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20<sup>th</sup> Ordinary Meeting of the Contracting Parties to the  
Convention for the Protection of the Marine Environment  
and the Coastal Region of the Mediterranean and its Protocols

Tirana, Albania, 17-20 December 2017

**Agenda item 3: Thematic Decisions**

**Agenda item 5: Ministerial Session**

**Implementation of Draft Decision 21/16 “Assessment of the Mediterranean Action Plan”**

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UNEP/MAP  
Athens, 2017

## **Note by the Secretariat**

At COP 19 (Athens, Greece, 9-12 February 2016), the Parties decided that the Mediterranean Action Plan Phase II would be adjusted to reflect the key developments made in the MAP system with regard to thematic issues. The Contracting Parties also agreed that an Open-Ended Working Group of the MAP Focal Points, under the guidance of the Bureau, should be assigned to update the document for submission to the Contracting Parties at their 20<sup>th</sup> meeting.

The Bureau of the Contracting Parties, through its conclusions at its 82<sup>nd</sup> meeting (Athens, Greece, 19-20 April 2016), 83<sup>rd</sup> meeting (Tirana, Albania, 25-26 October 2016) and 84<sup>th</sup> meeting (Athens, Greece, 19-20 June 2017 and 14 July 2017 through teleconference), guided the Secretariat on the process. The Bureau approved the Terms of Reference (TORs) for the assessment of MAP II, instructing the Open-Ended Working Group to factually update MAP II in order to reflect the evolution of sustainable development and of the MAP system itself, and assigned the Vice President of the Bureau from Egypt to lead the Open-ended Working Group.

The meeting of the Open-Ended Working Group on the MAP II Assessment was held in Athens on 16-17 May 2017. Following-up on the outcome of the Open-Ended Working Group meeting, the Secretariat invited comments on: a) the Draft Report of the Open-Ended Working Group; b) the Draft updated MAP Phase II (*as Annex III to the Draft Report*); and c) the Draft List of Issues/Gaps (*as Annex IV to the Draft Report*). Comments were received on the Draft Report by France (as text provided in the body of two email messages) and Italy (as track changes on the Draft Report). These comments were incorporated by the Secretariat in Annex III of the final Report of the Meeting (either within the text in track change mode or as comments at the side of the text).

The Bureau further agreed to transmit the outcome of the work of the Open-Ended Working Group to the MAP Focal Points for consideration at their next meeting, in a consolidated document together with the comments received by Italy and France. It also requested the Secretariat to transmit to the MAP Focal Points, as an Information Document, the legal advice prepared by the Secretariat at the request of the Open-Ended Working Group on "Legal issues associated with the MAP II Assessment". Finally, the Bureau agreed with the view of the Secretariat that an update of MAP II as the one proposed can be done through a Decision of a Meeting of the Contracting Parties.

*Based on the above, the present document has the following structure:*

**PART I** contains the "Text of MAP Phase II Document with Notes for Review", as in Annex III of the final Report of the Meeting of the Open-Ended Working Group (UNEP(DEPI)/MED WG.440/4), incorporating the comments from France and Italy received after the meeting.

**PART II** contains the Conclusions of the Meeting of the Open-Ended Working Group on the MAP II Assessment and the List of issues/gaps.

**PART III** contains the comments received by France and Italy on the draft Report of the Meeting of the Open-Ended Working Group on the MAP II Assessment, in their original form, for information purposes.

**PART IV** contains the conclusions of the 82<sup>nd</sup>, 83<sup>rd</sup> and 84<sup>th</sup> Meetings of the Bureau related to the Assessment of MAP II, together with the TORs for the assignment as approved at the 83<sup>rd</sup> Bureau meeting.

**PART V** contains the document "Legal issues associated with the MAP II Assessment".

Parts I to IV were submitted to the MAP Focal Points meeting (Athens, Greece, 12-15 September 2017) as working document UNEP(DEPI)/MED WG.443/19 and Part V as information document UNEP(DEPI)/MED WG.443/Inf.25.

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**PART I**

**Text of MAP Phase II Document with Notes for Review (as in Annex III of document  
UNEP(DEPI)/MED WG.440/4)**

**ACTION PLAN FOR THE PROTECTION OF THE MARINE  
ENVIRONMENT AND THE SUSTAINABLE DEVELOPMENT  
OF THE COASTAL AREAS OF THE MEDITERRANEAN  
(MAP PHASE II)**

## Preface

The Eighth Ordinary Meeting of the Contracting Parties (Antalya, 12-15 October 1993) decided to start a process of revision of the entire Barcelona system, i.e. the Convention, the Protocols and the Mediterranean Action Plan and to bring the relevant texts and programmes into line with the new trends initiated by the United Nations Conference on Environment and Development (Rio de Janeiro, 3-14 June 1992). Moreover, the Bureau of the Contracting Parties requested the Secretariat, when preparing the revision, to take into consideration the results of the Conference MED 21 on Sustainable Development in the Mediterranean (Tunis, 1 November 1994).

In conformity with the decision of the Bureau of the Contracting Parties (Tunis, 2-3 November 1994), the Secretariat prepared the first draft of a new text of the Action Plan for the Protection of the Marine Environment and the Sustainable Development of the Coastal Areas of the Mediterranean (MAP Phase II). The text was submitted by the Ninth Ordinary Meeting of the Contracting Parties (Barcelona, Spain, June 1995) to the Conference of Plenipotentiaries on the Convention for the Protection of the Mediterranean Sea against Pollution and its Protocols (Barcelona, 9-10 June 1995), which adopted it as Annex I of the Barcelona Resolution on the Environment and Sustainable Development in the Mediterranean Basin, sent on 15 December 1994 to all national focal points for their comments.

~~On the basis of the comments received from the Contracting Parties, a revised text of MAP Phase II was prepared by the Secretariat and presented as document UNEP(OCA)/MED WG.89/6 for the consideration of the Joint Meeting of the Scientific and Technical Committee and the Socio-Economic Committee (Athens, 3-8 April 1995). After extensive discussion and consideration of a large number of amendments, the Joint Meeting adopted the proposal for MAP Phase II to be submitted to the Ninth Ordinary Meeting of the Contracting Parties (Barcelona, 5-8 June 1995) for adoption.~~

~~The Ninth Ordinary Meeting of the Contracting Parties considered the proposal and adopted the text as contained in this document and submitted for adoption to the Conference of Plenipotentiaries on the Convention for the Protection of the Mediterranean Sea against Pollution and its Protocols.~~

At the Eighteenth Ordinary Meeting of the Contracting Parties (Istanbul, Turkey, 3-6 December 2013), the Parties decided to launch a process to assess MAP Phase II with the intention of addressing effectively the challenge of sustainable development and the irreversible nature of impacts on the environment and resources. At the Nineteenth Ordinary Meeting of the Contracting Parties (Athens, Greece, 9-12 February 2016), the Parties decided that the MAP Phase II documents would be adjusted to reflect the key developments made in the MAP system with regard to thematic issues.

## **Introduction**

The Barcelona system has recently celebrated forty years of fruitful collaboration and joint efforts for the Mediterranean environment. In 1975, Mediterranean countries and the EEC adopted the Mediterranean Action Plan (MAP) and in 1976 the Convention for the Protection of the Mediterranean Sea against Pollution (Barcelona Convention). The main objectives of MAP, as it was adopted in 1975, were to assist the Mediterranean Governments to assess and control marine pollution, to formulate their national environmental policies, to improve the ability of governments to identify better options for alternative patterns of development and to make better rational choices for allocation of resources.

Although the initial focus of the MAP was on marine pollution control, experience soon confirmed that socio-economic trends, combined with poor management and planning of development, including new serious challenges such as climate change, are the root of most environmental problems, and that meaningful and lasting environmental protection is inseparably linked to social and economic development that is sustainable and takes into account the needs of the present and future generations. -Therefore, the focus of MAP gradually shifted from a sectoral approach to pollution control to implement the ecosystem approach and integrated coastal zone planning and management as the key tools through which solutions are being sought.

Although it is difficult to assess progress achieved, there is direct and indirect evidence that a large number of concrete actions were taken by many countries in conformity with the requirements and provisions of MAP, thus influencing the environmental policies and practices of the Mediterranean countries. MAP has been a significant instrument for change and progress concerning environmental matters in the Mediterranean. Among achievements of particular importance are the creation of awareness concerning the importance of a healthy environment for the present and future of the Mediterranean and its people; a marked change of attitude towards protection of the environment, the policy making level and creating a sense of solidarity and the need to act collectively for the better future of the Mediterranean.

Major shortcomings in the protection of the Mediterranean marine environment and its coastal region are have -been identified as insufficient protection of the marine and coastal environment from land-based and sea-based pollution, the inappropriate management of the coastal zone due to the lack of adequate coastal zone planning and management; inadequate national legislation and its effective enforcement; weak institutional structures and inadequate human resources allocated for these types of activities; and lack of mobilization of adequate financial resources and clear political commitment to solve the existing problems.

The Summary for Policy Makers of the State of the Mediterranean Marine and Coastal Environment Report 2012 highlights the following as the major issues requiring coordinated policy and management responses in the coming years in order to stem the tide of degradation of the Mediterranean ecosystems: coastal development and sprawl, driven by urban and touristic development; chemical contamination of sediments and biota; eutrophication; the impact of marine litter; the impact of marine noise on biota; invasive non-indigenous species; over-exploitation beyond sustainable limits of

commercially exploited fish stocks of the Mediterranean; sea-floor integrity; changed hydrographic conditions; marine food webs. The same Summary also states that the state of biodiversity reflects the cumulative effects of the pressures affecting the Mediterranean Coastal and marine environment.

MAP Phase II was designed taking into account the achievements and shortcomings of MAP's first twenty years of existence, as well as the results of recent developments such as the United Nations Conference on Environment and Development (Rio de Janeiro, 1992), the Eighth Meeting of the Contracting Parties to the Barcelona Convention (Antalya, 1993), and the Conference "Med 21" on Sustainable Development in the Mediterranean (Tunis, 1994).

Since then, main developments include the World Summit on Sustainable Development (WSSD, Johannesburg, 2002), the United Nations Conference on Sustainable Development (Rio+20, Rio de Janeiro, 2012); the 2030 Agenda and its Sustainable Development Goals; the 2015 Paris Agreement under the United Nations Framework Convention on Climate Change (UNFCCC); and, the Nineteenth Ordinary Meeting of the Contracting Parties to the Barcelona Convention (Athens, 9-12 February 2016). These developments reflect the renewed priority given by the international community to social, economic and environmental issues.

Following the Decision on the Assessment of the Mediterranean Action Plan adopted at the Eighteenth Ordinary Meeting of the Contracting Parties (Istanbul, 3-6 December 2013), MAP Phase II was updated to accurately reflect the references to policy and legislative developments that have taken place since its adoption.



## **Objectives**

The main objectives are:

- to ensure sustainable management of natural marine and **land** resources and to integrate the environment in social and economic development, and land-use policies;
- to protect the marine environment and coastal zones through prevention of pollution, and by reduction and, as far as possible, elimination of pollutant inputs, whether chronic or accidental;
- to protect nature, and protect and enhance sites and landscapes of ecological or cultural value;
- to strengthen solidarity among Mediterranean coastal States in managing their common heritage and resources for the benefit of present and future generations; and
- to contribute to improvement of the quality of life.

**Commented [ES1]:** Italy suggested to add "/coastal"

## **Implementation**

The Mediterranean coastal States bear full responsibility for conducting their policies for an improved environment and sustainable development. In this context, they are responsible for the implementation of the Barcelona Convention, its Protocols and MAP.

In carrying out their tasks, the Contracting Parties receive the support of the Secretariat of the Barcelona Convention entrusted to UNEP and its Coordinating Unit, and, under the Unit's supervision, of MAP's Regional Activity Centres (RACs).

The specific tasks entrusted to the Secretariat and the RACs in order to implement the activities of MAP, as well as the corresponding budgets, are decided upon by the meetings of the Contracting Parties to the Barcelona Convention.

The MAP Coordinating Unit establishes and strengthens relations with other regional seas programmes, the secretariats of the international conventions relevant to the region, ~~the United Nations Commission on Sustainable Development~~ the High Level Political Forum on Sustainable Development and the international financial institutions and other partners related to environment and sustainable development in the Mediterranean.

The Contracting Parties to the Barcelona Convention will regularly involve the UN specialized agencies concerned in the formulation and implementation of the MAP Phase II programme of activities.

The Contracting Parties will involve local, provincial and regional authorities, as appropriate, in the formulation and implementation of the MAP Phase II programme of activities.

The Contracting Parties will also associate in the MAP Phase II activities, non-governmental organizations involved in the protection of the environment and the promotion of sustainable development, as well as organizations representing economic activities.

In implementing sustainable development, priority will be given to strengthening institutional capacity and policy coordination at national as well as regional, provincial and local levels, as appropriate. In this context, particular attention will be given to the implementation of existing legal instruments such as the Barcelona Convention and its Protocols, to the introduction of economic instruments for integrated resource management, and to rigorous planning of coastal zones and management of natural resources.

The implementation of the MAP II will be conducted in line with the Convention and its Protocols, through the 6-year Mid-Term Strategy, the two-year Programme of Work, Action Plans, Strategic Papers, Frameworks and the thematic Decisions of the Contracting Parties, supported by the Mediterranean Trust Fund and an effective resource mobilization strategy, as adopted by the Contracting Parties.

## I. **SUSTAINABLE DEVELOPMENT IN THE MEDITERRANEAN**

### 1. **INTEGRATING ENVIRONMENT AND DEVELOPMENT**

In recent years, there has been increasing international recognition of the need to manage human activities that have an effect on the marine environment and its ecosystems in an integrated manner, in order to promote the sustainable development of oceans and seas in all its three dimensions: the economic, social, and environmental. Preserving the planet, creating sustained, inclusive and sustainable economic growth and fostering social inclusion are linked to each other and are interdependent.

Management and conservation of natural resources through the application of the ecosystem approach to human activities that may affect the marine and coastal environment. Management and conservation of natural resources, and orientation of technological and institutional change in such a manner as to ensure the attainment and continued satisfaction of human needs for present and future generations, are vital for the Mediterranean basin. The complex interaction between environmental components (water, forest, soil) and socio-economic sectors (agriculture, industry, energy, tourism, transport) requires integration of environmental policies into development policies. At regional level, corresponding activities will be developed [within the framework assistance of the Mediterranean Commission on Sustainable Development, to be established and implemented within MAP] in collaboration with the relevant international organizations, and with the support of the Secretariat together with relevant RACs, when appropriate.

#### 1.1 **Economic activities and the environment**

**Commented [ES2]:** Comment by Italy:  
The content of this section should be carefully checked against the correspondent part of the ICZM Protocol addressing the economic sectors affecting the coastal area

The Mediterranean comprises a vast set of coastal and marine ecosystems that deliver valuable benefits to all of its coastal inhabitants, including brackish water lagoons, estuaries, transitional areas, coastal plains, wetlands, rocky shores and near shore coastal areas, seagrass meadows, coralligenous communities, frontal systems and upwellings, seamounts, and pelagic systems. The Mediterranean region is one of the world's 25 top biodiversity hotspots characterized as an area of exceptional biodiversity value, with a large number of endemic species (i.e. native only to the region) and critical levels of habitat loss. The Mediterranean also hosts a diverse array of habitats of commercial, ecological, and cultural importance.

In the Mediterranean basin, with its limited and fragile natural resources, recent socio-economic developments have given rise to major changes that put its heritage in peril. –Population trends, which indicate that the total a–population of Mediterranean Countries 410 million in 1994 may rise to 550 may reach 529 million in 2025, together with modern means of production and consumption are playing a major role in these changes. The fragility of the region is further aggravated by its sensitivity to climate change: the Mediterranean ecosystems are and will be among the most impacted by global climate change drivers.

Intensification of agriculture is having a major impact on water resources and soil. The specific and cumulative environmental pressures on the Mediterranean coastal marine environment generated by industrial activities are multiple and varied, including the use of territory and natural resources (both marine and non-marine), the generation of waste and the release of pollutants into the atmosphere and water bodies. The Mediterranean basin, if considered as a single area, is by far the largest global tourism destination, attracting almost a third of the world's international tourists and generating more than a quarter of international tourism receipts. It is forecasted that the Mediterranean region will reach 500 million of international tourist arrivals by 2030. Tourism contributes CO2 emissions, mostly through increased use of air and road transportation. Beyond that, the major direct pressure from coastal tourism on the marine and coastal environment is the demand for space, both in the coastal zone, resulting mainly in urbanisation, and on the coastline itself, through construction of marinas and other infrastructure that leads to concretisation of the shores.

~~Intensification of agriculture is having a major impact on water resources and soil. Since the 1970s, industrialization has proceeded apace, although heavy and polluting industries show signs of decline. The technologies in use are often obsolete and generate considerable pollution. Industry, which consumes vast amounts of natural resources and energy, competes for space with urban development and major transport infrastructures, particularly on the coast. Tourism, which brings in revenue, by exploiting the attractions of the natural and historical heritage, also competes for the coastline, putting increasing areas of it under concrete. A hundred million tourists from all parts of the world visit the coastal area of the Mediterranean today, the expected figure for the year 2025 being between 170 and 340 million, while domestic tourism is also expected to undergo major growth. Great pressure is exerted on water resources, while overcrowding of natural and historic sites and pressure on land use leads to their destruction, thus reducing capital income from tourism, which is essential for a number of countries.~~

**Commented [ES3]:** Comment by France:  
Scrutiny reservation on the proposed modification of this text

For these economic activities, the major objectives in relation to sustainable development are:

**Commented [ES4]:** Comment by Italy:  
To add "of the Mediterranean coastal region"

### 1.1.1 Agriculture

Agricultural production is expected to expand in the Mediterranean region, particularly in the countries of the South and East. Such expansion, for example through the use of irrigation, will have an increasing impact on soil and water quality. Furthermore, arable land is shrinking under pressure of construction, fertility loss, salination and erosion.

The spread of desertification in its various forms poses a threat to social and agricultural development, both in coastal regions and in the hinterland.

In order to contribute to sustainable development, activities should, at their appropriate levels, focus on:

- rational methods for making use of soil and water resources by encouraging farming practices suited to the physical and ecological conditions prevailing in the regions concerned;
- increasing agricultural productivity and production by means of environment-friendly techniques;
- development and use of irrigation techniques using less water and appropriate systems of drainage;
- identification and use of appropriate techniques not only in farming but also to improve local genetic resources; and
- controlling the use of chemicals that pollute soil and water and increasing use of natural fertilizers.

### 1.1.2 Industry

Industrial development exacerbates a number of existing major problems relating to air and water pollution and degradation of quality of life.

In order to respond to national needs and provide access to Mediterranean and international markets so that sustainable development may be achieved, action should be taken:

- to encourage and facilitate the use of appropriate industrial procedures and clean technologies;
- to facilitate the transfer, adaptation and control of technology among Mediterranean countries;
- to consolidate and accelerate the introduction of programmes for the control and reduction of industrial pollution; and
- to strengthen and expand programmes for the reduction and management of industrial waste.

### 1.1.3 Energy

The growth in energy consumption in the Mediterranean, principally through use of fossil fuels, is adding to the pollution and environmental damage existing in the Mediterranean. There is thus a need to improve management of energy and to introduce policies compatible with sustainable development.

In that context, the objectives to be achieved at Mediterranean, national and local levels and in cooperation with interested international organizations will be:

- to encourage and facilitate the use of new and renewable sources of energy in domestic, industrial, public and private use, including pilot projects;
- to develop techniques for controlling and saving energy; and
- to ensure that any new power stations to be built on the Mediterranean coast are environmentally friendly and to modernize, as appropriate, existing power plants.

### 1.1.4 Tourism

Tourism is one of the major factors affecting the environment and development in the Mediterranean basin. It plays an important role in improving economic conditions in many Mediterranean countries but, on the other hand, has a severe impact on land and marine resources, soil and coastal land, sea, historical and natural sites and landscapes, society and local population.

The main objectives of activities related to tourism, at Mediterranean, national and local levels, will be:

**Commented [ES5]:** Comment by Italy:  
The following goals seem particularly weak in the current situation, as they do not include any concrete action to reduce/maintain the impacts within the carrying capacity of the coastal zone

- to assess, monitor and evaluate tourism activities and their impact on environment through, *inter alia*, appropriate and pertinent indicators;
- to encourage regional and international cooperation that promotes environment friendly tourism compatible with sustainable development;
- to monitor natural, cultural and human tourist resources and undertake regular assessment of environmental impact and carrying capacity; and
- to develop information and training programmes for the actors concerned including raising the awareness of tourists so that they choose tourism that respects the Mediterranean environment.

### 1.1.5 Transport

Evolution of maritime, air and land transport associated with expanding economic activity will exert growing pressure on the coastal zone. In particular, the number of cars is expected to continue to increase treble, along with a steady increase of leisure travel to touristic destinations, in the next thirty years. It is essential that special attention be given to this clear trend, which will have a major impact on environmental quality in coastal and urban zones.

The main objectives of the programme are:

- to assess and monitor means of transport and their density in coastal zones by using appropriate indicators;
- to identify and encourage use of alternative means of transport less detrimental to the environment; and
- to disseminate information on transport policies and technologies contributing to sustainable development, including those related to public transport.

## 1.2 Urban management and the environment

The Mediterranean region's population is concentrated near the coast. More than a third leave in coastal administrative entities totalling less than 12% of the surface area of the Mediterranean countries. — The population of the Mediterranean-Mediterranean coastal areas urban population, 40 per cent of which is concentrated on the coast, is expected to double-grew from 95 million in 1979 to 143 million in 2000 and could reach 174 million by the year 2025, which will substantially increase settlement of the coast.

The type of urban development resulting from this concentration is a cause of environmental concern for two reasons:

- great pressure is exerted on natural resources, landscapes and natural areas, which are being taken over or destroyed to meet the needs of urban development; and

**Commented [ES6]:** Comment by Italy:  
This section seems quite inadequate and should be more updated.

**Commented [ES7]:** Comment by Italy:  
Italy suggested to add a new objective:  
"- to ensure that the cumulative impacts of maritime and land transport do not jeopardize marine and coastal environment"

-the environment created in such built-up areas is unsatisfactory because of the scale of construction and its impact on transport, energy consumption, waste production, loss of space and natural landscapes and increasing demands for infrastructure.

The consequences of these trends are a cause for concern with regard to the sustainability of development:

- deterioration of the urban environment and quality of life have a negative impact on social life and public health; and
- from the economic point of view, built-up areas with a deteriorating environment are likely to become less attractive, particularly to the services sector.

Strategies for sustainable urban management should be formulated by the competent authorities in order to:

- create an institutional framework which will provide for management of built-up areas at the appropriate administrative level;
- encourage the introduction of urban planning taking environmental issues into account through analysis of the urban environment;
- encourage active urban policies directed towards energy saving, non-polluting forms of transport, waste management, sustainable use of water and the creation of town amenities;
- introduce the corresponding financial instruments;
- develop institutional and professional capacities; and
- involve all the actors concerned.

At regional level, cooperation activities will be carried out, encouraging coordinated decentralized cooperation in order to:

- elaborate and disseminate appropriate methodologies;
- promote the exchange of experiences and practice;
- ensure the training of the actors concerned; and
- contribute to the mobilization of international financial resources for the formulation and implementation of strategies for the urban environment.

