan and Georgia – are Parties to the Convention. Other former Soviet countries such as Ukraine, Belarus, Republic of Moldova are Parties. Balkan non-EU countries, such as Albania, Bosnia and Herzegovina, Montenegro, Serbia and The former Yugoslav Republic of Macedonia, are also Parties. Importantly, the Convention provides that any other State that is a Member of the United Nations may accede to the Convention upon approval of the Meeting of the Parties.

¹⁸ UN Economic Commission for Europe: <https://www.unece.org/info/ece-homepage.html>

¹⁹ Unlike the Aarhus Convention, which is open for accession by any United Nations Member State, the Regional Agreement on Access to Information, Participation and Justice in environmental Matters in Latin American and the Caribbean (the Escazú Agreement) is open only to States in the ECLAC (Economic Commission for Latin America and the Caribbean) region.

Twenty years since adoption of the Aarhus Convention have seen a number of important achievements. Laws and practices have been revised to bring them into line with the Convention. Citizens are learning to use the Convention to make their governments more transparent and accountable. There is a growing body of jurisprudence based on the Convention and the legislation that implements it. The entering into force of the Kiev Protocol on PRTRs in 2009 established a new legally binding international benchmark for reporting on emissions of pollutants from a wide range of potentially harmful activities. An amendment to the Aarhus Convention adopted in 2005 at the second meeting of the Parties underpins the rights of the public to participate in decision-making on genetically modified organisms. The Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums, adopted at the same meeting, reflect a growing recognition that where the environment is concerned, public involvement is important not only at national and local levels but also at the international level. The Aarhus Clearinghouse for Environmental Democracy²⁰ and PRTR.net²¹ have emerged as leading global repositories of information on activities relevant to the Aarhus Convention, the Protocol on PRTRs and Principle 10 of the Rio Declaration on Environment and Development.

The Aarhus Convention's innovative compliance and reporting mechanisms, both of which provide a role for the public, have yielded valuable information on the extent and nature of the challenges in implementation. They serve as an important reminder that the value of an international treaty lies not only in the quality of its text, or in how many Parties it has, but also in how well it is implemented.

The governing and operational structure of the Aarhus Convention

The Meeting of the Parties is the main governing body of the Aarhus Convention. It meets approximately every three/four years to review progress under the Convention and take decisions to guide its future implementation. It comprises all Parties to the Convention. In its meetings, Signatories and other States as well as numerous stakeholders, such as intergovernmental and non-governmental organizations, and members of the public participate as observers.

In between sessions of the Meeting of the Parties, a Working Group of the Parties meets approximately once per year to oversee the implementation of the work programme for the Aarhus Convention. All Parties take part in the meetings of the Working Group. Signatories and other States as well as the above stakeholders can participate as observers.

The Working Group also oversees and directs the activities of the three thematic Task Forces established by the Meeting of the Parties: Task Force on Access to Information, Task Force on Public Participation in Decision-making and Task Force on Access to Justice. Each task force provides a forum through which Parties, intergovernmental organizations, NGOs and other stakeholders can come together to exchange good practices and challenges with respect to that topic. The task forces each meet two/three times during an intersessional period.

The Compliance Committee is a non-confrontational, non-judicial and consultative nature to review compliance with the provisions of the Aarhus Convention. Subject to the availability of domestic remedies, it allows members of the public, as well as Parties, to bring issues before it. The Compliance Committee works in a transparent and consultative manner. It is recognized by the Parties as a valuable asset and, *inter alia*, a helpful way for partner organizations to identify opportunities to provide capacity-building and technical assistance.

All the Aarhus Convention's bodies work in a "friendly" and "collaborative" manner, through open and participatory rules and procedures. There are many opportunities for exchange of information and good practices, as well as for technical support.

Finally, the small but dedicated Secretariat of the Aarhus Convention supports all work carried out by the Convention's bodies and also undertakes advisory support and coordinates capacity-building.

²⁰ <http://aarhusclearinghouse.unece.org/>

²¹ <http://www.prtr.net/>

D. Draft Concept Note on the MSSD Flagship Initiative “Develop capacity building programmes on issues related to implementation and compliance with environmental obligations and agreements, including environmental impact assessments (EIA) and strategic environmental assessments (SEA)”

Prepared by MEPIELAN. Reviewed by the President of the MCSD.

Key words: Capacity building, Compliance, Environmental obligations and agreements, Environmental impact assessment (EIA), Interlinkages between institutional arrangements, Negotiation, Precautionary principle, Public trust approach, Strategic environmental assessment (SEA)

Rationale for Elaborating and Submitting the Concept Note

At its 19th Meeting held via teleconference on 20 June 2018, the MCSD Steering Committee discussed the issue of the six MSSD Flagship Initiatives that have not yet been launched. The President of the MCSD Steering Committee invited members of the Committee to take the lead on facilitating their launch, implementation and follow-up.

