

Explanatory Note

The External Evaluation of MAP has addressed in a particular manner the MCSD especially its role and its Terms of Reference including its composition. In fact it is proposed that the role of the MCSD should be clarified, the Terms of Reference should be updated and the membership widened to include other actors.

The current Terms of Reference of the MCSD were approved by the Extraordinary Meeting of the Contracting Parties in Montpellier, France held on 1-4 July, 1996. In recent years, it has been acknowledged that these Terms of Reference need to be updated in view of international and regional developments with respect to sustainable development not least the World Summit on Sustainable Development in 2002, the Joint Plan of Implementation and the Millennium Development Goals.

The lack of representation of governmental sectors other than those of the environment on the MCSD has been highlighted on more than one occasion. Since it was set up ten years ago, the MCSD members have come mainly from the Ministries for the Environment. Representatives from other governmental sectors have been conspicuous by their absence. This apart from the infrequent participation of the socio-economic actors.

In addition, a number of new regional initiatives addressing sustainable development issues have been established and are very active in the Mediterranean region. There is a clear need to join forces with these regional initiatives, recognize all relevant programmes and organizations working on sustainable development and ensure synergy.

In order to address the above issues the Secretariat is proposing updating the Terms of Reference as well as the composition of the MCSD aimed at improving the inter-sectoral representation of the Contracting Parties on the Commission and to enable the participation of regional IGOs and the Academic and Scientific Community.

In anticipation of the Extraordinary Meeting of the MAP Focal Points in November, 2006, the Secretariat has prepared this document which features the changes being proposed to Terms of Reference of the MCSD. The proposed amendments appear in bold. For ease of reference, the original text of the relevant paragraphs, where appropriate, is reproduced in italics and underlined under the heading **Note by the Secretariat**.

Mediterranean Commission on Sustainable Development Terms of Reference

Introduction

1. In accordance with the recommendation of the Tunis Ministerial Conference, held in November 1994, as approved by the Conference of Plenipotentiaries meeting in Barcelona in June 1995, a Mediterranean Commission on Sustainable Development (MCSD) is hereby established as an advisory body to make proposals to the Contracting Parties within the framework of the Mediterranean Action Plan.

A. Purpose of the Commission

2. The purpose of the Commission is:

- (a) to identify, evaluate and assess within **the Mediterranean context sustainable development issues set out in the JPI and MDG**, make appropriate proposals thereon to the meetings of the Contracting Parties, evaluate the effectiveness of the **relevant** decisions of the Contracting Parties and facilitate the exchange of information among the institutions implementing activities related to sustainable development in the Mediterranean;

Note by the Secretariat :

In the previous paragraph, Agenda MED 21 has been replaced by the JPI and MDG. A clarification is made with respect to the follow up of those decisions of the CPs that address sustainable development issues by adding the word relevant.

- (b) to enhance regional cooperation and rationalize the inter-governmental decision-making capacity in the Mediterranean basin for the integration of environment and development issues.

B. Functions

3. The functions of the Commission shall be:

- (a) to assist the Contracting Parties by making proposals **on the implementation of the Mediterranean Strategy for Sustainable Development, taking into consideration the JPI, the MDG and the Portoroz Declaration (2005).**;

Note by the Secretariat:

The original paragraph 3 (a) is as follows:

- (a) to assist the Contracting Parties by making proposals on the formulation and implementation of a regional strategy of sustainable development in the Mediterranean, taking into

- (b) consideration the resolution of the Tunis and Barcelona Conferences and the context of Agenda MED 21 and MAP Phase II;

(b) to consider and review information provided by the Contracting Parties, **with respect to the implementation of the MSSD** and the difficulties they encounter, such as issues related to the integration of environment into national policies, capacity-building, financial resources, technology transfer, and other relevant environment and development issues;

Note by the Secretariat:

The original paragraph 3 (b) is as follows:

