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Barcelona Convention and its Protocols

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RATIONALE

**FOR THE PROPOSAL OF UPDATING THE REPORTING FORMAT
OF THE BARCELONA CONVENTION AND ITS PROTOCOLS**

Rationale

for the proposal of updating the reporting format of the Barcelona Convention and its Protocols

A. Introduction

Since 1996 the Parties of the Barcelona Convention have started their efforts to establish a reporting system on the implementation of the Convention and its Protocols. After a first pilot phase, where six Parties started reporting on a voluntary basis, all Contracting Parties have been committed to report for the period 2002-2003, on the basis of the respective decision taken by the 13th meeting of the CPs.

An important turning point for the further development of the reporting system was the 13th Ordinary Meeting of the Contracting Parties in Catania where Parties decided that further work was needed towards the harmonization of the MAP reporting procedures with other MEAs and EU Directives. The ultimate goal was that an updated reporting format should be presented to the Parties for consideration at their 2005 ordinary Meeting.

Following the Recommendation of the Contracting Parties the Secretariat has undertaken two Initiatives towards this direction: a) Carry out a Comparative Legal Study on the reporting system of UNEP-MAP and the reporting systems of MEAs and relevant EC Directives b) prepare a Report on the Implementation of the Barcelona Convention and its Protocols for the biennium 2002-2003. The latter report is based on the information provided by the Contracting Parties in their national reports on "The implementation of the Barcelona Convention and its Protocols for the biennium 2002-2003".

Both initiatives have proved to be very fruitful concerning the future development of the MAP reporting system. In particular, several important findings and conclusions vis a vis the reporting format in view of its harmonization with the reporting systems of the other Conventions as well as with regard to the need for the adoption of a new approach in the reporting procedure have been extracted.

However, the most important finding is that there is a "room" for improvement of the MAP reporting system mainly in encompassing the following two directions:

- a) the harmonization with the reporting systems of other MEAs and EC Directives, taking also into consideration the most recent trends for the development of reporting at international and regional level and subsequently the reduction of the reporting "fatigue" of the Contracting Parties ;
- b) the introduction of an indicator-based approach and the focus on the practical implementation and the evaluation of the effectiveness of the measures adopted.

Recommendations for the improvement of the UNEP-MAP reporting system

Taking into consideration the basic findings and conclusions of the two aforementioned Initiatives, following Recommendations can be proposed in view of improving the MAP reporting system:

1. Biennial reporting cycles seem to be adequate for reporting on the legal and administrative measures taken to implement the Convention and its Protocols.
2. Annual reporting cycles could be an option for reporting on the technical implementation of concrete Protocols. These Protocols have important similarities in

their scope and context with other Conventions or Protocols that have an annual reporting cycle. For example, the introduction of an annual reporting obligation concerning the technical implementation of the Dumping Protocol could be of importance, because information and data used for its submission are to the greatest extent the same with those included in the National reports submitted for the London Dumping Convention. It is, thus, up to the Meeting of the Contracting Parties to decide whether reports on the technical implementation of concrete Protocols are to be submitted on an annual basis.

3. The Decisions and Recommendations adopted by the Contracting Parties should be formulated in a clear and precise way to the highest possible extent. Furthermore, it should be distinguished between legal-binding and non-legal binding Decisions and Recommendations. As legal-binding can be defined those Decisions and Recommendations that specify the provisions of the Convention or of its Protocols in a clear way, while as non-legal binding can be defined those Decisions and Recommendations that either refer to the UNEP-MAP Non-legal Component or are of very general character. Contracting Parties are obliged to report only on the implementation of the legal-binding Decisions and Recommendations in accordance with Article 26 of the Barcelona Convention. Therefore, a Recommendation is made with regard to the adoption of a list of the Legal-binding Decisions and Recommendations on which Parties are under an obligation to report.

B. The basic characteristics of the proposed reporting format.

The need for the modification of the current reporting format was demonstrated both in the “Comparative Study on the reporting systems” as well as in the “Regional Assessment”. This was also outlined in the abovementioned Recommendations.

By the formulation of the proposal for updating reporting format the most important findings of both Initiatives were taken into consideration. The main goals of the proposal for updating reporting system of UNEP-MAP are the following:

- to harmonize the MAP Reporting System with the reporting systems of the other relevant International and Regional Conventions
- to reduce the reporting “fatigue” of the Contracting Parties and to help the Secretariat to form a clear view concerning the implementation of the Barcelona Convention and its Protocols
- to focus more on the practical implementation as well as on the evaluation of the effectiveness of the adopted measures
- to encourage Contracting Parties to develop indicators to assess the effects of their policies.

Aiming at achieving these goals, new elements have been introduced in the reporting format, while some existing elements have been modified. The basic characteristics and elements of the proposed reporting format can be described as follows:

In the First Part of the reporting format, two new elements have been introduced. In particular, the two new elements are the following:

1. The first new element can be described as the “Priority Setting Element”. A table for the Convention and each individual Protocol is designed, where the provisions (Articles) of each legal instrument on which Parties have to report are presented. Parties have to define the level of priority concerning the implementation of the aforementioned provisions in terms taking the appropriate legal and administrative measures. Furthermore, there is a separate table concerning priority setting for the technical implementation of the Protocols.
2. The other new element can be described as the “Difficulties and Constraints Element” concerning the implementation of the Convention and its Protocols. A table is designed for the Convention and each individual Protocol, so that Parties can

mark the level of difficulty or the constraints encountered in the implementation of the most important provisions.

The source of inspiration for these new two elements was mainly based on the reporting system of the Biodiversity Convention in conjunction with the recognition of the need to focus more on the experiences gained and the lessons learned concerning the implementation of the respective legal instruments.

The other innovation of the proposed reporting format can be seen in the development of questionnaires both for the Convention and each individual Protocol. The development of the questions is based on the relevant Articles of the Convention and of each individual Protocol and on their specific context on which Contracting Parties have to report according to the current system. The newly designed questions are formulated in a precise and detailed way and are followed by an attached box which contains multiple answers. Answering the question requires, thus, only a tick to the choice that describes best the situation at the national level, while Parties are also encouraged to provide further information. It is aimed that this system can facilitate Contracting Parties, while preparing their reports. Furthermore, it has to be mentioned that some questions concerning the implementation of the above mentioned Articles are quite new in terms of their relevance to the current reporting system. These questions are underlined and in bold. The aim of their introduction is to increase to the highest possible extent the level of specification concerning the implementation of the relevant Articles of the Convention and the Protocols. Finally, it should be mentioned that the questions of each part of the reporting format are numbered in such a way so that confusion can be avoided.

The other innovative element lies in the fact that certain “tools for implementation” have been developed within the framework of the reporting format and an indicator-based approach has also been introduced. This means that specific emphasis was given to the introduction of questions that refer to the development of indicators for measuring the effectiveness of the adopted policies and measures. Furthermore, specific attention was paid to the introduction of questions concerning the evaluation of the effectiveness of the adopted measures mainly in terms of their contribution for achieving concrete goals and targets set out within the framework of National Action Plans and Strategies aiming at reaching the goals of the relevant International Conventions at national level.