MEPIELAN, as a Member of the MCSD and following guidelines provided by the Secretariat, offered to draft a Concept Note for the MSSD Flagship Initiative on developing capacity building programmes on issues related to implementation and compliance with environmental obligations and agreements.

Based on the discussions and conclusions of the 19th Meeting of the MCSD Steering Committee, this Concept Note attempts to provide proposals for ways and means to put in motion the MSSD Flagship Initiative on developing capacity building programmes on issues related to implementation and compliance with environmental obligations and agreements, as well as on the scope, rationale, content, indicative timeline and activities and possible leader of this initiative.

Background of the Concept Note

The MSSD Objective 6 focuses on *Improving Governance in support of Sustainable Development*, with the following rationale:

Governance is a crosscutting objective and concerns the inclusion of non-state actors in decision-making processes, using new forms of cooperation arrangements. Regional challenges for environmental governance include fragmentation of responsibility, uncoordinated and non-results-based planning and implementation, as well as weak human and financial resources in the public sector, particularly at the local level. The Strategy for improving environmental governance in the Mediterranean rests on five pillars: Enhance international dialogue and cooperation, including on emergency-preparedness; Promote stakeholder engagement to secure inclusive processes and integrity in decision-making; Promote implementation and compliance with environmental obligations and agreements, including through policy coherence based on inter-ministerial coordination; Promote education and research; and, enhance regional capabilities for information management.

Under MSSD Objective 6, “Promote implementation and compliance with environmental obligations and agreements including through policy coherence based on inter-ministerial coordination” corresponds to the Strategic Direction 6.3, with the following description:

The Strategy promotes implementation and compliance with environmental obligations and agreements to guide actions at national and regional levels (strategic direction 6.3). It highlights the importance of ensuring policy coherence, based on mechanisms for inter-ministerial coordination and cross-sectoral planning. The Strategy promotes the implementation of the precautionary principle through instruments such as environmental impact assessments and strategic environmental assessments. It encourages the support, through legal provisions where relevant, of partnerships in planning and implementation, including but not limited to private sector involvement, public-private partnerships, and innovative financing at regional (subnational) and/or local level

Under Strategic Direction 6.3, the MSSD contains Flagship Initiative 6.3.5, as one of the 11 MSSD Flagship Initiatives, to develop capacity-building programmes on issues related to implementation and compliance with environmental obligations and agreements, including environmental impact

assessments (EIA) and strategic environmental assessments (SEA). The summary of this MSSD Flagship Initiative is presented below:

Flagship Initiative	Owners	Time frame	Indicators
6.3.5. Develop capacity building programmes on issues related to implementation and compliance with environmental obligations and agreements, including environmental impact assessments and strategic environmental assessments.	International institutions, national governments, local authorities, academia, civil society, private sector	2016-2020	Number of countries where capacity development programmes developed on issues related to implementation and compliance with environmental obligations and agreements are put in place

Key Areas of Capacity Building Actions for the Implementation and Compliance with the MAP – Barcelona Convention System

Key areas that require capacity-building actions related to the implementation and compliance of the Barcelona Convention and its seven Protocols, as well as relevant MAP policies, should be considered in a flexible and transparent manner, based on a contextual, integrated and process approach to law and governance. Such an approach will address the need for an integrated, sustainably implementing, relationally complying with, and continuously evolving MAP – Barcelona Convention system in relation to the internal context (different situations, needs, capabilities and stages of development of each Contracting Party) and the external context (relevant international conventional environmental regimes) and the promotion of synergies and actions related to capacity-building.

The key areas that require capacity-building actions related to the implementation of and compliance with the MAP – Barcelona Convention framework refer to:

- The stewardship-related and participatory application of the precautionary approach;
- The development of the capacity to enhance policy coherence for sustainable development through interlinkages between institutional arrangements related to global and regional conventional (treaty-based) obligations with regard to environmental sustainability and the implementation of Sustainable Development Goals (SDGs);
- The advancement of trusteeship approaches to participatory governance as sustainability-related innovative legal conceptions and practices; and,
- The development of the capacity to negotiate implementative and governance aspects of the MAP – Barcelona Convention system, and the introduction of a “talanoa dialogue” approach²² for discussion and participation at the local, national, and regional level.

