

# DEVELOPING LEGAL INDICATORS TO MONITOR THE EFFECTIVITY OF APPLICATION OF THE BARCELONA CONVENTION

**General Report of the pilot test in France,  
Tunisia and Turkey**

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This report provides an account of work undertaken by the International Center for Comparative Environmental Law (CIDCE) to provide specialist guidance to the French NGO, "Plan Bleu pour l'Environnement et le Développement en Méditerranée" to fulfil commissioning contract no. 2021014.

The guidance provided hereafter addresses "Developing legal indicators to monitor the effectivity of application of the Barcelona Convention".

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# I. Study overview

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## A. RESEARCH ORIGINS AND ADVANCES IN LEGAL INDICATORS

There are many scientific or economic indicators in France, Europe, worldwide and in international organisations, to measure the state of the environment and its various components.

However, there are as yet no legal indicators to measure the conditions in which environmental law is effectively applied at national and international level.

Given repeated observations of environmental law being poorly applied or not enforced, African legal experts on environmental law called for the creation of legal indicators at seminars held in Abidjan, in 2013, and Rabat, in 2016. These indicators, or tools, should scientifically measure the reality of not enforcing the law, facilitate choices to rectify the ineffectiveness of environmental law where appropriate, particularly with respect to numerous international conventions ratified and implemented worldwide.

Professor Michel Prieur was subsequently tasked by the Institut de la Francophonie pour le Développement Durable (IFDD) and the Organisation Internationale de la Francophonie (OIF) to conduct an overall assessment of existing environmental indicators and provide a new methodology to devise legal indicators.

The study was undertaken in 2017 and was reviewed and validated at an international symposium in Yaoundé, in February 2018, with the support and participation of the IUCN (International Union of Nature Conservation), UNEP (United Nations Environment Programme), CEDEAO (Economic Community of West African States) and CIDCE (International Center for Comparative Environmental Law).

The theoretical study resulting from this symposium was published online by the IFDD in 2018<sup>1</sup>.

This publication has been reviewed, expanded and translated into Spanish and English in late 2021, with support from the Humanities and Social Sciences Research Unit (MRSH) of the University of Caen, in a printed version published by Peter Lang (Belgium)<sup>2</sup>.

The International Center for Comparative Environmental Law (CIDCE) chaired by Professor Michel Prieur is an international scientific NGO based in France specialising in environmental law. CIDCE is accredited by ECOSOC (United Nations Economic and Social Council, New York) and the United Nations Environment Assembly, the United Nations Environment Programme (UNEP), in Nairobi, and the Organisation Internationale de la Francophonie (OIF).

CIDCE is also accredited by several international and regional conventions, including the Mediterranean Action Plan (MAP) and the Barcelona Convention and its Protocols for the protection of the marine environment and the coastline of the Mediterranean.

The Barcelona Convention, together with its Protocols, is the first convention applying to a regional sea programme under the auspices of the UNEP.

Since 2019, legal indicators have been included in the Normandy Chair for Peace research programme in relation to law for future generations. A research seminar moderated by Emilie Gaillard, Senior Lecturer at Sciences Po Rennes, agreed to extend basic research to deliver practical outcomes for policy-makers and specialists that could be replicated nationally and internationally.

The research seminar was held in 2019, 2020 and 2021 at the University of Caen Humanities and Social Sciences Research Unit (MRSH), with support from Normandy Regional Council.

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<sup>1</sup> *Legal indicators, evaluation tools for the effectiveness of environmental law*, Québec, IFDD, OIF, CIDCE, UNEP, IUCN, CEDEAO, 2018, [https://www.ifdd.francophonie.org/wp-content/uploads/2019/12/733\\_indicateur-juridique\\_web.pdf](https://www.ifdd.francophonie.org/wp-content/uploads/2019/12/733_indicateur-juridique_web.pdf).

<sup>2</sup> M. Prieur, C. Bastin, M.A. Mékouar, preface by Alfredo Pena Vega, *Measuring the effectivity of environmental law. Legal indicators for sustainable development*, 2021, Peter Lang.

Tests were conducted in Brazil, Portugal and Tunisia on case studies enforcing national law on a protected area, as well as on the national application of Sustainable Development Goal 14 (SDG 14) concerning the sea, oceans and coastal zones.

By testing legal indicators on one of the 17 SDGs, the aim was to apply an innovative methodology on legal indicators for non-legally binding international law (or soft law).

In parallel, CIDCE began an initiative to introduce legal indicators to one of the first universal environmental conventions, prior to the first international conference in Stockholm, in 1972, namely the Ramsar Convention on wetlands. In 2021, a CIDCE working group produced a questionnaire featuring a series of legal indicators to assess the effectivity of the RAMSAR Convention in four countries: Argentina, Brazil, France and Madagascar. This assessment will be conducted in 2022. Environmental Law MSc students at the University of Strasbourg worked on the report template submitted by the RAMSAR Secretariat to the Member States, to consider how legal indicators could be included in national reports.

The CIDCE working group drafted a resolution to officially introduce legal indicators to procedures that assess the effectivity of the Ramsar Convention. This draft resolution was adopted by Burkino Faso and will be proposed for adoption at the next Ramsar COP, in November 2022, in Wuhan.

## B. CLARIFYING THE NOTIONS OF EFFECTIVITY AND EFFECTIVENESS

The methodology adopted by CIDCE avoids any subsequent confusion by making a necessary prior distinction between effectivity and effectiveness.

Indeed, the methods used to assess both notions are different.

The effectiveness of a convention is assessed using scientific output indicators that measure the actual effects on the environment.

Is the state of the marine environment in the Mediterranean Sea, in all its component parts, better since the Barcelona Convention was adopted?

The answer comes from a combination of scientific indicators.

The effectivity of a convention is assessed using legal indicators that measure the conditions in which the legal process proceeds in a country leading to application of the convention.

An inventory is carried out to assess the successive stages of the legal process, from treaty ratification to application by the government and judges.

Is the Barcelona Convention currently being applied in accordance with the rules and procedures of international and national law enacted by the country in question?

The answer comes from a combination of legal indicators arranged in six families of legal criteria (see below).

Usually, the effectiveness of a convention is influenced by the effectivity of the said convention. Effectivity (i.e. the proper execution of the legal application process) is a prerequisite yet does not always ensure effectiveness (i.e. the output achieved to tangibly improve the environment).

Figure 1. From effectivity to effectiveness

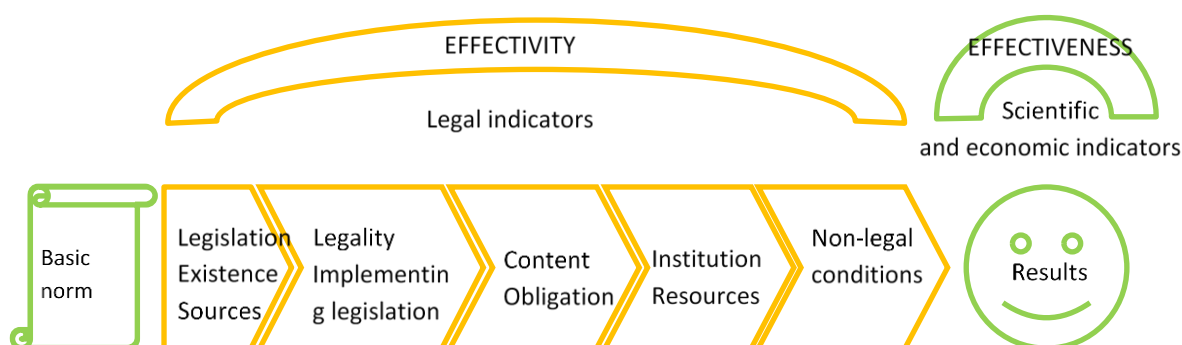




Figure 1 shows that once the baseline norm has been adopted in the form of the Barcelona Convention, a legal implementation process is triggered (in orange) that is influenced by several aspects which are legal indicators. All these legal indicators constitute the legal "*effectivity*" concerning the application of the convention. The environmental performance or output of applying the convention (in green) is measured by scientific and economic indicators to assess the *effectiveness* of the convention.

## C. THE PIONEERING ROLE OF THE BARCELONA CONVENTION IN TERMS OF LEGAL INDICATORS

Since 2017, the Mediterranean Sustainable Development Strategy (MSSD) has developed 28 monitoring indicators for the period 2016-2025, including numerous factual and quantitative legal indicators clearly showing that implementing the MSSD requires the use of laws that actually exist and are enforced (e.g., regulations to implement the ICZM protocol, various legal mechanisms specifically designed to preserve coastlines, regulations for the regional programme to assess the exploitation of non-biological offshore resources, the status of regulatory measures to conserve biodiversity, the % of the Contracting Parties implementing licensing systems for extraction industries, the status of financial mechanisms to support environmental services, legally binding instruments for tourism development, numerous countries with legislation allowing unrestricted access to the coast and those with emergency action plans, the state of implementation of climate change adaptation strategies, etc.).

The UN Environment datasheet on the level of implementation of the Barcelona Convention provides statistical data from Plan Bleu that also refers to law

but Plan Bleu could benefit from a tool better geared to measure not just quantitative but also qualitative data to assess the effectivity of the entire Barcelona Convention system.

During a MED POL Focal Point meeting in Rome on 29-31 May 2017, one MAP partner, CIDCE, outlined the need to create legal indicators in the Barcelona Convention system to enhance existing assessment tools.

In September 2019, a CIDCE representative, now the Tunisian Minister of the Environment, called for the creation of specific legal indicators at the MAP Focal Point meeting in Athens.

As such, the 21st meeting of the Contracting Parties of the Barcelona Convention and its Protocols, held in Naples, Italy, on 2-4 December 2019 approved the introduction of legal indicators at the request of the Compliance Committee in its decision IG24/1 (Appendix 1 para.16, Appendix 2 para. 6 and Appendix 3 para. 20).

It should be noted that this is the first time that Contracting Parties of an international environmental convention have explicitly voted for the creation of legal indicators in international law and the application of a treaty in national law.

This is why the Barcelona Convention can make a tangible contribution to United Nations' efforts on the 2011 UN rule of law<sup>3</sup> by generating the first example of "*environmental rule of law indicators*".

This also addresses calls by UNEP in 2019 to recognise the need for new legal indicators in "*Environmental rule of law, First global report*" (see p. 236 footnote 41 which refers to ongoing work by CIDCE on legal indicators).

## D. CIDCE RESEARCH COMMISSIONED BY PLAN BLEU IN 2021

Given the aforementioned scientific and political context, Plan Bleu commissioned the CIDCE on 10 May 2021 to conduct a study on experimental project to test the feasibility and practicalities of creating legal indicators to provide usable information on the effective application of the Barcelona Convention.

With a six-month deadline, the study was doubly hampered by the summer holiday period resulting in the absence of numerous contributors and by the Covid-19 pandemic in Tunisia, as well as in Turkey and France, albeit to a lesser extent.

### 1. Legal scope of the study:

As a time-limited piece of experimental research, the study could not cover all legal instruments related to the Barcelona Convention.

<sup>3</sup> UN rule of law indicators, 2011, [https://www.un.org/ruleoflaw/files/un\\_rule\\_of\\_law\\_indicators.pdf](https://www.un.org/ruleoflaw/files/un_rule_of_law_indicators.pdf)

Furthermore, it was also limited to a single area of application, the Barcelona Convention as amended in 1995.

The Barcelona Convention Protocols were therefore excluded, as was the MSSD, together with numerous decisions, plans and programmes approved at the 21 meetings of the Contracting Parties, many of which involved the Parties taking steps to apply the convention in their national laws.

## 2. Territorial scope of the study:

Having ratified the Barcelona Convention, the 22 Parties must then introduce legal indicators, to both help them complete national reports required under Article 26 of the Convention and identify any obstacles encountered in their domestic laws and when applying the convention, so as to knowingly overcome these constraints.

The pilot test sites were selected on the basis of practical and strategic considerations. The involvement of national legal experts was a scientific requirement to conduct the study without having to train intermediaries.

Specialists already working with CIDCE in Tunisia and Turkey were also selected.

The following range of countries were chosen to represent the geopolitical diversity of the Contracting Parties of the Barcelona Convention:

- For Europe: France,
- For Africa: Tunisia,
- For the Middle East: Turkey.

Translation costs were kept to a minimum by selecting France and Tunisia, as they only concerned Turkey.

While the three countries in the study are all sovereign states, centralised and not federal, the territorial scope for the study was modelled on the largest administrative regions in each country.