(b) to consider and review information provided by the Contracting Parties, in accordance with Article 20 of the Barcelona Convention including periodic communications or reports they undertake to implement Agenda MED 21, and the problems they encounter, such as problems related to the integration of environment into national policies, capacity-building, financial resources, technology transfer, and other relevant environment and development issues;

(c) to review at regular intervals the cooperation of MAP with the World Bank and other international financial institutions, as well as the European Union, and to explore ways and means for the strengthening of such cooperation;

Note by the Secretariat:

The original paragraph 3 (c) is as follows

(c) to review at regular intervals the cooperation of MAP with the World Bank and other international financial institutions, as well as the European Union, and to explore ways and means for the strengthening of such cooperation, and particularly to achieve the objectives of Chapter 33 and Agenda MED 21.

(d) **Paragraph 3 (d) is deleted**

Note by the Secretariat:

The original paragraph 3 (d) is as follows

- (d) to consider information regarding the progress made in the implementation of relevant environmental conventions, which could be made available by the relevant conferences or by the parties
- (e) to identify technologies and knowledge of an innovative nature for sustainable development in the Mediterranean region and to provide advice on the various means for their most effective use, in order to facilitate exchanges among the Contracting Parties and to enhance capacities for national development;
- (f) to provide reports and appropriate recommendations to the meetings of the Contracting Parties, through the MAP Secretariat, on the basis of a

- (g) comprehensive analysis of reports and issues related to the implementation of the MSSD;

Note by the Secretariat:

The original paragraph (f) is as follows:

(f) to provide reports and appropriate recommendations to the meetings of the Contracting Parties, through the MAP Secretariat, on the basis of a comprehensive analysis of reports and issues related to the implementation of regional strategy related to MAP Phase II and Agenda MED 21;

- (g) **to undertake those reviews identified in the MSSD** as well as decisions of the meetings of the Contracting Parties and of actions by the Contracting Parties relevant to sustainable development in the Mediterranean region and propose relevant recommendations thereon; The Commission shall make the best use of the main results of MAP activity centres in the field of sustainable development, as well as those of national bodies involved in sustainable development policies, NGOs, local authorities, private sector and academic and scientific community and IGOs.

Note by the Secretariat:

The original paragraph (g) is as follows:

(g) to undertake a four-year strategic assessment and evaluation of the implementation by the Contracting Parties of Agenda MED 21 and decisions of the meetings of the Contracting Parties and of actions by the Contracting Parties relevant to sustainable development in the Mediterranean region and propose relevant recommendations thereon; the first strategic review should be undertaken for the year 2000 (with ministerial participation), with the objective of achieving an integrated overview of the implementation of Agenda MED 21, examining emerging policy issues and providing the necessary political impetus. The Commission shall make the best use of the main results of MAP activity centres in the field of sustainable development, and those of the MAP Mediterranean Environment and Development Observatory, as well as those of national environmental observatories;

- (h) to assume such other functions as are entrusted to it by the meetings of the Contracting Parties, **to promote the MSDD objectives**.

Note by the Secretariat:

The original paragraph (h) is as follows:

(h) to assume such other functions as are entrusted to it by the meetings of the Contracting Parties, to further the purposes of the Barcelona Convention, MAP Phase II and Agenda MED 21.

4. The rules of procedure of the Commission shall be those adopted by the meeting of the Contracting Parties to the Barcelona Convention

Note by the Secretariat:

The original paragraph (4) is as follows:

4. The rules of procedure of the Commission shall be the Rules of Procedure of the meetings and Conferences of the Contracting Parties to the Barcelona Convention, until the rules of procedure of the Commission are proposed by the Commission and adopted by the meeting of the Contracting Parties, considering that the Commission shall not have any voting system.

C. Composition

5. The Commission shall be composed of a maximum of **39 members**, consisting of representatives from each Contracting Party to the Barcelona Convention and representatives of civil society: local authorities, socio-economic actors, non-governmental organizations working in the fields of environment and of sustainable development, **the scientific and academic community as well as regional IGOs**. All representatives shall participate in the Commission on an equal footing.