In their combination, these Key Areas of Capacity Building Actions not only strengthen, in a substantive and practical manner, the participatory approach to the effective and efficient implementation and compliance of the Barcelona Convention, its protocols, and relevant MAP policies in coherence with the international and national contexts of their development; they also point to the urgent need for recognizing the importance of law and policy protection of the interests of the vulnerable “voiceless community” (future generations, wildlife, natural resources), thus making law and governance of the MAP – Barcelona Convention system to be evolved into a more sustainability-equipped, stewardship-focused and ecosystem-serving conventional regime. Hence, a more effective and efficient environmental governance is promoted addressing important gaps in this governance, already indicated in the MSSD, like “horizontal and vertical fragmentation of responsibility”,

²² Talanoa, a traditional word used in Fiji and the Pacific, reflects a process of inclusive, participatory and transparent dialogue aiming to share stories and build empathy and trust among the participants in order to make wise decisions for the collective good. The process involves the sharing of ideas, skills and experience through storytelling – *a narrative approach to issues*. The “talanoa dialogue” was launched at the UNFCCC - COP 23 by Fiji as a way to determine contributions for the implementation of the Paris Agreement and long-term greenhouse gas reduction targets on a national level.

“uncoordinated and non-result based implementation”, “inadequate awareness and education”, and the imperative need to “devise new forms of institutions based on discussion and participation, as well as innovative legal conceptions and constructive practices directly related to sustainability governance”.

Putting in Motion the MSSD Flagship Initiative on Capacity Building Actions for the Implementation and Compliance with the Barcelona Convention system

1. Developing a Stewardship-related and Participatory Implementation of the Precautionary Principle

Capacity building on the implementation of and compliance with environmental obligations, at multiple levels (regional, national and local), can be promoted by enhancing the determination of the *due diligence* of Contracting Parties, and indirectly connecting with the participation of non-state actors within their jurisdiction, through advancing a more *stewardship-related and participatory approach to the implementation of the precautionary principle*.

The precautionary principle is formulated in Article 4.3(a) of the Barcelona Convention which, transposing Principle 15 of the Rio Declaration, enshrines a weaker formulation of the precautionary approach, setting out that the Contracting Parties, in order to protect the environment and contribute to the sustainable development of the Mediterranean, “apply, in accordance with their capabilities, the precautionary principle, by virtue of which where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation”. A stronger formulation that entails a reversal of the burden of proof is contained e.g. in the OSPAR Convention (Art.2 (2)). The precautionary approach, being an integral part of the general duty-obligation of due diligence of the Contracting Parties, may play a central role in the interpretation and application of the Barcelona Convention and its protocols (see ICJ: *Pulp Mills Case*, Judgment, ICJ Reports 2010) and gains considerable importance for its implementation, especially in view of the general inherent limitations in the mechanism of reparation of the often irreversible character of damage to the environment (see ICJ: *Gabčíkovo-Nagymaros Project Case*, Judgment, ICJ Reports 1997). Relatedly, in the framework of the MAP – Barcelona Convention system, the long negotiation process for the determination of liability and compensation for damage from pollution of the marine environment, geared for the specification of the framework obligation of the Contracting Parties provided in Article 16 on Liability and Compensation, has failed to produce “appropriate rules and procedures” in this regard and is currently confined to the implementation of Guidelines on Liability and Compensation.

In the light of all this, the implementation of the precautionary approach as an integral part of the due diligence duty-obligation of the Contracting Parties in the governance of environmental protection and sustainability of the Mediterranean requires a stronger participatory dimension. It should be closely associated with the application of prior environmental impact assessments (EIA, SEA), including on the transboundary level, through specific procedures which enable the decision-makers to consider all relevant factors, facilitate the effective engagement of non-state actors in the decision-making process, and make the final decisions more sustainable. The determination of due diligence is related to a more stewardship and participatory implementation of the precautionary principle requiring effective EIA and SEA procedures containing contributing public consultation, continuous monitoring of the impacts and further using environmental assessment procedures to assess not only environmental but also social consequences of the projects (such as the certification schemes operated by the Forest Stewardship Council (FSC)) since economic aspects are taken into account from the feasibility and design of the project itself. In the transboundary context, the UNECE 1991 Espoo Convention on EIA and its 2003 SEA Protocol usefully include standards for the conduct of transboundary consultation, including public consultation, and incorporate the importance of continuous environmental assessment. In this context, a model EIA and SEA legislation can be elaborated, considering well-developed legal schemes (EU EIA Directive, SEA Directive), such as the scope of application, the quality of EIA or SEA, the cross-agency coordination and the public participation procedures, and the content of the development consent. The development of risk assessment procedures should also complement the stewardship approach to the implementation of the precautionary principle. Such procedures, constituting expert-based and science-driven procedures, may effectively address