### 1.3 Sustainable management of natural resources

At regional level, specific activities in this section will be developed and implemented by the relevant international organizations and programmes, where appropriate, with the support of the Secretariat and RACs.

**Commented [ES8]:** Comment by Italy: Suggestion to add (to better align the content of this objective with the ICZM Protocol): "in particular to reduce land-use and re-use/restoration of degraded coastal areas;"

**Commented [ES9]:** Comment by Italy: Also this section should be specifically checked against the correspondent part of the ICZM Protocol

Despite increasing bodies of knowledge due in part to the emerging science of valuation highlighting the value of Mediterranean coastal and marine environments, degradation continues due to direct uses and indirect impacts on ecosystems.

**Commented [ES10]:** Comment by Italy:  
Italy agrees on the content but this sentence seems slightly out of context here

### 1.3.1 Water resources

Quality and availability of fresh water resources are vital in the Mediterranean not only for human consumption but also for agriculture, industry, tourism and other components of the economy. The interaction of these components should be tackled through integrated plans for water resources management.

The main objectives of this programme are the management and sustainable use of water resources, and are to be achieved through:

- encouragement of the use of tools for management of water demand;
- assessment and monitoring of the qualitative and quantitative status of water resources in each country, *inter alia* through pertinent indicators;

-preparation in each country of water resources master plans on a basin basis and expansion of existing plans in line with generally accepted principles of sustainable development, making use of an integrated approach, especially in coastal areas and islands;

**Commented [ES11]:** Comment by Italy:  
We believe that this objective should be better detailed to be compliant with the scope and the objectives of the Barcelona Convention.

-preparation or improvement of national legislation directed to the development and implementation of integrated methods for the management and use of water resources; and

-preparation of guidelines, training programmes and means for the exchange of experience on the integrated development, management, use and re-use of water resources.

### 1.3.2 Soil

Soil erosion and desertification are one of the most serious problems affecting the region. Agriculture and forestry are particularly affected leading to a decline in productivity which, in turn, helps to worsen social problems in the region.

The main objective is land conservation and reclamation.

Activities aim at:

-assessment and monitoring of the situation relating to soil degradation by the use of appropriate and pertinent indicators;

-development of effective policies, strategies and programmes which will include mapping, monitoring and protection measures to prevent and combat soil loss and desertification; and



-implementation, at a national level, of the above measures, as well as relevant decisions taken at various international forums such as FAO, UNEP and IUCN that lay special emphasis on the United Nations Convention to Combat Desertification, and more specifically its Mediterranean component.

### 1.3.3 Living marine resources

As living marine resources, in particular several fish stocks are under heavy pressure, it is essential to take immediate action at several levels, (fishing community, fisheries organization, government) starting by reinforcing those already existing in order to halt present trends towards the degradation of resources and habitats.

The objective is the sustainable management of living marine resources at national and regional levels.

Main activities aim at:

- improving the available information base on the status of living marine resources and encouraging research on the effects of environmental degradation and the impact of their exploitation, in particular fishing activity; such information is necessary for the development of management policies for such resources;
- developing common resource management policies inspired by the precautionary principle;
- establishing through the General Fisheries Council Commission for the Mediterranean (GFCM) the legal framework for a cooperative approach to the protection and conservation of living marine resources in Mediterranean outside territorial waters;
- ensuring implementation of the FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, the FAO Code of Conduct for Responsible Fishing, the United Nations Convention on Straddling and Highly Migratory Fish Stocks and the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, Code of Conduct for Responsible Fishing developed by FAO, the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas and the decisions taken within the framework of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks and
- promoting environmentally friendly sustainable aquaculture.

### 1.3.4 Forest and plant coverage

Degradation of forest and plant coverage is causing increasing concern in the Mediterranean region. Overuse through grazing and the use of wood for fuel in addition to fires and urbanization, are the main causes of deforestation. To tackle these problems,

the Mediterranean Forest Action Programme (MED-FAP) was formulated by FAO within the framework of *Silva Mediterranea*. MED-FAP is conceived as a regional umbrella under which the elaboration and implementation of national forest programmes may be harmonized and promoted. It lays emphasis on sustainable forest management and the conservation of biological diversity and genetic resources. MAP will contribute to the implementation of its activities, as appropriate. a Mediterranean Forest Action Programme was prepared by FAO, with which MAP will liaise and coordinate its activities. This programme uses an integrated and multidisciplinary approach which is essential to its general conceptual framework as well as to its application within each country.

The activities of this programme aim, in particular, at:

-making a rapid assessment of the state of the forests in each country, and identifying priorities;

-drawing up Forest Directory Plans for each country designed for protection, sustainable management and the multi-purpose use of forests; and

-enhancing cooperation and exchange of information between countries.

#### 1.4 Integrated coastal zone area management

Management strategies for the Mediterranean coastal regions should ensure that limited and fragile resources are used in a sustainable manner by means of planning and regulations to conserve their ecological value and to promote activities to improve the quality of life of the coastal populations.

As defined in the Protocol on Integrated Coastal Zone Management in the Mediterranean (Madrid, 2008), "integrated coastal zone management" means "a dynamic process for the sustainable management and use of coastal zones, taking into account at the same time the fragility of coastal ecosystems and landscapes, the diversity of activities and uses, their interactions, the maritime orientation of certain activities and uses and their impact on both the marine and land parts". Integrated coastal zone management (ICZM), which is a key element for the implementation of the ecosystem approach in the coastal area, requires understanding and consideration of the land and sea interactions (LSI), as well as, of the links existing between coastal resources, their use and the mutual impact of development and environment.

The objectives of ICZM protection and integrated coastal area management are as follows:

- facilitate, through the rational planning of activities, the sustainable development of coastal zones by ensuring that the environment and landscapes are taken into account in harmony with economic, social and cultural development;
- preserve coastal zones for the benefit of current and future generations;
- ensure the sustainable use of natural resources, particularly with regard to water use;
- ensure preservation of the integrity of coastal ecosystems, landscapes and geomorphology;

**Commented [ES12]:** Comment by Italy:  
Italy suggested to add the definition of "coastal zone", as in Article 2 of the ICZM Protocol

~~- prevent and/or reduce the effects of natural hazards and in particular of climate change, which can be induced by natural or human activities;~~

~~- achieve coherence between public and private initiatives and between all decisions by the public authorities, at the national, regional and local levels, which affect the use of the coastal zone.~~

~~-preservation of the biological diversity of coastal ecosystems;~~

~~-coastal planning to resolve the competition between urbanization, industrialization, tourism, transport, agriculture and aquaculture, and the preservation of ecosystems for future generations;~~

~~-control of human pressure on and use of coastal resources;~~

~~-achievement of environmental and economic objectives at an acceptable cost to society;~~

~~-prevention and elimination, as far as possible, of pollution from all urban, industrial, tourist, agricultural and aquaculture sources, solid and liquid waste, and natural and technological hazards;~~

~~-participation by the general public and its various associations with a view to stimulating a sense of civic responsibility in the face of these new challenges; and~~

~~-development of the institutional capacity and human resources necessary to respond to these many interlinked and often conflicting objectives.~~

~~ICZM -Integrated coastal area management should gradually become~~should become the standard approach for tackling the problems affecting Mediterranean coastal areas. It should be addressed according to action plans adopted by the contracting Parties. Strategies and tools to maximize the adaptation of the coastal zone to current and future risks and uncertainties, notably climate change and natural disasters, such as floods, earthquakes and tsunamis, need to be fully integrated into the ICZM process.-To this end, at national and, where relevant, at sub-national level, relevant legislation should be enacted and institutional capacities created or strengthened. Appropriate tools, such as remote sensing, geographic information systems, systemic and prospective analysis, environmental impact assessment and economic instruments, should also be developed and implemented.

~~This legislation should encourage protection of a large percentage of the coastal strip, prevent continued urbanization and industrialization of the coastline, establish rules for identification of natural areas to be protected, and ensure compatible use of the coast.~~

~~At regional level, cooperation activities will be organized in order to:~~

~~-elaborate jointly the most appropriate planning methodologies;~~

~~-provide training, exchange of information and transfer of knowledge; and~~

~~-promote and facilitate cooperation with international institutions likely to support coastal area management policies.~~

### 1.5 Elements of ~~for~~ a Mediterranean strategy

The concerns of sustainable development, highlighted by UNCED, Rio+20 and the 2015 United Nations Sustainable Development Summit and resulting from the complex links between socio-economic development and the environment, ~~must be fully clarified to allow a Mediterranean strategy, as well as national strategies on sustainable development, to be defined.~~ were considered in the development of the Mediterranean Strategy on Sustainable Development and are to be taken into account in national strategies on sustainable development. The effort to integrate sustainable management of natural resources with stable economic development must be made a priority throughout the Mediterranean. To this end, the main activities at the regional level will be:

- promoting and developing a function for the observation and assessment of the interaction between environment and development in the Mediterranean basin;
- based on existing relevant activities at national and regional level;
- contributing to the provision of technical support for the development of similar national functions when requested by governments;
- receiving, processing and analysing relevant information on Mediterranean environment and development;
- analysing developments in the interaction between environment and development in order to assist the decision-making process; and
- elaborating sustainable development indicators applicable to the Mediterranean along the lines developed by UNCED, Rio+20 and the 2015 United Nations Sustainable Development Summit and other international and regional institutions.
- exchanging experiences on sustainable economic development; and
- formulating of practical recommendations to facilitate integration of natural ~~capital resource~~ management and economic development when preparing national development policies.

At the national level, the main activities will be:

- establishment of structures - mainly interministerial - such as Commissions on Sustainable Development, aimed at bringing together all institutions engaged in formulating sustainable development policies;
- formulation of national strategies for sustainable development, including in particular creating the relevant financial instruments; and

**Commented [ES13]:** Comment by France:  
Full reservation to delete the part "This legislation should...management policies"

**Commented [ES14]:** Comments by Italy:  
a) Add the words: "coastal region"  
b) The relevant indicators within the context of the 2030 Agenda should be mentioned

-formulation of sectoral policies, incorporating environmental issues, in priority areas such as energy, industry, transport, agriculture and tourism.

In implementing the above, the Mediterranean Strategy for Sustainable Development, the Action Plan on Sustainable Consumption and Production and the Regional Climate Change Adaptation Framework are of relevance.

**Commented [ES15]:** Comment by Italy:  
Italy suggested to add reference to the Mid-Term Strategy (MTS) as the paramount instrument for implementation

### 1.6 National and local capacity building

The ability of the Mediterranean countries to embark on the path of sustainable development will largely be determined by their capacity to evaluate problems, determine the level of priority of urgent needs, find response strategies and provide the means to carry out such policies.

- At the national institutional level, policies for sustainable development call for an organizational framework that will ensure liaison with all relevant public administrations and agencies within the context of interministerial coordination.
- At the local level, capacities for designing and implementing sustainable development strategies will also be developed.

Capacity building will aim at developing the means available, and improving levels of training, in the following fields:

- science and technology related to the interaction between development and the environment;
- management of public services associated with the environment; and
- management of enterprises whose operation has an impact on the environment.

## 2. CONSERVATION OF NATURE, LANDSCAPE AND SITES

The Mediterranean, with its landscapes and its varied and unique natural heritage, with its age-old past made evident by the innumerable historic sites, represents for its inhabitants and for the millions of tourists who visit it every year a common heritage which deserves to be protected and conserved for present and future generations. The state of the Mediterranean coastal and marine environment varies from place to place, but all parts of the Mediterranean are subject to multiple pressures acting simultaneously and in many cases chronically. Major issues requiring coordinated policy and management responses in order to stem the tide of degradation of the Mediterranean ecosystems include: coastal development and sprawl; chemical contamination; eutrophication, marine litter, marine noise, invasive non-indigenous species, over exploitation of fish stocks; sea-floor integrity; hydrographic conditions; marine food webs; and the cumulative effects on biodiversity. ~~However, the negative impacts of uncontrolled urban, industrial and tourist development and the lack of appropriate environmental strategies are now becoming very evident. The massive occupation of the coastline and the discharge and~~

**Commented [ES16]:** Comment by France:  
Full and scrutiny reservations at this stage concerning the updating on all point 2 "Conservation of nature, landscapes and sites"

~~dumping of large amounts of solid and liquid wastes into the sea, together with the over-exploitation of natural resources, constitute a threat to the preservation of the ecological balance and the survival of species, as well as to the conservation of several sites of great natural and historic value and of the exceptional Mediterranean landscapes.~~

In the Mediterranean, examples of coastal management which have the protection of nature, the landscape and historic sites as their objective are still ~~very~~ rare or geographically limited. A shortage of environmentally sound management strategies, under the pressure of rapid socio-economic development, has in fact for too long favoured activities in which the short-term economic advantages were ensured but which had, in the long term, negative effects on the conservation of the Mediterranean coasts. It is evident that this negative trend could be effectively reversed if its consequences for the Mediterranean environment and its biological diversity were made widely known and if the planning and development strategies of the various subregions of the Mediterranean included the rational management of their natural and cultural heritage.

This component of MAP Phase II takes fully into account the Barcelona Convention and the **Protocol concerning Specially Protected Areas and Biological Diversity** in the Mediterranean, ~~the Strategic Action Plan for the Conservation of Biological Diversity in the Mediterranean Region (SAP BIO), the Strategic Action Programme to Address Pollution from Land Based Activities (SAP MED) and the others strategies and action plans adopted by the meetings of the Contracting Parties in line with the ecosystem approach and based upon ecological and operational objectives for the Mediterranean for biodiversity and fisheries. The aim is to propose and aims at proposing~~ to the Contracting Parties a programme of activities that will assist them to protect and sustainably manage the natural and cultural Mediterranean heritage, ~~with a view to achieve~~ Good Environmental Status and related targets together with the operational objectives and indicators, in particular in the fields of biodiversity, fisheries, hydrography and protection from marine litter, thus contributing to the sustainable development of the region.

**Commented [ES17]:** Comment by Italy:  
Italy suggested to add: "...accomplish the EcAp initiatives and..."

~~The proposed activities have been developed in line with the results of UNCED, in particular Agenda 21, the Convention on Biological Diversity and the action programme MED 21.~~

The activities will be implemented by the Contracting Parties in coordination with, and with the assistance of, the MAP Secretariat and the competent Regional Activity Centres. They will be implemented, as appropriate, in cooperation and coordination with the relevant programmes of the United Nations and the Secretariats of the Conventions, the European Union, especially its NATURA 2000 Network, and other international organizations concerned, as well as with NGOs and networks particularly active in specific fields, in order to create an integrated and efficient synergy in the region and avoid duplication of work.

Five types of activities will be carried out within the framework of the implementation of the ~~above mentioned instruments~~ **Protocol**:

**Commented [ES18]:** Comment by Italy:  
The typology of the actions listed should better consider the many additional instruments listed above and not remain limited to action only considering the SPA/BIO Protocol

- collection of data and periodic assessment of the situation;
- legal measures;

- planning and management;
- public awareness and participation; and
- exchange of experience and strengthening of ~~national~~<sup>cultural</sup> capabilities.

## 2.1 Collection of data and periodic assessment of the situation

If the level of knowledge on the extent and status of conservation of the historic and cultural heritage of the Mediterranean region can be considered satisfactory, the same cannot be said with regard to the natural heritage, knowledge of which is still very fragmentary. It is therefore important to carry out research and studies to fill the existing gaps for the purpose of defining appropriate action.

The main objective of the present programme is therefore the overall assessment of the status and, where possible, the evolution of biological diversity in the Mediterranean so as to protect it better. It will include:

- at the regional level, the preparation of inventories of natural sites and elements of biological diversity of common Mediterranean interest, and of lists of the threatened and/or endangered species of the region and natural sites, including in Specially Protected Areas of Mediterranean Importance; and
- at the national level, the preparation of inventories of species and sites of special natural value as well as of areas with rare or fragile ecosystems that are reserves of biological diversity and are important for threatened and/or endangered species.

Such inventories and lists will be prepared according to common criteria jointly established by the Contracting Parties, through the Integrated Monitoring and Assessment Programme and related Assessment Criteria (IMAP), ~~will be kept regularly updated and used as the basis for conservation and planning programmes, using as appropriate the best available techniques.~~

## 2.2 Legal measures

Legislation on the protection of the natural and cultural heritage although strengthened in the last years, at national level and within the international frame, ~~is still at present~~ insufficient in many Mediterranean countries and it is therefore necessary to adopt modern and adequate legislation in order to support the implementation of conservation policies.

It is also necessary for the Parties take the measures required to ensure that the legal measures adopted are actually implemented.

The following activities will be implemented:

- the institution by Contracting Parties of appropriate legal provisions by adopting instruments to allow for legal protection of sites of special interest because of their natural and/or cultural value. The methods and inventories developed in the European Union and in international organizations could serve as a basis in this respect. Special attention will be given in the Mediterranean to the habitats of

threatened species, to insular environments and to archaeological remains, including underwater ports, structures and wrecks;

-the granting of legal protection status to the threatened and/or endangered species identified in the above-mentioned lists. ~~In this regard, the monk seal and the different species of Mediterranean marine turtles and cetaceans deserve special attention;~~

-the creation of national mechanisms to monitor implementation of the protection measures instituted; and

-the ~~extension of the MPAs included in establishment of the~~ list of "Specially Protected Areas of Mediterranean Importance" (SPAMI) and ~~their better management and networking;~~

~~the timely update of the a~~-list of endangered species.

**Commented [ES19]:** Comment by Italy:  
Is this list still adequate? What about sharks and other living marine resources included in specific APs within SAP BIO?

### 2.3 Planning and management

In addition to the legal protection of the sites, it is essential for such sites to be the object of a management system which, while ensuring the preservation of their natural and/or cultural values, would promote the social aspects, in particular those related to education, awareness, research and recreation.

In the planning process for the protected areas, the role that they could play in the development of economically depressed areas, for example, through the promotion of environment-friendly tourism and tourism in cultural sites, should also be taken into account.

It will also be necessary to identify the processes and factors which have or are likely to have adverse effects on the conservation of biological diversity and at the same time to carry out monitoring and periodic assessment of the conservation status of the sites and the species possessing a special status.

Forms of active management are equally necessary for the conservation of most species.

The following activities will therefore be implemented:

-the formulation and adoption of national strategies to ensure the conservation of biological diversity and the cultural heritage and their integration in development and planning policies;

-the formulation and adoption, at the regional and national levels, of specific action plans for the conservation and management of sites, habitats, ecosystems and threatened and/or endangered species and also the implementation of the action plans already adopted;

-the effective management of protected sites, in particular through the formulation, adoption and implementation of specific management plans;



- the establishment of land-policy tools allowing lasting protection of the areas to be protected, including those outside protected areas;
- the encouragement of active public participation in the conservation and management of protected species and sites;
- the establishment of a Mediterranean diploma, awarded in the course of Ordinary Meetings of the Contracting Parties, for a "Specially Protected Area of Mediterranean Importance" (SPAMI) distinguished by the implementation of specific and concrete activities in the field of management and conservation of the Mediterranean natural heritage; and
- the preparation of specific regional activities or projects for the conservation of nature and biological diversity with a view to mobilizing the necessary financial resources outside the Mediterranean Trust Fund.

#### 2.4 Public awareness and participation

Without public support, the application of nature protection and conservation measures cannot achieve results commensurate with the challenges and threats looming over the natural heritage of the Mediterranean.

By informing and inculcating awareness in particular target groups and in the general public, it has been possible in several countries not only to lessen opposition to certain conservation programmes but even, in some cases, to achieve active public participation.

The main objectives of this component are to consolidate awareness and information at both local and national, as well as regional, levels in addition to ensuring the rapid circulation of scientific research results, to ensure effective implementation of Article 15 of the Barcelona Convention, and taking into account developments at the international level, including the 1998 Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters. The following activities will be undertaken:

- development of education and information programmes to arouse public awareness, together with initiatives aimed at special target groups (young people, fishermen, people connected with protected areas);
- promotion of speedy dissemination of available data by various means, including the media, concerning the state of habitats and populations and the threats affecting them, especially for protected species, and on the management and conservation activities and programmes conducted; and
- establishment at national and/or local levels, and periodic assessment of information and awareness programmes in line with the conservation measures carried out or envisaged.

#### 2.5 Exchange of experience and strengthening of national capabilities

**Commented [ES20]:** Comment by Italy:  
Replace "establishment" with "further implementation"

The protection and management of the natural and cultural heritage need specific competences and adequate financial and technical resources. In the Mediterranean region, there are at present wide differences in the availability of such competences and technologies. For the developing countries of the Mediterranean the improvement of national capabilities in these fields represents an important aspect of strengthening inter-Mediterranean cooperation for the protection of the natural and cultural heritage, and for better participation in regional programmes.

The main objective of the present programme is the improvement of the institutional capabilities of the Mediterranean countries in the field of conservation and management of natural resources and of the cultural heritage.

This objective will be reached through:

- technical cooperation and transfer of knowledge among the Contracting Parties and other actors;
- the establishment of networks to improve the exchange of experience among Mediterranean experts, especially in the field of protected areas and sites;
- the preparation of training programmes in scientific, technical and managerial fields for personnel involved in the formulation and implementation of conservation measures and management; and
- assistance to countries in the formulation of projects eligible to be financed by international financial donors.

### 3. ASSESSMENT, PREVENTION AND ELIMINATION OF MARINE POLLUTION

Since the adoption of the Mediterranean Action Plan in 1975, individual Mediterranean countries and the Mediterranean region as a whole have made considerable progress in the protection of the Mediterranean marine environment against chronic or accidental pollution. Despite such progress, the coastal region of the Mediterranean is under considerable stress; The solution to the problem requires coordinated actions of assessment, prevention and elimination of pollution, bearing in mind the inseparable character of the relationship between economic development and environment.

In line with the concepts and recommendations of UNCED and in particular Agenda 21, Rio+20 and the 2015 United Nations Sustainable Development Summit, this component of MAP Phase II provides the basis for actions related to assessment, prevention and elimination of marine pollution from land-based and sea-based activities, in the perspective of sustainable development.

The main objective of this component is the prevention, reduction and elimination of pollution of the Mediterranean Sea from land-based and sea-based activities.

#### 3.1 Assessment of pollution-related problems

**Commented [ES21]:** Comment by Italy:  
Add a reference to the relevant 2030 Agenda goals and targets

Assessment of pollution-related problems allows present uncertainties when facing management decisions to be reduced and the links between inputs, concentrations and effects of pollutants clarified. Such an assessment started in the Mediterranean several decades ago in MAP, through its MED POL programme.

Through this programme, which has been implemented jointly with relevant United Nations agencies, a Mediterranean network of over 150 institutions participating in research and monitoring of marine pollution has been established; many of these institutions received assistance in capacity-building.

The results of these activities have been used as a basis for the preparation of assessment documents presented to the Contracting Parties, legal instruments and common measures for pollution control. Even though many data were accumulated on the main pollutants, their sources, and basic pathways and their fate in the environment, gaps in knowledge still exist, among them are a lack of quantitative data on pollution sources, inadequate geographical coverage in the South, poor information on the environmental fate of pollutants and missing links between levels and the effects on biological communities.