It was jointly decided with Plan Bleu that the survey in each country should focus on a limited geographical area concerned by the application of the Barcelona Convention:

- For France, South Provence-Alps-Côte d'Azur was selected as it was the largest and most populated region compared to two other regions fitting the territorial scope of the Barcelona Convention (Corsica and Occitanie).
- For Turkey, the 'Mediterranean' region was chosen rather than Marmara or the Aegean, again because it was the region most concerned by the Barcelona Convention.
- For Tunisia, the 12 coastal governorates coming under the Barcelona Convention were selected.

While the purpose of the study was not to compare the three countries but simply test the proposed methodology, there was no need to adopt the same territorial criteria in the countries.

In future, the focus for a non-experimental and more representative national survey, should be on the entire country, not just a part of it.

Clearly, to fund such a survey and not a test, the locations and respondents must be scientifically selected, in the same way as opinion poll institutes, based on a sociologically representative panel.

In accordance with strict legal procedures, national stakeholders are likely to have an insight into the effectivity of the Convention as they either negotiated it or are Focal Points and the main instigators of the required legal obligations.

That said, legal and sociological realities meant that local stakeholders also had to be included to assess the effectivity of law.

Obviously, the legal commitment to a treaty is common to all sub-national bodies

and this is why, as shown below, attempts were made to identify obstacles to properly implementing the Barcelona Convention. Those aspects solely attributable to the State as the entity drafting rules of law to be enforced were also highlighted, as were local authorities tasked with implementing national decisions at local level via decentralised or devolved administrative bodies.

Considering both national commitments and those of the regional or local authorities tasked with delivering them entails that the findings will not be used as an example of the Convention's effectivity in France, Tunisia or Turkey but rather as an attempt to demonstrate effectivity nationwide as well as in a specific part in each country.

The decision to highlight the key role played by local and regional authorities is deliberate as it is frequently overlooked. While local and regional authorities are not legal instigators of international law, they are nevertheless the main engineers.

The Barcelona Convention is one of the rare international examples that officially considers the key role played by local stakeholders. It does this by providing seats for three local authority representatives on the Mediterranean Commission on Sustainable Development (MCSD).

It should also be noted that while the present study excludes the Barcelona Convention Protocols, the integrated coastal zone management protocol specifically highlights the role of regional and local bodies, both in terms of coordination requirements (Art. 7) and with regard to stakeholder participation (Art. 14-1).

The United Nations included local authorities as stakeholders in international law at the 1992 Rio Conference by allocating them a seat in "major groups" as "represented by associations combining regional and local bodies".

The IUCN World Congress in Marseille approved amendments to IUCN statutes on 10 September 2021 by introducing "sub-national authorities" in IUCN membership.

This anticipated and symbolic reform was approved by 70 countries<sup>4</sup>. It heralds the crucial role regional and local authorities play in the environment, especially in implementing international environmental conventions.

### 3. The study team

The following experts conducted the study:

- Institutional and legal oversight: Michel PRIEUR, Professor of Law, Professor Emeritus in Environmental Law, graduate of Sciences-Po, Paris and the Institute of Higher International Studies, Paris, President of CIDCE
- Scientific and mathematical oversight: Christophe BASTIN, Engineer, Founding President of the Société Ingénierie et Conseil - SIC, Nouvelle Aquitaine
- Study concerning France:
  - Legal matters: Michel PRIEUR
  - Scientific and mathematical matters: Christophe BASTIN
- Study concerning Tunisia:
  - Legal matters: Mrs Leila CHIKHAOUI, Doctorate in Law from the University of Paris-Panthéon, Professor of Law at the Faculty of Legal, Political and Social Sciences of the University of Carthage, Tunisia, national contact point for CIDCE in Tunisia, Tunisian Minister of the Environment since October 2021, Mrs Afef HAMMAMI MARRAKCHI, Doctor of Law, Senior Lecturer at the University of Sfax, ex-Vice Dean of the Faculty of Law, Sfax
  - Scientific and mathematical matters: Christophe BASTIN
- Study concerning Turkey:
  - Legal matters: Mr Ibrahim KABOGLU, Doctor of Law, University of Limoges, Professor of Public Law at Marmara University, Istanbul, member of the bar of Istanbul, Chair of the Constitutional Law Research Association (Turkey), President Turkish team at the Mediterranean Laboratory of Public Law (LMDP), MP for Istanbul at the Turkish National Assembly, French Chevalier de la Légion d'Honneur, Mrs Seda YURTCANLI DUYMAZ, Doctor of Law, Marmara University, Research Assistant at the Department of Urban Planning and Environmental Studies at the Faculty of Political Sciences, University of Istanbul, national contact point for CIDCE in Turkey
  - Scientific and mathematical matters: Christophe BASTIN

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<sup>4</sup> No: 13, Abstentions: 35

## II. Development of a questionnaire to measure the effectivity of knowledge and application of the Barcelona Convention

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In accordance with the methodology developed by CIDCE in 2018 (see note 1 above), the study began by drafting a questionnaire to measure the effectivity of the Barcelona Convention for France, as a test country.

The drafting procedure consisted of a series of meetings by a group of legal experts tasked with identifying appropriate legal indicators for each family of criteria representing the stages of the legal process to apply legislation, i.e., the Barcelona Convention as amended in 1995 and applicable since 9 July 2004.

The questionnaire design sought to identify legal obligations pertaining to the 34 articles of the Barcelona Convention.

In reality the questionnaire only focused on those articles requiring the Contracting Parties to transpose and introduce national measures.

Indeed, the study actually focused solely on the impact of the Barcelona Convention on national laws ratified by the States and not on the application of the Convention in international law.

The questionnaire only concerned the preamble and Articles 2 to 16 as apart from Article 26, institutional Articles 17 to 35 are not covered by the study.

It should be noted that the Barcelona Convention is particularly mindful to its implementation in national law as Article 14-1 covers this subject.

According to this Article, the "Contracting Parties" shall adopt legislation and regulations implementing the Convention and the Protocols."

Article 26 on national reporting, specifies the broad legal vision that the Convention provides for the obligations set out in Article 14-1.

The intention is not just to enforce the Convention through legislation or regulations but also through "administrative measures or other", which constitutes a rare extension, in national law, to non-legally binding measures.

Article 26 also focuses on "recommendations adopted" by the Contracting Parties in their meetings as measures that they must address in their reports.

It is important to cite the provisions contained in Article 26, according to which:

- " 1. The Contracting Parties shall transmit to the Organisation report on:*
- a) legal, administrative or other measures taken by them for the implementation of this Convention, the Protocols and of the recommendations adopted by their meetings;*
  - b) the effectiveness of measures referred to in subparagraph a) and problems encountered in the implementation of the instruments as mentioned above."*

This provision in the Convention is key to the study.

It specifically stipulates that maximising the effectiveness of the Convention not only involves compliance with the law in the strictest sense but also respecting no-legally binding measures, such as administrative practices and economic, educational or "other" measures. This greatly exceeds substantive rights complying to the welcome principle of reality on the subject yet alien to the conventional law of international treaties.

The authors of the Convention seek to access information from national reports not just applicable legislation but also non-legally binding measures used. Article 26 of the Convention also requires the countries to assess "*the effectiveness of measures*" taken and to report problems encountered when implementing the Convention.

This wording perfectly addresses the purpose of legal indicators, to be able to appraise, by assessing them, all measures taken and any difficulty in implementing them.

## A. QUESTIONNAIRE CONTENT

The consequence of these provisions was that the questionnaire should not be restricted to exclusively seeking legally binding criteria, which would have been easier.

It also had to include questions on behaviour or practices lacking formal, legal content.

It would be unrealistic and naive of the way law is actually practised to limit itself solely to legal indicators in the formal sense of the term.

The questionnaire authors therefore had to take account of reality when drafting the questions.

This requirement helped non-legal survey respondents, tasked with implementing the Convention, to better understand the questions asked.

The questionnaire was split into six parts or six families of criteria.

Each was representative of a series of legal indicators or indicators contributing to the effectivity of implementation of the Convention.

The six families of criteria accounted for all identifiable parts of the legal process, from the Convention text to its subsequent implementation by the courts, including the effective application of legal decisions.

Among the six families of criteria, five were purely legal, or para-legal, while one was unrelated to law. This last family was considered to have a varying degree of influence depending on the country, region and the effective application of the Convention.

The five other families of legal criteria correspond to the systematic division of the stages required for the law stemming from the Convention to be enforced:

### 1. Existential criteria and applicable legal sources:

The Convention must be ratified for it to legally exist in a country. This is a prerequisite of international law on treaties resulting from the 1969 Vienna Convention on the Law of Treaties.

Each national law provides for legal conditions to effectively apply a convention by requiring it to be published or the adoption of national implementing legislation to implement it depending on whether the treaty is recognised in the said country.

Direct or indirect sources of application of the treaty must be gathered which, as we have seen, can refer to non-legally binding documents or purely administrative measures.

### 2. Applicability criteria:

To be effective, the application of the Convention must be enforceable in national law. This assumes the enforcement measures taken are legal

and may need procedural requirements such as publication or notification.

Implementing legislation for laws to transpose the Convention may also be needed. This requirement depends on how specific the articles in the Convention are.

For instance, are there any deadlines for implementation or specific procedural prerequisites?

Is there a prior review to check if the Convention is constitutionally sound?

### 3. Substantive criteria:

To be effective, the substantive content of the Convention must be feature in national law. In this case, the relevant general principles must be determined.

It is often difficult to find these principles in national law as they are frequently split into several pieces of legislation because they are not specific to the Barcelona Convention.

Their articulation into national law is rarely identical to the text in the Convention.

More specific technical provisions are easier to find when they already exist in the applicable law, centrally or locally.

In terms of the Convention's substantive content, questions can be formulated to suggest and identify if the content of the applicable national law has evolved with reference to greater environmental protection, or conversely by an equivalent deterioration discernible to varying degrees.

Ideally, and depending on conditions that will be mentioned in the concluding remarks, one question per substantive article in the convention should be allocated to this criterion.

### 4. Organic or institutional criteria:

To be effective, the Convention needs to be implemented by the right central or local institutions with sufficient staff and finances.

As this is a State matter, international conventions are often neutered by this requirement.

The Barcelona Convention is not completely muted in this respect but it is still very low-key compared to integrated coastal zone management.

Nevertheless, questions must be asked as they influence the effectivity of the Convention, which runs the risk of remaining words on paper without adequate staff and materials for national and local public authorities tasked with applying it.

### 5. Enforcement criteria:

To be effective a convention must have enforcement mechanisms and procedures in national law for its application. Again, subject to the convention, these specify the type and rigour of inspections, such as reviews by the government, the public and the courts. While the convention does not address these issues, assessing its effectivity must not ignore general reviews related to the environment.

The sixth family of criteria comprises non-legally binding criteria that reinforce or influence effectivity:

### 6. Criteria reinforcing effectivity of the convention:

To be effective, the convention must be known and correspond to a commonly felt need that addresses economic, social, cultural and environmental requirements and data.

Based on how the questions are phrased, this involves assessing the influence non-legally binding criteria have on the application of the Convention.

Is the Convention easy to read and understand?

Is it flouted by corruption and ignored by companies and NGOs? Does it clash with usual attitudes and behaviour?

These are psychological, cultural and anthropological indicators that are challenging to formulate and assess.

## B. DRAFTING THE QUESTIONNAIRE

Due to time constraints for the test, it was not possible to develop proper legal indicators.

However, a select group of voluntary legal experts was convened to discuss and edit the template for the pre-prepared questionnaire.

This quickly met with the temptation for excessive perfectionism and legal oversight resulting in an overly long and complicated questionnaire.

For a proper survey, the working conditions of the multidisciplinary group of experts, comprising a majority of legal specialists, should have detailed specifications on membership, preliminary arrangements, as well as clarity on finances and resources for its work.

### **C. WEIGHTING TO ASSESS THE LEGAL INDICATORS:**

The specifications referred to above must also stipulate the scientific weighting method to assess the questions by family of indicators.

This key stage influences subsequent work to mathematically measure the questionnaire responses and, as such, effects the reliability of the legal indicators.

This is why it is vital for the working group to proceed with the assessment allowing sufficient time to address it in contradictory yet consensual way.

It should be noted at this stage that 4 weighted assessments are assigned to each indicator:

#### **1. Assessing the weighting of the 6 families of criteria:**

The group of experts must rank the 6 families of criteria by applying the highest ratio to the family of criteria considered to be the most important to ensure the effectivity of the Convention in national law.

The sum of values for the 6 families is equal to 100%.

#### **2. Grading the question responses:**

Each question and sub-question requires a single response: yes, partly, no, don't know.

A scale of values is used to grade the responses.

The highest value denotes the response expressing the greatest effectivity.