precaution in certain aspects of the Barcelona Convention and its protocols, e.g. the implementation of the Hazardous Wastes Protocol or the cross-cutting development of a regional approach to climate change adaptation at the regional, national and local levels and in more sustainable directions. It is an open question whether risk assessment procedure can become more participatory (“civic science”). Such a stewardship and participatory implementation of the precautionary principle can be effectively carried out by identifying the current status of operation of the precautionary principle between the Contracting Parties to the Barcelona Convention, by organizing a dialogue between the Contracting Parties and relevant stakeholders with a view to inject strong participatory and stewardship elements in the implementation of the precautionary principle (*talanoa dialogue*), and, consequently, organize a regional conference/meeting to develop an appropriate recommendation in this regard, in the context of the official multi-stakeholder platform of the MAP – Barcelona Convention system, i.e. the MCSD.

2. *Enhancing Policy Coherence for Sustainable Development through Interlinkages between Institutional Arrangements*

Another area of capacity building on the implementation and compliance with environmental obligations at multiple levels is related to the promotion of sustainability governance through “working with interlinkages” with a view to advance policy coherence for sustainable development at all levels. That is, by developing the capacity to a holistic and relational understanding of the MAP – Barcelona Convention system, enhancing policy coherence with its interlinkages between institutional arrangements and synergies regarding global and regional conventional (treaty-based) regimes related to environmental sustainability, as well as the implementation of SDGs and their appropriate integration into domestic environmental sustainability governance. The former direction concerns the interlinkages with e.g. the Paris Agreement (2016) and the UNFCCC (1992), the relevant IMO Conventions, the Convention on Biodiversity (1992), the Aarhus Convention (1998) and its PRTR Protocol (2003) and the development of actions for their effective and efficient implementation in relational coherence and complementarity with the Barcelona Convention and at all levels from global to local. The latter direction concerns the development of appropriate and innovative management approaches, tools and actions, which promote the implementation of the SDGs, and enhance policy coherence for sustainable development, in line with SDG Target 17.14 “Enhance policy coherence for sustainable development”.

In the case of conventional (treaty-based) regimes related to environmental sustainability, the Mediterranean countries should be appropriately prepared, on the one hand, to manage the interlinkages and synergies inherent in specific areas (e.g. biodiversity, climate change, marine use and wastes) and, on the other hand, to manage an important coordination deficit. This latter requires an effort to build a more consistent, more relational and more effective “polycentric environmental and sustainability conventional governance” by establishing a better coordination between related conventional regimes at both the law-making and implementation levels in order to ensure policy coherence, mutual supportiveness and synergies in implementation. Relatedly, the harmonization of their various aspects, such as reporting, should also be pursued, in order to preempt potential tensions among them, as well as to avoid unnecessary reporting burdens. In the light of all this, national implementation needs to be improved by developing appropriate national legislation, by mainstreaming of environmental considerations into other sectors, by developing institutional arrangements (Inter-Ministerial Committees, establishment of an Agency responsible for cross-sectoral coordination) that could promote cross-sectoral cooperation, and by enhanced participation of non-State actors in decision-making and implementation, effectively supporting public-private partnerships in planning and implementation. In this context, a right to a clean and healthy environment and the principles of non-regression and progression have to be recognized and fully developed. Specific targeted meetings/conferences and the development of relevant educational and training programmes promoting interlinkages and synergies regarding global and regional conventional (treaty-based) regimes related to environmental sustainability should be provided. Good practices should be identified and disseminated.

In the case of SDGs, institutional mechanisms and processes should be identified, at centre of government and public administration level (e.g. inter-Ministerial coordination committees / networks), aimed at monitoring and coordinating the implementation of SDGs-related legislation and

policies, and at ensuring the coherence, complementarity and interlinkages of the SDGs through key assessment and evaluation reports, and compliance reports. A mechanism for dialogue and coordination with stakeholders involved, among others, in the process of monitoring legislation and policies associated with the implementation of the SDGs, should also be identified and strengthened. At the same time, an educational and training capacity building should be developed through the organization of regional and national collaborative workshops and educational programmes for peer-learning among Mediterranean countries on frameworks/schemes to promote policy coherence and SDGs implementation.