Note by the Secretariat:

The original paragraph (5) is as follows:

5. The Commission shall be composed of a maximum of 36 members, consisting of representatives from each Contracting Party to the Barcelona Convention and representatives of local authorities, socio-economic actors and non-governmental organizations working in the fields of environment and of sustainable development. All representatives shall participate in the Commission on an equal footing.

D. Observers

6. In accordance with the Rules of Procedure adopted by the Contracting Parties to the Barcelona Convention, any State which is a member of the United Nations or the specialized agencies, and any other inter-governmental organizations and other regional Initiatives the activities of which are related to the functions of the Commission, may participate in the Commission's work as an observer.

E. Meetings of the Commission and responsibilities of the Secretariat

7. The Mediterranean Commission on Sustainable Development shall hold ordinary meetings once every year. The meetings shall be convened at the premises of the Coordinating Unit of MAP, without prejudice to the convening of its meetings in other Mediterranean venues upon a recommendation of the Commission approved by the Meeting of the Contracting Parties.

Note by the Secretariat:

The original paragraph (7) is as follows:

7. The Mediterranean Commission on Sustainable Development shall hold ordinary meetings at least once every year, up to the year 2000,

8. then shall meet at least once every two years. The meetings shall be convened
9. at the premises of the Coordinating Unit of MAP, without prejudice to the convening of its meetings in other Mediterranean venues upon a recommendation of the Commission approved by the Meeting of the Contracting Parties.

Paragraph 8 is proposed to be deleted

Note by the Secretariat:

The original paragraph (8) is as follows:

8. At the opening of each session, the Commission shall elect a Bureau composed of a President, four Vice-Presidents and a Rapporteur, from among its members on the basis of an equitable geographical distribution and among the various groups.

9. The Coordinating Unit of MAP, serving as the Secretariat of the Commission, shall provide for each session of the Commission an analytical report containing information on relevant activities to implement the MSSD and other activities related to sustainable development activities recommended by the meetings of the Contracting Parties, the progress achieved and emerging issues to be addressed.

Note by the Secretariat:

The original paragraph (9) is as follows:

9. The Coordinating Unit of MAP, serving as the Secretariat of the Commission, shall provide for each session of the Commission an analytical report containing information on relevant activities to implement Agenda MED 21 and other sustainable development activities recommended by the meetings of the Contracting Parties, the progress achieved and emerging issues to be addressed.

- F. Relationship with the United Nations Commission on Sustainable Development and with national and regional commissions on sustainable development
10. The Commission shall maintain relations with the United Nations Commission on Sustainable Development, and shall facilitate the exchange of information and experience among national and regional commissions on sustainable development.
11. The Commission, in discharging its functions, shall take into account agenda of the United Nations Commission on Sustainable Development, and shall submit relevant reports to the United Nations Commission through the Contracting Parties' meetings on any issues that may be of interest for sustainable development in the Mediterranean region.
12. The Commission and the Contracting Parties shall, as far as possible and taking into account the particular needs of the Mediterranean countries, utilize the existing reporting system of the United Nations Commission on Sustainable Development, with a view to streamlining and avoiding duplication of work.

G. Relations with specialized agencies, intergovernmental organizations and non-governmental organizations

13. The Commission shall, through the Secretariat, strengthen its activities with the relevant United Nations specialized agencies and other inter-governmental bodies within the United Nations System, including international, regional and sub-regional financial and development institutions, in particular regarding projects for the implementation of the I Mediterranean Strategy for Sustainable Development .

Note by the Secretariat:

The original paragraph (13) is as follows:

13. The Commission shall, through the Secretariat, strengthen its activities with the relevant United Nations specialized agencies and other inter-governmental bodies within the United Nations System, including international, regional and sub-regional financial and development institutions, in particular regarding projects for the implementation of the regional Mediterranean strategy related to Agenda MED 21 and the decisions of the Contracting Parties.