The objective of this component is to make assessments, taking into account the Integrated Monitoring and Assessment Programme and Related Assessment Criteria, assessment of the following:

**Commented [ES22]:** Comment by Italy:  
Replace "taking into account" with "through"

- levels and trends in the load of pollutants reaching the Mediterranean Sea from land-based and sea-based sources;
- levels, trends and effects of pollutants in the marine environment;
- risks of pollutants for marine life, fisheries and human health in coastal waters, estuaries and open waters;
- state of the treatment and disposal of liquid and solid waste in the Mediterranean coastal region;
- pollution prevention and clean production processes and the dissemination of information and expertise to allow all parties to implement such processes; and
- extent to which the Mediterranean marine environment is affected by marine pollution from ships and is at risk from a major marine accident.

The activities to be carried out in order to achieve the stated objectives are:

Regional level

- to collect information on the levels and trends of loads of pollutants reaching the Mediterranean Sea;

- to complete the existing network of national programmes for monitoring of pollution, based on adequate observation and monitoring techniques and incorporating mandatory data quality assurance programmes;
- to collect information on the state of the treatment and disposal of liquid and solid wastes in the Mediterranean coastal region and to present such information to the Contracting Parties;
- to collect information on the effects of pollution, including that coming from ships, on the marine environment;
- to provide the Contracting Parties, interested groups and individuals with information about general and specific pollution-related problems and potential short-term and long-term threats to the Mediterranean region; and
- to collect and provide to other Parties information on pollution prevention, elimination and clean production measures and processes in place.

#### National level

- to establish/improve national monitoring programmes through assistance for capacity building of national authorities and individual laboratories, training and data quality assurance programmes.

### **3.2 Pollution prevention**

#### **3.2.1 Prevention and elimination of the pollution of the marine environment from land-based activities**

Marine pollution from land-based sources and activities has long been recognized as a major problem in the marine environment. One of the responses of the Mediterranean countries to this problem was the adoption of the Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources (LBS Protocol), which came into force in 1983. ~~In the framework of the implementation of the LBS Protocol, by the end of 1994 thirteen Mediterranean recommendations concerning common measures for the control of LBS of pollution had been adopted by the Contracting Parties. As a measure for strengthening the Protocol further, and was amended and strengthened in 1996, and is now complemented by regional plans containing measures and timetables for their implementation, in particular to phase out inputs of substances that are toxic, persistent and liable to bioaccumulate. The marine pollution monitoring and research programme (MED POL), carried out in the framework of the Mediterranean Action Plan, is gradually refocusing on is addressing problems of direct relevance to the prevention and elimination of pollution from land-based activities.~~

The objective of this component is:

- the protection of the Mediterranean marine environment from the pollution from land-based activities. This objective will be met through the specific activities arising from the provisions of the amended LBS Protocol and common measures for the

elimination of pollution. -This objective could be achieved through the formulation and adoption of a regional action plan for the reduction and, as far as possible, the elimination of pollution from land-based activities, which will include quantitative objectives and ~~timetables a calendar~~ of implementation. Such ~~a plans~~ should be based on the following principles: integrated coastal zone and river basin management; the precautionary principle; the polluter-pays principle; the clean production technology principle; an anticipatory rather than reactive approach; environmental impact assessment; environmental accounting, economic instruments (user fees, specific taxes, pricing policies and practices) and voluntary agreements (covenants).

The following activities are recommended:

#### Regional level

- to develop proposals for concrete measures for pollution prevention, reduction and elimination, based on the precautionary approach, as required by the Barcelona Convention and its Protocols, and in line with the Strategic Action Programme to Address Pollution from Land Based Activities (SAP MED) and action plans adopted by the Contracting Parties;
- to develop technical guidelines for the implementation of the measures adopted and to assist developing countries in their implementation and enforcement;
- to collect information on the implementation of the measures adopted or recommended by the Contracting Parties and on their effectiveness, and to inform the Contracting Parties accordingly; and
- to identify problems experienced by the Contracting Parties in the implementation of the measures and to formulate proposals which may help to overcome those problems.

#### National level

- to **formulate and implement** plans, comprising legally binding programmes of measures and timetables required to achieve Good Environmental Status. Such national action programmes or plans, based on the precautionary approach, aim to prevent and eliminate pollution from land-based activities. Such programmes or plans should include, as appropriate:
- the setting up or the strengthening of a public administration specialized in the prevention of and fight against pollution and the provision of adequate funds for its funding;
- development of adequate national legal instruments and the formulation and adoption of measures for prevention and elimination of pollution;

- the creation or strengthening of bodies of environmental inspectors having specific training and administrative authority;
- the use of appropriate economic instruments deriving from the "polluter pays" principle and the precautionary approach;
- encouraging voluntary agreements (covenants) for the reduction and elimination of pollution, where appropriate;
- establishing a calendar for the full implementation of the common measures against pollution adopted by the Contracting Parties, as well as the relevant points of the Genoa Declaration;
- to develop and implement national compliance monitoring programmes, carried out by participating national collaborating institutions; and
- provision for mandatory country reporting on the implementation of national action plans, including the monitoring of compliance.

### **3.2.2 Prevention of and response to the pollution of the marine environment from sea-based activities**

This component of MAP Phase II aims at proposing strategies and activities which will support and supplement national efforts for the prevention of, preparedness for and response to the pollution of the marine environment from sea-based activities.

#### (a) Prevention of pollution of the marine environment from ships

Among the world's oceans, the traffic density of merchant vessels in the Mediterranean is particularly important. ~~The Mediterranean is a major shipping lane. It is estimated that around 80% of global trade by volume and over 70% of global trade by value are carried by sea, with approximately 15% of global shipping activity by number of calls and 10% by vessel deadweight tonnes (dwt) is taking place in the Mediterranean. About 30 per cent of international sea-borne trade volume originates from or is directed to the 300 Mediterranean ports, or passes through the Mediterranean Sea.~~

Marine pollution from ships is, to a considerable extent, due to inadequate implementation and insufficient enforcement of international standards. In the course of routine operations, ships may discharge into the sea, a wide variety of substances such as oily wastes, noxious liquid substances, sewage and garbage, may produce ballast water pollution, and may emit greenhouse gas and ozone depleting substances, as well as underwater noise. The discharge into the sea and in the air of such substances and energy is a significant source of pollution of the marine environment. Ship design, maintenance and operation in compliance with the higher standard adopted within the International Maritime Organization, as well as the availability of port reception facilities, will largely reduce pollution to acceptable levels.

Following the Genoa Declaration (1985), which included among priority targets to be achieved the establishment of port reception facilities for dirty ballast waters and other

oily residues, an Action Plan concerning the provision of adequate port reception facilities within the Mediterranean region was adopted in the framework of the MAP in Cairo in December 1991. Under the Regional Strategy for the Prevention of and Response to Marine Pollution from Ships, Contracting Parties are expected to provide adequate reception facilities in their ports.

The objectives of this component are:

- the prevention of pollution of the Mediterranean marine environment from ships by providing incentives and encouragement for the adoption, effective implementation and enforcement of the international conventions for the prevention of the pollution from ships; and
- the establishment, where necessary, of port reception facilities for the collection of liquid and solid wastes generated from ships (oily and chemical residues, sewage and garbage).

The following activities to be carried out in order to achieve the stated objectives will be implemented with the assistance of the competent Regional Activity Centre and the cooperation of the International Maritime Organization:

#### Regional level

- to implement Article 14 on Port Reception Facilities of the Protocol Concerning Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, Combatting Pollution of the Mediterranean Sea, the Mediterranean Strategy on Ships' Ballast Water Management, the Regional Plan on Marine Litter Management in the Mediterranean and the Regional Strategy for the Prevention of and Response to Marine Pollution from Ships (2016-2021)-Action Plan concerning the provision of adequate port reception facilities within the Mediterranean region (adopted in Cairo in December 1991);
- to promote regional cooperation in the field of Port State Control;
- to promote regional cooperation in monitoring marine pollution from ships, especially that from illegal discharges, enforcing the provisions of MARPOL 73/78 and its six Annexes more rigorously; through the Mediterranean Network of Law Enforcement Officials relating to MARPOL within the framework of the Barcelona Convention (MENELAS) and the organization of Coordinated Aerial Surveillance Operations; and
- to develop technical guidelines for the establishment and operation of shore reception facilities for wastes generated by maritime transport-related activities.

#### National level

- to assist in the design and implementation of projects related to the establishment and operation of port reception facilities; and

**Commented [ES23]:** Comment by Italy:  
a) Replace "through the" with "also through the voluntary"  
b) Replace "and the organization of Coordinated Aerial Surveillance Operations;" with ", as appropriate"

-to assist Contracting Parties which face difficulties in ratifying, implementing and enforcing the relevant international conventions.

(b) Preparedness for, response to and cooperation in cases of accidental marine pollution

In the Mediterranean Sea the risks of an incident likely to cause massive pollution by oil or by other hazardous substances continues to be high. The Mediterranean Sea is both a major load and discharge centre for crude oil. Approximately 18%, or 421 million tonnes, of global seaborne crude oil shipments which in 2006 amounted to approximately 2.3 billion tonnes, take place within or through the Mediterranean, a major route for transporting oil and gas from the Middle East and North Africa to Europe and North America (20 per cent of oil carried worldwide by ships), and the region has about 58 major oil loading and unloading ports.

Most Some of the countries are not in a position to rely solely on their own resources when dealing with a major marine pollution accident. Regional cooperation and mutual assistance are therefore indispensable. The pooling of resources and expertise will provide a cost effective way of combating spills. In order to be quick and effective, both cooperation and assistance have to be planned and organized.

In 1976 the Mediterranean countries adopted a Protocol concerning Cooperation in Combating Oil Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency. This Protocol provides the legal and institutional framework for actions of regional cooperation in combating accidental marine pollution and decided to set up a Regional Centre with a view to assisting them in implementing the Protocol. The Regional Centre (REMPEC) is administered by the International Maritime Organization with a view to assisting them in implementing the Protocol. The legal framework was strengthened in 2002 by the adoption of the Protocol concerning Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution of the Mediterranean Sea, which has replaced the previous Protocol.

Since 1976, activities have been undertaken which have helped to develop the individual and collective capabilities of the coastal States of the Mediterranean to combat accidental marine pollution by oil and hazardous substances.

The objectives of this component are:

- the development of national, bilateral and/or subregional systems for preparedness for and response to accidental marine pollution by oil and other hazardous substances, including organizational structure, contingency plans, trained personnel and appropriate pollution response means; and
- the organization of cooperation among Contracting Parties in preparing for and responding to accidental marine pollution in case of emergency.

The activities to be carried out in order to achieve the stated objectives are:

Regional level



- to develop and maintain a regional information system including computerized tools for assisting in marine pollution response;
- to adopt measures for facilitating cooperation among countries in order to respond to accidents causing or likely to cause pollution of the sea by oil and other harmful substances;
- to prepare guidelines, manuals, documents and reference publications relevant to preparedness for and response to accidental marine pollution; and
- to facilitate and coordinate international cooperation and mutual assistance and to provide, in case of emergency, advisory assistance upon request.

- to implement the Regional Plan on Marine Litter Management in the Mediterranean, the Regional Strategy for the Prevention of and Response to Marine Pollution from Ships (2016-2021) and the Regional Strategy Addressing Ship's Ballast Water Management and Invasive Species.

#### Subregional level

- to develop subregional operational agreements for combating major marine pollution accidents, affecting or likely to affect the territorial sea, coasts and related interests of neighbouring countries.

#### National level

- to develop a national system, including the training of personnel, for preparedness for and response to accidental marine pollution; and
- to assist in the design and implementation of pilot demonstration projects.

#### (c) Prevention of the pollution of the marine environment by dumping from ships and aircraft

Pollution of the marine environment by dumping of wastes or other matter from ships and aircraft, if not controlled, poses an environmental danger in the Mediterranean Sea.

The objective of this programme is:

- the prevention and abatement of pollution of the Mediterranean Sea Area caused by dumping from ships and aircraft. This objective will be met through the specific activities arising from the provisions of the Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft.

The activities to be carried out in order to achieve the stated objective are:

#### Regional level

- to collect information on issuance of permits and dumping activities and to present consolidated reports to the Contracting Parties;
- to prepare technical guidelines regarding disposal methodology and monitoring of disposal sites; and
- to assess the implementation of this Protocol, and consider the efficiency of the measures adopted and the need for any other measures.

#### National level

- to assist the Contracting Parties to take, individually or through bilateral or multilateral cooperation, all appropriate measures to prevent and abate pollution of the Mediterranean Sea, as specified in the Dumping Protocol;
- to adhere strictly to the adopted procedure on issuance of permits and submission of national annual reports on dumping permits and activities; and
- to develop and implement programmes for the monitoring of established dumping sites.

#### (d) Prevention and control of the pollution of the marine environment resulting from exploration and exploitation of the continental shelf and the seabed and its subsoil

The activities related to the exploration and exploitation of the continental shelf and the seabed and its subsoil are an important potential source of pollution for the Mediterranean. In particular, exploration, rig construction, drilling mud, water discharge, operational oil discharges, loading and accidents represent a realistic threat to the Mediterranean marine environment.

The objective of this component is the protection of the Mediterranean marine environment from all forms of pollution resulting from offshore activities. This objective will be met through specific activities arising from the provisions of the Protocol for the Protection of the Mediterranean Sea against Pollution resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil, and of the Mediterranean Offshore Action Plan in the framework of the Protocol for the Protection of the Mediterranean Sea against Pollution resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil.

The activities to be carried out in order to achieve the stated objective are:

#### Regional level

- to promote cooperation among Contracting Parties, with the assistance of competent regional or international organizations, to formulate and implement programmes of assistance to developing countries including training of personnel and acquisition of appropriate equipment; and
- to formulate and adopt common standards for the disposal of oil and oily mixtures and for the use and disposal of drilling fluids and drill cuttings.

#### National level

- to monitor the effects of the activities on the environment through the creation of national monitoring programmes; and
- to organize research studies and programmes enabling the carrying out of the activities with minimum risk of pollution.

#### **3.2.3 Prevention and control of the pollution of the environment resulting from transboundary movements of hazardous wastes and their disposal**

In the Mediterranean, a crossroads between three continents and countries at different levels of industrial and socio-economic development, transboundary movements of hazardous wastes have become a serious potential threat especially for the developing countries of the region. It is in fact known that only a small part of the hazardous wastes produced is disposed of through hazardous wastes disposal technology.

The objectives of this component are:

- the protection of the Mediterranean environment against pollution caused by transboundary movements and the disposal of hazardous waste;
- the prohibition of all exports of hazardous waste from the OECD countries of the Mediterranean to countries which are not Member States of the European Union; and

-the ~~early ratification and implementation of the draft~~ Protocol for the Prevention of Pollution of the Mediterranean Sea resulting from the Transboundary Movements of Hazardous Wastes and their Disposal, as well as of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal.

The activities to be carried out in order to achieve the stated objectives are:

#### Regional level

- to develop and apply appropriate guidelines for the evaluation of damage, as well as rules and procedures in the field of liability and compensation for damage resulting from the transboundary movement and disposal of hazardous wastes;
- to develop new clean production methods for reducing and eliminating hazardous wastes; and
- to establish regional cooperation for the prevention and control of transboundary movements of hazardous wastes.

#### National level

- to assist the Contracting Parties to reduce to a minimum, and where possible eliminate, the generation and transboundary movement of hazardous wastes in the Mediterranean;
- to assist the Contracting Parties to take appropriate legal, administrative and other measures within the area under their jurisdiction in order to prohibit the export and transit of hazardous wastes to developing countries; and
- to develop programmes for financial and technical assistance to developing countries for the implementation of the Hazardous Wastes Protocol.

### 3.3 Supporting measures

The assessment, prevention and elimination of marine pollution in the Mediterranean cannot be achieved without a strong national institutional basis supported with adequate financial resources, equipment and experts. While the situation in developed countries of the Mediterranean region seems adequate to deal with the implementation of this component, the capacity of the developing countries will need further strengthening.

The objective of this component is the building of the institutional capabilities of the Contracting Parties for the assessment and elimination of marine pollution.

The activities to be carried out in order to achieve the stated objectives are:

- to provide advice on legal, technical and fiscal policies, strategies, and practices which may contribute to the implementation of the measures and targets adopted by the Contracting Parties;
- to prepare guidelines, manuals, documents and reference publications relevant to the implementation of this component;
- to formulate and implement pollution data quality assurance programmes;
- to facilitate the exchange of information and access to and transfer of relevant technologies;
- to organize individual and group training (e.g., seminars, workshops) of national experts (administrators, technicians, scientists) in all subjects relevant to this component;
- to formulate and implement adequate educational and public awareness programmes; and
- to facilitate contacts with international financial institutions in order to obtain financial support for the implementation of specific activities.

## 4. INFORMATION AND PARTICIPATION

**Commented [ES24]:** Comment by Italy:  
Shouldn't we mention the Communication Strategy?

Public information and public participation are a dimension essential to the policy of sustainable development and environmental protection.

The objectives of this component are:

- to provide to the general public the information available on the state of the development and environment of the Mediterranean and its evolution, and the measures taken to improve it;
- to enhance the environmental awareness of the population, and create a common approach to the environmental problems of the Mediterranean;
- to facilitate public access to activities for the protection and management of the environment and access to scientific knowledge in a proper manner; and
- to mobilize and ensure the participation and involvement of major actors concerned (local and provincial communities, economic and social groups, consumers, etc).

To achieve the stated objectives on the national and regional levels, the actions needed are:

- to implement coordinated information campaigns and special activities on environmental protection, directed towards managers and decision-makers, as well as children, students, teachers and tourists;
- to launch educational programmes aimed at informing the public, women and young people in particular, of the value and the rarity of natural heritage, the need to avoid degradation of natural and urban environments, and the importance of public participation in their conservation and management;
- to continue and expand publication and distribution of brochures, leaflets, posters, reports, newsletters and other information material, as well as the use of the media in all its forms;
- to enhance and strengthen the exchange of information and experience on environmental problems of the region, and to develop cooperation in this field;
- to ensure, through the Coordinating Unit and the Regional Activity Centres, that all relevant IGOs and NGOs have appropriate access to information concerning MAP, and actively participate in MAP activities accordingly; and
- to publish the Report on the State and Evolution of the Mediterranean Environment at regular intervals.

## II STRENGTHENING OF THE LEGAL FRAMEWORK

While the development of international environmental law has accelerated rapidly since the Stockholm Conference of 1972, ~~UNCED has placed~~ emphasis has been placed on the increased evolution of international environmental law towards sustainable

development, paying special attention to the delicate balance between environmental and developmental concerns.

The Agenda 21 programme emphasized the importance of the use of law to achieve this balance and contribute to the process of monitoring compliance.

During their ~~twenty~~ forty years of cooperation, the Contracting Parties to the Barcelona Convention (1976) have adopted a number of important legal instruments which, result in fostering cooperation. These include:

-Convention for the Protection of the Mediterranean Sea against Pollution, which, ~~as amended in Barcelona in 1995, changed its name into Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (the amendments entered into force on 9 July 2004. (Barcelona, 1976);~~

-Protocol for the Prevention of ~~the~~ Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft (Barcelona, 1976) in force from 12 February 1978), which, ~~as amended in Barcelona on 10 June 1995, changed its name into Protocol for the Prevention and Elimination of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft or Incineration at Sea (the amendments are not yet in force);~~

-Protocol concerning Co-operation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency (Barcelona, 1976), which has been replaced by the Protocol Concerning Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution of the Mediterranean Sea (Valletta, 2002; in force from 17 March 2004);

-Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources (Athens, 1980), which, as amended in Syracuse on 7 March 1996, changed its name into Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources and Activities (in force from 11 May 2008);

-Protocol ~~C~~oncerning Mediterranean Specially Protected Areas (Geneva, 1982), which has been replaced by the Protocol Concerning Specially Protected Areas and Biological Diversity in the Mediterranean (Barcelona, 1995; in force from 12 December 1999); ~~and~~

-Protocol for the Protection of the Mediterranean Sea against Pollution resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil (Madrid, 1994; in force from 24 March 2011);

-Protocol on the Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and their Disposal (Izmir, 1996; in force from 18 December 2007);

-Protocol on Integrated Coastal Zone Management in the Mediterranean (Madrid, 2008: in force from 24 March 2011).

~~With regard to the legal aspects, MAP Phase II will result in an amended Convention for the Protection of the Mediterranean Sea against Pollution, an amended Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft, and a new Protocol concerning Mediterranean Specially Protected Areas and Biodiversity in the Mediterranean.~~

~~It is also expected that a new protocol on the protection of the Mediterranean region against pollution deriving from the transboundary movements and disposal of hazardous wastes will soon be adopted, as well as amendments to the Protocol for the Protection of the Mediterranean Sea against Pollution from Land-based Sources.~~

~~These amended and new texts take into consideration the development of international environmental law and the introduction of the sustainable development concept.~~

As to the legal aspect, MAP Phase II will be implemented on the basis of the following:

- developing further appropriate legal instruments in order to strengthen and consolidate the legal basis of Mediterranean cooperation;
- supporting the Mediterranean countries, as appropriate, ~~in particular developing countries,~~ in their efforts to develop and upgrade their environmental regulations related to the protection of the environment and sustainable development, be fully involved in regional and international negotiations dealing with the protection of the environment and sustainable development and be assisted in achieving the early entry into force and effective implementation of regional and relevant international environmental agreements;
- providing ~~developing~~ Mediterranean countries with technical assistance in their attempts to enhance their national legislative provisions in the field of environmental protection and sustainable development with a view to clarifying them and enhancing their effectiveness;
- enhancing full, effective and prompt implementation of the legal instruments adopted by the Contracting Parties at the regional level is a prerequisite for future cooperation and partnership of the Mediterranean countries in their efforts to protect their environment and develop their region in a sustainable manner;
- applying the compliance mechanisms and procedures adopted by the Contracting Parties and the Reporting System established for the implementation of the Barcelona Convention and its Protocols;
- upgrading administrative capacity by means of a system of permits and control, as well as strengthening jurisdictional capacity building, in the field of environmental law at the national level, will contribute largely to the effective implementation of regional and national laws and agreements related to environmental protection and sustainable development in the Mediterranean region; and

-carrying out periodic review and assessment should be undertaken by Mediterranean countries with a view to evaluating and promoting the effectiveness of their regional laws and regulations and to promoting the integration of environmental and sustainable development policies through effective national laws and regional agreements.

The Contracting Parties play a fundamental role in ensuring the success of the Mediterranean Action Plan, in particular by working on the strengthening and development of a legal framework at the national and regional levels related to the protection of the environment and sustainable development.

The Contracting Parties will ensure at all times that the instruments they create at regional and national levels are in keeping with the development of international environmental law.