#### **3. Weighting of questions and sub-questions:**

This involves assessing the importance given to the question or sub-questions in relation to other questions in the same family of criteria by awarding a score on a scale of 10 to 1 to identify the greatest effectivity, 10 being the most important.

#### **4. Validating the questionnaire:**

This stage involves the committee of experts to making a final assessment that may, or may not, require changes to either the way the questions are worded or the assessment activities.

The subsequent questionnaire only addressed the legal conditions of effectivity in France

but it was used as a model to draft the questionnaires for Tunisia and Turkey in conditions that will be appended to the national reports for these countries.

It became clear, as expected, that it was challenging for Tunisia and Turkey to work on a questionnaire that focused on notions and procedures specific to the French legal system.

That said, the applicable methodology and selected notions for the 6 families of criteria turned out to be satisfactory and transferable to both countries.

The 6 families of criteria are likely to be used as a model and to improve the exchange of experience between the countries.

### III. Submission of the questionnaire to a panel of stakeholders involved in implementing the Convention

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To proceed with the test the questionnaire, adapted to the specific characteristics of each country, had to be submitted to a panel of actors particularly involved in implementing the Barcelona Convention.

This purely practical task proved to be vital.

Firstly, each team had to identify the number and occupation of respondents invited to take the survey.

Given the time available and the mathematical processing required to assess the responses from the three separate groups of respondents, only a small sample group could be selected.

The decision was also taken to restrict the number of respondents to roughly 10 to 25 persons, covering national and local stakeholders.

Priority was given to those directly or indirectly tasked with the effective application of the Convention.

As the questionnaire featured legal terms, as is the case for the Convention itself, it was easier for those working in law (lawyers, magistrates, professors of law, legal advisors, etc.) to understand it than their opposites (administrative officials, technicians, elected officials and NGOs, etc.).

Each team strove to identify other respondents and not just legal experts.

In reality, given the deadlines and the summer holiday period, the choice of survey respondents often involved people already known or related to the personal contacts of each team.

Clearly, if this was a proper, full survey and not a test, the group of respondents would have to be scientifically identified using conventional opinion poll methods, albeit selecting the occupations of actors actually involved in the Barcelona Convention.

Once the choice of survey respondents had been made, the main challenge was securing their prior agreement to spend a significant amount of time answering the questionnaire, which many thought too ambitious and dense.

The panel of survey respondents proved to have limited availability due to the summer holiday period but this is also due to a lack of sufficient information beforehand.



## IV. Survey methods and supervision

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### A. THE CHOSEN SURVEY METHOD

There are several approaches to run a survey:

- Face-to-face:
  - Group interviews,
  - Individual interviews.
- Remote:
  - Individual telephone interviews,
  - Group video-conferences,
  - Individual video-conferences.

If necessary, a survey can be delivered using one or more methods:

- Self-administered:
  - Posted printed questionnaire (mailed)
  - Electronic questionnaire (e-mail with file attached)
  - Online questionnaire (e-mail with weblink)
- Delivered by an interviewer.

Given the pandemic, face-to-face interviews were ruled out. The group of experts decided for all countries to let the respondents decide if they wanted help from an interviewer. Given the sample size of respondents, individual video-conferences was the chosen survey supervisory method.

The questionnaires were processed using Excel spreadsheets.

### B. SURVEY SUPERVISION PROCESS

Supervising the survey involved three steps:

- Preparation:
  - Making appointments,
  - Sending out the survey (questionnaire + explanatory information),
- Instructions:
  - Welcome the respondent,
  - Present the study goals,
  - Provide a reminder about personal data protection and information according to the national legislation
  - Secure consent,
  - Data retention,
  - Formulate or reword questions as required,
  - Interviewer gathers responses to questionnaires,
  - Completion and thanks,
- Finalisation:
  - Format collected responses,
  - Validation by the respondent,
  - Transfer for processing.

## C. INTERVIEWER TRAINING

French and Turkish interviewers (French speaking) were trained to run the survey.

All trainees had to attend the training, i.e., to have read documents related to the effectivity of law and national questionnaires, before starting.

The training programme had 2 parts:

### 1. Survey technique: Telephone interview and data gathering

- Interview rules:
  - Preparing the interview (making appointments, familiarisation with the interviewee)
  - Presentation and securing consent
  - Checking contact details and survey materials with the interviewee
  - Organising the time allocated: training, reassurance concerning the survey
- Role-play to coordinate the interview process
- Questions

### 2. Survey materials: administering questionnaires:

- Measuring methodology (measuring procedure),
- Presentation and familiarisation of interviewers with questionnaires,
- Key points of attention for the survey:
  - Explain the questionnaire expectations
  - Factual aspects to responses
  - Rewording questions
  - Switching between families of questions
- Conclusions

When completing the training, the French interviewers highlighted a possible difficulty to manage communication with survey respondents in certain situations, such as:

- Acceptance by VIPs,
- Allowing time for discussion,
- Knowing how to respond to objections,
- Re-engaging with the interviewee.

To address this demand, an information session in NLP communication techniques (neuro-linguistic programming) was arranged to provide some basic solutions (listening, speaking clearly, rewording questions, transitions and exchanges) in the highlighted situations that could hinder the execution of the survey.

The three training sessions were held online due to the pandemic.

## D. SURVEY INTERVIEWER FEEDBACK

All agreed that the advantage of providing guidance to a respondent is to:

- Receive comprehensive instructions,
- Instantaneously secure data for processing,
- Significantly reduce survey times,
- Reassure respondents by addressing any reluctance,
- Avoid respondents declining to answer the questionnaire,
- Make the survey a more pleasant process.

# V. Summary review of findings from the pilot test exercise in the 3 countries

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## PREAMBLE

The purpose of the pilot test conducted in the three Contracting State Parties, France, Tunisia and Turkey, was to develop legal indicators to monitor the effectivity of application of the Barcelona Convention.

In addition to processing data to develop indicators and display them graphically, a supplementary critical review of the test was also conducted to:

- Recommend actions to improve the proper application for the framework convention,
- Learn specific methodological lessons from the test,
- Improve practices and procedures introduced to effectively enforce the Barcelona Convention.
- Extend the future scope of the subject and geographical coverage of the test exercise.

The purpose of this pilot test is to demonstrate the advantages and relevance of legal indicators to the Contracting Parties:

- For national and international governance
- To control the degree of enforcement of legal measures for the Barcelona Convention,
- To assist the efforts of the Compliance Committee
- As a national and international policy-making tool

Methodologically, the quality of the study is inherently dependent on the number of cases studied. The greater the number, the more robust the study. The more conditions for the methodological operation of the tool are improved, the more it will prove useful and effective.

**Scientifically**, a case study in 3 countries constitutes a minimum requirement to meet the study's purpose.

## RECAP OF THE CONTEXT

### 1. Objectives

This experimental pilot project **studies the feasibility and advantages of creating legal indicators** that can provide States with information on the effective application of the Convention to allow them to amend or adapt their legislation and practices.

The findings will help inform the creation and use of legal indicators for:

- Monitoring the implementation of the Mediterranean Strategy for Sustainable Development (MSSD),
- Monitoring the enforcement of the seven Protocols of the Barcelona Convention,
- Monitoring the content of national reports reviewed by the Compliance Committee for the meeting of the Contracting Parties

### 2. Methodological execution

Study scope: Enforcement of the 1995 Barcelona Framework Convention as introduced in 2004.

Drafting of a specific questionnaire for each country:

- Featuring 6 parts corresponding to the families of legal criteria [existential, applicability, substantive, institutional, audit (administrative, judicial and societal), non-legal criteria],
- Identifying criteria related to enforcing the Barcelona Convention in France,
- Adapting the content of the French questionnaire to Tunisian and Turkish laws and institutions.

Weighting<sup>5</sup> each family of criteria and question (criterion) while grading<sup>6</sup> the responses to identify the most influential factors in the effective application of the Convention.

Establish the panel of respondents<sup>7</sup> from a list of individual directly or indirectly involved in applying the Convention.

Draft summary guidelines for the respondents briefly explaining the purpose of the survey, the benefits of having legal indicators and the 6 families of criteria.

Form and train a team of survey interviewers to supervise, as required, the panel of respondents to answer the questionnaire.

Gather and mathematically measure questionnaire responses to produce legal indicators and a graphical representation.

Study conclusions: On measuring the difficulties encountered to enforce the Barcelona Convention: No comparisons, no benchmarking between States, lessons learned in terms of the methodology, recommendations to make for each country, possible developments for an expansion to additional pilot projects concerning other documents to implement the entire Barcelona Convention system.

The study will review in turn:

- A. Methodological assessments
- B. Processing and Results
- C. Improving or strengthening the effectivity of the Barcelona Convention
- D. Conclusions: Lessons learned and outlook

## A. METHODOLOGICAL ASSESSMENTS

To be operational and legitimate, scientifically creating legal indicators requires:

- Constant methodological monitoring to ensure their continuous improvement,
- Adapting the tools to their context and their methodological objectives to match the institution's governance expectations,
- Conducting trials before introducing indicators.

*Based on the methodological points:*

1. Devising a specific questionnaire for each country,
2. Applying a weighting to each family of criteria and to each question (criterion) as well as grading scale for responses,
3. Establishing a representative panel of respondents,
4. Drafting summary guidelines for survey respondents,
5. Forming and training a team of survey interviewers,
6. Gathering and mathematically measuring questionnaire responses,

*To optimise the time available to produce legal indicators:*

- The scope of the area of law (national or international) to determine its effectivity must be delineated for each questionnaire,
- A basic outline for each questionnaire must be produced with grading and weighting for responses,
- The group of legal experts for each country in the survey must produce their own questionnaire,
- Questionnaire responses to be sent by e-mail to CIDCE.

*In terms of developing a pilot test, the aim is to assess:*

- Understanding of the method,

<sup>5</sup> Weighting: Assigning different weighting values to a set of elements based on various criteria accounting for the importance when comparing each element.

<sup>6</sup> Grading: Listing words or groups of words according to an increasing or decreasing scale of intensity.

<sup>7</sup> Panel: A group of individuals regularly asked about their opinions or attitudes. In this case, these were the questionnaire respondents.

- Executing the 6 methodological points targeted by the test.

To:

- Define actions to improve the method,
- Clarify how the method is to be executed, specifically for the Barcelona Convention,
- Extend the scope in this subject area and geographical coverage of the test exercise.

## 1. Concerning questionnaire design (*methodological points 1 to 3*)

Points 1 to 3 were addressed by the groups of experts according to expectations.

The method uses legal as well as mathematical expertise to identify legal criteria to measure (formulate questions, grading, aggregation), statistics to ensure measurements are representative (statistical checks and monitoring), as well as sociological input to ensure the panel of respondents is representative (sampling guidelines for the parent population and panel).

### Suggested improvement 1

As part of the systematic approach to measure the effectivity of the Barcelona Convention and its Protocols, it is vital to expand the group of experts to include mathematicians, statisticians, and sociologists.

It should be noted that the group of experts did not encounter any major difficulties:

- When drafting the questionnaire. Some isolated adjustments were required on the wording of the questions,
- On the constituting the panel as some withdrawals meant other respondents had to be recruited.

## 2. Concerning survey execution (*methodological points 4 to 6*)

Excluding mathematical data processing, points 4 to 6 were addressed by the groups of experts according to expectations. The mathematical processing tasks were conducted by the study steering group for the three countries.

### Concerning the questionnaire in France:

An initial list of 26 individuals was drafted to establish the panel of respondents. 19 individuals were contacted to take part in the study.

10 respondents took part, accounting for 934 responses collected out of a possible 1,170, i.e., a response rate of 79.83%, which is a low percentage survey for survey data processing to be representative.

8 questionnaires out of 10 were incomplete

### Concerning the questionnaire in Tunisia:

An initial list of 23 individuals was drafted to establish the panel of respondents. 25 individuals were contacted to take part in the study.

15 respondents took part, accounting for 1,465 responses collected out of a possible 1,695, i.e., a response rate of 86.43%, which is a low percentage survey for survey data processing to be representative.

12 questionnaires out of 15 were incomplete

### Concerning the questionnaire in Turkey:

An initial list of 26 individuals was drafted to establish the panel of respondents. 30 individuals were contacted to take part in the study.

14 respondents took part, accounting for 1,590 responses collected out of a possible 1,638, i.e., a response rate of 97.07%, which is an acceptable percentage for survey data processing to representative.

6 questionnaires out of 14 were incomplete

The possible causes of this observation are:

- Assumptions concerning the respondents:
  - They misunderstood or did not fully understand specific questions,
  - They misunderstood or did not fully understand how to answer,
  - They did not receive, or did not read, guidance on how to complete the questionnaire,
  - They declined assistance offered to complete the questionnaire,
  - They did not have the right IT equipment to properly complete the questionnaire,
- Assumptions about the group of experts:
  - A lack of methodological guidance on quantitative checks for responses.