14. The Commission shall, through the Secretariat, enhance the dialogue with, and the participation of, relevant non-governmental organizations (NGOs) and the **private** sector, and receive and analyse their inputs within the context of the overall implementation of the Mediterranean strategy for sustainable development.

Note by the Secretariat:

The original paragraph (14) is as follows:

14. The Commission shall, through the Secretariat, enhance the dialogue with, and the participation of, relevant non-governmental organizations (NGOs) and the independent sector, and receive and analyse their inputs within the context of the overall implementation of the Mediterranean regional strategy for sustainable development.

COMPOSITION OF THE COMMISSION ¹

(a) NUMBER OF REPRESENTATIVES

1. The Commission shall be composed of **39** members, consisting of representatives from each Contracting Party to the Barcelona Convention and representatives of the civil society: local authorities, socio-economic actors, non-governmental organizations working in the fields of environment and sustainable development, **academic and scientific community as well as regional IGOs**.
2. In particular:
 - a. each Contracting Party to the Barcelona Convention shall be represented by one high-level expert (total 22). These representatives may be accompanied by such alternates and advisers as may be required, in order to ensure interdisciplinary participation of relevant bodies of the Contracting Parties. **Considering that the MCSD is an advisory body to the CPs, it is advisable (preferable) that CP representative to sit in the Commission should not have other functions within MAP system.**
 - b. each of the five categories mentioned in section C.5 of the text of the Terms of Reference, shall be represented as follows:

• local authorities	3 seat
• socio-economic actors	3 seats
• non-governmental organizations working in the field of environment and sustainable development	5 seats
• the academic and scientific community	3 seats
• Regional IGOs	3 seats;

(total 17) the representatives of the above groups together with an equal number of alternates shall be selected by the meeting of the Contracting Parties.
3. All **39** members shall participate in the Commission on an equal footing.

Note by the Secretariat:

The original paragraph (a) is as follows:

1. The Commission shall be composed of 36 members, consisting of representatives from each Contracting Party to the Barcelona Convention and representatives of local authorities, socio-economic actors and non-governmental organizations working in the fields of environment and sustainable development.

¹ This criteria may be modified by the Contracting Parties in the light of experience

2. In particular:

a. each Contracting Party to the Barcelona Convention shall be represented by one high-level representative (total 21), who may be accompanied by such alternates and advisers as may be required, in order to ensure interdisciplinary participation of relevant ministerial bodies of the Contracting Parties (e.g. ministries of environment, tourism, economy, development, industry, finance, energy, etc.).

b. each of the three categories mentioned in section C.5 of the text of the Terms of Reference, i.e. local authorities, socio-economic actors and non-governmental organizations, shall be represented by five representatives (total 15) and an equal number of alternates, to be selected by the meeting of the Contracting Parties.

3. All 36 members shall participate in the Commission on an equal footing.

(b) **METHOD OF NOMINATION OF CANDIDATES OTHER THAN THOSE REPRESENTING THE CONTRACTING PARTIES**

a. Method of nomination of candidates

(i) local authorities

As the legal and administrative status of local authorities differs from one country to another, the representatives of the local authorities, their groups or networks, will be selected through proposals from the governments of the Contracting Parties, which transmit their candidatures to the Secretariat of MAP.

(ii) Socio-economic actors, Academic and Scientific Community and Regional IGOs

The representatives of these groups or their networks, will be selected through applications to be submitted to the MAP Secretariat.

Note by the Secretariat:

The original paragraph (b) a (ii) is as follows:

(ii) *Socio-economic actors*

As the legal and administrative status of the socio-economic actors differs from one country to another, the representatives of the socio-economic actors, their groups or networks, will be selected through proposals from the governments of the Contracting Parties, which transmit their candidatures to the Secretariat of MAP.