### **III. INSTITUTIONAL AND FINANCIAL ARRANGEMENTS**

#### **1. INSTITUTIONAL ARRANGEMENTS**

At the institutional level, the Mediterranean Action Plan Phase II will be implemented in line with the following:

- the Contracting Parties to the Barcelona Convention exercise the functions established by the Convention in the framework of their Ordinary and Extraordinary meetings. They approve the activities and budget of MAP Phase II. They appoint a Bureau which assume some of their responsibilities during the interval between meetings of the Contracting Parties;
- the Contracting Parties have designated the United Nations Environment Programme as responsible for carrying out the function of the Secretariat;
- to ensure this function, the Executive Director of UNEP has established a Coordinating Unit. The Unit prepares the meetings of the Contracting Parties and of the Bureau, and is responsible for following up the decisions taken. The Unit maintains relations and coordinates its activities with international and non-governmental organizations. The Unit reports regularly on its activities and those of the Regional Activity Centres;
- the Regional Activity Centres are established by the Protocols or by the meeting of the Contracting Parties on the proposal of a Party which provides the necessary means and facilities for their operation. They are responsible for carrying out specific activities agreed upon by the Contracting Parties under the general guidance and supervision of the Coordinating Unit for the Mediterranean Action Plan of UNEP. Their status is ~~defined harmonized~~ in formal agreements between UNEP and the host countries;



-the Executive Coordination Panel is chaired by the Coordinating Unit and made up of the Directors of the MAP Components to enhance collaboration and coordination across the MAP system;

-The Mediterranean Commission on Sustainable Development (MCSD), established in 1995 and reformed in 2016, is an advisory body to the Contracting Parties to assist them in their efforts to integrate environmental issues in their socioeconomic programmes and, in so doing, promote sustainable development policies in the Mediterranean region. The Commission is unique in its composition, in as much as government representatives, local communities, socioeconomic actors, IGOs and NGOs participate on an equal footing. The mission of the MCSD includes, *inter alia*, to ensure the follow up of the implementation of the Mediterranean Strategy on Sustainable Development. It is established in the framework of MAP. It constitutes a forum for open dialogue and consultation with all relevant partners on policies for promoting sustainable development in the Mediterranean Basin on the basis of activities and contributions identified by MAP Phase II and implemented by Parties and the MAP in line with Agenda MED 21. It advises on activity programmes and formulates the necessary recommendations for Contracting Parties. The Coordinating Unit provides Secretariat services for the Commission;

-The Compliance Committee was established in 2008 to advise and assist the Contracting Parties in meeting their obligations under the Barcelona Convention and its Protocols and to facilitate and promote compliance;

-*ad hoc* advisory working groups may be established by the Contracting Parties to follow up the implementation of the Protocols or of specific programmes;

-each Contracting Party, within its national administration, appoints one or more focal points responsible for the follow-up and coordination of MAP activities at national level, and for ensuring the dissemination of information. Specific focal points are also appointed by the national focal point to follow up implementation of a Protocol or the activities of a Regional Activity Centre.

## **2. FINANCIAL ARRANGEMENTS**

The Contracting Parties consider and adopt the budget prepared by the Coordinating Unit. This budget is financed by contributions from the Contracting Parties, voluntary contributions from governments, supporting organizations and selected non-governmental sources, as well as clearly identified counterpart contributions.

The contributions of the Contracting Parties are assessed on the basis of a mutually agreed scale taking into account the United Nations scale of assessment.

The Mediterranean Trust Fund is established within the framework of the United Nations Environment Programme to ensure the effective coordination and funding of the Mediterranean Action Plan. An appropriate revolving fund is maintained.

The Mediterranean Trust Fund is managed in accordance with the financial rules of the United Nations Environment Programme and those approved by the Contracting Parties.  
These rules may be amended in agreement with UNEP.

A Resource Mobilization Strategy will provide guidance for securing additional external resources for the implementation of the MAP work.

**PRIORITY FIELDS OF ACTIVITIES  
FOR THE ENVIRONMENT AND DEVELOPMENT  
IN THE MEDITERRANEAN BASIN**

**(1996-2005)**

## **PRIORITY THEMES FOR THE ENVIRONMENT AND DEVELOPMENT IN THE MEDITERRANEAN BASIN**

**(as contained in UNEP/MAP MID-TERM STRATEGY (MTS) 2016 - 2021)**

The **Ultimate Objectives** are the achievement of Good Environmental Status (GES) of the Mediterranean and the contribution to sustainable development. The **Strategic Themes** are selected accordingly, and will be promoted under the Overarching Theme of Governance.

The **Core Themes** are:

- Land and sea-based pollution;
- Biodiversity and ecosystems;
- Land and sea interactions and processes.

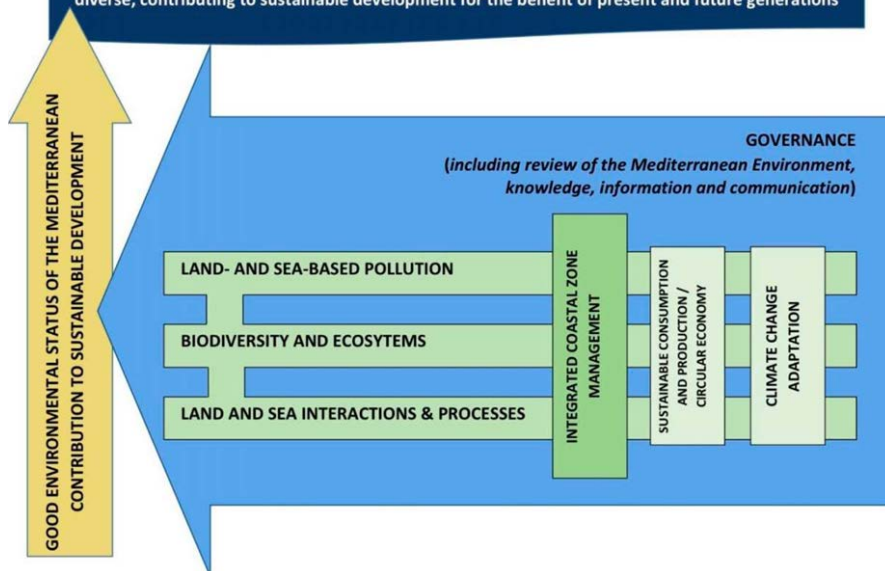
The **Cross-cutting Themes** are:

- Integrated coastal zone management;
- Sustainable consumption and production;
- Climate change adaptation.

These themes reflect legal commitments of the Contracting Parties to the Barcelona Convention and their Decisions and contribute to the objectives of the MSSD, UNEP and the SDGs.

**Diagram 1: The Concept of the MTS**

A healthy Mediterranean with marine and coastal ecosystems that are productive and biologically diverse, contributing to sustainable development for the benefit of present and future generations



**Commented [ES25]:** Comment by France:  
Full reservation to propose the content of the MTS in the Annex of the updated MAP updated. As MAP is up and not down the MTS. In theory, MTS is the strategic paper to implement the MAP; it's not a base to decide what the priority is for a new MAP (and it's not the exercise).

## **PART II**

**Conclusions of the Meeting of the Open-Ended Working Group on the MAP II  
Assessment (Athens, Greece, 16-17 May 2017) and List of issues/gaps  
(as in the body and in Annex IV, respectively, of document UNEP(DEPI)/MED WG.440/4)**

**Conclusions of the Meeting of the Open-Ended Working Group on the MAP II  
Assessment (Athens, Greece, 16-17 May 2017)**

The Working Group agreed on the following conclusions:

- 1) *The meeting took note of the documentation prepared by the Secretariat on text to be updated.*
- 2) *The meeting went through the document and made suggestions for updating the document.*
- 3) *Some concerns were expressed about the feasibility of the exercise and the need was also expressed to seek legal advice on the nature of the document and mandate of the WG.*
- 4) *During the meeting it was difficult to separate a discussion on updates as mandated by the COP from a discussion on issues / gaps, including on the structure and substance of the document as well as on legal issues. A non-exhaustive list was identified in this regard.*
- 5) *The meeting agreed on the following way forward:*
  - *The Secretariat will send to the working group by the 2<sup>nd</sup> of June the MAP II document with updates, together with the list on issues / gaps raised at the meeting, as well as the legal advice.*
  - *The members of the WG will provide comments within the following two weeks.*
  - *The consolidated version reflecting the comments received, and diverging views if any, will be prepared by the Secretariat.*
  - *The Secretariat will send to the Bureau the three documents for further guidance.*

**Outcome of the meeting  
of the Open-Ended Working Group on the MAP II Assessment  
(Athens, Greece, 16-17 May 2017)**

**List of issues / gaps**

The non-exhaustive list of gaps and issues raised during the meeting is as follows:

- incorporation of further language that reflects the outcomes of the Rio+20 Conference and the 2015 United Nations Sustainable Development Summit, in particular The Future We Want and Agenda 2030;
- incorporation on further language on the ecosystem approach (ECAP) into the various parts of the document;
- incorporation of the concept of green and blue economy;
- further reflection of the objectives of the MTS 2016-2021 in the text;
- reference, in addition to fisheries, also to aquaculture and on how sustainable aquaculture should be achieved;
- addition, in part 1.1 on economic activities and the environment, of sections on fisheries and shipping;
- reference, in section 1.1, to sea-bed activities and in particular the extraction and exploitation of hydrocarbons;
- distinguishing, in part 1.3 on sustainable management of natural resources, between living and non-living resources, and dedicating attention also to the latter;
- reference in sub-section 1.3.3 on genetic resources;
- incorporation, in part 1.4 on integrated coastal area management, of the concept of marine spatial planning;
- further reference to and incorporation of all the relevant strategic documents that have been adopted by the Contracting Parties into the appropriate sections of the MAP II document, in particular section 1.5 on elements for a Mediterranean strategy (e.g. MSSD 2016-2025, RCCAF, SCP Action Plan);
- introduction of a section on climate change and its impact on the Mediterranean;
- reference to sustainable production and consumption;
- reshaping of part 2 on conservation of nature, landscape and sites, since some participants considered that it is less developed than sections 1 and 3. A proposal in particular called for reorganizing this part based on the structure of EcAp, for example considering three parts:

assessment, monitoring, and measures to be adopted. Also to focus section on BD/SPA Protocol implementation and SAP BIO;

- rearrangement of sections 2.4 and 2.5: considered of cross-cutting nature and not only relevant for nature conservation;
- reshaping of part 3 on assessment, prevention and elimination of marine pollution, based on the structure of ECAP (similar as for part 2 above). A proposal in particular suggested to reorganize it into the following sections: diagnostic, assessment, legal framework, ecosystem approach activities. Another proposal suggested to divide this part into the following sections: land and sea based pollution, biodiversity and ecosystems, land-sea interactions;
- addition in part 3 of section or text on land-sea interactions and of reference to marine litter;
- restructuring of section 3.2 in accordance with the structure of relevant Protocols and addition in part 3.2 of language on ECAP;
- possible addition of reference/sub-section on research, including marine genetic resources, carbon storage and geoengineering;
- reference to modalities of cooperation with other Agencies;
- in part 4: use of Aarhus Convention language; avoid duplication with IMAP requirements; also explore possibility of having a separate, cross-cutting, section in part 4, on information and communication, capacity building;
- substitution of the reference to "developing States" and "developing countries" with more "modern" language;
- in part III, possibility for addition of more clear reference to cooperation and coordination at the international level, as well as of reference to communication strategy;



**PART III**

**Comments received by France and Italy on the draft Report of the Meeting  
of the Open-Ended Working Group on the MAP II Assessment  
(Athens, Greece, 16-17 May 2017)**

Comments provided by France on the documents prepared by the Secretariat following the Meeting of the Open-Ended Working Group on the MAP II Assessment (received in two email messages by Mr. Charles-Henri De Barsac, on 15/6/2017 and 16/6/2017)

- Firstly, I can agree with the remarks provided by Secretariat on the "legal issues with the MAP 2 Assessment", particularly the closing remarks.

- Secondly, concerning the draft updated MAP Phase 2, I have some comments:

1) Page 3, new para. "The implementation...by the contracting Parties", as we try to be exhaustive, it would be useful to add actions plans, strategic paper and other framework. I understand than all these documents could be hidden under the expression "thematic decisions", but we need to be more explicit.

2) Page 11, concerning the MED-FAP, we would like to keep the mention "prepared by FAO".

3) Page 13, ICZM Part, at this stage, I have a full reservation to delete the part "the legislation should...management policies". As you mentioned in your legal paper, the mandate doesn't open the door for a "political" update, but just for a "factual" update.

4) Page 15, we have a full and scrutiny reservations at this stage concerning the updating on all point 2 "conservation of nature, landscapes and site". The information provided are true, but are they proposed in the good paragraph ? This part is a consolidated vision, mixing issues about nature conservation, but also about landscape and sites. The mention concerning "the conservation of several sites of great natural and historic value and the exceptional Med landscapes" has to stay in life for example. The new paragraphs are too much technical in my point of view, not in line with the substance of MAP (vision, not strategic framework) or out of the context (link between GES and Mediterranean Heritage?).

I think it would be more useful to have a deep reflection about what BC did (or not did) concerning landscape and site conservations.

5) Page 35, the word "strengthening" seems not relevant with factual updating.

6) I have a full reserve to propose the content of the MTS in the Annex of the MAP updated. As MAP is up and not down the MTS. In theory, MTS is the strategic paper to implement the MAP; it's not a base to decide what the priority is for a new MAP (and it's not the exercise).

- endly, concerning list of issues and gaps, I agree particularly with the importance to have reference to modalities of cooperation with other multilateral Bodies in Med, and a possible addition of reference / sub section on research (geo-ing., etc...).

*Deux nouveaux et derniers commentaires:*

Nous souhaitons le maintien à ce stade de:

-page 5, parag 1.1, activités économiques et environnement : "intensification of agriculture is having a major impact .....jusqu'à "number of countries". réserve d'examen sur la modification proposée.

-p 8 : parag 1.2 : nous souhaitons maintenir le pourcentage de population (actualisé) vivant dans les zones côtières.

Comments provided **by Italy** with track changes on the documents prepared by the Secretariat following the Meeting of the Open-Ended Working Group on the MAP II Assessment.

(Comments were provided by Italy only on the Draft updated MAP Phase II, as in Annex III to the Draft Report, therefore, only this section is attached here).



UNITED NATIONS

**EP**

UNEP(DEPI)/MED WG.440/4



UNITED NATIONS  
ENVIRONMENT PROGRAMME  
MEDITERRANEAN ACTION PLAN

2 June 2017  
Original: English

Meeting of the Open-Ended Working Group  
On the MAP II Assessment

Athens, Greece, 16-17 May 2017

Report of the Meeting

**WITH COMMENTS FROM ITALY**

Draft

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UN Environment/MAP  
Athens, 2017

**ACTION PLAN FOR THE PROTECTION OF THE MARINE  
ENVIRONMENT AND THE SUSTAINABLE DEVELOPMENT  
OF THE COASTAL AREAS OF THE MEDITERRANEAN**

**(MAP PHASE II)**

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## Preface<sup>1</sup>

The Eighth Ordinary Meeting of the Contracting Parties (Antalya, 12-15 October 1993) decided to start a process of revision of the entire Barcelona system, i.e. the Convention, the Protocols and the Mediterranean Action Plan and to bring the relevant texts and programmes into line with the new trends initiated by the United Nations Conference on Environment and Development (Rio de Janeiro, 3-14 June 1992). Moreover, the Bureau of the Contracting Parties requested the Secretariat, when preparing the revision, to take into consideration the results of the Conference MED 21 on Sustainable Development in the Mediterranean (Tunis, 1 November 1994).

In conformity with the decision of the Bureau of the Contracting Parties (Tunis, 2-3 November 1994), the Secretariat prepared the first draft of a new text of the Action Plan for the Protection of the Marine Environment and the Sustainable Development of the Coastal Areas of the Mediterranean (MAP Phase II). The text was submitted by the Ninth Ordinary Meeting of the Contracting Parties (Barcelona, Spain, June 1995) to the Conference of Plenipotentiaries on the Convention for the Protection of the Mediterranean Sea against Pollution and its Protocols (Barcelona, 9-10 June 1995), which adopted it as Annex I of the Barcelona Resolution on the Environment and Sustainable Development in the Mediterranean Basin..sent on 15 December 1994 to all national focal points for their comments.

~~On the basis of the comments received from the Contracting Parties, a revised text of MAP Phase II was prepared by the Secretariat and presented as document UNEP(OCA)/MED WG.89/6 for the consideration of the Joint Meeting of the Scientific and Technical Committee and the Socio-Economic Committee (Athens, 3-8 April 1995). After extensive discussion and consideration of a large number of amendments, the Joint Meeting adopted the proposal for MAP Phase II to be submitted to the Ninth Ordinary Meeting of the Contracting Parties (Barcelona, 5-8 June 1995) for adoption.~~

~~The Ninth Ordinary Meeting of the Contracting Parties considered the proposal and adopted the text as contained in this document and submitted for adoption to the Conference of Plenipotentiaries on the Convention for the Protection of the Mediterranean Sea against Pollution and its Protocols.~~

At the Eighteenth Ordinary Meeting of the Contracting Parties (Istanbul, 3-6 December 2013), the Parties decided to launch a process to assess MAP Phase II with the intention of addressing effectively the challenge of sustainable development and the irreversible nature of impacts on the environment and resources. At the Nineteenth Ordinary Meeting of the Contracting Parties (Athens, 9-12 February 2016), the Parties decided that the MAP Phase II documents would be adjusted to reflect the key developments made in the MAP system with regard to thematic issues.

<sup>1</sup> Note by the Secretariat (Nbs): This Preface is to be updated to reflect the relevant background for the MAP II Assessment related decisions.

## Introduction

~~The Barcelona system has recently celebrated forty years of fruitful collaboration and joint efforts for the Mediterranean environment. In 1975, Mediterranean countries and the EEC adopted the Mediterranean Action Plan (MAP) and in 1976 the Convention for the Protection of the Mediterranean Sea against Pollution (Barcelona Convention).~~ The main objectives of MAP, ~~as it was adopted in 1975,~~ were to assist the Mediterranean Governments to assess and control marine pollution, to formulate their national environment policies, to improve the ability of governments to identify better options for alternative patterns of development and to make better rational choices for allocation of resources.

~~Although~~ the initial focus of the MAP was on marine pollution control, experience soon confirmed that socio-economic trends, combined with poor management and planning of development, including new serious challenges such as climate change, are the root of most environmental problems, and that meaningful and lasting environmental protection is inseparably linked to social and economic development that is sustainable and takes into account the needs of the present and future generations. Therefore, the focus of MAP gradually shifted from a sectoral approach to pollution control to implement the ecosystem approach and integrated coastal zone planning and management as the key tools through which solutions are being sought.

Although it is difficult to assess progress achieved, there is direct and indirect evidence that a large number of concrete actions were taken by many countries in conformity with the requirements and provisions of MAP, thus influencing the environmental policies and practices of the Mediterranean countries. MAP has been a significant instrument for change and progress concerning environmental matters in the Mediterranean. Among achievements of particular importance are the creation of awareness concerning the importance of a healthy environment for the present and future of the Mediterranean and its people; a marked change of attitude towards protection of the environment, the policy making level and creating a sense of solidarity and the need to act collectively for the better future of the Mediterranean.

Major shortcomings in the protection of the Mediterranean marine environment and its coastal region are were identified as: the insufficient protection of the marine and coastal environment from land-based and sea-based pollution, inappropriate management of the coastal zone due to the lack of adequate coastal zone planning and management; inadequate national legislation and its effective enforcement; weak institutional structures and inadequate human resources allocated for these types of activities; and lack of mobilization of adequate financial resources and clear political commitment to solve the existing problems.

The State of the Mediterranean Marine and Coastal Environment Report 2012 highlights the following as the major issues requiring coordinated policy and management responses in the coming years in order to stem the tide of degradation of the Mediterranean ecosystems: coastal overuse, driven by urban sprawl and tourism; growth development; chemical contamination of sediments and biota; eutrophication; the impact of marine litter; the impact of marine noise on biota; invasive non-indigenous species; over-exploitation beyond sustainable limits of commercially exploited fish stocks of the Mediterranean; sea-floor integrity; changed hydrographic conditions;

endangerment of marine food webs and persistent loss of biodiversity; maritime traffic increase.

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MAP Phase II was designed taking into account the achievements and shortcomings of MAP's first twenty years of existence, as well as the results of recent developments such as the United Nations Conference on Environment and Development (Rio de Janeiro, 1992), the Eighth Meeting of the Contracting Parties to the Barcelona Convention (Antalya, 1993), and the Conference "Med 21" on Sustainable Development in the Mediterranean (Tunis, 1994).<sup>2</sup>

Since then, main developments include the World Summit on Sustainable Development (WSSD, Johannesburg, 2002), the United Nations Conference on Sustainable Development (Rio+20, Rio de Janeiro, 2012); the 2030 Agenda and its Sustainable Development Goals; the 2015 Paris Agreement under the United Nations Framework Convention on Climate Change (UNFCCC); and, the Nineteenth Ordinary Meeting of the Contracting Parties to the Barcelona Convention (Athens, 9-12 February 2016). These developments reflect the renewed priority given by the international community to social, economic and environmental issues.

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Following the Decision on the Assessment of the Mediterranean Action Plan adopted at the Eighteenth Ordinary Meeting of the Contracting Parties (Istanbul, 3-6 December 2013), MAP Phase II was updated to accurately reflect the references to policy and legislative developments that have taken place since its adoption.

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<sup>2</sup> NbS: (i) This paragraph requires an updated list of main developments in the field of Sustainable Development since 1995. (ii) Contracting Parties also approved in 2008 the ecological vision for the Mediterranean through Decision IG.17/6.



## **Objectives**

The main objectives are:

- to ensure sustainable management of natural marine and [land/coastal] resources and to integrate the environment in social and economic development, and land-use policies;
- to protect the marine environment and coastal zones through prevention of pollution, and by reduction and, as far as possible, elimination of pollutant inputs, whether chronic or accidental;
- to protect nature, and protect and enhance sites and landscapes of ecological or cultural value;
- to strengthen solidarity among Mediterranean coastal States in managing their common heritage and resources for the benefit of present and future generations; and
- to contribute to improvement of the quality of life.

**Commented [d1]:** The factual update is made to align the wording with the ICZM Protocol.

## **Implementation**

The Mediterranean coastal States bear full responsibility for conducting their policies for an improved environment and sustainable development. In this context, they are responsible for the implementation of the Barcelona Convention, its Protocols and MAP.

In carrying out their tasks, the Contracting Parties receive the support of the Secretariat of the Barcelona Convention entrusted to UNEP and its Coordinating Unit, and, under the Unit's supervision, of MAP's Regional Activity Centres (RACs).

The specific tasks entrusted to the Secretariat and the RACs in order to implement the activities of MAP, as well as the corresponding budgets, are decided upon by the meetings of the Contracting Parties to the Barcelona Convention.

The MAP Coordinating Unit establishes and strengthens relations with other regional seas programmes, the secretariats of the international conventions relevant to the region, ~~the United Nations Commission on Sustainable Development~~ the High Level Political Forum on Sustainable Development and the international financial institutions and other partners related to environment and sustainable development in the Mediterranean.

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<sup>3</sup> Nbs: See footnote 2 (i) above.

The Contracting Parties to the Barcelona Convention will regularly involve the UN specialized agencies concerned in the formulation and implementation of the MAP Phase II programme of activities.

The Contracting Parties will involve local, provincial and regional authorities, as appropriate, in the formulation and implementation of the MAP Phase II programme of activities.

The Contracting Parties will also associate in the MAP Phase II activities, non-governmental organizations involved in the protection of the environment and the promotion of sustainable development, as well as organizations representing economic activities.

In implementing sustainable development, priority will be given to strengthening institutional capacity and policy coordination at national as well as regional, provincial and local levels, as appropriate. In this context, particular attention will be given to the implementation of existing legal instruments such as the Barcelona Convention and its Protocols, to the introduction of economic instruments for integrated resource management, and to rigorous planning of coastal zones and management of natural resources.