It should be noted that all questionnaires supervised by the survey interviewers had a 100% response rate, i.e. fully completed questionnaires. Furthermore, it took 45 minutes to complete the questionnaire, including presenting it, securing consent, concluding remarks and thanking the respondent.

By contrast, an unaccompanied survey respondent took 1.5 hours to complete the questionnaire in several sessions. This amounts to double the time.

The training for interviewers was short (2 hours) and the 7 participants (4 French speakers and 3 Turkish speakers) were split into 2 groups.

The interviewers were law or political science students.

One interviewer could handle 12 to 20 questionnaires a week.

Given this observation, it seems clear that **providing survey respondents with assistance when completing the questionnaire** (remotely or face-to-face) eliminates these possible causes to reach a 100% response rate, by optimising the execution of the method.

Supervising survey respondents helps to enhance:

1. Control over the survey planning process by making appointments directly with respondents and sending reminders,
2. The personal dimension when sending survey documents (questionnaire and guidance),
3. Communication on their commitment participation in the survey,
4. Understanding the method by explaining the expectations and implications,
5. Understanding the questions by rewording them,
6. The importance of the respondent's participation by reminding them of the need for honest answers to promote the proper application of the Convention,
7. Managing the time required for the survey,
8. The quality when collating responses by completing the questionnaire for them,
9. The use of a single IT format to gather the responses.

There are 3 possible areas of improvement to the method for measuring the effectivity of the Barcelona Convention:

#### Suggested improvement 2

Recruit and train interviewers in each country with a legal background to conduct the surveys and deliver the study materials

### Suggested improvement 3

Develop a common training programme for the method to measure effectivity and survey delivery in relation to the Barcelona Convention and its Protocols.

### Suggested improvement 4

Train trainers in the countries and/or cross-cutting bodies related to the Barcelona Convention and its Protocols.

## B. PROCESSING AND RESULTS

The *legal indicators* are both quantitative and qualitative. Using legal and mathematical measurements, they assess the level of effectivity or non-effectivity of the Barcelona Convention in relation to regional requirements and its transposition into national law.

The painstaking efforts and diligence of the group of experts should be acknowledged here.

### 1. On the appearance of responses (*methodological point 6*)

When processing the data mathematically, response consistency is measured by checking for response consensus by the respondents to ensure the responses are representative and a suitable level of confidence is achieved when using them.

Checking consensus consists of measuring the dispersion of responses to a question by applying the following rule:

- if all responses from the panel of respondents, this is deemed "unanimous"
- if at least two-thirds of responses from the panel are identical, this is deemed a "consensus"
- if less than two-thirds of the responses by the panel are identical, there is "no consensus"

The two-thirds threshold (66.67% of responses) was identified arbitrarily as the respondent panel size was too small to define a representative response threshold mathematically.

As a result, the response level is:

- Unanimous when responses to the question are all identical,
- Consensus when at least two-thirds of responses to the question are identical,
- No consensus when less than two-thirds of responses to the question are identical,

Checking for consensus helps to attribute a level of confidence to the responses by the survey respondents. This level of confidence is expressed by an uncertainty of measurement<sup>8</sup> applicable when calculating the indicators.

For the pilot test exercise, this check on consensus is not used to calculate effectivity. It does help to identify methodological improvements to boost confidence in the results.

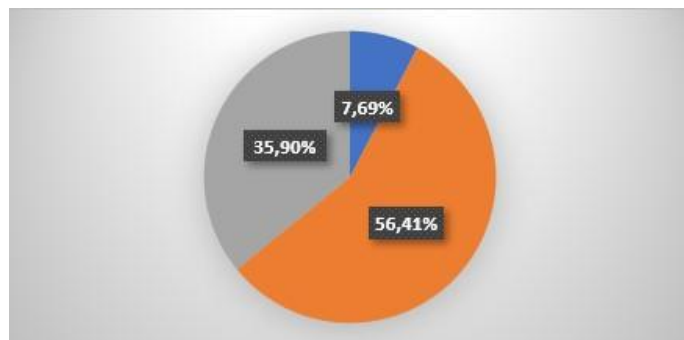
### Concerning the questionnaire in France:

The response rate for 117 questionnaires was:

- Unanimous for 9 questions, or 7.69%
- Two-thirds consensus for 66 questions, or 56.41%
- No consensus for 42 questions, or 35.90%

<sup>8</sup> Uncertainty of measurement: This is the variability of values in a series of statistics attributed to the scale to be measured, based on the information used.

Graph 1. Levels of consensus for responses to legal criteria for France

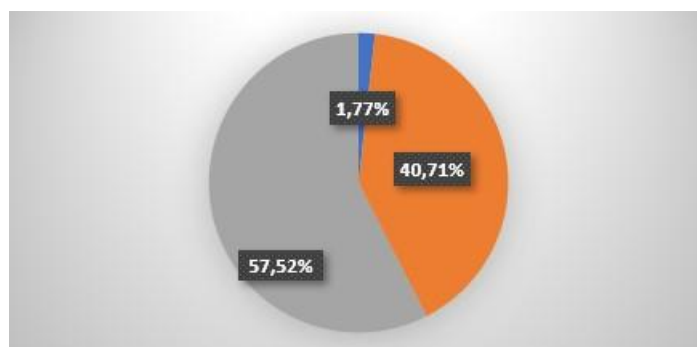


#### Concerning the questionnaire in Tunisia:

The response rate for 113 questionnaires was:

- Unanimous for 2 questions, or 1.77%
- Two-thirds consensus for 46 questions, or 40.71%
- No consensus for 65 questions, or 57.52%

Graph 2. Levels of consensus in responses to legal criteria for Tunisia

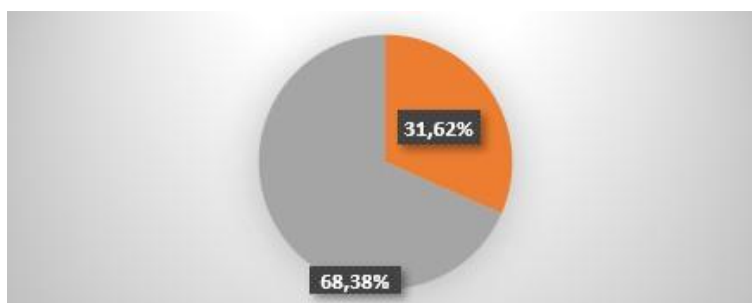


#### Concerning the questionnaire in Turkey:

The response rate for 117 questionnaires was:

- Unanimous for 0 questions, or 0%
- Two-thirds consensus for 37 questions, or 31.62%
- No consensus for 80 questions, or 68.38%

Graph 3. Levels of consensus in responses to legal criteria for Turkey





It can be seen that there is a definite lack of consensus  
which requires an understanding of the causes:

- Assumptions concerning the respondents:
  - A perception of the situation at odds with the other respondents,
  - Answers based on a feeling rather than factual aspects,
  - Errors made in the choice of response,
  - A random response given without checking,
  - The respondent did not know how to answer the question in relation to the assumptions listed on page 28, in the section entitled, "**accompanying panellists during completion of the questionnaire**" of part II - section **on the execution of the survey**,
- Assumptions concerning the group of experts:
  - A lack of methodological guidance on the wording of questions, leading to misunderstandings.

The pilot test exercise confirmed the need for **a concise and easily understandable questionnaire to complete the survey reliably and accurately.**

Concise does not mean simplified. Standard practice is to identify those legal criteria stated in the rules of law under review that describe key points of effectivity. A key point of effectivity is a factual legal element that influences the proper enforcement of the law at a given moment.

For example, a rule of law requires the necessary staff to oversee the sampling of protected species.

The legal criteria resulting from this requirement is the existence of staff to conduct these checks. There is a temptation to measure if this is adequate, permanent or acted on.

Table 1. Example of a questionnaire prior to simplification

		Yes	Frequently	Rarely	No	Don't know
Are there staff to carry out checks overseeing the sampling of protected species?						
Are these checks:	Adequate?					
	Supervised by at least 2 officers?					
	Supervised by more than 2 officers?					
	Acted upon?					

If the legislation contains no legal requirement describing the level of arrangements to deploy staff, the frequency of checks and the anticipated outcomes of properly enforcing the rule, it is unnecessary to measure these criteria, which are not key points.

The only factual, legal and conditional element is measuring the existence of staff. As a result, just 1 criteria will be measured instead of 5.

Table 2. Example of a questionnaire after simplification

	Yes	Frequently	Rarely	No	Don't know
Are there staff to carry out checks overseeing the sampling of protected species?					

**Understandable** does not mean using plain, accessible language. As the panel of survey respondents contains no legal experts, the questions must be reworded using more appropriate language to be better understood. This is especially the case for explaining the meaning of technical terms and expressions used in the questionnaire.

Suggested improvement 5

Ask the survey interviewers to read the questionnaire to measure the effectivity of the Barcelona Convention and its Protocols.

This additional task to their mission involves checking to pinpoint and reword questions to prevent a possible lack of consensus

## 2. Processing the responses

Processing proved to be a tedious task as the questionnaires were returned as PDF documents or the responses had to be entirely re-entered in an Excel spreadsheet. This stage of re-entering responses involved checking the retranscriptions twice to ensure they were consistent with the original responses.

To avoid any misunderstanding, this was not the fault of the expert groups but because there were no specific guidelines to complete the questionnaire in electronic format only.

With a larger panel of respondents, a single electronic format would be preferable to complete the questionnaire. This would have disadvantaged respondents without access to recommended IT format (online questionnaire, executable file, etc.).

So, to avoid this, two solutions are possible:

1. Re-enter the questionnaires in the required format for processing by a dedicated team,
2. The interviewer supervises the completion of the questionnaire and enter the responses in real time.

The second solution is the most appropriate as it saves considerable time, ensures the questions are properly understood and delivers greater reliability in the responses submitted. This means that planning is inextricably linked to **suggested points for improvement 2, 3, 4 and 5**

## 3. Results

Although this was a pilot test, there are certain lessons to be learned from the results of measuring the effectivity of the Barcelona Convention in the 3 States.

The findings generated by aggregating the data<sup>9</sup> resulted in:

1. **The level of effectivity of each criterion** which is obtained from the following operations:
  - a. The score for the **response** [obtained from the sum of {the total ratios in % for each response in the grading scale (yes, partly, no, don't know) from the value for each grade (4, 2, 1, 0.001)} and the weighting for the question identified at the weighting stage].
  - b. The ratio, as a percentage, for each question between this score and the maximum obtainable score (the product of the highest grade value by the question weighting).
2. **The level of effectivity of the family of criteria** is obtained from the following operations:
  - a. The ratio, as a percentage, for each question between (point 1 above) and the sum of the maximum scores obtained in the family of criteria.
  - b. The sum of all ratios obtained in the same family.
3. **The distribution of effectivity for each family of criteria**, which is obtained from the following operation:
  - a. The sum of the level of effectivity of the family of criteria by the weighting rate for the family in the overall effectivity of the questionnaire.
4. **The level of effectivity of the legal topic** (scope of measurement) is obtained by conducting the following operation:

The sum of distribution rates of the effectivity of each family of criteria.

### Concerning the questionnaire in France:

There is a divergence in the respondents answers to family 1 on "Existential criteria for application norms".

<sup>9</sup> Data aggregation: Compiling information from databases to prepare combined datasets for processing.

Out of the 7 criteria:

- None were unanimous
- 2 secured a two-thirds consensus
- 5 achieved no consensus

The effectivity of this family is 47.33%, and sets a median, not a effectivity trend.

The questions must be reframed to refine the confidence when using this value.

There is a convergence in the respondents' answers to questions in family 2 on "Applicability criteria for law".

Out of the 3 criteria:

- None were unanimous
- 2 secured a two-thirds consensus
- 1 achieved no consensus

The effectivity of this family is 69.88% and sets an effectivity trend.

This figure can be used without checks required.

There is a slight divergence in the respondents answers to family 3 on "Substantive criteria for application norms".

Out of the 48 criteria:

- 5 were accepted by all
- 25 secured a two-thirds consensus
- 18 achieved no consensus

The effectivity of this family is 74.04%, and sets a median, not a effectivity trend.

This figure can be used with caution and may require checks.

There is a convergence in the respondents' answers to questions in family 4 on "Organic criteria".

Out of the 27 criteria:

- 2 were unanimous
- 18 secured a two-thirds consensus
- 7 achieved no consensus

The effectivity of this family is 61.93% and sets an effectivity trend.

This figure can be used without checks required.

There is a convergence in the respondents' answers to questions in family 5 on "Applicability criteria and legality".