3. *Advancing Sustainability-related Innovative Legal Conceptions and Practices: The Public Trust Approach*

Another area of improving capacity building on the implementation of and compliance with environmental obligations at multiple levels refers to the development of a trusteeship approach, and particularly of the innovative, sustainability-related legal concept of the public trust approach, exploring its appropriate application to the law and governance canvass of the MAP – Barcelona Convention system. In terms of Governance, the MSSD makes a clear reference to “the need to advance public trusteeship concepts in the existing instruments for better and more equitable governance and more effective and efficient public participation”. This is reinforced by contributions of the Mediterranean Commission on Sustainable Development (MCSD) “*to explore new legal concepts related to governance such as the "public trust approach", which constitutes an interesting legal perspective for the coherent implementation of a number of SDGs*” (Report of the 17th Meeting of the MCSD, Athens, Greece, 4-6 July, 2017, UNEP(DEPI)/MED WG.441/9). Relatedly, the public trust approach is well-reflected in the textual language of the MAP – Barcelona Convention system (Preamble of the Barcelona Convention, para. 2, Art. 4 of the Convention, Preamble of the ICZM Protocol, para. 3).

Under the public trust approach, governments are legally entrusted by the public to protect and conserve the environment and natural resources, for the benefit of present and future generations. More specifically, governments are vested with a “fiduciary” legal obligation to hold and govern natural resources in trust for its people, protecting and preserving the environment and resources as a unit in a sustainable manner, for the benefit of present and future generations. It is noted that the contemporary approach to the public trusteeship has mainly been developed in the framework of domestic orders: public trusteeship is well established in the United States, emanating from the English Common Law of Charitable Trust, and is widely internationalized, in an expressed or implied form, in the Constitutions and Statutes of many States all over the world. The introduction of the public trust approach into the MAP – Barcelona Convention system brings an important “added value” to this MSSD Flagship Initiative. It provides a solid legal and policy platform to address the sustainability aspects of the Barcelona Convention and MAP policies and, as a result, to substantially enhance their implementation and produce their more robust compliance, thus legally fleshing out the sustainability dimension of the obligations of the Contracting Parties and giving concrete legal substance to the overarching ecosystem-based approach, recognized as a guiding principle for the overall work of the MAP – Barcelona Convention system (COP 17, Paris, France, 2012). At present, the MAP – Barcelona Convention system is faced with a decisive gap in the implementation of its sustainability objective and obligation at regional and national levels. Approaches to sustainability governance and the application of the ecosystem-based approach have developed at the technical, scientific and political levels within the MAP – Barcelona Convention system. However, the legal basis for such governance is relatively weak, as static traditional legal concepts and rules of international law entirely overlook the fiduciary legal aspect of the relational basis and the sustainability governance of the dynamic MAP – Barcelona Convention system. Revisiting the operation of the Barcelona Convention and MAP policies from the perspective of the public trust approach would allow:

- to promote the sustainable use, management and conservation of natural resources and ecosystems (MSSD Strategic Direction 2.1), ensuring that legal measures conserve biodiversity and ecosystem services in line with international and regional commitments;

- to promote the engagement of civil society, scientists, local communities and other stakeholders in the governance process at all levels, in order to secure inclusive processes and integrity in decision-making (MSSD Strategic Direction 6. 2), supporting the organizational capacity of stakeholders and encouraging the adoption and implementation of the Aarhus Convention;
- to promote the implementation and compliance with environmental obligations and agreements (MSSD Strategic Direction 6.3) related to environmental sustainability and to guide actions at national and regional levels; and,
- to promote the education and research for sustainable development (MSSD Strategic Direction 6.5).

Relatedly, the public trust approach as an innovative legal concept may effectively and efficiently contribute to the coherent implementation of a number of SDGs in the Mediterranean, with which the MSSD is fully aligned:

- SDG 16: Peace, Justice and Strong Institutions – Promoting a proactive sustainability society, reinforcing the access to justice for all and building accountable institutions at all levels supporting their effective coordination;
- SDG 14: Life Below Water: Providing an important legal platform for conserving and sustainably managing oceans, seas and marine resources
- SDG 15: Life on Land – Legally contributing to the protection and restoration of terrestrial ecosystems, the sustainable management of forests, the combat of desertification, the halting and reversing of land degradation and the halting of biodiversity loss;
- SDG 13: Climate Action – Providing an important legal platform for citizen action and state enhanced due diligence for urgent actions to combat climate change
- SDG 6: Clean Water and Sanitation – Legally contributing, at all levels, for a sustainable management of water and sanitation for all
- SDG 4: Quality education – Promoting an important law and governance perspective in the education and research for sustainability

Capacity development is a key element to improve the understanding of the public trust approach and its applicability at both national and regional levels as well as of the fiduciary obligations of the Barcelona Convention to support the conservation and sustainable use of the marine and coastal environment. Improved understanding of this concept and its applicability to support the delivery of sustainable development-related objectives can directly influence policy discussions and inform the development of policy but, more importantly, build a legal basis for the sustainable implementation and compliance with the Barcelona Convention and relevant MAP policies by:

- developing a fiduciary-oriented public participation pattern related to the implementation of the Barcelona Convention within domestic orders;
- streamlining the fiduciary duty of the Contracting Parties to institutional coordination at the domestic level, abandoning diverse, sectoral approaches and actions and operating as trustees with complementary activities for the comprehensive attainment of a common interest purpose;
- developing a fiduciary duty of due diligence, that State authorities/agencies should act prudently, *making use of knowledge, expertise and skills* and *applying continuous monitoring* with a view to attain an effective, efficient and socially acceptable sustainable governance of Mediterranean marine and coastal environment and its natural resources;
- elaborating a relational approach to compliance with the MAP – Barcelona Convention system, strengthening public participation in the compliance procedure and mechanism of the Barcelona Convention (Compliance Committee), enhancing certain aspects of their direct

involvement, like those provided in the Aarhus Convention (1998), the Bern Convention on the Conservation of European Wildlife and Natural Habitats (1979), the Protocol on Water and Health to the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes (1999) or in the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS) (1996); and,

- allowing the harmonisation and clarification of a variety of concepts currently in use and advancing its holistic conservation objectives governing coastal zone management, marine specially protected areas and biodiversity, as well as pollution from human activities (offshore exploration and exploitation, dumping, emergencies, land-based sources and activities) that impact marine life and habitats.

In this context, a Mediterranean Stakeholders Public Trust Forum may be established in liaison with the Secretariat and in partnership with Earth Charter International, WWF, the IUCN World Commission on Environmental Law and other relevant organizations and bodies, to advance the understanding and applicability of the public trust approach at the national and regional levels, by coordinating high-level participation, discussion and research. At the same time, an educational and training capacity building should be developed through the organization of regional and national workshops promoting the public trust approach in the implementation and compliance with the Barcelona Convention and its sustainability governance.

4. *Capacity to negotiate implementative and governance aspects of the MAP – Barcelona Convention system and introducing the “talanoa dialogue” for discussion and participation at the local and regional level*

Developing the capacity to negotiate implementative and governance aspects of the Barcelona Convention and relevant MAP policies in combination with the introduction and effective application of the “talanoa dialogue” for an ongoing engagement of the relevant stakeholders is an important, and as yet neglected, area of capacity building on the implementation and compliance with environmental obligations, at multiple levels from regional to local.

The knowledge of the nature and practice of international environmental negotiation as a process governing the construction and continuous development of international common interest within every treaty-based environmental regime is catalytic. In order to be creative and effective in all aspects of constitution, implementation and revision of any treaty-based environmental or any other regime, international negotiation should be understood and explained as *a structured process of relational governance generating international common interest*: that is, on the basis of a holistic, interdisciplinary approach that conceptualizes it as a relational, context-dependent, textual, phased-structured (Pre-negotiation, Constitutive Negotiation, Renegotiation), and authoritatively intersubjective process governing treaty-based relations. In consequence, the conduct of negotiations within the MAP – Barcelona Convention system should always be associated with:

- the construction of a Mediterranean-based international common interest (consistency and creative synergy with interlinked relevant treaty-based regimes, global and regional);
- the application of such approach to all levels of implementation and operation of the MAP – Barcelona Convention system and its infusion into all levels of negotiating participants (national delegates, representatives of non-state participants - stakeholders) also benefiting from the format of the MCSDD; and,
- identifying and defining the roles of the various disciplines involved in the negotiating process (technical/scientific, legal, political, economic, administrative) when preparing, drafting, implementing and textually developing various legal or declarative (decisional) instruments for their more effective and socially acceptable implementative and compliance quality.

At the same time, it is important to stress that the negotiating process, as mentioned above, can be substantially strengthened if relevant stakeholders are more effectively engaged, influence and support the negotiating process, by widening the opportunities for such involvement and providing financial