The implementation of the MAP II will be conducted through the 6-year Mid-Term Strategy, the two-year Programme of Work and the thematic Decisions of the Contracting Parties, supported by the Mediterranean Trust Fund and an effective resource mobilization strategy, as adopted by the Contracting Parties.

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## **I. SUSTAINABLE DEVELOPMENT IN THE MEDITERRANEAN<sup>4</sup>**

### **1. INTEGRATING ENVIRONMENT AND DEVELOPMENT**

In recent years, there has been increasing international recognition of the need to manage human activities that have an effect on the marine environment and its ecosystems in an integrated manner, in order to promote the sustainable development of oceans and seas in all its three dimensions: the economic, social, and environmental. Preserving the planet, creating sustained, inclusive and sustainable economic growth and fostering social inclusion are linked to each other and are interdependent.<sup>5</sup>

Management and conservation of natural resources through the application of the ecosystem approach to human activities that may affect the marine and coastal environment, **Management and conservation of natural resources<sup>6</sup>**, and orientation of technological and institutional change in such a manner as to ensure the attainment and continued satisfaction of human needs for present and future generations, are vital for the Mediterranean basin. The complex interaction between environmental components (water, forest, soil) and socio-economic sectors (agriculture, industry, energy, tourism, transport) requires integration of environmental policies into development policies. At

<sup>4</sup> This reference has to be read as "Mediterranean marine and coastal environment" in line with the fundamental scope of the Barcelona Convention.

<sup>5</sup> See 2030 Agenda, para. 13.

<sup>6</sup> NbS: Ecosystem Approach mainstreaming.

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regional level, corresponding activities will be developed ~~[within the framework assistance of the Mediterranean Commission on Sustainable Development to be established and implemented within MAP]~~ in collaboration with the relevant international organizations, and with the support of the Secretariat together with relevant RACs, when appropriate.<sup>7</sup>

Commented [2]:  
as in the Decision on MCSD reform: purpose and mandate

## 1.1 Economic activities and the environment

Commented [3]:  
the content of this section should be carefully checked against the correspondent part of the ICZM Protocol addressing the economic sectors affecting the coastal area

The Mediterranean comprises a vast set of coastal and marine ecosystems that deliver valuable benefits to all of its coastal inhabitants, including brackish water lagoons, estuaries, transitional areas, coastal plains, wetlands, rocky shores and near shore coastal areas, seagrass meadows, coralligenous communities, frontal systems and upwellings, seamounts, and pelagic systems. The Mediterranean region is one of the world's 25 top biodiversity hotspots characterized as an area of exceptional biodiversity value, with a large number of endemic species (i.e. native only to the region) and critical levels of habitat loss. The Mediterranean also hosts a diverse array of habitats of commercial, ecological, and cultural importance.<sup>8</sup>

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In the Mediterranean basin, with its limited and fragile natural resources, recent socio-economic developments have given rise to major changes that put its heritage in peril. Population trends, which indicate that the total population of Mediterranean Countries 410 million in 1994 may rise to 550 may reach 529 million in 2025, together with modern means of production and consumption are playing a major role in these changes. The fragility of the region is further aggravated by its sensitivity to climate change: the Mediterranean ecosystems are and will be among the most impacted by global climate change drivers.<sup>9</sup>

Intensification of agriculture is having a major impact on water resources and soil. The specific and cumulative environmental pressures on the Mediterranean coastal marine environment generated by industrial activities are multiple and varied, including the use of territory and natural resources (both marine and non-marine), the generation of waste and the release of pollutants into the atmosphere and water bodies. The Mediterranean basin, if considered as a single area, is by far the largest global tourism destination, attracting almost a third of the world's international tourists and generating more than a quarter of international tourism receipts. It is forecasted that the Mediterranean region will reach 500 million of international tourist arrivals by 2030. Tourism contributes CO<sub>2</sub> emissions, mostly through increased use of air and road transportation. Beyond that, the major direct pressure from coastal tourism on the marine and coastal environment is the demand for space, both in the coastal zone, resulting mainly in urbanisation, and on the coastline itself, through construction of marinas and other infrastructure that leads to concretisation of the shores.<sup>10</sup>

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<sup>7</sup> NbS: Reference to establishment of MCSD and adoption of MSSD.

<sup>8</sup> [Based on Annex to Decision IG.22/1, paras. 6 and 7]

<sup>9</sup> [Based on Annex to Decision IG.22/2, para. 4]

<sup>10</sup> State of the Mediterranean Marine and Coastal Environment, 2012.

~~Intensification of agriculture is having a major impact on water resources and soil. Since the 1970s, industrialization has proceeded apace, although heavy and polluting industries show signs of decline. The technologies in use are often obsolete and generate considerable pollution. Industry, which consumes vast amounts of natural resources and energy, competes for space with urban development and major transport infrastructures, particularly on the coast. Tourism, which brings in revenue, by exploiting the attractions of the natural and historical heritage, also competes for the coastline, putting increasing areas of it under concrete. A hundred million tourists from all parts of the world visit the coastal area of the Mediterranean today, the expected figure for the year 2025 being between 170 and 340 million, while domestic tourism is also expected to undergo major growth. Great pressure is exerted on water resources, while overcrowding of natural and historic sites and pressure on land use leads to their destruction, thus reducing capital income from tourism, which is essential for a number of countries.<sup>11</sup>~~

For these economic activities, the major objectives in relation to sustainable development of the Mediterranean coastal region are:

### 1.1.1 Agriculture

Agricultural production is expected to expand in the Mediterranean region, particularly in the countries of the South and East. Such expansion, for example through the use of irrigation, will have an increasing impact on soil and water quality. Furthermore, arable land is shrinking under pressure of construction, fertility loss, salination and erosion.

The spread of desertification in its various forms poses a threat to social and agricultural development, both in coastal regions and in the hinterland.

In order to contribute to sustainable development, activities should, at their appropriate levels, focus on:

- rational methods for making use of soil and water resources by encouraging farming practices suited to the physical and ecological conditions prevailing in the regions concerned;
- increasing agricultural productivity and production by means of environment-friendly techniques;
- development and use of irrigation techniques using less water and appropriate systems of drainage;
- identification and use of appropriate techniques not only in farming but also to improve local genetic resources; and
- controlling the use of chemicals that pollute soil and water and increasing use of natural fertilizers.

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<sup>11</sup> NBS: This text is to be updated based on the latest assessment reports prepared by UNEP/MAP.

### **1.1.2 Industry**

Industrial development exacerbates a number of existing major problems relating to air and water pollution and degradation of quality of life.

In order to respond to national needs and provide access to Mediterranean and international markets so that sustainable development may be achieved, action should be taken:

- to encourage and facilitate the use of appropriate industrial procedures and clean technologies;
- to facilitate the transfer, adaptation and control of technology among Mediterranean countries;
- to consolidate and accelerate the introduction of programmes for the control and reduction of industrial pollution; and
- to strengthen and expand programmes for the reduction and management of industrial waste.

### **1.1.3 Energy**

The growth in energy consumption in the Mediterranean, principally through use of fossil fuels, is adding to the pollution and environmental damage existing in the Mediterranean. There is thus a need to improve management of energy and to introduce policies compatible with sustainable development.

In that context, the objectives to be achieved at Mediterranean, national and local levels and in cooperation with interested international organizations will be:

- to encourage and facilitate the use of new and renewable sources of energy in domestic, industrial, public and private use, including pilot projects;
- to develop techniques for controlling and saving energy; and
- to ensure that any new power stations to be built on the Mediterranean coast are environmentally friendly and to modernize, as appropriate, existing power plants.

### **1.1.4 Tourism**

Tourism is one of the major factors affecting the environment and development in the Mediterranean basin. It plays an important role in improving economic conditions in many

Mediterranean countries but, on the other hand, has a severe impact on land and marine resources, soil and coastal land, sea, historical and natural sites and landscapes, society and local population.

The main objectives of activities related to tourism, at Mediterranean, national and local levels, will be:

- to assess, monitor and evaluate tourism activities and their impact on environment through, *inter alia*, appropriate and pertinent indicators;
- to encourage regional and international cooperation that promotes environment friendly tourism compatible with sustainable development;
- to monitor natural, cultural and human tourist resources and undertake regular assessment of environmental impact and carrying capacity; and
- to develop information and training programmes for the actors concerned including raising the awareness of tourists so that they choose tourism that respects the Mediterranean environment.

**Commented [4]:**  
the following goals seem particularly weak in the current situation, as they do not include any concrete action to reduce/maintain the impacts within the carrying capacity of the coastal zone

### 1.1.5 Transport

Evolution of maritime, air and land transport associated with expanding economic activity will exert growing pressure on the coastal zone. In particular, the number of cars is expected to continue to increase ~~treble~~, along with a steady increase of leisure travel to touristic destinations, in the next thirty years.<sup>12</sup> It is essential that special attention be given to this clear trend, which will have a major impact on environmental quality in coastal and urban zones.

The main objectives of the programme are:

- to assess and monitor means of transport and their density in coastal zones by using appropriate indicators;
- to identify and encourage use of alternative means of transport less detrimental to the environment; ~~and~~
- to disseminate information on transport policies and technologies contributing to sustainable development, including those related to public transport; and to ensure that the cumulative impacts of maritime and land transport do not jeopardize marine and coastal environment.

**Commented [5]:**  
this section seems quite inadequate and should be more updated.

**Commented [d6]:** This is an update aimed to take into account the evolution of transport highlighted in the chapeau.

## 1.2 Urban management and the environment

~~The population of the Mediterranean-Mediterranean coastal areas urban population, 40 per cent of which is concentrated on the coast, is expected to double-grew from 95 million~~

<sup>12</sup> Nbs: See footnote 6 above.

in 1979 to 143 million in 2000 and could reach 174 million<sup>13</sup> by the year 2025, which will substantially increase settlement of the coast.<sup>14</sup>

The type of urban development resulting from this concentration is a cause of environmental concern for two reasons:

- great pressure is exerted on natural resources, landscapes and natural areas, which are being taken over or destroyed to meet the needs of urban development; and
- the environment created in such built-up areas is unsatisfactory because of the scale of construction and its impact on transport, energy consumption, waste production, loss of space and natural landscapes and increasing demands for infrastructure.

The consequences of these trends are a cause for concern with regard to the sustainability of development:

- deterioration of the urban environment and quality of life have a negative impact on social life and public health; and
- from the economic point of view, built-up areas with a deteriorating environment are likely to become less attractive, particularly to the services sector.

Strategies for sustainable urban management should be formulated by the competent authorities in order to:

- create an institutional framework which will provide for management of built-up areas at the appropriate administrative level;
- encourage the introduction of urban planning taking environmental issues into account through analysis of the urban environment, in particular to reduce land use and reuse/restoration of degraded coastal areas;

~~give priority to reduce land use and reuse/restoration degraded areas;~~

- encourage active urban policies directed towards energy saving, non-polluting forms of transport, waste management, sustainable use of water and the creation of town amenities;
- introduce the corresponding financial instruments;
- develop institutional and professional capacities; and
- involve all the actors concerned.

At regional level, cooperation activities will be carried out, encouraging coordinated decentralized cooperation in order to:

<sup>13</sup> Based on Annex to Decision IG.22/1, para. 8

<sup>14</sup> Nbs: See footnote 6 above.

**Commented [d7]:** This is a factual update to better align the content of this objective with the ICZM Protocol.

- elaborate and disseminate appropriate methodologies;
- promote the exchange of experiences and practice;
- ensure the training of the actors concerned; and
- contribute to the mobilization of international financial resources for the formulation and implementation of strategies for the urban environment.

### 1.3 Sustainable management of natural resources

Commented [8]:  
also this section should be specifically checked against the correspondent part of the ICZM Protocol

At regional level, specific activities in this section will be developed and implemented by the relevant international organizations and programmes, where appropriate, with the support of the Secretariat and RACs.

Despite increasing bodies of knowledge due in part to the emerging science of valuation highlighting the value of Mediterranean coastal and marine environments, degradation continues due to direct uses and indirect impacts on ecosystems.<sup>15</sup>

Commented [9]:  
I agree on the content but this sentence seems a little bit out of context here.

#### 1.3.1 Water resources

Quality and availability of fresh water resources are vital in the Mediterranean not only for human consumption but also for agriculture, industry, tourism and other components of the economy. The interaction of these components should be tackled through integrated plans for water resources management.

The main objectives of this programme are the management and sustainable use of water resources, and are to be achieved through:

- encouragement of the use of tools for management of water demand;
- assessment and monitoring of the qualitative and quantitative status of water resources in each country, *inter alia* through pertinent indicators;
- preparation in each country of water resources master plans on a basin basis and expansion of existing plans in line with generally accepted principles of sustainable development, making use of an integrated approach, especially in coastal areas and islands;
- preparation or improvement of national legislation directed to the development and implementation of integrated methods for the management and use of water resources; and
- preparation of guidelines, training programmes and means for the exchange of experience on the integrated development, management, use and re-use of water resources.

Commented [10]:  
We believe that this objective should be better detailed to be compliant with the scope and the objectives of the Barcelona Convention.

<sup>15</sup>[Decision IG.20/4](#)



### 1.3.2 Soil

Soil erosion and desertification are one of the most serious problems affecting the region. Agriculture and forestry are particularly affected leading to a decline in productivity which, in turn, helps to worsen social problems in the region.

The main objective is land conservation and reclamation.

Activities aim at:

- assessment and monitoring of the situation relating to soil degradation by the use of appropriate and pertinent indicators;
- development of effective policies, strategies and programmes which will include mapping, monitoring and protection measures to prevent and combat soil loss and desertification; and
- implementation, at a national level, of the above measures, as well as relevant decisions taken at various international forums such as FAO, UNEP and IUCN that lay special emphasis on the [United Nations Convention to Combat Desertification<sup>16</sup>](#), and more specifically its Mediterranean component.

### 1.3.3 Living marine resources

As [living marine resources, in particular](#) several fish stocks, are under heavy pressure, it is essential to take immediate action at several levels, (fishing community, fisheries organization, government) starting by reinforcing those already existing in order to halt present trends towards the degradation of resources and habitats.

The objective is the sustainable management of living marine resources at national and regional levels.

Main activities aim at:

- improving the available information base on the status of living marine resources and encouraging research on the effects of environmental degradation and the impact of [their exploitation, in particular](#) fishing activity; such information is necessary for the development of management policies for such resources;
- developing common resource management policies inspired by the precautionary principle;
- establishing through the General Fisheries [Council<sup>17</sup> Commission](#) for the Mediterranean (GFCM) the legal framework for a cooperative approach to the protection and conservation of living marine resources [in Mediterranean outside territorial](#) waters;

<sup>16</sup> Nbs: [United Nations Convention to Combat Desertification](#).

<sup>17</sup> Nbs: [Commission](#)

-ensuring implementation of the FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, the FAO Code of Conduct for Responsible Fishing, the United Nations Convention on Straddling and Highly Migratory Fish Stocks and the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, Code of Conduct for Responsible Fishing developed by FAO, the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas and the decisions taken within the framework of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks<sup>18</sup>; and

-promoting environmentally friendly sustainable aquaculture.

### 1.3.4 Forest and plant coverage

Degradation of forest and plant coverage is causing increasing concern in the Mediterranean region. Overuse through grazing and the use of wood for fuel in addition to fires and urbanization, are the main causes of deforestation. To tackle these problems, the Mediterranean Forest Action Programme (MED-FAP) was formulated within the framework of *Silva Mediterranea*. MED-FAP is conceived as a regional umbrella under which the elaboration and implementation of national forest programmes may be harmonized and promoted. It lays emphasis on sustainable forest management and the conservation of biological diversity and genetic resources. MAP will contribute to the implementation of its activities as appropriate, a Mediterranean Forest Action Programme was prepared by FAO, with which MAP will liaise and coordinate its activities. This programme uses an integrated and multidisciplinary approach which is essential to its general conceptual framework as well as to its application within each country.

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The activities of this programme aim, in particular, at:

-making a rapid assessment of the state of the forests in each country, and identifying priorities;

-drawing up Forest Directory Plans for each country designed for protection, sustainable management and the multi-purpose use of forests; and

-enhancing cooperation and exchange of information between countries.<sup>19</sup>

### 1.4 Integrated coastal zonearea management<sup>20</sup>

Management strategies for the Mediterranean coastal regions should ensure that limited and fragile resources are used in a sustainable manner by means of planning and regulations to conserve their ecological value and to promote activities to improve the quality of life of the coastal populations.

As defined in the Protocol on Integrated Coastal Zone Management in the Mediterranean (Madrid, 2008):

<sup>18</sup> Nbs: To be updated in consultation with FAO/GFCM.

<sup>19</sup> Nbs: To be updated in consultation with FAO.

<sup>20</sup> Nbs: ICZM Protocol was adopted in 2008.

- "coastal zone" means:.....(as in art. 2 of the ICZM Protocol);  
- "integrated coastal zone management" means "a dynamic process for the sustainable management and use of coastal zones, taking into account at the same time the fragility of coastal ecosystems and landscapes, the diversity of activities and uses, their interactions, the maritime orientation of certain activities and uses and their impact on both the marine and land parts".<sup>21</sup>

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Integrated coastal zone management (ICZM), which is a key element for the implementation of the ecosystem approach in the coastal area,<sup>22</sup> requires understanding and consideration of the land and sea interactions (LSI) as well as of the links existing between coastal resources, their use and the mutual impact of development and environment.

The objectives of ~~ICZM protection and integrated coastal area management~~ are as follows:

- ~~facilitate, through the rational planning of activities, the sustainable development of coastal zones by ensuring that the environment and landscapes are taken into account in harmony with economic, social and cultural development;~~
- ~~preserve coastal zones for the benefit of current and future generations;~~
- ~~ensure the sustainable use of natural resources, particularly with regard to water use;~~
- ~~ensure preservation of the integrity of coastal ecosystems, landscapes and geomorphology;~~
- ~~prevent and/or reduce the effects of natural hazards and in particular of climate change, which can be induced by natural or human activities;~~
- ~~achieve coherence between public and private initiatives and between all decisions by the public authorities, at the national, regional and local levels, which affect the use of the coastal zone.~~<sup>23</sup>

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- ~~preservation of the biological diversity of coastal ecosystems;~~
- ~~coastal planning to resolve the competition between urbanization, industrialization, tourism, transport, agriculture and aquaculture, and the preservation of ecosystems for future generations;~~
- ~~control of human pressure on and use of coastal resources;~~
- ~~achievement of environmental and economic objectives at an acceptable cost to society;~~
- ~~prevention and elimination, as far as possible, of pollution from all urban, industrial, tourist, agricultural and aquaculture sources, solid and liquid waste, and natural and technological hazards;~~

<sup>21</sup> [See Art. 2 (f) of the Protocol]  
<sup>22</sup> [Based on Annex I to Decision IG.20/2, p. 14]  
<sup>23</sup> [See Art. 5 of the Protocol]

~~-participation by the general public and its various associations with a view to stimulating a sense of civic responsibility in the face of these new challenges; and~~

~~-development of the institutional capacity and human resources necessary to respond to these many interlinked and often conflicting objectives.~~

~~ICZM—Integrated coastal area management should gradually become~~ should become the standard approach for tackling the problems affecting Mediterranean coastal areas. It should be addressed within a Common Regional Framework (CRF on ICZM) and through according to action plans adopted accordingly by the contracting Parties. Strategies and tools to maximize the adaptation of the coastal zone to current and future risks and uncertainties, notably climate change and natural disasters, such as floods, earthquakes and tsunamis, need to be fully integrated into the ICZM process.<sup>24</sup>To this end, at national and, where relevant, at sub-national level, relevant legislation should be enacted and institutional capacities created or strengthened. Appropriate tools, such as remote sensing, geographic information systems, systemic and prospective analysis, environmental impact assessment and economic instruments, should also be developed and implemented.

~~This legislation should encourage protection of a large percentage of the coastal strip, prevent continued urbanization and industrialization of the coastline, establish rules for identification of natural areas to be protected, and ensure compatible use of the coast.~~

~~At regional level, cooperation activities will be organized in order to:~~

~~-elaborate jointly the most appropriate planning methodologies;~~

~~-provide training, exchange of information and transfer of knowledge; and~~

~~-promote and facilitate cooperation with international institutions likely to support coastal area management policies.~~

### 1.5 **Elements of for a Mediterranean strategy**<sup>25</sup>

The concerns of sustainable development, highlighted by UNCED, Rio+20 and the 2015 United Nations Sustainable Development Summit and resulting from the complex links between socio-economic development and the environment, ~~must be fully clarified to allow a Mediterranean strategy, as well as national strategies on sustainable development, to be defined.~~<sup>26</sup>were considered in the development of the Mediterranean Strategy on Sustainable Development and are to be taken into account in national strategies on sustainable development. The effort to integrate sustainable management of natural resources with stable economic development must be made a priority throughout the Mediterranean. To this end, the main activities at the regional level will be:

~~-promoting and developing a function for the observation and assessment of the interaction between environment and development in the Mediterranean basin:~~

<sup>24</sup> [Based on Annex I to Decision IG.20/2, p. 14]

<sup>25</sup> Nbs: MSSD was adopted in 2005 and replaced by MSSD 2016-2025 in 2016.

<sup>26</sup> Nbs: See footnotes 2 (i) and 14 above.

- based on existing relevant activities at national and regional level;
- contributing to the provision of technical support for the development of similar national functions when requested by governments;
- receiving, processing and analysing relevant information on Mediterranean environment and development;
- analysing developments in the interaction between environment and development in order to assist the decision-making process; and
- elaborating sustainable development indicators applicable to the Mediterranean coastal Region along the lines developed by UNCED, Rio+20 and the 2015 United Nations Sustainable Development Summit and other international and regional institutions.
- exchanging experiences on sustainable economic development; and
- formulating of practical recommendations to facilitate integration of natural resource management and economic development when preparing national development policies.

At the national level, the main activities will be:

- establishment of structures - mainly interministerial - such as Commissions on Sustainable Development, aimed at bringing together all institutions engaged in formulating sustainable development policies;
- formulation of national strategies for sustainable development, including in particular creating the relevant financial instruments; and
- formulation of sectoral policies, incorporating environmental issues, in priority areas such as energy, industry, transport, agriculture and tourism.

The Mid-Term Strategy is the paramount instrument to implementing the above. The Mediterranean Strategy for Sustainable Development, the Action Plan on Sustainable Consumption and Production and the Regional Climate Change Adaptation Framework should also be taken into account, as appropriate.

## 1.6 National and local capacity building

The ability of the Mediterranean countries to embark on the path of sustainable development will largely be determined by their capacity to evaluate problems, determine the level of priority of urgent needs, find response strategies and provide the means to carry out such policies.

- At the national institutional level, policies for sustainable development call for an organizational framework that will ensure liaison with all relevant public administrations and agencies within the context of interministerial coordination.

**Commented [11]:**  
We should include mentions on the relevant indicators developed within the context of the Agenda 2030.

**Commented [12]:**  
We currently prefer to make reference to the "natural capital".

**Commented [13]:**  
why are we singling out only these elements?

**Commented [14]:**  
the legal relevance of the three elements is different. so it is unfit to use the "should" mode for all of them, in particular for the MSSD that is a "voluntary" tool for Cps.