Out of the 20 criteria:

- 2 were unanimous
- 12 secured a two-thirds consensus
- 6 achieved no consensus

The effectivity of this family is 63.46% and sets an effectivity trend.

This figure can be used without checks required.

There is a divergence in the respondents' answers to questions in family 6 on "Non-legal criteria", with the ranking by the group of experts.

Out of the 12 criteria:

- None were unanimous
- 7 secured a two-thirds consensus
- 5 achieved no consensus

The effectivity of this family is 51.87%, and sets a median, not a effectivity trend.

The questions must be reframed to refine the confidence when using this value.

**The overall effectivity of the Barcelona Convention** is 62.16%. This value sets a trend. It can be used with caution and requires questions for families 1 and 6 to be reframed to refine the results and subsequently, the assessment.

Graph 4. Level of effectivity of the Barcelona Convention in France



#### Concerning the questionnaire in Tunisia:

There is a convergence in the respondents' answers to questions in family 1 on "Existential criteria for application norms".

Out of the 4 criteria:

- None were unanimous
- 4 secured a two-thirds consensus
- None achieved consensus

The effectivity of this family is 46.16% and sets an effectivity trend.

This figure can be used without checks required.

There is a divergence in the respondents answers to family 2 on "Applicability criteria for law".

Out of the 3 criteria:

- None were unanimous
- None achieved a two-thirds consensus
- 3 achieved no consensus

The effectivity of this family is 67.54%, and sets a median, not a effectivity trend.

The questions must be reframed to refine the confidence when using this value.

There is a divergence in the respondents answers to family 3 on "Substantive criteria for application norms".

Out of the 47 criteria:

- None were unanimous
- 22 secured a two-thirds consensus
- 25 achieved no consensus

The effectivity of this family is 66.96%, and sets a median, not a effectivity trend.

This figure can be used with caution and may require checks.

There is a divergence in the respondents answers to family 4 on "Organic criteria".

Out of the 27 criteria:

- 1 was unanimous
- 7 secured a two-thirds consensus
- 19 achieved no consensus

The effectivity of this family is 51.35%, and sets a median, not a effectivity trend.

The questions must be reframed to refine the confidence when using this value.

There is a divergence in the respondents answers to family 5 on "Applicability criteria for law".

Out of the 20 criteria:

- 1 was unanimous
- 8 secured a two-thirds consensus
- 11 achieved no consensus

The effectivity of this family is 67.90%, and sets a median, not a effectivity trend.

The questions must be reframed to refine the confidence when using this value.

There is a divergence in the respondents' answers to questions in family 6 on "Non-legal criteria", with the hierarchy established by the group of experts.

Out of the 12 criteria:

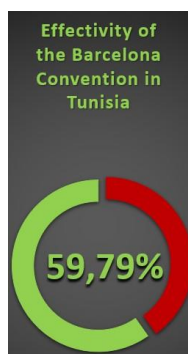
- None were unanimous
- 5 secured a two-thirds consensus
- 7 achieved no consensus

The effectivity of this family is 53.61%, and sets a median, not an effectivity trend.

The questions must be reframed to refine the confidence when using this value.

**The overall effectivity of the Barcelona Convention** is 59.77%. This value sets a trend. It can be used with caution and requires questions for families 2, 3, 4, 5 and 6 to be reframed to refine the results and subsequently, the assessment.

Graph 5. Level of effectivity of the Barcelona Convention in Tunisia



#### Concerning the questionnaire in Turkey:

There is a divergence in the respondents answers to family 1 on "Existential criteria for application norms".

Out of the 7 criteria:

- None were unanimous
- 2 secured a two-thirds consensus
- 5 achieved no consensus

The effectivity of this family is 57.65%, and sets a median, not a effectivity trend.

The questions must be reframed to refine the confidence when using this value.

There is a divergence in the respondents answers to family 2 on "Applicability criteria for law".

Out of the 3 criteria:

- None were unanimous
- None achieved a two-thirds consensus
- 3 achieved no consensus

The effectivity of this family is 60.04%, and sets a median, not a effectivity trend.

The questions must be reframed to refine the confidence when using this value.

There is a divergence in the respondents answers to family 3 on "Substantive criteria for application norms".

Out of the 48 criteria:

- None were unanimous
- 8 secured a two-thirds consensus
- 40 achieved no consensus

The effectivity of this family is 49.26%, and sets a median, not a effectivity trend.

The questions must be reframed to refine the confidence when using this value.

There is a divergence in the respondents answers to family 4 on "Organic criteria".

Out of the 27 criteria:

- None were unanimous
- 13 secured a two-thirds consensus
- 14 achieved no consensus

The effectivity of this family is 37.51%, and sets a median, not a effectivity trend.

The questions must be reframed to refine the confidence when using this value.

There is a convergence in the respondents' answers to questions in family 5 on "Applicability criteria and legality".

Out of the 20 criteria:

- None were unanimous
- 9 secured a two-thirds consensus
- 11 achieved no consensus

The effectivity of this family is 56.27%, and sets a median, not a effectivity trend.

The questions must be reframed to refine the confidence when using this value.

There is a divergence in the respondents' answers to questions in family 6 on "Non-legal criteria", with the hierarchy established by the group of experts.

Out of the 12 criteria:

- None were unanimous
- 5 secured a two-thirds consensus
- 7 achieved no consensus

The effectivity of this family is 52.71%, and sets a median, not a effectivity trend.

The questions must be reframed to refine the confidence when using this value.

**The overall effectivity of the Barcelona Convention** is 51.66%. This value sets a median and not a trend for effectivity. It can be used with heightened caution by reframing the questions for all the families of legal indicators, to validate the results and subsequently the assessment.

Graph 6. Level of effectivity of the Barcelona Convention in Turkey



#### 4. Assessment

The results of measuring the effectivity of the Barcelona Convention for the 3 countries are conclusive. A second survey in each country with another panel of respondents would help confirm this trend.

Providing a timetable to monitor effectivity, with a shorter questionnaire featuring a sample of the criteria would help measure changes in effectivity.

As such, any advance or deterioration in the proper application of the Convention could be measured. Improvements to the selection of legal criteria rely on identifying **acceptance thresholds** for the results:

1. from radar charts showing the effectivity of legal criteria and the effectivity of each family of legal criteria;
2. by establishing an effectivity threshold for the legal topic to identify all possible criteria to be improved;
3. by establishing an effectivity threshold to select the criteria to be improved;
4. by establishing an effectivity threshold for the legal families targeted by activities to improve them;

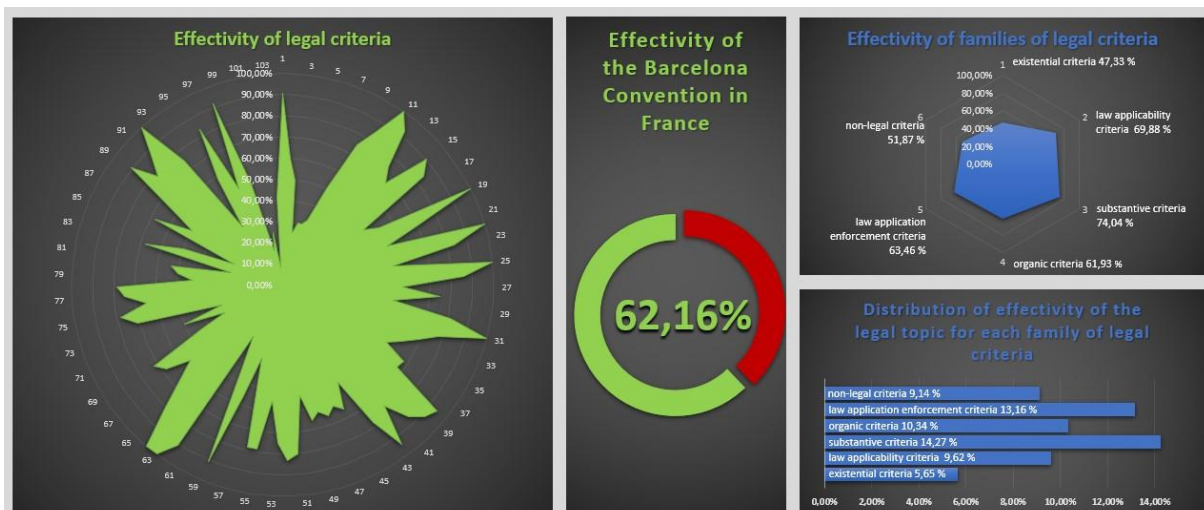
This would produce a list of criteria (questions) for actions to improve their effectivity. The steering group identified all the thresholds for the 3 countries.

An effectivity assessment of the Barcelona Convention in the 3 countries using dashboards is given below.

##### Results in France:

The dashboard below identifies areas to improve effectivity.

Graph 7. Dashboard for the effectivity of the Barcelona Convention in France



The radar chart entitled, "Effectivity of legal criteria" (in green on the left of the dashboard) shows 58 legal criteria, accounting for 49.57% of criteria with a level of effectivity of less than 66.67%, requiring one or more improvements.

One or more examples of improvements to strengthen effectivity are given under each criterion (highlighted in green).

Table 3. List of criteria for France with a level of effectivity of less than 66.67%

1	<u>Existential criteria: Legal existence and sources</u>	% Ic
1.2	Publish the Convention to make it a condition for its application.	60.01%
Improve or strengthen the dissemination of information to French stakeholders involved in implementing the Barcelona Convention:		
<ul style="list-style-type: none"> <li>On the requirement to publish the application of international legislation in national law in the official journal,</li> <li>On access to publications to apply the Convention.</li> </ul>		
1.3	Publish the Convention on the website of each Ministry tasked with implementing it.	50.01%
Improve or strengthen the dissemination of information to French stakeholders involved in implementing the Barcelona Convention:		
<ul style="list-style-type: none"> <li>On access points to Ministerial information dedicated to implementing the Convention,</li> </ul>		
1.4	Provide explanations and comments about the Convention on the website of each Ministry tasked with implementing it.	25.01%
Improve or strengthen the dissemination of information to French stakeholders involved in implementing the Barcelona Convention:		
<ul style="list-style-type: none"> <li>On access points to Ministerial information dedicated to arrangements to implement the Convention,</li> </ul>		
1.5	Refer to implementing legislation on the websites of each Ministry responsible for the Convention.	30.01%
Improve or strengthen the dissemination of information to French stakeholders involved in implementing the Barcelona Convention:		
<ul style="list-style-type: none"> <li>At access points for Ministerial information making reference to implementing legislation for the Convention,</li> </ul>		
1.6	Refer to the Convention on their coastal regional directorate websites tasked with its implementation.	30.01%
Improve or strengthen the dissemination of information to French stakeholders involved in implementing the Barcelona Convention:		
<ul style="list-style-type: none"> <li>At access points to information from these regional directorates dedicated to implementing the Convention,</li> </ul>		
1.7	Provide explanations and comments about the Convention on the websites of regional directorates in coastal areas tasked with implementing it.	32.50%
Improve or strengthen the dissemination of information to French stakeholders involved in implementing the Barcelona Convention:		
<ul style="list-style-type: none"> <li>At access points to information from these regional directorates dedicated to implementing the Convention,</li> </ul>		
2	<u>Applicability criteria:</u>	% Ic
2.1	Convention to have a direct effect in national law.	50.00%
Improve or strengthen the dissemination of information to French stakeholders involved in implementing the Barcelona Convention on its direct effects in national law:		
<ul style="list-style-type: none"> <li>List legislation, legal texts and principles to transpose the Convention in national law,</li> <li>List legal advisors,</li> <li>Lists of published references,</li> <li>Lists of stakeholders involved,</li> <li>List of legal training programmes,</li> </ul>		
3	<u>Substantive criteria for application norms</u>	% Ic
3.5	Target recommendations by the Mediterranean Commission on Sustainable Development (MCSD) on measures taken to apply the Convention.	46.43%
Improve or strengthen the dissemination of information to French stakeholders involved in implementing the Barcelona Convention about the list(s) of legal measures featuring MCSD recommendations.		
3.6.1	Provide for the precautionary principle by legislation to apply the Barcelona Convention.	53.13%
Improve or strengthen the dissemination of information to French stakeholders involved in implementing the Barcelona Convention:		
<ul style="list-style-type: none"> <li>List(s) of legal texts or extracts providing for the precautionary principle applied to the Convention,</li> </ul>		
3.7.1	Include the polluter pays principle in legislation applying the Barcelona Convention.	53.13%
Improve or strengthen the dissemination of information to French stakeholders involved in implementing the Barcelona Convention:		
<ul style="list-style-type: none"> <li>List(s) of legal texts or extracts providing for the polluter pays principle applied to the Convention,</li> </ul>		
3.8.1	Include impact assessments by legislation applying the Barcelona Convention.	53.13%
Improve or strengthen the dissemination of information to French stakeholders involved in implementing the Barcelona Convention:		
<ul style="list-style-type: none"> <li>List(s) of legal texts or extracts providing for impact assessments applied to the Convention,</li> </ul>		
3.9.1	Include cross-border impact assessments in a legal text implementing the Barcelona Convention.	57.14%
3.9.3	Apply cross-border impact assessments in the Barcelona Convention.	52.78%