(iii) NGO's

1. The criteria and the list of MAP/NGO partners approved by the Meeting of the Contracting Parties shall be used as the reference text for any NGO that wishes to participate in the Commission' s work.
2. Three categories of NGO's shall be represented in the Commission:
 - NGOs with international scope and multidisciplinary interest recognized in their status, especially those contributing to Mediterranean cooperation and concerned with matters covering a substantial portion of MAP' s field of activity;
 - NGOs with regional scope covering more than one country in the whole Mediterranean area and covering a portion of MAP' s field of activity;
 - NGOs with national scope covering a portion of MAP' s field of activity.
3. The selection of five NGOs from this category will be done through NGO networks in the region and through direct applications to be submitted to the MAP Secretariat.

Note by the Secretariat:

The original paragraph (a) 2 (iii) is as follows:

(iii) NGO's

1. The criteria and the list of MAP/NGO partners approved by the Ninth Ordinary Meeting of the Contracting Parties (Barcelona, 5-8 June 1995), shall be used as the reference text for any NGO that wishes to participate in the Commission' s work.

(b) Method of nomination of members of the MCSD

The meeting of the Contracting Parties shall nominate the members of the Commission referred to at para C 5 of this Terms of Reference.

Note by the Secretariat:

The original paragraph (a) b (1, 2) is as follows:

b. Method of nomination of members of the MCSD

1. The meeting of the Contracting Parties shall nominate the members of the Commission, other than those representing the Contracting Parties.

2. For the first meeting of the Commission (Fez, Morocco, December 1996), the Bureau of the Contracting Parties shall make the selection of the members of the Commission, following consultation with the Contracting Parties.

(c) **SELECTION CRITERIA FOR MEMBERS OTHER THAN THOSE REPRESENTING THE CONTRACTING PARTIES**

The following general selection criteria are proposed:

1. The criteria and the list of MAP/NGO partners, as approved **by the meetings of the CPs**, shall be used as a reference text for selection of members representing NGOs
2. Priority for selection shall be given to Mediterranean local authorities, socio-economic actors, NGOs, **academic and scientific community and Regional IGOs** that are concerned with environmental and sustainable development issues in the Mediterranean.
3. The principle of equitable geographical distribution should be respected (north/south and east/west).
4. Fragile and island ecosystems will be given due consideration.
5. With reference to the **five** specific categories, the following are the selection criteria, giving priority to the groups or networks concerned:
 - (i) local authorities

Local authorities to be selected should be concerned with environmental and sustainable development issues.
 - (ii) Socio-economic actors
 1. Selection within this group should take into consideration the major problems and decisive factors in the Mediterranean as well as the following factors:
 - north/south representation
 - developed/developing countries
 - rural/urban
 - past and current activities at the Mediterranean level.
 2. Priority of selection shall be given to networks active in the Mediterranean.
 - (iii) NGOs
 1. The members representing NGOs should be selected from the list of MAP/NGO partners.
 2. The members should be selected from among three NGO categories:

- NGOs with global scope
- NGOs with regional scope
- NGOs with national scope

3. The NGOs to be selected should have a concrete and action-oriented approach towards the Mediterranean.

(iv) **Regional IGOs**

The regional IGOs should be involved in sustainable development activities at the regional and sub-regional level. Their main headquarters should be located in a Mediterranean country.

(v) **Academic and scientific community**

The members representing the Academic and Scientific Community should take into consideration the following criteria:

- Representation of different applied disciplines in the field of sustainable development
- Recognised scientific and academic contribution in the field of sustainable development by the scientific community
- Geographical balance

(d) **DURATION OF THE MANDATE**

1. The duration of the membership of the Commission shall be as follows:

a. all Contracting Parties to the Barcelona Convention shall be permanent members of the Commission (22);

b. representatives from each of the five categories (in total 17) shall serve for a period of two consecutive terms.

Note by the Secretariat:

The original paragraph (d) 1 (b) is as follows:

b. representatives from each of the three categories (local authorities, socio-economic actors and non-governmental organizations), shall be selected for a duration of two years by the meeting of the Contracting Parties (15).