- At the local level, capacities for designing and implementing sustainable development strategies will also be developed.

Capacity building will aim at developing the means available, and improving levels of training, in the following fields:

- science and technology related to the interaction between development and the environment;
- management of public services associated with the environment; and
- management of enterprises whose operation has an impact on the environment.

## 2. CONSERVATION OF NATURE, LANDSCAPE AND SITES

The Mediterranean, with its landscapes and its varied and unique natural heritage, with its age-old past made evident by the innumerable historic sites, represents for its inhabitants and for the millions of tourists who visit it every year a common heritage which deserves to be protected and conserved for present and future generations. ~~The state of the Mediterranean coastal and marine environment varies from place to place, but all parts of the Mediterranean are subject to multiple pressures acting simultaneously and in many cases chronically. Major issues requiring coordinated policy and management responses in order to stem the tide of degradation of the Mediterranean ecosystems include: coastal development and sprawl; chemical contamination; eutrophication, marine litter, marine noise, invasive non-indigenous species, over exploitation of fish stocks; sea-floor integrity; hydrographic conditions; marine food webs; and the cumulative effects on biodiversity.~~<sup>27</sup> ~~However, the negative impacts of uncontrolled urban, industrial and tourist development and the lack of appropriate environmental strategies are now becoming very evident. The massive occupation of the coastline and the discharge and dumping of large amounts of solid and liquid wastes into the sea, together with the over-exploitation of natural resources, constitute a threat to the preservation of the ecological balance and the survival of species, as well as to the conservation of several sites of great natural and historic value and of the exceptional Mediterranean landscapes.~~

Commented [15]:  
see modification proposed in the similar sentence above.

In the Mediterranean, examples of coastal management which have the protection of nature, the landscape and historic sites as their objective are still ~~very~~ rare or geographically limited. A shortage of environmentally sound management strategies, under the pressure of rapid socio-economic development, has in fact for too long favoured activities in which the short-term economic advantages were ensured but which had, in the long term, negative effects on the conservation of the Mediterranean coasts. It is evident that this negative trend could be effectively reversed if its consequences for the Mediterranean environment and its biological diversity were made widely known and if the planning and development strategies of the various subregions of the Mediterranean included the rational management of their natural and cultural heritage.

<sup>27</sup> [State of the Mediterranean Marine and Coastal Environment, 2012.](#)

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This component of MAP Phase II takes fully into account the Barcelona Convention and the Protocol concerning Specially Protected Areas and Biological Diversity<sup>28</sup> in the Mediterranean, the Strategic Action Plan for the Conservation of Biological Diversity in the Mediterranean Region (SAP BIO), SAP MED and the others strategies should be included and action plans adopted by the meetings of the Contracting Parties in line with the ecosystem approach and based upon ecological and operational objectives for the Mediterranean for biodiversity and fisheries. The aim is to propose and aims at proposing to the Contracting Parties a programme of activities that will assist them to protect and sustainably manage the natural and cultural Mediterranean heritage, with a view to accomplish the ECAP Initiative and achieve Good Environmental Status and related targets together with the operational objectives and indicators, in particular in the fields of biodiversity, fisheries, hydrography and protection from marine litter, thus contributing to the sustainable development of the region.

~~The proposed activities have been developed in line with the results of UNCED, in particular Agenda 21, the Convention on Biological Diversity and the action programme MED 24<sup>29</sup>.~~

The activities will be implemented by the Contracting Parties in coordination with, and with the assistance of, the MAP Secretariat and the competent Regional Activity Centres. They will be implemented, as appropriate, in cooperation and coordination with the relevant programmes of the United Nations and the Secretariats of the Conventions, the European Union, especially its NATURA 2000 Network, and other international organizations concerned, as well as with NGOs and networks particularly active in specific fields, in order to create an integrated and efficient synergy in the region and avoid duplication of work.

Five types of activities will be carried out within the framework of the implementation of the above mentioned instruments ~~Protocol:~~

- collection of data and periodic assessment of the situation;
- legal measures;
- planning and management;
- public awareness and participation; and
- exchange of experience and strengthening of national ~~tural~~ capabilities.

## 2.1 Collection of data and periodic assessment of the situation<sup>30</sup>

If the level of knowledge on the extent and status of conservation of the historic and cultural heritage of the Mediterranean region can be considered satisfactory, the same cannot be said with regard to the natural heritage, knowledge of which is still very fragmentary. It is therefore important to carry out research and studies to fill the existing gaps for the purpose of defining appropriate action.

<sup>28</sup> Nbs: (i) SAP/BIO adopted in 2003 and a number of regional action plans on species since 1995; (ii) Good Environmental Status related to Biodiversity defined in 2013.

<sup>29</sup> Nbs: See footnote 2 (i) above.

<sup>30</sup> Nbs: IMAP was approved in 2016.

Commented [16]:  
the reference seems very limited and outdated

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the typology of the actions listed should better consider the many additional instruments listed above and not remain limited to action only considering the SPA/BIO Protocol

The main objective of the present programme is therefore the overall assessment of the status and, where possible, the evolution of biological diversity in the Mediterranean so as to protect it better. It will include:

- at the regional level, the preparation of inventories of natural sites and elements of biological diversity of common Mediterranean interest, and of lists of the threatened and/or endangered species of the region and natural sites, including in Specially Protected Areas of Mediterranean Importance; and
- at the national level, the preparation of inventories of species and sites of special natural value as well as of areas with rare or fragile ecosystems that are reserves of biological diversity and are important for threatened and/or endangered species.

Such inventories and lists will be prepared according to common criteria jointly established by the Contracting Parties, in particular through the Integrated Monitoring and Assessment Programme and related Assessment Criteria (IMAP), will be kept regularly updated and used as the basis for conservation and planning programmes, using as appropriate the best available techniques.

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it is essential to confirm the centrality of IMAP.

## 2.2 Legal measures

Legislation on the protection of the natural and cultural heritage although strengthened in the last years, at national level and within the international frame, is still at present insufficient in many Mediterranean countries and it is therefore necessary to adopt modern and adequate legislation in order to support the implementation of conservation policies.

It is also necessary for the Parties take the measures required to ensure that the legal measures adopted are actually implemented.

The following activities will be implemented:

- the institution by Contracting Parties of appropriate legal provisions by adopting instruments to allow for legal protection of sites of special interest because of their natural and/or cultural value. The methods and inventories developed in the European Union and in international organizations could serve as a basis in this respect. Special attention will be given in the Mediterranean to the habitats of threatened species, to insular environments and to archaeological remains, including underwater ports, structures and wrecks;
- the granting of legal protection status to the threatened and/or endangered species identified in the above-mentioned lists. In this regard, the monk seal and the different species of Mediterranean marine turtles and cetaceans deserve special attention;
- the creation of national mechanisms to monitor implementation of the protection measures instituted; and

**Commented [19]:**  
Is this list still adequate? what about sharks and other living marine resources included in specific APs within SAP BIO?



-the extension of the MPAs included in strengthening establishment of thea list of "Specially Protected Areas of Mediterranean Importance" (SPAMI) and their better management and networking;

the a-timely update of the list of endangered species.

### 2.3 Planning and management

In addition to the legal protection of the sites, it is essential for such sites to be the object of a management system which, while ensuring the preservation of their natural and/or cultural values, would promote the social aspects, in particular those related to education, awareness, research and recreation.

In the planning process for the protected areas, the role that they could play in the development of economically depressed areas, for example, through the promotion of environment-friendly tourism and tourism in cultural sites, should also be taken into account.

It will also be necessary to identify the processes and factors which have or are likely to have adverse effects on the conservation of biological diversity and at the same time to carry out monitoring and periodic assessment of the conservation status of the sites and the species possessing a special status.

Forms of active management are equally necessary for the conservation of most species.

The following activities will therefore be implemented:

- the formulation and adoption of national strategies to ensure the conservation of biological diversity and the cultural heritage and their integration in development and planning policies;
- the formulation and adoption, at the regional and national levels, of specific action plans for the conservation and management of sites, habitats, ecosystems and threatened and/or endangered species and also the implementation of the action plans already adopted;
- the effective management of protected sites, in particular through the formulation, adoption and implementation of specific management plans;
- the establishment of land-policy tools allowing lasting protection of the areas to be protected, including those outside protected areas;
- the encouragement of active public participation in the conservation and management of protected species and sites;
- the establishmentfurther implementation of a Mediterranean diploma, awarded in the course of Ordinary Meetings of the Contracting Parties, for a "Specially Protected Area of Mediterranean Importance" (SPAMI) <sup>31</sup> distinguished by the

<sup>31</sup> Nbs: To be updated.

implementation of specific and concrete activities in the field of management and conservation of the Mediterranean natural heritage; and

-the preparation of specific regional activities or projects for the conservation of nature and biological diversity with a view to mobilizing the necessary financial resources outside the Mediterranean Trust Fund.

#### **2.4 Public awareness and participation**

Without public support, the application of nature protection and conservation measures cannot achieve results commensurate with the challenges and threats looming over the natural heritage of the Mediterranean.

By informing and inculcating awareness in particular target groups and in the general public, it has been possible in several countries not only to lessen opposition to certain conservation programmes but even, in some cases, to achieve active public participation.

The main objectives of this component are to consolidate awareness and information at both local and national, as well as regional, levels in addition to ensuring the rapid circulation of scientific research results, to ensure effective implementation of Article 15 of the Barcelona Convention, and taking into account developments at the international level, including the 1998 Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters. The following activities will be undertaken:

-development of education and information programmes to arouse public awareness, together with initiatives aimed at special target groups (young people, fishermen, people connected with protected areas);

-promotion of speedy dissemination of available data by various means, including the media, concerning the state of habitats and populations and the threats affecting them, especially for protected species, and on the management and conservation activities and programmes conducted; and

-establishment at national and/or local levels, and periodic assessment of information and awareness programmes in line with the conservation measures carried out or envisaged.

#### **2.5 Exchange of experience and strengthening of national capabilities**

The protection and management of the natural and cultural heritage need specific competences and adequate financial and technical resources. In the Mediterranean region, there are at present wide differences in the availability of such competences and technologies. For the developing countries of the Mediterranean the improvement of national capabilities in these fields represents an important aspect of strengthening inter-Mediterranean cooperation for the protection of the natural and cultural heritage, and for better participation in regional programmes.

The main objective of the present programme is the improvement of the institutional capabilities of the Mediterranean countries in the field of conservation and management of natural resources and of the cultural heritage.

This objective will be reached through:

- technical cooperation and transfer of knowledge among the Contracting Parties and other actors;
- the establishment of networks to improve the exchange of experience among Mediterranean experts, especially in the field of protected areas and sites;
- the preparation of training programmes in scientific, technical and managerial fields for personnel involved in the formulation and implementation of conservation measures and management; and
- assistance to countries in the formulation of projects eligible to be financed by international financial donors.

### 3. ASSESSMENT, PREVENTION AND ELIMINATION OF MARINE POLLUTION

Since the adoption of the Mediterranean Action Plan in 1975, individual Mediterranean countries and the Mediterranean region as a whole have made considerable progress in the protection of the Mediterranean marine environment against chronic or accidental pollution. Despite such progress, the coastal region of the Mediterranean is under considerable stress; The solution to the problem requires coordinated actions of assessment, prevention and elimination of pollution, bearing in mind the inseparable character of the relationship between economic development and environment.

In line with the concepts and recommendations of UNCED and in particular Agenda 21, Rio+20 and the 2015 United Nations Sustainable Development Summit<sup>32</sup>, this component of MAP Phase II provides the basis for actions related to assessment, prevention and elimination of marine pollution from land-based and sea-based activities, in the perspective of sustainable development.

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add a reference to the relevant Agenda 2030 goals and target

The main objective of this component is the prevention, reduction and elimination of pollution of the Mediterranean Sea from land-based and sea-based activities.

#### 3.1 Assessment of pollution-related problems<sup>33</sup>

Assessment of pollution-related problems allows present uncertainties when facing management decisions to be reduced and the links between inputs, concentrations and effects of pollutants clarified. Such an assessment started in the Mediterranean several decades ago in MAP, through its MED POL programme.

Through this programme, which has been implemented jointly with relevant United Nations agencies, a Mediterranean network of over 150 institutions participating in research and monitoring of marine pollution has been established; many of these institutions received assistance in capacity-building.

<sup>32</sup> Nbs: See footnote 2 (i) above.

<sup>33</sup> Nbs: See footnote 18 above.

The results of these activities have been used as a basis for the preparation of assessment documents presented to the Contracting Parties, legal instruments and common measures for pollution control. Even though many data were accumulated on the main pollutants, their sources, and basic pathways and their fate in the environment, gaps in knowledge still exist, among them are a lack of quantitative data on pollution sources, inadequate geographical coverage in the South, poor information on the environmental fate of pollutants and missing links between levels and the effects on biological communities.

The objective of this component is to make assessments, taking into account through the Integrated Monitoring and Assessment Programme and Related Assessment Criteria, assessment of the following:

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See comment above

- levels and trends in the load of pollutants reaching the Mediterranean Sea from land-based and sea-based sources;
- levels, trends and effects of pollutants in the marine environment;
- risks of pollutants for marine life, fisheries and human health in coastal waters, estuaries and open waters;
- state of the treatment and disposal of liquid and solid waste in the Mediterranean coastal region;
- pollution prevention and clean production processes and the dissemination of information and expertise to allow all parties to implement such processes; and
- extent to which the Mediterranean marine environment is affected by marine pollution from ships and is at risk from a major marine accident.

The activities to be carried out in order to achieve the stated objectives are:

#### Regional level

- to collect information on the levels and trends of loads of pollutants reaching the Mediterranean Sea;
- to complete the existing network of national programmes for monitoring of pollution, based on adequate observation and monitoring techniques and incorporating mandatory data quality assurance programmes;
- to collect information on the state of the treatment and disposal of liquid and solid wastes in the Mediterranean coastal region and to present such information to the Contracting Parties;
- to collect information on the effects of pollution, including that coming from ships, on the marine environment;

- to provide the Contracting Parties, interested groups and individuals with information about general and specific pollution-related problems and potential short-term and long-term threats to the Mediterranean region; and
- to collect and provide to other Parties information on pollution prevention, elimination and clean production measures and processes in place.

#### National level

- to establish/improve national monitoring programmes through assistance for capacity building of national authorities and individual laboratories, training and data quality assurance programmes.

### **3.2 Pollution prevention**

#### **3.2.1 Prevention and elimination of the pollution of the marine environment from land-based activities**

Marine pollution from land-based sources and activities has long been recognized as a major problem in the marine environment. One of the responses of the Mediterranean countries to this problem was the adoption of the Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources (LBS Protocol), which came into force in 1983. ~~In the framework of the implementation of the LBS Protocol, by the end of 1994 thirteen Mediterranean recommendations concerning common measures for the control of LBS of pollution had been adopted by the Contracting Parties. As a measure for strengthening the Protocol further, and was amended and strengthened in 1996, and is now complemented by regional plans containing measures and timetables for their implementation, in particular to phase out inputs of substances that are toxic, persistent and liable to bioaccumulate. The marine pollution monitoring and research programme (MED POL), carried out in the framework of the Mediterranean Action Plan, is gradually refocusing on addressing problems of direct relevance to the prevention and elimination of pollution from land-based activities.~~<sup>34</sup>

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The objective of this component is:

- the protection of the Mediterranean marine environment from the pollution from land-based activities. This objective will be met through the specific activities arising from the provisions of the amended LBS Protocol and common measures for the elimination of pollution. This objective could be achieved through the formulation and adoption of a regional action plan for the reduction and, as far as possible, the elimination of pollution from land-based activities, which will include quantitative objectives and timetables a calendar of implementation. Such ~~a plan~~ should be based on the following principles: integrated coastal zone and river basin management; the precautionary principle; the polluter-pays principle; the clean production technology principle; an anticipatory rather than reactive approach; environmental impact assessment; environmental accounting, economic instruments (user fees, specific taxes, pricing policies and practices) and voluntary agreements (covenants).

<sup>34</sup> ~~Nbs: Ten Regional Plans were adopted since 1995 in the framework of art. 15 of the LBS Protocol.~~

The following activities are recommended:

#### Regional level

- to develop proposals for concrete measures for pollution prevention, reduction and elimination, based on the precautionary approach, as required by the Barcelona Convention and its Protocols, and in line with the SAP MED and action plans adopted by the Contracting Parties;
- to develop technical guidelines for the implementation of the measures adopted and to assist developing countries in their implementation and enforcement;
- to collect information on the implementation of the measures adopted or recommended by the Contracting Parties and on their effectiveness, and to inform the Contracting Parties accordingly; and
- to identify problems experienced by the Contracting Parties in the implementation of the measures and to formulate proposals which may help to overcome those problems.

#### National level

- to **formulate and implement** <sup>35</sup> plans, comprising legally binding programmes of measures and timetables required to achieve Good Environmental Status<sup>36</sup>. Such national action programmes or plans, based on the precautionary approach, aim to prevent and eliminate pollution from land-based activities. Such programmes or plans should include, as appropriate:
- the setting up or the strengthening of a public administration specialized in the prevention of and fight against pollution and the provision of adequate funds for its funding;
- development of adequate national legal instruments and the formulation and adoption of measures for prevention and elimination of pollution;
- the creation or strengthening of bodies of environmental inspectors having specific training and administrative authority;
- the use of appropriate economic instruments deriving from the "polluter pays" principle and the precautionary approach;
- encouraging voluntary agreements (covenants) for the reduction and elimination of pollution, where appropriate;

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<sup>35</sup> NbS: NAPs already formulated through 2 cycles.

<sup>36</sup> [Based on Decision IG.22/8, para. 1]

- establishing a calendar for the full implementation of the common measures against pollution adopted by the Contracting Parties, as well as the relevant points of the Genoa Declaration;
- to develop and implement national compliance monitoring programmes, carried out by participating national collaborating institutions; and
- provision for mandatory country reporting on the implementation of national action plans, including the monitoring of compliance.

### 3.2.2 Prevention of and response to the pollution of the marine environment from sea-based activities

This component of MAP Phase II aims at proposing strategies and activities which will support and supplement national efforts for the prevention of, preparedness for and response to the pollution of the marine environment from sea-based activities.

#### (a) Prevention of pollution of the marine environment from ships

Among the world's oceans, the traffic density of merchant vessels in the Mediterranean is particularly important. The Mediterranean is a major shipping lane. It is estimated that around 80% of global trade by volume and over 70% of global trade by value are carried by sea,<sup>37</sup> with approximately 15% of global shipping activity by number of calls and 10% by vessel deadweight tonnes (dwt)<sup>38</sup> is taking place in the Mediterranean. About 30 per cent of international sea-borne trade volume originates from or is directed to the 300 Mediterranean ports, or passes through the Mediterranean Sea.

Marine pollution from ships is, to a considerable extent, due to inadequate implementation and insufficient enforcement of international standards. In the course of routine operations, ships may discharge into the sea, a wide variety of substances such as oily wastes, noxious liquid substances, sewage and garbage, may produce ballast water pollution, and may emit greenhouse gas and ozone depleting substances, as well as underwater noise. The discharge into the sea and in the air of such substances and energy is a significant source of pollution of the marine environment. Ship design, maintenance and operation in compliance with the higher standard adopted within the International Maritime Organization, as well as the availability of port reception facilities, will largely reduce pollution to acceptable levels.

Following the Genoa Declaration (1985), which included among priority targets to be achieved the establishment of port reception facilities for dirty ballast waters and other oily residues, an Action Plan concerning the provision of adequate port reception facilities within the Mediterranean region was adopted in the framework of the MAP in Cairo in December 1991.<sup>39</sup> Under the Regional Strategy for the Prevention of and Response to Marine Pollution from Ships, Contracting Parties are expected to provide adequate reception facilities in their ports.

<sup>37</sup> UNCTAD, 2015

<sup>38</sup> REMPEC, 2008

<sup>39</sup> NBS: Need to refer also to later developments.

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The objectives of this component are:

- the prevention of pollution of the Mediterranean marine environment from ships by providing incentives and encouragement for the adoption, effective implementation and enforcement of the international conventions for the prevention of the pollution from ships; and
- the establishment, where necessary, of port reception facilities for the collection of liquid and solid wastes generated from ships (oily and chemical residues, sewage and garbage).

The following activities to be carried out in order to achieve the stated objectives will be implemented with the assistance of the competent Regional Activity Centre and the cooperation of the International Maritime Organization:

#### Regional level

- to implement Article 14 on Port Reception Facilities of the Protocol Concerning Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, Combatting Pollution of the Mediterranean Sea, the Mediterranean Strategy on Ships' Ballast Water Management, the Regional Plan on Marine Litter Management in the Mediterranean and the Regional Strategy for the Prevention of and Response to Marine Pollution from Ships (2016-2021) Action Plan concerning the provision of adequate port reception facilities within the Mediterranean region (adopted in Cairo in December 1991)<sup>40</sup>;
- to promote regional cooperation in the field of Port State Control;
- to promote regional cooperation in monitoring marine pollution from ships, especially that from illegal discharges, enforcing the provisions of MARPOL 73/78 and its six Annexes more rigorously<sup>41</sup>; also through the voluntary Mediterranean Network of Law Enforcement Officials relating to MARPOL within the framework of the Barcelona Convention (MENELAS), as appropriate; and the organization of Coordinated Aerial Surveillance Operations;and
- to develop technical guidelines for the establishment and operation of shore reception facilities for wastes generated by maritime transport-related activities.

#### National level

- to assist in the design and implementation of projects related to the establishment and operation of port reception facilities; and
- to assist Contracting Parties which face difficulties in ratifying, implementing and enforcing the relevant international conventions.

#### -(b) Preparedness for, response to and cooperation in cases of accidental marine pollution

<sup>40</sup> Nbs: See footnote 24 above.

<sup>41</sup> Nbs: See footnote 24 above.

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In the Mediterranean Sea the risks of an incident likely to cause massive pollution by oil or by other hazardous substances continues to be high. The Mediterranean Sea is both a major load and discharge centre for crude oil. Approximately 18%, or 421 million tonnes, of global seaborne crude oil shipments which in 2006 amounted to approximately 2.3 billion tonnes, take place within or through the Mediterranean, a major route for transporting oil and gas from the Middle East and North Africa to Europe and North America (20 per cent of oil carried worldwide by ships), and the region has about 58 major oil loading and unloading ports.<sup>42</sup>

~~Most~~Some of the countries are not in a position to rely solely on their own resources when dealing with a major marine pollution accident. Regional cooperation and mutual assistance are therefore indispensable. The pooling of resources and expertise will provide a cost effective way of combating spills. In order to be quick and effective, both cooperation and assistance have to be planned and organized.

In 1976 the Mediterranean countries adopted a Protocol concerning Cooperation in Combating Oil Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency. This Protocol provides the legal and institutional framework for actions of regional cooperation in combating accidental marine pollution and decided to set up a Regional Centre with a view to assisting them in implementing the Protocol. The Regional Centre (REMPEC) is administered by the International Maritime Organization with a view to assisting them in implementing the Protocol. The legal framework was strengthened in 2002 by the adoption of the Protocol concerning Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution of the Mediterranean Sea, which has replaced the previous Protocol.