Improve or strengthen the dissemination on this set of criteria by informing French stakeholders involved in implementing the Barcelona Convention:			
<ul style="list-style-type: none"><li>List(s) of legal texts implementing the Convention or extracts providing for cross-border impact assessments,</li><li>A list of cross-border impact assessments required, completed or ongoing,</li></ul>			
3.12	Set deadlines to implement the programmes.		62.50%
Improve or strengthen the dissemination of information to French stakeholders involved in implementing the Barcelona Convention:			
<ul style="list-style-type: none"><li>Extract(s) of deadlines set by the programmes to implement the Convention,</li></ul>			
3.13	Set deadlines to implement the measures.		56.25%
Improve or strengthen the dissemination of information to French stakeholders involved in implementing the Barcelona Convention:			
<ul style="list-style-type: none"><li>Extract(s) of deadlines adopted by the measures to implement the Convention,</li></ul>			
3.16.1	Take non-legal action	For dumping,	53.13%
3.16.2		For discharges from ships,	65.63%
3.16.3		For exploring the continental shelf,	62.50%
3.16.4		For land-based sources of pollution,	65.63%
3.16.5		In the event of an emergency situation,	62.50%
3.16.6		To conserve biological diversity,	65.63%
3.16.7		For cross-border movements of hazardous waste,	53.13%
Improve or strengthen the dissemination on this set of criteria by informing French stakeholders involved in implementing the Barcelona Convention about the list, or lists, of access to the content of non-legal measures:			
<ul style="list-style-type: none"><li>For dumping,</li><li>For discharges from ships,</li><li>For exploring the continental shelf,</li><li>For land-based sources of pollution,</li><li>In the event of an emergency situation,</li><li>To conserve biological diversity,</li><li>For cross-border movements of hazardous waste,</li></ul>			
3.19.2	Justify, as an exception, the withholding of access to information in accordance with an international regulation.		55.56%
Improve or strengthen the dissemination of information to French stakeholders involved in implementing the Barcelona Convention about the decision, or lists of decisions, to withhold information.			
3.21.1	Specify in the national report:	The effectiveness of the measures taken,	36.11%
3.21.2		Problems encountered.	55.56%
Improve or strengthen the dissemination on this set of criteria by informing French stakeholders involved in implementing the Barcelona Convention:			
<ul style="list-style-type: none"><li>Concerning the effectiveness of measures taken,</li><li>Concerning problems encountered.</li></ul>			
4	<u>Organic criteria</u>		% lc
4.3.2	Have a government department tasked with monitoring the Convention in several Ministries.		57.14%
Improve or strengthen the dissemination of information on the Ministerial department(s) tasked with monitoring the Convention to French stakeholders involved in implementing the convention.			
4.4.1	Allocate staff from central government to appropriately monitor the application of the Convention:	Less than 2 FTE,	40.63%
4.4.2		2 to 4 FTE,	
4.4.3		More than 4 FTE.	
Improve or strengthen the dissemination on this set of criteria by informing French stakeholders involved in implementing the Barcelona Convention about central administration staff numbers to monitor the application of the Convention.			
4.5.1	Hold meetings on the Convention for central government departments on a suitable annual basis:	Less than twice a year,	28,13%
4.5.2		2 to 4 times a year,	
4.5.3		More than 4 times a year.	
Improve or strengthen the dissemination on this set of criteria by informing French stakeholders involved in implementing the Barcelona Convention about the Convention meeting timetable for government departments.			
4.9	Involve coastal local authorities by implementing the Convention.		65.63%
Improve or strengthen the dissemination of information to French stakeholders involved in implementing the Barcelona Convention:			
<ul style="list-style-type: none"><li>On involving coastal local authorities in the implementation of the Convention,</li></ul>			
4.10	Involve coastal local authorities associations by the implementation of the Convention,		56.25%
Improve or strengthen the dissemination of information to French stakeholders involved in implementing the Barcelona Convention:			
<ul style="list-style-type: none"><li>On involving coastal local authority associations in implementing the Convention,</li></ul>			

4.13.1	Secure an appropriate allocation of regional officers	1 to 4,	43.75%
4.13.2	tasked with implementing the Convention:	More than 4.	
Improve or strengthen the dissemination on this set of criteria by informing French stakeholders involved in implementing the Barcelona Convention about regional officer staff numbers tasked with implementing the Convention.			
4.14	Calculate the cost of measures required to implement the Convention.		30.56%
Improve or increase the dissemination of information to French stakeholders involved in applying the Barcelona Convention about the implementation costs.			
4.15	Allocate a budget for measures required to implement the Convention.		50.00%
Improve or strengthen the dissemination of information to French stakeholders involved in implementing the Barcelona Convention on State budget(s) for measures required to implement the convention.			
4.16	Create one or more regional authority budget lines to apply the Convention.		30.56%
Improve or strengthen the dissemination of information to French stakeholders involved in implementing the Barcelona Convention on regional authority budget lines for measures required to implement the Convention.			
5	<u>Enforcement criteria for the Barcelona Convention</u>		% lc
5.2.1	Implement enforcement legislation on territorial waters by a national body.		65.01%
Improve or strengthen the dissemination of information to French stakeholders involved in implementing the Barcelona Convention: <ul style="list-style-type: none"><li>On the organisation of administrative enforcements in territorial waters,</li><li>On the list(s) of bodies responsible for implementing administrative enforcement.</li></ul>			
5.4.1	Have an operational fleet of vessels to police the	1 to 4,	42.86%
5.4.2	coastline:	More than 4.	
Improve or strengthen the dissemination on this set of criteria by informing French stakeholders involved in implementing the Barcelona Convention about the composition of the fleet of vessels to police the coastline.			
5.5.1	Have an operational fleet of vessels to police areas	1 to 4,	50.00%
5.5.2	outside territorial waters:	More than 4.	
Improve or strengthen the dissemination on this set of criteria by informing French stakeholders involved in implementing the Barcelona Convention about the composition of the fleet of vessels to police areas outside territorial waters.			
5.6.1	Upon inception, establish as part of the judicial review process:	Rulings implementing the Convention.	53.58%
5.6.2		Checks and audits by the presence of the direct effect of the Convention.	25.00%
Improve or strengthen the dissemination on this set of criteria by informing French stakeholders involved in implementing the Barcelona Convention: <ul style="list-style-type: none"><li>On the list(s) of rulings for judicial review when implementing the Convention,</li><li>On the list(s) of checks and audits by the direct effect of the Convention.</li></ul>			
5.7.2	Apply criminal sanctions.		50.00%
5.7.3	Apply settlement procedures.		25.00%
Improve or strengthen the dissemination on this set of criteria by informing French stakeholders involved in implementing the Barcelona Convention: <ul style="list-style-type: none"><li>On the list(s) of planned criminal sanctions,</li><li>On the list(s) with extracts of criminal sanctions applied,</li><li>On the list(s) with extracts of settlement procedures.</li></ul>			
5.8.2	Apply administrative sanctions.		50.00%
Improve or strengthen the dissemination of information to French stakeholders involved in implementing the Barcelona Convention: <ul style="list-style-type: none"><li>On the list(s) of planned administrative sanctions,</li><li>On the list(s) of extracts of administrative sanctions applied.</li></ul>			
5.9	Provide for a training programme for magistrates on coastal and maritime law.		62.50%
Improve or strengthen the dissemination of information on the training programme, or programmes and sessions for magistrates on coastal and maritime law for French stakeholders involved in implementing the Barcelona Convention.			
6	<u>Non-legal criteria strengthening effective application</u> (rank criteria by order of importance, 1 being the criterion with the least impact on effectivity)		% lc
6.3	Strengthen the application of the Convention by its technical simplicity for implementation.		33.33%
Give greater consideration with French stakeholders involved in applying the Barcelona Convention to its technical simplicity of implementation.			
6.4	Strengthen the implementation of the convention by eliminating economic interests that clash with the protection of the Mediterranean Sea.		58.33%
Enhance or expand the inventory of conflicts of economic interest and disseminate this to French stakeholders involved in implementing the Barcelona Convention.			

6.6	Strengthen the application of the Convention by providing relevant information, training and education.	50.00%
Improve or strengthen information, training and education activities for all French audiences (school pupils, local residents, elected officials, socio-economic, scientific and institutional stakeholders) directly or indirectly concerned by the implementation of the Barcelona Convention.		
6.8	Strengthen the application of the Convention by cooperation between the legal and scientific professions.	50.00%
Enhance or strengthen cooperation between those legal and scientific professions directly or indirectly concerned by the implementation of the Barcelona Convention.		
6.9	Strengthen the application of the Convention by scientific projections on changes to the Mediterranean Sea.	16.67%
Improve or strengthen the dissemination of scientific projections on changes to the Mediterranean Sea to French stakeholders involved in implementing the Barcelona Convention.		
6.10	Strengthen the application of the Convention by publishing data on protecting the Mediterranean Sea.	25.00%
Improve or increase the dissemination of published data on the protection of the Mediterranean Sea to French stakeholders involved in implementing the Barcelona Convention.		
6.11	Strengthen the application of the Convention by the involvement of NGOs specialising in protecting the Mediterranean Sea.	8.33%
Enhance or strengthen the involvement of specialist NGOs to protect the Mediterranean Sea and share this information with French stakeholders involved in implementing the Barcelona Convention.		
6.12	Strengthen the application of the Convention by engaging with NGOs.	41.67%
Improve or strengthen the dissemination of information on the engagement of NGOs to French stakeholders involved in implementing the Barcelona Convention.		

It is advantageous to refine the list of criteria by initially retaining those criteria with a level of effectivity of less than 33.33% and the remainder at a later stage.

Table 4. List of criteria for France with a level of effectivity of less than 33.33%

1	<u>Existential criteria: Legal existence and sources</u>		% Ic
1.4	Provide explanations and comments about the Convention on the website of each Ministry tasked with implementing it.		25.01%
Improve or strengthen the dissemination of information to French stakeholders involved in implementing the Barcelona Convention:			
1.5	On access points to Ministerial information dedicated to arrangements to implement the Convention, Refer to implementing legislation on the websites of each Ministry responsible for the Convention.		30.01%
Improve or strengthen the dissemination of information to French stakeholders involved in implementing the Barcelona Convention:			
1.6	At access points for Ministerial information dedicated to references on implementing legislation for the convention, Refer to the Convention on their coastal regional directorate websites tasked with its implementation.		30.01%
Improve or strengthen the dissemination of information to French stakeholders involved in implementing the Barcelona Convention:			
1.7	At access points to information from these regional directorates dedicated to implementing the Convention, Provide explanations and comments about the Convention on the websites of regional directorates in coastal areas tasked with implementing it.		32.50%
Improve or strengthen the dissemination of information to French stakeholders involved in implementing the Barcelona Convention:			
At access points to information from these regional directorates dedicated to implementing the Convention,			
4	<u>Organic criteria</u>		% Ic
4.5.1	Hold meetings on the Convention for central government departments on a suitable annual basis:	Less than twice a year,	28,13%
4.5.2		2 to 4 times a year,	
4.5.3		More than 4 times a year.	
Improve or strengthen the dissemination on this set of criteria by informing French stakeholders involved in implementing the Barcelona Convention about the Convention meeting timetable for government departments.			
4.14	Calculate the cost of measures required to implement the Convention.		30.56%
Improve or increase the dissemination of information to French stakeholders involved in applying the Barcelona Convention about the implementation costs.			
4.16	Create one or more regional authority budget lines to apply the Convention.		30.56%
Improve or strengthen the dissemination of information to French stakeholders involved in implementing the Barcelona Convention on regional authority budget lines for measures required to implement the Convention.			