resources to effectively participate. It is pertinent that relevant stakeholders are effectively involved in all stages of the negotiating process, especially in the pre-negotiation of an issue while informal consultations should be open to them. An important step towards this direction can be made by the broader introduction and organization of the so-called “talanoa dialogue” in the framework of the MAP – Barcelona Convention system. In fact, a better socially, scientifically and politically (democratically) informed party-driven negotiating process requires a pragmatically more constructive participation of the relevant stakeholders in this process, and this can be effected by a recommendation setting up a Talanoa Dialogue Platform. Its principles such as “constructive, facilitative and solutions oriented” could inform national approaches, facilitating a continued sharing of national experiences through a multi-stakeholder dialogue and between networks of non-party stakeholders, regarding the implementation and compliance with specific aspects of the Barcelona Convention and relevant MAP policies, as well as with related treaty-based environmental regimes. Creating two different phases, the preparatory phase and political phase (which includes high level round tables of Parties and non-party stakeholders), the “talanoa dialogue” will craft coalitions of common interest among non-party stakeholders and develop the domestic support needed to further drive more effective implementation, compliance and more participatory and enlightened negotiating process. Parties, non-Party stakeholders and expert institutions will be encouraged to prepare their inputs, addressing the three “talanoa dialogue” questions (*Where are we? Where do we want to go? How do we get there?*) to inform the dialogue and submit these to the process.

Guidelines should be developed regarding the operation of the “talanoa dialogue” and a knowledge-exchange platform should be established fostering subject matter networks and collaborations and improve the effectiveness of inputs into the implementation, compliance and negotiating process in the MAP – Barcelona Convention system. Better coordination of non-party stakeholder inputs, including through the use of technology for remote participation, can support constructive participation to inform the party-driven process of multilateral negotiations. In this context, partnerships can be built, organized around implementation, compliance and negotiation issues and a permanent forum for stakeholders can be set up for stakeholder-driven open, organized and constructive dialogue to complement the negotiation process and support domestic implementation and compliance.

What	Who	By when
Present Capacity Building Actions for the Implementation and Compliance within the MAP – Barcelona Convention system and promote their relational approach in an innovative context, by delivering a keynote speech on the matter at the 18th Meeting of the MCSD	The Barcelona Convention Secretariat, with support from MEPIELAN	June 2019 (18 th Meeting of the MCSD)
Building the capacity to a holistic and relational understanding of the interlinkages between institutional arrangements and synergies regarding global and regional agreements related to environmental sustainability, as well as the implementation of relevant SDGs for more sustainably effective implementation and compliance, by providing educational programmes, capacity building and training for preparing Mediterranean States to better manage interlinkages and coordination deficits, developing appropriate legislation, enhancing public participation and “polycentric sustainability governance”, as well as appropriate national institutional mechanisms and processes, mechanisms for dialogue and coordination with stakeholders based on	Contracting Parties, Barcelona Convention Secretariat, with support from the MCSD and its Steering Committee, MEPIELAN and relevant stakeholders.	By 2023

What	Who	By when
successful existing such examples (through peer-learning).		
Introducing the Public Trust Approach as an innovative legal concept providing a solid legal and policy platform to address the sustainability aspects of the Barcelona Convention and MAP policies, promoting its sustainability objective and the ecosystem approach, by establishing a Mediterranean Stakeholders Public Trust Forum and developing educational and training capacity.	Barcelona Convention Secretariat, with support from the MCSD and its Steering Committee, in cooperation with MEPIELAN	By 2023
Development of stewardship-related and participatory approach to the implementation of the precautionary principle connecting it with EIA and SEA procedures, including transboundary and social impacts, as well as with risk assessment procedures, by identifying the current state of affairs in the Mediterranean countries, elaborating a model EIA and SEA legislation, developing a talanoa-type dialogue between Contracting Parties and relevant stakeholders, and organizing meetings in the region to develop appropriate recommendations	Barcelona Convention Secretariat, in cooperation with the Espoo Convention Secretariat, with support from MAP Partners and MCSD Members. MEPIELAN could play an active contributing role through its own membership	By 2024
Development of the capacity to negotiate implementative and governance aspects of the MAP – Barcelona Convention system by developing educational and training capacity, including workshops and webinars, and introducing the “talanoa dialogue” for discussion and participation at the local and regional level, complementing the capacity to negotiate implementative and compliance aspects of the MAP – Barcelona Convention system, by developing recommendations and guidelines for its conduct, for developing a knowledge-exchange platform, and for a permanent forum for stakeholders at the national and local level.	Contracting Parties, supported by the Barcelona Convention Secretariat, in cooperation with MEPIELAN, with support from MAP Partners, MCSD Members and appropriate institutions	By 2024

Annex II :

**Brochure de la manifestation parallèle organisée par le PAM :
« La dimension régionale de l'économie bleue inclusive et durable :
le modèle de la mer Méditerranée »**

28 novembre 2018, 09h00 – 11h00, *Kenyatta International Conference Centre (KICC)*

**Conférence internationale sur l'économie bleue durable
(Nairobi, Kenya, 26-28 novembre 2018)**

(en anglais)



Union for the Mediterranean
Union pour la Méditerranée
الإتحاد من أجل المتوسط



The model of the Mediterranean

The regional dimension of a sustainable and inclusive Blue Economy



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THE CURRENT AND POTENTIAL FUTURE VALUE OF THE MEDITERRANEAN'S BLUE ECONOMY IS IMMENSE. ONLY A COLLECTIVE COMMITMENT TO SUSTAINABLE DEVELOPMENT AND A JOINT EFFORT INVOLVING KEY ACTORS WILL ALLOW US TO APPROACH THE CHALLENGE AT THE SCALE NEEDED.