Since 1976, activities have been undertaken which have helped to develop the individual and collective capabilities of the coastal States of the Mediterranean to combat accidental marine pollution by oil and hazardous substances.

The objectives of this component are:

- the development of national, bilateral and/or subregional systems for preparedness for and response to accidental marine pollution by oil and other hazardous substances, including organizational structure, contingency plans, trained personnel and appropriate pollution response means; and
- the organization of cooperation among Contracting Parties in preparing for and responding to accidental marine pollution in case of emergency.

The activities to be carried out in order to achieve the stated objectives are:

#### Regional level

- to develop and maintain a regional information system including computerized tools for assisting in marine pollution response;

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<sup>42</sup> Nbs: See footnote 6 above.

-to adopt measures for facilitating cooperation among countries in order to respond to accidents causing or likely to cause pollution of the sea by oil and other harmful substances;

-to prepare guidelines, manuals, documents and reference publications relevant to preparedness for and response to accidental marine pollution; and

-to facilitate and coordinate international cooperation and mutual assistance and to provide, in case of emergency, advisory assistance upon request.

- to implement the [Regional Plan on Marine Litter Management in the Mediterranean and the Regional Strategy for the Prevention of and Response to Marine Pollution from Ships \(2016-2021\)](#).

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Include a mention to the Ballast Water Management Strategy

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#### Subregional level

-to develop subregional operational agreements for combating major marine pollution accidents, affecting or likely to affect the territorial sea, coasts and related interests of neighbouring countries.

#### National level

-to develop a national system, including the training of personnel, for preparedness for and response to accidental marine pollution; and

-to assist in the design and implementation of pilot demonstration projects.

#### -(c) Prevention of the pollution of the marine environment by dumping from ships and aircraft

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Pollution of the marine environment by dumping of wastes or other matter from ships and aircraft, if not controlled, poses an environmental danger in the Mediterranean Sea.

The objective of this programme is:

-the prevention and abatement of pollution of the Mediterranean Sea Area caused by dumping from ships and aircraft. This objective will be met through the specific activities arising from the provisions of the Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft.

The activities to be carried out in order to achieve the stated objective are:

#### Regional level

-to collect information on issuance of permits and dumping activities and to present consolidated reports to the Contracting Parties;

-to prepare technical guidelines regarding disposal methodology and monitoring of disposal sites; and

- to assess the implementation of this Protocol, and consider the efficiency of the measures adopted and the need for any other measures.

#### National level

- to assist the Contracting Parties to take, individually or through bilateral or multilateral cooperation, all appropriate measures to prevent and abate pollution of the Mediterranean Sea, as specified in the Dumping Protocol;
- to adhere strictly to the adopted procedure on issuance of permits and submission of national annual reports on dumping permits and activities; and
- to develop and implement programmes for the monitoring of established dumping sites.

#### -(d) Prevention and control of the pollution of the marine environment resulting from exploration and exploitation of the continental shelf and the seabed and its subsoil

The activities related to the exploration and exploitation of the continental shelf and the seabed and its subsoil are an important potential source of pollution for the Mediterranean. In particular, exploration, rig construction, drilling mud, water discharge, operational oil discharges, loading and accidents represent a realistic threat to the Mediterranean marine environment.

The objective of this component is the protection of the Mediterranean marine environment from all forms of pollution resulting from offshore activities. This objective will be met through specific activities arising from the provisions of the Protocol for the Protection of the Mediterranean Sea against Pollution resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil, and of the Mediterranean Offshore Action Plan in the framework of the Protocol for the Protection of the Mediterranean Sea against Pollution resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil.

The activities to be carried out in order to achieve the stated objective are:

#### Regional level

- to promote cooperation among Contracting Parties, with the assistance of competent regional or international organizations, to formulate and implement programmes of assistance to developing countries including training of personnel and acquisition of appropriate equipment; and
- to formulate and adopt common standards for the disposal of oil and oily mixtures and for the use and disposal of drilling fluids and drill cuttings.

#### National level

- to monitor the effects of the activities on the environment through the creation of national monitoring programmes; and

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-to organize research studies and programmes enabling the carrying out of the activities with minimum risk of pollution.

### 3.2.3 Prevention and control of the pollution of the environment resulting from transboundary movements of hazardous wastes and their disposal

In the Mediterranean, a crossroads between three continents and countries at different levels of industrial and socio-economic development, transboundary movements of hazardous wastes have become a serious potential threat especially for the developing countries of the region. It is in fact known that only a small part of the hazardous wastes produced is disposed of through hazardous wastes disposal technology.

The objectives of this component are:

- the protection of the Mediterranean environment against pollution caused by transboundary movements and the disposal of hazardous waste;
- the prohibition of all exports of hazardous waste from the OECD countries of the Mediterranean to countries which are not Member States of the European Union; and

~~the early ratification and implementation of the draft<sup>43</sup> Protocol for the Prevention of Pollution of the Mediterranean Sea resulting from the Transboundary Movements of Hazardous Wastes and their Disposal, as well as of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal.~~

The activities to be carried out in order to achieve the stated objectives are:

#### Regional level

- to develop and apply appropriate guidelines for the evaluation of damage, as well as rules and procedures in the field of liability and compensation for damage resulting from the transboundary movement and disposal of hazardous wastes;
- to develop new clean production methods for reducing and eliminating hazardous wastes; and
- to establish regional cooperation for the prevention and control of transboundary movements of hazardous wastes.

#### National level

- to assist the Contracting Parties to reduce to a minimum, and where possible eliminate, the generation and transboundary movement of hazardous wastes in the Mediterranean;

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<sup>43</sup> Nbs: Requires update.

- to assist the Contracting Parties to take appropriate legal, administrative and other measures within the area under their jurisdiction in order to prohibit the export and transit of hazardous wastes to developing countries; and
- to develop programmes for financial and technical assistance to developing countries for the implementation of the Hazardous Wastes Protocol.

### 3.3 Supporting measures

The assessment, prevention and elimination of marine pollution in the Mediterranean cannot be achieved without a strong national institutional basis supported with adequate financial resources, equipment and experts. While the situation in developed countries of the Mediterranean region seems adequate to deal with the implementation of this component, the capacity of the developing countries will need further strengthening.

The objective of this component is the building of the institutional capabilities of the Contracting Parties for the assessment and elimination of marine pollution.

The activities to be carried out in order to achieve the stated objectives are:

- to provide advice on legal, technical and fiscal policies, strategies, and practices which may contribute to the implementation of the measures and targets adopted by the Contracting Parties;
- to prepare guidelines, manuals, documents and reference publications relevant to the implementation of this component;
- to formulate and implement pollution data quality assurance programmes;
- to facilitate the exchange of information and access to and transfer of relevant technologies;
- to organize individual and group training (e.g., seminars, workshops) of national experts (administrators, technicians, scientists) in all subjects relevant to this component;
- to formulate and implement adequate educational and public awareness programmes; and
- to facilitate contacts with international financial institutions in order to obtain financial support for the implementation of specific activities.

## 4. INFORMATION AND PARTICIPATION

Public information and public participation are a dimension essential to the policy of sustainable development and environmental protection.

The objectives of this component are:

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Shouldn't we mention the Communication Strategy?

-to provide to the general public the information available on the state of the development and environment of the Mediterranean and its evolution, and the measures taken to improve it;

-to enhance the environmental awareness of the population, and create a common approach to the environmental problems of the Mediterranean;

-to facilitate public access to activities for the protection and management of the environment and access to scientific knowledge in a proper manner; and

-to mobilize and ensure the participation and involvement of major actors concerned (local and provincial communities, economic and social groups, consumers, etc).

To achieve the stated objectives on the national and regional levels, the actions needed are:

-to implement coordinated information campaigns and special activities on environmental protection, directed towards managers and decision-makers, as well as children, students, teachers and tourists;

-to launch educational programmes aimed at informing the public, women and young people in particular, of the value and the rarity of natural heritage, the need to avoid degradation of natural and urban environments, and the importance of public participation in their conservation and management;

-to continue and expand publication and distribution of brochures, leaflets, posters, reports, newsletters and other information material, as well as the use of the media in all its forms;

-to enhance and strengthen the exchange of information and experience on environmental problems of the region, and to develop cooperation in this field;

-to ensure, through the Coordinating Unit and the Regional Activity Centres, that all relevant IGOs and NGOs have appropriate access to information concerning MAP, and actively participate in MAP activities accordingly; and

-to publish the Report on the State and Evolution of the Mediterranean Environment at regular intervals.

## II STRENGTHENING OF THE LEGAL FRAMEWORK

While the development of international environmental law has accelerated rapidly since the Stockholm Conference of 1972, ~~UNCED has placed~~ emphasis has been placed on the increased evolution of international environmental law towards sustainable development, paying special attention to the delicate balance between environmental and developmental concerns.

~~The Agenda 21 programme emphasized the importance of the use of law to achieve this balance and contribute to the process of monitoring compliance.~~

During their ~~twenty-four~~ years of cooperation, the Contracting Parties to the Barcelona Convention (1976) have adopted a number of important legal instruments which, result in fostering cooperation. These include:

~~-Convention for the Protection of the Mediterranean Sea against Pollution, which, as amended in Barcelona in 1995, changed its name into Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (the amendments entered into force on 9 July 2004 (Barcelona, 1976));~~

~~-Protocol for the Prevention of the Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft (Barcelona, 1976) in force from 12 February 1978), which, as amended in Barcelona on 10 June 1995, changed its name into Protocol for the Prevention and Elimination of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft or Incineration at Sea (the amendments are not yet in force);~~

~~-Protocol concerning Co-operation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency (Barcelona, 1976), which has been replaced by the Protocol Concerning Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution of the Mediterranean Sea (Valletta, 2002; in force from 17 March 2004);~~

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~~-Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources (Athens, 1980), which, as amended in Syracuse on 7 March 1996, changed its name into Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources and Activities (in force from 11 May 2008);~~

~~-Protocol Concerning Mediterranean Specially Protected Areas (Geneva, 1982), which has been replaced by the Protocol Concerning Specially Protected Areas and Biological Diversity in the Mediterranean (Barcelona, 1995; in force from 12 December 1999); and~~

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~~-Protocol for the Protection of the Mediterranean Sea against Pollution resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil (Madrid, 1994; in force from 24 March 2011);~~

~~-Protocol on the Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and their Disposal (Izmir, 1996; in force from 18 December 2007);~~

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~~-Protocol on Integrated Coastal Zone Management in the Mediterranean (Madrid, 2008; in force from 24 March 2011).~~

~~With regard to the legal aspects, MAP Phase II will result in an amended Convention for the Protection of the Mediterranean Sea against Pollution, an amended Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft, and a new Protocol concerning Mediterranean Specially Protected Areas and Biodiversity in the Mediterranean.~~

~~It is also expected that a new protocol on the protection of the Mediterranean region against pollution deriving from the transboundary movements and disposal of hazardous wastes will soon be adopted, as well as amendments to the Protocol for the Protection of the Mediterranean Sea against Pollution from Land-based Sources.~~

These amended and new texts take into consideration the development of international environmental law and the introduction of the sustainable development concept.<sup>44</sup>

As to the legal aspect, MAP Phase II will be implemented on the basis of the following:

- developing further appropriate legal instruments in order to strengthen and consolidate the legal basis of Mediterranean cooperation;
- supporting the Mediterranean countries, ~~as appropriate, in particular developing countries,~~ in their efforts to develop and upgrade their environmental regulations related to the protection of the environment and sustainable development, be fully involved in regional and international negotiations dealing with the protection of the environment and sustainable development and be assisted in achieving the early entry into force and effective implementation of regional and relevant international environmental agreements;
- providing ~~developing~~ Mediterranean countries with technical assistance in their attempts to enhance their national legislative provisions in the field of environmental protection and sustainable development with a view to clarifying them and enhancing their effectiveness;
- enhancing full, effective and prompt implementation of the legal instruments adopted by the Contracting Parties at the regional level is a prerequisite for future cooperation and partnership of the Mediterranean countries in their efforts to protect their environment and develop their region in a sustainable manner;
- strengthening and applying the compliance mechanisms and procedures adopted by the Contracting Parties and the Reporting System established for the implementation of the Barcelona Convention and its Protocols;
- upgrading administrative capacity by means of a system of permits and control, as well as strengthening jurisdictional capacity building, in the field of environmental law at the national level, will contribute largely to the effective implementation of regional and national laws and agreements related to environmental protection and sustainable development in the Mediterranean region; and
- carrying out periodic review and assessment should be undertaken by Mediterranean countries with a view to evaluating and promoting the effectiveness of their regional laws and regulations and to promoting the integration of environmental and sustainable development policies through effective national laws and regional agreements.

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<sup>44</sup> ~~NbS: This section requires update to include later developments.~~



The Contracting Parties play a fundamental role in ensuring the success of the Mediterranean Action Plan, in particular by working on the strengthening and development of a legal framework at the national and regional levels related to the protection of the environment and sustainable development.

The Contracting Parties will ensure at all times that the instruments they create at regional and national levels are in keeping with the development of international environmental law.

### III. INSTITUTIONAL AND FINANCIAL ARRANGEMENTS

#### 1. INSTITUTIONAL ARRANGEMENTS

At the institutional level, the Mediterranean Action Plan Phase II will be implemented in line with the following:

- the Contracting Parties to the Barcelona Convention exercise the functions established by the Convention in the framework of their Ordinary and Extraordinary meetings. They approve the activities and budget of MAP Phase II. They appoint a Bureau which assume some of their responsibilities during the interval between meetings of the Contracting Parties;
- the Contracting Parties have designated the United Nations Environment Programme as responsible for carrying out the function of the Secretariat;
- to ensure this function, the Executive Director of UNEP has established a Coordinating Unit. The Unit prepares the meetings of the Contracting Parties and of the Bureau, and is responsible for following up the decisions taken. The Unit maintains relations and coordinates its activities with international and non-governmental organizations. The Unit reports regularly on its activities and those of the Regional Activity Centres;
- the Regional Activity Centres are established by the Protocols or by the meeting of the Contracting Parties on the proposal of a Party which provides the necessary means and facilities for their operation. They are responsible for carrying out specific activities agreed upon by the Contracting Parties under the general guidance and supervision of the Coordinating Unit for the Mediterranean Action Plan of UNEP. Their status is ~~defined~~harmonized in formal agreements between UNEP and the host countries;
- ~~-the Executive Coordination Panel is chaired by the Coordinating Unit and made up of the Directors of the MAP Components to enhance collaboration and coordination across the MAP system;<sup>45</sup>~~
- The Mediterranean Commission on Sustainable Development (MCSD), established in 1995 and reformed in 2016, is an advisory body to the Contracting Parties to assist them in their efforts to integrate environmental issues in their socio-economic

<sup>45</sup> [Decision IG.17/5](#)

~~programmes and, in so doing, promote sustainable development policies in the Mediterranean coastal region. The Commission is unique in its composition, in as much as government representatives, local communities, socioeconomic actors, IGOs and NGOs participate on an equal footing. The mission of the MCSD includes, *inter alia*, to ensure the follow up of the implementation of the Mediterranean Strategy on Sustainable Development. It is established in the framework of MAP. It constitutes a forum for open dialogue and consultation with all relevant partners on policies for promoting sustainable development in the Mediterranean Basin on the basis of activities and contributions identified by MAP Phase II and implemented by Parties and the MAP in line with Agenda MED 21. It advises on activity programmes and formulates the necessary recommendations for Contracting Parties.~~<sup>46</sup> The Coordinating Unit provides Secretariat services for the Commission;

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~~The Compliance Committee was established in 2008 to advise and assist the Contracting Parties in meeting their obligations under the Barcelona Convention and its Protocols and to facilitate and promote compliance;~~

~~-ad hoc advisory working groups may be established by the Contracting Parties to follow up the implementation of the Protocols or of specific programmes;~~

~~-each Contracting Party, within its national administration, appoints one or more focal points responsible for the follow-up and coordination of MAP activities at national level, and for ensuring the dissemination of information. Specific focal points are also appointed by the national focal point to follow up implementation of a Protocol or the activities of a Regional Activity Centre.~~

## 2. FINANCIAL ARRANGEMENTS

Commented [24]:  
We should include a mention to the Resource Mobilization Strategy.

The Contracting Parties consider and adopt the budget prepared by the Coordinating Unit. This budget is financed by contributions from the Contracting Parties, voluntary contributions from governments, supporting organizations and selected non-governmental sources, as well as clearly identified counterpart contributions.

The contributions of the Contracting Parties are assessed on the basis of a mutually agreed scale taking into account the United Nations scale of assessment.

The Mediterranean Trust Fund is established within the framework of the United Nations Environment Programme to ensure the effective coordination and funding of the Mediterranean Action Plan. An appropriate revolving fund is maintained.

The Mediterranean Trust Fund is managed in accordance with the financial rules of the United Nations Environment Programme and those approved by the Contracting Parties. ~~These rules may be amended in agreement with UNEP.~~<sup>47</sup>

<sup>46</sup> Nbs: See revised constitutive documents of MCSD approved in 2016.

<sup>47</sup> Nbs: MAP Financial Rules were approved by the Contracting Parties in 2013.

**PRIORITY FIELDS OF ACTIVITIES  
FOR THE ENVIRONMENT AND DEVELOPMENT  
IN THE MEDITERRANEAN BASIN**

**(1996-2005)<sup>48</sup>**

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<sup>48</sup> Nbs: See MTS 2016-2021—it could either be inserted as Annex I or referred to in the text.

## PRIORITY THEMES FOR THE ENVIRONMENT AND DEVELOPMENT IN THE MEDITERRANEAN BASIN

(as contained in UNEP/MAP MID-TERM STRATEGY (MTS) 2016 - 2021)

The **Ultimate Objectives** are the achievement of Good Environmental Status (GES) of the Mediterranean and the contribution to sustainable development. The **Strategic Themes** are selected accordingly, and will be promoted under the Overarching Theme of Governance.

The **Core Themes** are:

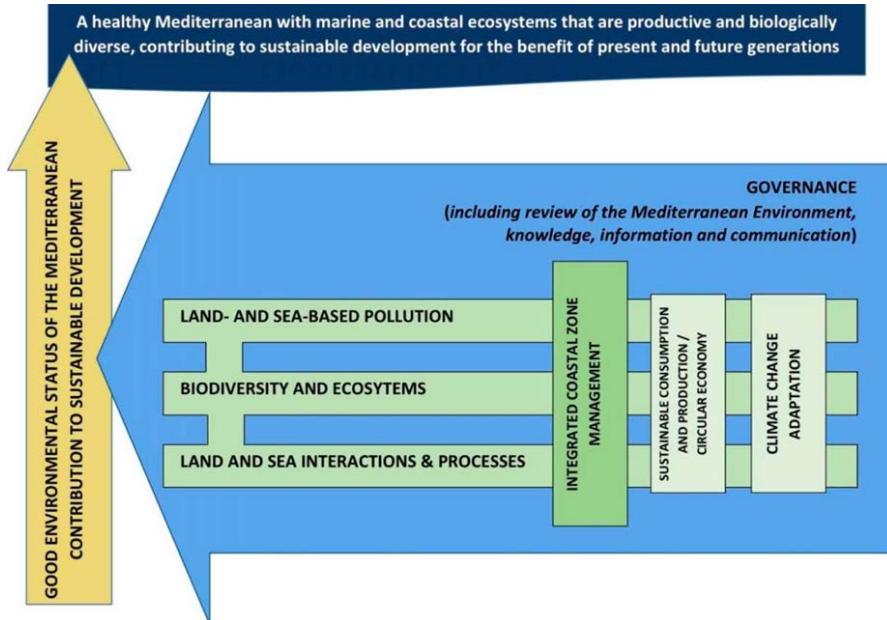
- Land and sea-based pollution;
- Biodiversity and ecosystems;
- Land and sea interactions and processes.

The **Cross-cutting Themes** are:

- Integrated coastal zone management;
- Sustainable consumption and production;
- Climate change adaptation.

These themes reflect legal commitments of the Contracting Parties to the Barcelona Convention and their Decisions and contribute to the objectives of the MSSD, UNEP and the SDGs.

### Diagram 1: The Concept of the MTS



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**PART IV**

**Conclusions of the 82<sup>nd</sup>, 83<sup>rd</sup> and 84<sup>th</sup> Meetings of the Bureau  
related to the Assessment of MAP II**

**82<sup>nd</sup> Meeting of the Bureau of the Contracting Parties to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its Protocols  
(Athens, Greece, 19-20 April 2016)**

**5.3 Assessment of MAP II**

**Conclusions:**

The Bureau requested the Secretariat to undertake the following course of action for the implementation of the COP 19 conclusions:

- (a) the Secretariat to prepare TORs for the assignment taking also into account the MSSD, to be shared with the Bureau at its 83<sup>rd</sup> Meeting;
- (b) the Secretariat to send invitations to the Focal Points to participate or appoint their representatives on the open-ended Working Group;
- (c) the Bureau to nominate one of its members to lead the work of the Working Group with Secretariat's support;
- (d) the Working Group to hold its meeting in the first quarter of 2017 (if the external funds are available);
- (e) the Working Group to prepare its conclusions in time for submission to the 84<sup>th</sup> Meeting of the Bureau; and
- (f) the Bureau to provide its recommendations to the Meeting of MAP Focal Points in 2017 to be presented at the COP 20 together with the conclusions of the Working Group.

The Bureau called upon the Contracting Parties to provide the necessary additional resources to ensure the full implementation of the process and the involvement of all Contracting Parties.

**83<sup>rd</sup> Meeting of the Bureau of the Contracting Parties to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its Protocols  
(Tirana, Albania, 25-26 October 2016)**

**5.2. Assessment of MAP II**

**Conclusions:**

The Bureau approved the TORs for the assignment prepared by the Secretariat in their general lines, as revised and attached to this report (Annex III), with the understanding that they may be further refined according to the needs specified by the Open-ended Working Group.

The Bureau assigned Mr. Ahmed Abou Elseoud of Egypt, Vice President of the Bureau, to lead the Open-ended Working Group.

The Bureau requested the Secretariat to continue undertaking the course of action for the implementation of the COP 19 conclusions on this matter, as per the conclusions of the 82<sup>nd</sup> Bureau Meeting (paragraph 34 of document UNEP(DEPI)/MED BUR.82/7). In this context the Secretariat was also requested to identify the process for the approval of the updated text of MAP II.

The Bureau called upon the Contracting Parties to provide the necessary additional resources to ensure the full implementation of the process and their involvement.

**TORs for the Assessment of MAP II**

(Annex III of Document UNEP(DEPI)/MED BUR.83/7 “Report: Conclusions and Recommendations” of the 83<sup>rd</sup> Meeting of the Bureau of the Contracting Parties to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its Protocols, Tirana, Albania, 25-26 October 2016)



## Terms of Reference of MAP II Assessment

### **1. Background**

At COP 18 (Istanbul, Turkey, 3-6 December 2013) the Contracting Parties adopted Decision IG.21/16 on the *Assessment of the Mediterranean Action Plan* and decided to “Launch a process to assess MAP phase II with the intention of addressing effectively the challenge of sustainable development and the irreversible nature of impacts on the environment and resources, with a view to proposing a Decision on the appropriate way forward including the possible adoption at the 19th meeting of the Contracting Parties of MAP phase III;”.