5	<u>Enforcement criteria for the Barcelona Convention</u>	% Ic
5.6.2	Introduce, for judicial review, checks and audits by the presence of the direct effect of the Convention when it comes into force.	25.00%
Improve or strengthen the dissemination of information to French stakeholders involved in implementing the Barcelona Convention:		
<ul style="list-style-type: none"> <li>On the list(s) of rulings for judicial review when implementing the Convention,</li> <li>On the list(s) of checks and audits by the direct effect of the Convention.</li> </ul>		
5.7.3	Apply settlement procedures.	25.00%
Improve or strengthen the dissemination of information to French stakeholders involved in implementing the Barcelona Convention:		
<ul style="list-style-type: none"> <li>On the list(s) of planned criminal sanctions,</li> <li>On the list(s) with extracts of criminal sanctions applied,</li> <li>On the list(s) with extracts of settlement procedures.</li> </ul>		
6	<u>Non-legal criteria strengthening effective application</u> (rank criteria by order of importance, 1 being the criterion with the least impact on effectivity)	% Ic
6.9	Strengthen the application of the Convention by scientific projections on changes to the Mediterranean Sea.	16.67%
Improve or strengthen the dissemination of scientific projections on changes to the Mediterranean Sea to French stakeholders involved in implementing the Barcelona Convention.		
6.10	Strengthen the application of the Convention by publishing data on protecting the Mediterranean Sea.	25.00%
Improve or increase the dissemination of published data on the protection of the Mediterranean Sea to French stakeholders involved in implementing the Barcelona Convention.		
6.11	Strengthen the application of the Convention by the involvement of NGOs specialising in protecting the Mediterranean Sea.	8.33%
Enhance or strengthen the involvement of specialist NGOs to protect the Mediterranean Sea and share this information with French stakeholders involved in implementing the Barcelona Convention.		

By cross-referencing this list of 14 criteria (11.97% of the criteria) with the radar chart entitled "Effectivity of families of legal criteria", we can select families of legal criteria with a level of effectivity equal to, or less than, 66.67%, namely:

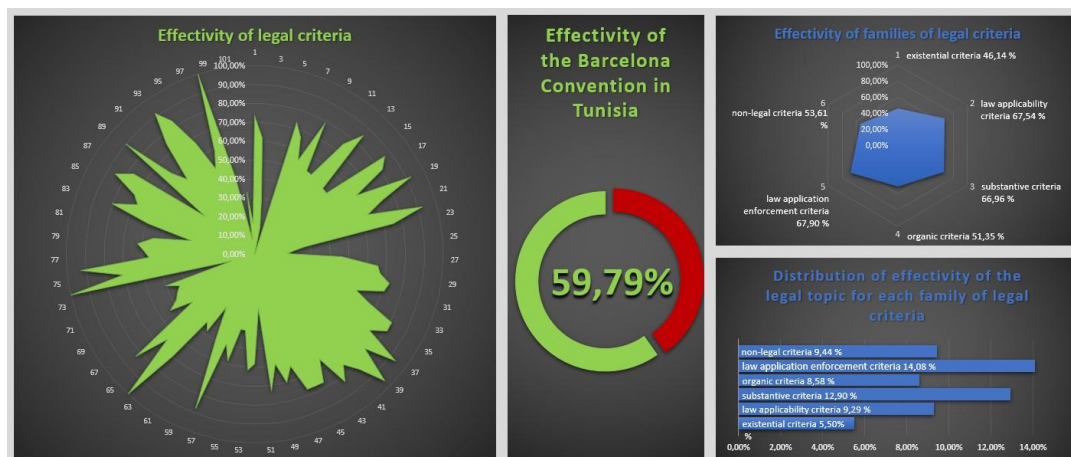
- Family 1 ("Existential criteria"), with a level of 47.33%,
- Family 4 ("Organic criteria"), with a level of 61.93%,
- Family 5 ("Application criteria"), with a level of 63.46%,
- Family 6 ("Non-legal criteria"), with a level of 51.87%.

The same 14 criteria require action to improve or increase the effectivity of the Barcelona Convention in France, i.e., 11.97% of the criteria.

#### Concerning the results for Tunisia:

The dashboard below identifies areas to improve effectivity.

Graph 8. Dashboard for the effectivity of the Barcelona Convention in Tunisia



The radar chart entitled, "Effectivity of legal criteria" (in green on the left of the dashboard) shows 65 legal criteria, accounting for 57.52% of criteria, with a level of effectivity of less than 66.67%, requiring one or more improvements.

One or more examples of improvements to strengthen effectivity are given under each criterion (highlighted in green).

Table 5. List of criteria for Tunisia with a level of effectivity of less than 66.67%

1	<u>Existential criteria: Legal existence and sources</u>		% lc
1.2	Publish the Convention to make it a condition for its application.		63.47%
Improve or strengthen the dissemination of information to Tunisian stakeholders involved in implementing the Barcelona Convention:			
<ul style="list-style-type: none"><li>On the requirement to publish the application of international legislation in national law in the official journal,</li><li>On access to publications to apply the Convention.</li></ul>			
1.3	Each Ministry tasked with implementing the Convention publishes it on its website.		34.63%
Improve or strengthen the dissemination of information to Tunisian stakeholders involved in implementing the Barcelona Convention:			
<ul style="list-style-type: none"><li>On access points to Ministerial information dedicated to implementing the Convention,</li></ul>			
1.4	Each Ministry tasked with implementing the Convention provides an explanation and comments for it on its website.		16.69%
Improve or strengthen the dissemination of information to Tunisian stakeholders involved in implementing the Barcelona Convention:			
<ul style="list-style-type: none"><li>On access points to Ministerial information dedicated to arrangements to implement the Convention,</li></ul>			
2	<u>Applicability criteria:</u>		% lc
2.3	Is the Convention included in regulatory legislation?		59.62%
Improve or strengthen the dissemination of information to Tunisian stakeholders involved in implementing the Barcelona Convention:			
<ul style="list-style-type: none"><li>On the extracts of regulatory legislation featuring the Convention,</li></ul>			
3	<u>Substantive criteria for application norms</u>		% lc
3.2.1	Take steps to promote the application of the Convention:	Through information campaigns.	47.51%
3.2.2		Through training activities.	47.73%
Improve or strengthen the dissemination of information about this set of criteria to Tunisian stakeholders involved in implementing the Barcelona Convention on:			
<ul style="list-style-type: none"><li>On the list(s) of information campaigns promoting the implementation of the Convention,</li><li>On the list(s) of training activities promoting the implementation of the Convention,</li></ul>			
3.5	Target recommendations by the Mediterranean Commission on Sustainable Development (MCSD) on measures taken to apply the Convention.		61.36%
Improve or strengthen the dissemination of information to Tunisian stakeholders involved in implementing the Barcelona Convention about the list(s) of legal measures featuring MCSD recommendations.			
3.6.1	Provide for the precautionary principle by legislation to apply the Barcelona Convention.		57.50%
Improve or strengthen the dissemination of information to Tunisian stakeholders involved in implementing the Barcelona Convention:			
<ul style="list-style-type: none"><li>List(s) of legal texts or extracts providing for the precautionary principle applied to the Convention,</li></ul>			
3.7.1	Include the polluter pays principle in legislation applying the Barcelona Convention.		59.10%
Improve or strengthen the dissemination of information to Tunisian stakeholders involved in implementing the Barcelona Convention:			
<ul style="list-style-type: none"><li>List(s) of legal texts or extracts providing for the polluter pays principle applied to the Convention,</li></ul>			
3.8.1	Include impact assessments by legislation applying the Barcelona Convention.		56.82%
Improve or strengthen the dissemination of information to Tunisian stakeholders involved in implementing the Barcelona Convention:			
<ul style="list-style-type: none"><li>List(s) of legal texts or extracts providing for impact assessments applied to the Convention,</li></ul>			
3.9.1	Include cross-border impact assessments in a legal text implementing the Barcelona Convention.		22.51%
3.9.2	Include cross-border impact assessments through national law (text).		22.74%
3.9.3	Apply cross-border impact assessments in the Barcelona Convention.		18.19%
Improve or strengthen the dissemination of information about this set of criteria to Tunisian stakeholders involved in implementing the Barcelona Convention on:			
<ul style="list-style-type: none"><li>List(s) of legal texts implementing the Convention or extracts providing for cross-border impact assessments,</li><li>List(s) of national laws (texts) or extracts providing for cross-border impact assessments,</li><li>A list of cross-border impact assessments required, completed or ongoing,</li></ul>			
3.10.1	Provide for integrated coastal zone management through a legal text to implement the Barcelona Convention.		36.38%
3.10.3	Apply integrated coastal zone management in the Barcelona Convention.		65.91%
Improve or strengthen the dissemination of information about this set of criteria to Tunisian stakeholders involved in implementing the Barcelona Convention on:			
<ul style="list-style-type: none"><li>List(s) of legal texts implementing the Convention or extracts providing for integrated coastal management.</li></ul>			



	• List of integrated coastal zone management activities required, ongoing or completed,		
3.12	Set deadlines to implement the programmes.		65.91%
Improve or strengthen the dissemination of information to Tunisian stakeholders involved in implementing the Barcelona Convention:			
	• Extract(s) of deadlines set by the programmes to implement the Convention,		
3.13	Set deadlines to implement the measures.		54.55%
Improve or strengthen the dissemination of information to Tunisian stakeholders involved in implementing the Barcelona Convention:			
	• Extract(s) of deadlines adopted by the measures to implement the Convention,		
3.18	Organise participation in policy-making.		55.56%
Improve or strengthen the dissemination of information to Tunisian stakeholders involved in implementing the Barcelona Convention:			
	• On the type of participation in policy-making,		
	• On organising participation in policy-making,		
3.19.2	Justify, as an exception, the withholding of access to information in accordance with an international regulation.		31.83%
Improve or strengthen the dissemination of information to Tunisian stakeholders involved in implementing the Barcelona Convention about the decision, or lists of decisions, to withhold information.			
3.21.1	Specify in the national report:	The effectiveness of the measures taken,	45.46%
3.21.2		Problems encountered.	45.46%
Improve or strengthen the dissemination of information about this set of criteria to Tunisian stakeholders involved in implementing the Barcelona Convention on:			
	• Concerning the effectiveness of measures taken,		
	• Concerning problems encountered.		
4	<u>Organic criteria</u>		% Ic
4.1.1	Allocate effective management of the Convention to one or more Ministries:	at least 1,	50.01%
4.1.2		2 to 3,	
4.1.3		More than 3.	
Improve or strengthen dissemination on this set of criteria by informing Tunisian stakeholders involved in implementing the Barcelona Convention about the Ministries effectively responsible for the Convention.			
4.2	Organise a system of inter-Ministerial coordination to implement the Convention.		61.11%
Improve or strengthen the dissemination of information to Tunisian stakeholders involved in implementing the Barcelona Convention:			
	• On organisation and planning arrangements for inter-Ministerial coordination to implement the Convention,		
	• On planning inter-Ministerial coordination to implement the convention.		
4.3.2	Have a government department tasked with monitoring the Convention in several Ministries.		47.23%
Improve or strengthen the dissemination of information on the Ministerial department(s) tasked with monitoring the Convention to Tunisian stakeholders involved in implementing the Barcelona Convention.			
4.4.1	Allocate staff from central government to appropriately monitor the application of the Convention:	Less than 2 FTE,	33.34%
4.4.2		2 to 4 FTE,	
4.4.3		More than 4 FTE.	
Improve or strengthen dissemination on this set of criteria by informing Tunisian stakeholders involved in implementing the Barcelona Convention about central administration staff numbers to monitor the application of the Convention.			
4.5.1	Hold meetings on the Convention for central government departments on a suitable annual basis:	Less than twice a year,	45.00%
4.5.2		2 to 4 times a year,	
4.5.3		More than 4 times a year.	
Improve or strengthen the dissemination on this set of criteria by informing Tunisian stakeholders involved in implementing the Barcelona Convention about the Convention meeting timetable for administrative departments.			
4.6	Have appropriate local state department representation for the Convention.		32.52%
Improve or strengthen the dissemination of information to Tunisian stakeholders involved in implementing the Barcelona Convention:			
	• List of appropriate state department(s) tasked with implementing the Convention at a local level,		
4.7	Is there a decentralised public body tasked with implementing the Convention (expressly or implicitly).		60.72%
Improve or strengthen the dissemination of information to Tunisian stakeholders involved in implementing the Barcelona Convention:			
	• List of decentralised public bodies tasked with implementing the Convention,		
4.8.2	Designate a regional authority to continuously monitor pollution.		57.51%
Improve or strengthen the dissemination of information to Tunisian stakeholders involved in implementing the Barcelona Convention:			
	• Description of the regional authority, or authorities, tasked with continuously monitoring pollution.		
4.10	Involve coastal local authorities by implementing the Convention.		30.01%
Improve or strengthen the dissemination of information to Tunisian stakeholders involved in implementing the Barcelona Convention:			
	• On involving coastal local authority associations in implementing the Convention,		
4.11.1	Have a fleet of inshore research vessels:	1 to 4,	50.01%
4.11.2		More than 4.	