Ocean-related activities in the Mediterranean Sea represent the fifth largest economy in the region and 20% of the world's annual "Global Marine Product" (GMP) in an area which makes up only 1% of the world's oceans¹. Today, more than ever, Blue Economy sectors are important engines for the region's economy, with enormous potential for innovation and sustainable and inclusive prosperity².

However, the health of the Mediterranean is failing due to local stresses, such as habitat destruction, overfishing and pollution. The economic opportunities provided by the Mediterranean Sea are closely linked to an increasing need for new management models which respect its ecosystems and are able to maintain and increase their value over time, benefiting local communities.

Continuous dialogue and close co-operation between Mediterranean countries and multi-stakeholder governance frameworks are key conditions to reach a common goal: the conservation and the sustainable and equitable use of the Mediterranean Sea.

The UN Environment Mediterranean Action Plan-Barcelona Convention, the Union for the Mediterranean, Plan Bleu Regional Activity Centre, the European Union, the General Fisheries Commission for the Mediterranean (FAO-GFCM) and WWF are coordinating their strategies and working towards improved cooperation with governments, local authorities, businesses, universities and civil society.

Beyond ministry walls, and across borders between economic sectors and countries, now is the time to have everyone moving together towards a sustainable and inclusive future for the ocean and for the coming generations.

A sustainable and inclusive Blue Economy

A sustainable and inclusive Blue Economy should³:

- ensure that Blue Economy investments deliver long-term social and economic benefits while protecting and restoring the diversity, productivity and resilience of marine ecosystems
- be based on participatory and effective governance that is inclusive, accountable and transparent
- promote sustainable use in marine areas through far-sighted, anticipatory and preventive spatial planning to ensure Good Environmental Status, through the implementation of an ecosystem-based approach
- be based on clean technologies, renewable energy and circular material flows and promote innovation and research in all Blue Economy sectors to achieve zero carbon net emissions
- enable the creation of employment opportunities for blue jobs in the marine and maritime sectors.

¹ Randone, et al. 2017. Reviving the Economy of the Mediterranean Sea: Actions for a Sustainable Future. WWF Mediterranean Marine Initiative, Rome, Italy.

² Union for the Mediterranean. 2017. Blue Economy in the Mediterranean.

³ Plan Bleu. 2017. Towards a Blue Economy for a sustainable Mediterranean: indicators and recommendations. See also the Mediterranean Strategy for Sustainable Development (UNEP/MAP, 2016).

Sustainable Blue Economy Conference: Side event

28 November 2018, 09:00-11:00am
Kenyatta International Conference Center (Tent C)

Side event organizer: UN Environment

Partners:

- UN Environment Mediterranean Action Plan – Barcelona Convention Secretariat (MAP)
- Secretariat of the Union for the Mediterranean (UfM)
- Mediterranean Marine Initiative of the Worldwide Fund for Nature (WWF)
- Plan Bleu Regional Activity Centre (Plan Bleu)

Opening speech and moderator: UN Environment Deputy Executive Director, Joyce Msuya

Keynote speaker: Leader of the WWF International Oceans Practice, John Tanzer, to provide a global framework for sustainable and inclusive Blue Economy and to introduce the Mediterranean context

Panel:

- MAP Coordinator, Acting Director and Regional Representative for UN Environment Europe Office, Gaetano Leone
- UfM Deputy Secretary General in charge of the Environment and Water, Miguel García-Herraiz Roobaert
- WWF Mediterranean Director, Paolo Lombardi
- Plan Bleu Director, Elen Lemaitre-Curri

The side event aims to foster improved models of regional cooperation to promote the achievement of a truly sustainable and inclusive Blue Economy. It will build on Blue Economy concept implementation in the Mediterranean region and countries, both from the perspective of policy (governance and institutional framework) and from an operational point of view (partnerships, best practices), with a specific focus on Fisheries Co-Management Models and Sustainable Tourism.

Beyond advocacy, communication and experience sharing, the main expected outcomes are:

1. to establish and strengthen coordinated partnerships among Mediterranean decision makers and stakeholders from various categories
2. to develop new initiatives and collaboration and to promote the exchange of best practices at the global and regional levels.



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