At COP 19 (Athens, Greece, February 2016), the Parties decided in favour of the option ii contained in document UNEP(DEPI)/MED IG.22/23 on the implementation of decision IG.21/16 on the *Assessment of the Mediterranean Action Plan*. Accordingly, the Mediterranean Action Plan Phase II document would be adjusted to reflect the key developments made in the Mediterranean Action Plan system with regard to thematic issues. The Contracting Parties also agreed that an open-ended working group of the MAP focal points, under the guidance of the Bureau, should be assigned to update the document for submission to the Contracting Parties at their twentieth meeting. The Group would require at least one meeting during 2016-2017.

At the 82<sup>nd</sup> Meeting of the Bureau of the Contracting Parties to the Barcelona Convention, the Coordinator presented to the Bureau the proposed course of action for the implementation of the COP 19 conclusions on this matter for endorsement. The Bureau requested the Secretariat to undertake the following course of action for the implementation of the COP 19 conclusions:

- (a) the Secretariat to prepare TORs for the assignment taking also into account the MSSD, to be shared with the Bureau at its 83<sup>rd</sup> Meeting;
- (b) the Secretariat to send invitations to the Focal Points to participate or appoint their representatives on the open-ended Working Group (WG);
- (c) the Bureau to nominate one of its members to lead the work of the Working Group with Secretariat’s support;
- (d) the Working Group to hold its meeting in the first quarter of 2017 (if the external funds are available);
- (e) the Working Group to prepare its conclusions in time for submission to the 84<sup>th</sup> Meeting of the Bureau; and
- (f) the Bureau to provide its recommendations to the Meeting of MAP Focal Points in 2017 to be presented at the COP 20 together with the conclusions of the Working Group.

### **2. Tasks of the Working Group**

In order to implement option ii contained in document UNEP(DEPI)/MED IG.22/23, on the implementation of decision IG.21/16 on the *Assessment of the Mediterranean Action Plan*, the Mediterranean Action Plan Phase II document needs to be adjusted to reflect the key developments since its adoption in COP 9 (Barcelona, Spain, 5-8 June 1995). As noted in document UNEP(DEPI)/MED IG.22/23, there is a deep matching of the thematic areas of MAP II, with effectively addressing the challenge of sustainable development and the irreversible nature of impacts on the environment and resources. Option ii appreciates that there is a need, nevertheless, for certain updates in the text of MAP II to reflect the evolution of the reality of sustainable development and of the MAP system itself. On the same time, the context of MAP II, its objectives, thematic priorities and activities are still relevant, as its text is flexible enough to accommodate new global developments and

it is fully complemented by the new tools and instruments, comprehensive protocols and amendments that the MAP system has adopted and implemented.

The task of the WG is therefore to factually update MAP II in order to reflect the evolution of sustainable development and of the MAP system itself. In order to do so, three main steps are identified:

- i) Identify the main evolutions since the adoption of MAP II and the relevant COP decisions and other documents that reflect them,
- ii) Identify the main parts/sections of MAP II that are outdated and require factual updates, and
- iii) Recommend an updated text of MAP II based on the evolutions since its adoption for submission to the MAP Focal Points and COP 20.

In the following section of this document a brief summary of the main evolutions since the adoption of MAP II is presented, in order to facilitate the work of the open-ended WG.

### **3. Main evolutions since the adoption of MAP II**

As described in document UNEP(DEPI)/MED IG.22/23, MAP Phase II was adopted twenty years ago and the MAP agenda has since evolved in response to the global agenda. The main evolutions include:

#### Developments in the MAP system since the adoption of MAP Phase II

- Entry into force of the amended Barcelona Convention in 2004;
- Entry into force of the Offshore Protocol in 2011;
- Adoption of a new Protocol on Hazardous Wastes in 1996, entry into force in 2008;
- Adoption of amended SPA and Biodiversity Protocol in 1995, entry into force in 1999;
- Adoption of new Protocol on Integrated Coastal Zone Management (ICZM) in 2008, entry into force in 2011;
- Adoption of the amended LBS Protocol in 1996 (entered into force in 2008) and of ten Regional Plans with Programmes of Measures and Timetables for their implementation, as provided for in Article 15 of the LBS Protocol;
- Adoption of the Strategic Action Programme to Address Pollution from Land-based Activities (SAP-MED) in 1997, as well as adoption of the NAPs in 2005 and revision in 2015;
- Adoption of the Strategic Action Programme for the Conservation of Biological Diversity in the Mediterranean (SAP-BIO) in 2003;
- Adoption of the amended Prevention and Emergency Protocol 2002, entry into force in 2004;
- Adoption of the Regional Strategy for Prevention of and Response to Marine Pollution from Ships in 2005;
- Establishment of the Mediterranean Commission on Sustainable Development (MCSD) in 1996;
- Adoption of the roadmap and timetable to implement the Ecosystem Approach in the Mediterranean including the vision, goals and the Mediterranean Ecological Objectives and GES targets (Decisions IG.17/6, IG.20/4 and IG.21/3);
- Adoption of the Almeria Governance Paper (Decision IG.17/5);
- Adoption of the UNEP-MAP Five Year Programme of Work 2010-2014 (Decision IG.19/17, Appendix I);
- Adoption of the Governance decision at COP 18 (Decision IG.21/9);
- Adoption of the UNEP/MAP Mid-Term Strategy 2016-2021 (introducing a six-year cycle) at COP 19 (Decision IG.22/1);

- Formulation of the Mediterranean Strategy for Sustainable Development in 2005, and renewed commitment with the Adoption of the Mediterranean Strategy for Sustainable Development 2016-2025 at COP 19 (Decision IG.22/2);
- Adoption of the Integrated Monitoring and Assessment Programme of the Mediterranean Sea and Coast and Related Assessment Criteria (IMAP) at COP 19 (Decision IG.22/7);
- Adoption of the Regional Action Plan on Sustainable Consumption and Production in the Mediterranean at COP 19 (Decision IG.22/5);
- Endorsement of the Regional Climate Change Adaptation Framework for the Mediterranean Marine and Coastal Areas at COP 19 (Decision IG.22/6).

#### Developments outside the MAP system since the adoption of MAP II

- The Rio+10 and Rio+20 Conferences, especially in the fields of:
  - Green Economy;
  - Climate Change;
  - Sustainable Consumption and Production.
- The 2030 Agenda for Sustainable Development including its Sustainable Development Goals (adopted at the United Nations Summit in September 2015);
- Wide recognition and application of the Ecosystem Approach;
- Increased attention to Climate Change:
  - IPCC Fourth and Fifth Assessment Reports;
  - Adoption of the Paris Agreement.
- Widened legislation on marine and coastal environment of the EU, with particular focus on the Marine Strategy Framework Directive and Marine Spatial Planning Directive;
- Increased emphasis on Environmental Governance:
  - Establishment of the United Nations Environment Assembly (UNEA);
  - Strengthening of the International Framework of Sustainable Development, and especially the establishment of the High Level Political Forum (HLPF);
  - Emergence of other actors in the Mediterranean (e.g. establishment of the Union for the Mediterranean as evolution of the Euro-Mediterranean Partnership/Barcelona Process, World Bank, GEF);
  - Developments in the ocean governance at the global and UN level (e.g. ABNJ, MPAs, Deep Sea Mining).

#### **4. Process and Timeline**

The work of the open-ended WG will be guided by the decisions and recommendations described in the section on Background. More specifically, it is proposed that:

- During its 83<sup>rd</sup> Meeting, the Bureau will nominate one of its members to lead the work of the Working Group with Secretariat's support;
- After the 83<sup>rd</sup> Bureau meeting, by mid-November 2016, the Secretariat will send invitations to the Focal Points to participate or appoint their representatives on the open-ended WG;
- Once the WG is set, the Secretariat will facilitate its work and provide necessary background information;
- The WG will work mainly through electronic means.
- The WG will hold a two-day meeting in the first quarter of 2017 (February/March 2017), provided that external funds are available. The meeting will be held in Athens, Greece (UNEP/MAP Headquarters) and interpretation will be provided in English and French. The Secretariat will continue efforts to secure the external resources of EUR 70,000, in order, inter alia, to enable the realization of this meeting;
- Following this meeting, the WG will finalize its conclusions in April 2017, for submission to the 84<sup>th</sup> Meeting of the Bureau (planned for June 2017);

- The Bureau at its 84<sup>th</sup> Meeting will discuss the issue and provide its recommendations to the Meeting of MAP Focal Points in 2017 (planned for September 2017);
- If necessary and provided that external funds are available, a one-day meeting of the WG may be organized back-to-back with the MAP Focal Points Meeting, in order for the WG to revise its input taking into account the recommendations of the Bureau;
- Following the discussion in the MAP Focal Points Meeting, the final document will be presented (in the form of a Decision) at COP 20 together with the conclusions of the Working Group.

#### **5. Indicative budget**

Meeting of WG (2 days in February/March 2017)	50,000 EUR
Meeting of WG (September 2017-before NFP Meeting)	10,000 EUR
Consultant (to facilitate the WG)	10,000 EUR
<b>TOTAL EUR</b>	<b>70,000</b>

**84<sup>th</sup> Meeting of the Bureau of the Contracting Parties to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its Protocols**  
**(Athens, Greece, 19-20 June and 14 July 2017)**

**Agenda Item 5: Specific issues**

**E. Assessment of MAP II**

**Conclusions:**

- (a) The Bureau welcomes the course of action taken by the Secretariat;
- (b) The Bureau takes note of the conclusions of the Meeting of the Open-Ended Working Group on the MAP II Assessment (Athens, Greece, 16-17 May 2017) as in Annex II of the Report on Specific Issues;
- (c) The Bureau agrees with the opinion of the Secretariat that an update of MAP II as the one proposed can be done through a Decision of a Meeting of the Contracting Parties.
- (d) The Bureau acknowledges the outcome of the work of the Open-Ended Working Group and agrees to transmit it to the MAP Focal Points for consideration at their next meeting, in a consolidated document together with the comments received by Italy and France. The Bureau requests the Secretariat to also transmit the “Legal issues associated with the MAP II Assessment” provided by the Secretariat to MAP Focal Points as an Information Document.

**PART V**

**Legal Issues Associated with the MAP II Assessment**

## **Legal Issues Associated with the MAP II Assessment**

### **Background**

1. The meeting of the Open-Ended Working Group on the MAP II Assessment (Athens, Greece on 16 and 17 May 2017) concluded on the need “to seek legal advice on the nature of the document and mandate of the Working Group”.
2. This paper addresses these two questions by analysing, first, the legal status of the Action Plan for the Protection of the Marine Environment and the Sustainable Development of the Coastal Areas in the Mediterranean (MAP Phase II) and, second, the scope of the mandate given to the open-ended working group by the 83<sup>rd</sup> Meeting of the Bureau in October 2016, following the conclusion of the 19<sup>th</sup> Ordinary Meeting of the Contracting Parties to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its Protocols (Athens, Greece, 9-12 February 2016).

### **Legal status of MAP Phase II**

#### *Putting discussion in context*

3. The Conference of Plenipotentiaries on the Convention for the Protection of the Mediterranean Sea against Pollution and its Protocols (Barcelona, 9-10 June 1995), adopted the Barcelona Resolution on the Environment and Sustainable Development in the Mediterranean Basin (UNEP (OCA)/MED IG.6/6).
4. In the Barcelona Resolution, the Ministers in charge of the Environment in the Mediterranean countries representing the Governments and the member of the European Commission in charge of the Environment, having met in Barcelona, Spain, 10 June 1995, within the framework of the Mediterranean Action Plan: “Adopt the Mediterranean Action Plan Phase II as contained in Annex I to this Resolution (...)”, and “Commit themselves to the full implementation of the Mediterranean Action Plan Phase II, the Barcelona Convention and its Protocols, and to this end adopt the Priority Fields of Activities for the Environment and Development in the Mediterranean Basin (1996-2005) contained in Annex II to this Resolution”.
5. In that context, the question that arises is whether placing MAP Phase II within the hard or the soft law debate.

#### *Can MAP Phase II be hard law?*

6. The term hard law is used to describe the legally binding nature of various agreements or provisions which leave no or little room for discretion. Often opposed to soft law (2007 UNEP Glossary of Terms for Negotiators of Multilateral Environmental Agreements).
7. The two traditional sources of international law are treaties and international custom. Article 2.1(a) of the Vienna Convention of the Law of the Treaties, adopted at Vienna on 23 May 1969 (Vienna Convention) defines “treaty” as “an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation”. It seems difficult to characterize MAP Phase II as falling within the treaty definition of the Vienna Convention.
8. It may be argued that MAP Phase II amounts to a subsequent agreement between the parties. Under Article 33.3(a) of the Vienna Convention, such agreements are recognized as relevant to the interpretation of a treaty or the application of its provisions. However, as a counter argument, it may be further argued that this would not mean that MAP Phase II should automatically be regarded as hard international law.

9. Article 38.1(b) of the International Court of Justice Treaty defines “international custom” as “evidence of a general practice accepted as law”. It appears difficult to include MAP Phase II under the category of international custom, even if all Contracting Parties of the Barcelona Convention have adopted MAP Phase II. In short, MAP Phase II does not fit easily into either the category of treaty or the category of international custom as hard international law.

***Can MAP Phase II be soft law?***

10. In the field of the international law, soft law consists of non-treaty obligations which are therefore non-enforceable and may include certain types of declarations, guidelines, communications and resolutions of international bodies (2007 UNEP Glossary of Terms for Negotiators of Multilateral Environmental Agreements).

11. Soft law is classified as such on the basis of its form and content. Focusing first on form, soft law is used to describe non-treaty obligations, which is a very broad category ranging from declarations to resolutions. All these instruments do not meet the formal requirements of a treaty, because, it may be argued, the parties did not intend them to be legally binding.

12. MAP Phase II was adopted by a resolution (“Barcelona Resolution”), which is one of the means, together with decisions and recommendations, for the Meetings of the Contracting Parties to take action, as stated in Rule 43.1 of the Rules of Procedure for Meetings and Conferences of the Contracting Parties to the Convention for the Protection of the Mediterranean Sea against Pollution and its related Protocols.

13. The term resolution is not defined either by the Barcelona Convention or the Rules of Procedure and is not a term of art. Generally, resolutions are understood as the formal expression of the opinion or will of the governing body of an International Organization or Agreement. Usually resolutions are non-binding (2007 UNEP Glossary of Terms for Negotiators of Multilateral Environmental Agreements).

14. To complement the above considerations based on the legal form, the content of MAP Phase II should be also considered. Terminology here plays a key role as evidence of intent. The language throughout MAP Phase II is non-mandatory. Terms such as “will” or “should” are used instead of “shall” or “must”. On that grounds, MAP Phase II could be regarded as soft law reflecting political rather than legal commitments.

15. More mandatory language is reserved for the Barcelona Convention and its Protocols, which provide the legal framework for MAP Phase II, by expressing the legal commitment of the parties to implement the comprehensive strategy of MAP Phase II.

***Circumstances in which MAP Phase II was concluded***

16. In addition, the circumstances in which the MAP Phase II was concluded offer evidence of the intention of the parties as to its status as soft law. It is worth noting that MAP Phase II was adopted by means of a resolution (Barcelona Resolution) by a Plenipotentiary Conference, as part of a broader package of measures which encompassed the amendments to the 1976 Barcelona Convention and to the 1976 Dumping Protocol as well as a new Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean (SPA and BD Protocol).

17. The Conference was preceded by the Ninth Ordinary Meeting of the Contracting Parties (COP) (Barcelona, Spain, 5-8 June 1995), which considered the text of the amendments and the SPA and BD Protocol and concluded as follows:

- (a) proposed amendments to 1976 Barcelona Convention: “The Meeting approved the text of the amendments submitted by the working group as they appear in Annex VI to this report and *recommended their adoption by the Conference of Plenipotentiaries to be*



*convened in Barcelona on 9 and 10 June 1995 for this purpose*” (emphasis supplied) (UNEP(OCA)/MED IG. 5/16, §24);

- (b) proposed amendments to the 1976 Dumping Protocol: “The Meeting approved the text of the amendments submitted by the working group as they appear in Annex VII to this report and recommended their adoption by the *Conference of Plenipotentiaries to be convened in Barcelona on 9 and 10 June 1995 for this purpose*” (emphasis supplied) (UNEP(OCA)/MED IG. 5/16, §26);
- (c) The SPA and BD Protocol: “The Meeting approved the text submitted by the working group as it appears in Annex VIII to this report and recommended its adoption by the *Conference of Plenipotentiaries to be convened in Barcelona on 9 and 10 June 1995 for this purpose*” (emphasis supplied) (UNEP(OCA)/MED IG. 5/16, §28).

18. As already pointed out, the 1995 Conference of Plenipotentiaries further adopted the MAP Phase II through the Barcelona Resolution. However, the wording used by COP 09 when concluding on the MAP Phase II was the following: “The Meeting adopted the revised MAP Phase II as contained in Annex IX to this report, and *recommended its endorsement by the Conference of Plenipotentiaries*” (emphasis supplied) (UNEP(OCA)/MED IG. 5/16, §31).

19. For the amendments to the 1976 Barcelona Convention and the 1976 Dumping Protocol as well as for the SPA Protocol, the COP 09 approved the texts and recommended their adoption by the Conference of Plenipotentiaries to be convened for that purpose, thus following Articles 21 and 22 of the Barcelona Convention. In contrast, when referring to the MAP Phase II, COP 09 adopted it and recommended its endorsement by the Conference of the Plenipotentiaries, which as indicated in paragraph 4, adopted MAP Phase II through the Barcelona Resolution.

### ***Closing remarks***

20. In concluding this section and guiding discussion on the legal status of MAP Phase II the following points should be highlighted:

- (1) can MAP Phase II be hard law? MAP Phase II does not fit into either the category of treaty or the category of international custom as hard international law;
- (2) can MAP Phase II be soft law? MAP Phase II fits easily within the category of soft law. Both its form (resolution) and language (non-mandatory) reflect the intent of parties to conclude an instrument of soft law containing political and diplomatic commitments rather than legally-binding obligations;
- (3) circumstances in which MAP Phase II was concluded, as a differentiated part of a broader package including legally-binding instruments, also reflect the intention of the parties as to the status of MAP Phase II as a high-level policy instrument.

### **Scope of the mandate of the Open-Ended Working Group on the MAP II Assessment**

#### ***Setting the scene***

21. At their Meeting in October 2015, MAP Focal Points examined a proposal from the Secretariat putting forward the following three options for the implementation of Decision IG.21/16: “i. MAP Phase II document remains unchanged, ii. MAP Phase II is updated, and iii. The MAP document is revised as MAP Phase III” (UNEP(DEPI)/MED WG.421/23). MAP Focal Points agreed to defer the discussion on this matter to COP 19 (UNEP(DEPI)/MED WG. 421/26, §170).

22. The 19<sup>th</sup> Ordinary Meeting of the Contracting Parties, considered the above options and agreed: “to proceed as proposed in option ii. [MAP Phase II is updated] and that an open-ended

working group of MAP Focal Points, under the guidance of the Bureau, should be assigned to update the document for submission to the Contracting Parties at their twentieth meeting” (UNEP(DEPI)/MED IG.22/28, §124).

23. As presented in document UNEP(DEPI)/MED IG.22/23, option ii. entails: “The document of MAP is adjusted in order to reflect the key developments made in the MAP system with regard to thematic issues”. Options (i) and (iii) were discarded. The latter implied: “The MAP document is revised as MAP Phase III to fully integrate the outcome of the Post-2015 Sustainable Development Agenda and the Sustainable Development Goals, based on the Mediterranean specificity and the MAP mandate”.

24. At its 82<sup>nd</sup> Meeting in April 2016, the Bureau requested the Secretariat: “to prepare ToRs for the assignment [updating of MAP II] taking also into account the MSSD [Mediterranean Strategy for Sustainable Development] (...)” (UNEP/(DEPI)/MED BUR.82/7, §34(a)).

25. As instructed, the Secretariat submitted to the 83<sup>rd</sup> Meeting of the Bureau in October 2016 for adoption ToRs for the assessment of MAP II, instructing the open-ended working group “to factually update MAP II in order to reflect the evolution of sustainable development and of the MAP system itself”.

26. To that end, a three-step process was laid down, comprising the following steps: (1) “Identify the main evolutions since the adoption of MAP II and the relevant COP decisions and other documents that reflect them”, (2) “Identify the main parts/sections of MAP II that are outdated and require factual updates” and (3) “Recommend an update the MAP II text based on the evolutions since its adoption, and especially the parts mostly in need of update, and agree on the updated text for submission at the MAP Focal Points and COP 20” (UNEP(DEPI)/MED BUR.83/7, Annex III).

#### ***Scope of the mandate***

27. The general rule of interpretation is set in Article 31 of the Vienna Convention. According to this Article, “A treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose”. The text, its context and the object and purpose of the treaty are the three elements to consider when interpreting a treaty. These three elements should be the ones guiding the interpretation of the ToRs of the open-ended working group on the MAP II Assessment.

28. As explained above, COP 19 agreed on option (ii), i.e. “MAP Phase II is *updated*” (emphasis supplied), meaning “The document of MAP is *adjusted* in order to reflect the key developments made in the MAP system with regard to thematic issues” (emphasis supplied). All terms must be used in their ordinary sense. However, the determination of the ordinary meaning cannot be done in the abstract. Any term can be fully understood only by considering the context in which it is employed.

29. The verbs “update” and “adjust” should be given their meaning in everyday language. Update means “to bring up to date” and adjust means “to alter slightly to achieve accuracy” (Collins English Dictionary, 2003). It is reasonable to assume that this ordinary meaning is the one most likely to reflect what COP 19 intended.

30. Looking at the context and purpose of the MAP II Assessment (UNEP(DEPI)/MED IG.22/23), the fact that option (ii) stands out against option (iii), which entailed “The MAP document is revised as MAP Phase III”, i.e. a substantial amendment of MAP Phase II, confirms this interpretation. It also reaffirms the main findings as presented in the same document and reproduced below:

“In conclusion, it is evident that there is deep matching of the thematic areas of MAP II (including the above developments) with effectively addressing the challenge of sustainable development and the irreversible nature of impacts on the environment and resources.

There may be a need, nevertheless, for certain updates in the text of MAP II to reflect the evolution of the reality of sustainable development and of the MAP system itself. The context of MAP II, its objectives, thematic priorities and activities are still relevant as described in the text. The text is flexible enough to accommodate new global developments and it is fully complemented by the new tools and instruments, comprehensive protocols and amendments that the MAP system has adopted and implemented”.

31. The ToRs adopted by the Bureau reinforce this conclusion, by instructing the open-ended working group “to factually update MAP II in order to reflect the evolution of sustainable development and of the MAP system itself”.

***Closing remarks***

32. In closing this section and feeding into the discussion on the scope of the mandate of the open-ended working group on the MAP II Assessment, the following points should be pointed out:

- (1) having regard to the ordinary meaning, context and purpose of the COP 19 conclusion that “MAP Phase II is updated”, it is reasonable to assume that the parties intended to change MAP Phase II slightly to achieve accuracy, rather than undertaking a substantial amendment of MAP Phase II. Otherwise, the option to revise MAP Phase II as MAP Phase III would not have been ruled out;
- (2) the ToRs adopted by the Bureau, clearly reflect the letter and spirit of the COP 19 conclusion by tasking the open-ended working group with factually updating MAP II.