Improve or strengthen dissemination on this set of criteria by informing Tunisian stakeholders involved in implementing the Barcelona Convention about the composition of the fleet of inshore research vessels.			
4.12.1	Have a fleet of offshore research vessels:	at least 1,	54.18%
4.12.2		More than 1.	
Improve or strengthen dissemination on this set of criteria by informing Tunisian stakeholders involved in implementing the Barcelona Convention about the composition of the offshore research fleet of vessels.			
4.13.1	Secure an appropriate allocation of regional officers tasked with implementing the Convention:	1 to 4,	54.55%
4.13.2		More than 4.	
Improve or strengthen the dissemination on this set of criteria by informing Tunisian stakeholders involved in implementing the Barcelona Convention about regional officer staff numbers tasked with implementing the Convention.			
4.14	Calculate the cost of measures required to implement the Convention.		50.00%
Improve or increase the dissemination of information to French stakeholders involved in applying the Barcelona Convention about the implementation costs.			
4.15	Allocate a budget for measures required to implement the Convention.		50.00%
Improve or strengthen the dissemination of information to Tunisian stakeholders involved in implementing the Barcelona Convention on State budget(s) for measures required to implement the Convention.			
4.16	Create one or more regional authority budget lines to apply the Convention.		15.40%
Improve or strengthen the dissemination of information to Tunisian stakeholders involved in implementing the Barcelona Convention on regional authority budget lines for measures required to implement the Convention.			
5	<u>Enforcement criteria for the Barcelona Convention</u>		% Ic
5.1.2	Task a local body to enforce administrative procedures in coastal waters.		65.01%
Improve or strengthen the dissemination of information to Tunisian stakeholders involved in implementing the Barcelona Convention:			
<ul style="list-style-type: none"><li>On the organisation of administrative enforcement procedures in coastal waters,</li><li>On the list, or lists, of local bodies tasked with conducting administrative enforcement procedures in coastal waters.</li></ul>			
5.2.2	Task a local body to conduct administrative enforcement procedures in territorial waters.		47.51%
Improve or strengthen the dissemination of information to Tunisian stakeholders involved in implementing the Barcelona Convention:			
<ul style="list-style-type: none"><li>On the organisation of administrative enforcement procedures in territorial waters,</li><li>On the list, or lists, of local bodies tasked with conducting administrative enforcement procedures in territorial waters.</li></ul>			
5.3	Implement administrative enforcement procedures outside territorial waters.		50.01%
Improve or strengthen the dissemination of information to Tunisian stakeholders involved in implementing the Barcelona Convention:			
<ul style="list-style-type: none"><li>List of administrative enforcement audits scheduled or completed,</li></ul>			
5.4.1	Have an operational fleet of vessels to police the coastline:	1 to 4,	65.01%
5.4.2		More than 4.	
Improve or strengthen the dissemination on this set of criteria by informing Tunisian stakeholders involved in implementing the Barcelona Convention about the composition of the fleet of vessels to police the coastline.			
5.5.1	Have an operational fleet of vessels to police areas outside territorial waters:	1 to 4,	55.56%
5.5.2		More than 4.	
Improve or strengthen the dissemination on this set of criteria by informing Tunisian stakeholders involved in implementing the Barcelona Convention about the composition of the fleet of vessels to police areas outside territorial waters.			
5.6.1	Upon inception, establish as part of the judicial review process:	Rulings implementing the Convention.	36.37%
5.6.2		Checks and audits by the presence of the direct effect of the Convention.	64.59%
Improve or strengthen the dissemination of information about this set of criteria to Tunisian stakeholders involved in implementing the Barcelona Convention on:			
<ul style="list-style-type: none"><li>On the list(s) of rulings for judicial review when implementing the Convention,</li><li>On the list(s) of checks and audits by the direct effect of the Convention.</li></ul>			
5.7.2	Apply criminal sanctions.		62.51%
Improve or strengthen the dissemination of information to Tunisian stakeholders involved in implementing the Barcelona Convention:			
<ul style="list-style-type: none"><li>On the list(s) of planned criminal sanctions,</li><li>On the list(s) with extracts of criminal sanctions applied,</li><li>On the list(s) with extracts of settlement procedures.</li></ul>			
5.9	Provide for a training programme for magistrates on coastal and maritime law.		27.51%
Improve or strengthen the dissemination of information to Tunisian stakeholders involved in implementing the Barcelona Convention about the training programme, or programmes and sessions for magistrates on coastal and maritime law.			
5.11	Enable associations and NGOs to initiate legal proceedings under the Convention.		55.77%

Improve or strengthen the dissemination of information to Tunisian stakeholders involved in implementing the Barcelona Convention about associations and NGOs having initiated legal proceedings.		
5.12	Have associations and NGOs as official partners of the Barcelona Convention in the Member States.	52.09%
Improve or strengthen the dissemination of information to Tunisian stakeholders involved in implementing the Barcelona Convention about official partnerships with associations and NGOs.		
6	<u>Non-legal criteria strengthening effective application</u> (rank criteria by order of importance, 1 being the criterion with the least impact on effectivity)	% Ic
6.5	Strengthen the application of the Convention by informing the public about the existence of the convention.	41.67%
Improve or strengthen communication activities for all Tunisian audiences about the existence of the Barcelona Convention (school pupils, local residents, elected officials, socio-economic, scientific and institutional stakeholders).		
6.6	Strengthen the application of the Convention by disseminating related information, training and education.	58.33%
Improve or strengthen information, training and education activities for all Tunisian audiences (school pupils, local residents, elected officials, socio-economic, scientific and institutional stakeholders) directly or indirectly concerned by the implementation of the Barcelona Convention.		
6.8	Strengthen the application of the convention by cooperation between the legal and scientific professions.	50.00%
Enhance or strengthen cooperation between those legal and scientific professions directly or indirectly concerned by the implementation of the Barcelona Convention.		
6.9	Strengthen the application of the Convention by scientific projections on changes to the Mediterranean Sea.	8.33%
Improve or strengthen the dissemination of scientific projections on changes to the Mediterranean Sea to Tunisian stakeholders involved in implementing the Barcelona Convention.		
6.10	Strengthen the application of the Convention by publishing data on protecting the Mediterranean Sea.	33.33%
Improve or increase the dissemination of published data on the protection of the Mediterranean Sea to Tunisian stakeholders involved in implementing the Barcelona Convention.		
6.11	Strengthen the application of the Convention by the involvement of NGOs specialising in protecting the Mediterranean Sea.	16.67%
Enhance or increase the involvement of specialist NGOs to protect the Mediterranean Sea and share this information with Tunisian stakeholders involved in implementing the Barcelona Convention.		
6.12	Strengthen the application of the Convention by engaging with associations and NGOs.	25.00%
Improve or strengthen the dissemination of information to Tunisian stakeholders involved in implementation of the Barcelona Convention about engagement with associations and NGOs.		

It is advantageous to refine the list of criteria by initially retaining those criteria with a level of effectivity of less than 33.33% and the remainder at a later stage.

Table 6. List of criteria for Tunisia with a level of effectivity of less than 33.33%

1	<u>Existential criteria: Legal existence and sources</u>	% Ic
1.4	Each Ministry tasked with implementing the Convention provides an explanation and comments for it on its website.	16.69%
Improve or strengthen the dissemination of information to Tunisian stakeholders involved in implementing the Barcelona Convention:		
<ul style="list-style-type: none"> <li>On access points to Ministerial information dedicated to arrangements to implement the Convention,</li> </ul>		
3	<u>Substantive criteria for application norms</u>	% Ic
3.9.1	Include cross-border impact assessments in a legal text implementing the Barcelona Convention.	22.51%
3.9.2	Include cross-border impact assessments through national law (text).	22.74%
3.9.3	Apply cross-border impact assessments in the Barcelona Convention.	18.19%
Improve or strengthen the dissemination of information about this set of criteria to Tunisian stakeholders involved in implementing the Barcelona Convention on:		
<ul style="list-style-type: none"> <li>List(s) of legal texts implementing the Convention or extracts providing for cross-border impact assessments,</li> <li>List(s) of national laws (texts) or extracts providing for cross-border impact assessments,</li> <li>A list of cross-border impact assessments required, completed or ongoing,</li> </ul>		
3.19.2	Justify, as an exception, the withholding of access to information in accordance with an international regulation.	31.83%
Improve or strengthen the dissemination of information to Tunisian stakeholders involved in implementing the Barcelona Convention about the decision, or lists of decisions, to withhold information.		
4	<u>Organic criteria</u>	% Ic
4.6	Have appropriate local state department representation for the Convention.	32.52%



Improve or strengthen the dissemination of information to Tunisian stakeholders involved in implementing the Barcelona Convention:		
<ul style="list-style-type: none"> <li>List of appropriate state department(s) tasked with implementing the Convention at a local level,</li> </ul>		
4.10	Involve coastal local authorities by implementing the Convention.	30.01%
Improve or strengthen the dissemination of information to Tunisian stakeholders involved in implementing the Barcelona Convention:		
<ul style="list-style-type: none"> <li>On involving coastal local authority associations in implementing the Convention,</li> </ul>		
4.16	Create one or more regional authority budget lines to apply the Convention.	15.40%
Improve or strengthen the dissemination of information to Tunisian stakeholders involved in implementing the Barcelona Convention on regional authority budget lines for measures required to implement the Convention.		
5	<u>Enforcement criteria for the Barcelona Convention</u>	% Ic
5.9	Provide for a training programme for magistrates on coastal and maritime law.	27.51%
Improve or strengthen the dissemination of information to Tunisian stakeholders involved in implementing the Barcelona Convention about the training programme, or programmes and sessions for magistrates on coastal and maritime law.		
6	<u>Non-legal criteria strengthening effective application</u> (rank criteria by order of importance, 1 being the criterion with the least impact on effectivity)	% Ic
6.9	Strengthen the application of the convention by scientific projections on likely changes to the Mediterranean Sea.	8.33%
Improve or strengthen the dissemination of scientific projections on changes to the Mediterranean Sea to Tunisian stakeholders involved in implementing the Barcelona Convention.		
6.11	Strengthen the application of the Convention by the involvement of NGOs specialising in protecting the Mediterranean Sea.	16.67%
Enhance or increase the involvement of specialist NGOs to protect the Mediterranean Sea and share this information with Tunisian stakeholders involved in implementing the Barcelona Convention.		
6.12	Strengthen the application of the Convention by engaging with associations and NGOs.	25.00%
Improve or strengthen the dissemination of information to Tunisian stakeholders involved in implementation of the Barcelona Convention about engagement with associations and NGOs.		

By cross-referencing this list of 12 criteria (10.62% of the criteria) with the radar chart entitled "Effectivity of families of legal criteria", we can select families of legal criteria with a level of effectivity equal to or less than 66.67%, namely:

- Family 1 ("Existential criteria"), with a level of 46.14%,
- Family 4 ("Organic criteria"), with a level of 51.35%,
- Family 6 ("Non-legal criteria"), with a level of 53.61%.

Table 7. List of refined criteria for Tunisia with an effectivity rating less than 33.33%

1	<u>Existential criteria: Legal existence and sources</u>	% Ic
1.4	Each Ministry tasked with implementing the Convention provides an explanation and comments for it on its website.	16.69%
Improve or strengthen the dissemination of information to Tunisian stakeholders involved in implementing the Barcelona Convention:		
<ul style="list-style-type: none"> <li>On access points to Ministerial information dedicated to arrangements to implement the Convention,</li> </ul>		
4	<u>Organic criteria</u>	% Ic
4.6	Have appropriate local state department representation for the Convention.	32.52%
Improve or strengthen the dissemination of information to Tunisian stakeholders involved in implementing the Barcelona Convention:		
<ul style="list-style-type: none"> <li>List of appropriate state department(s) tasked with implementing the Convention at a local level,</li> </ul>		
4.10	Involve coastal local authorities by implementing the Convention.	30.01%
Improve or strengthen the dissemination of information to Tunisian stakeholders involved in implementing the Barcelona Convention:		
<ul style="list-style-type: none"> <li>On involving coastal local authority associations in implementing the Convention,</li> </ul>		
4.16	Create one or more regional authority budget lines to apply the Convention.	15.40%
Improve or strengthen the dissemination of information to Tunisian stakeholders involved in implementing the Barcelona Convention on regional authority budget lines for measures required to implement the Convention.		
6	<u>Non-legal criteria strengthening effective application</u> (rank criteria by order of importance, 1 being the criterion with the least impact on effectivity)	% Ic
6.9	Strengthen the application of the Convention by scientific projections on changes to the Mediterranean Sea.	8.33%
Improve or strengthen the dissemination of scientific projections on changes to the Mediterranean Sea to Tunisian stakeholders involved in implementing the Barcelona Convention.		

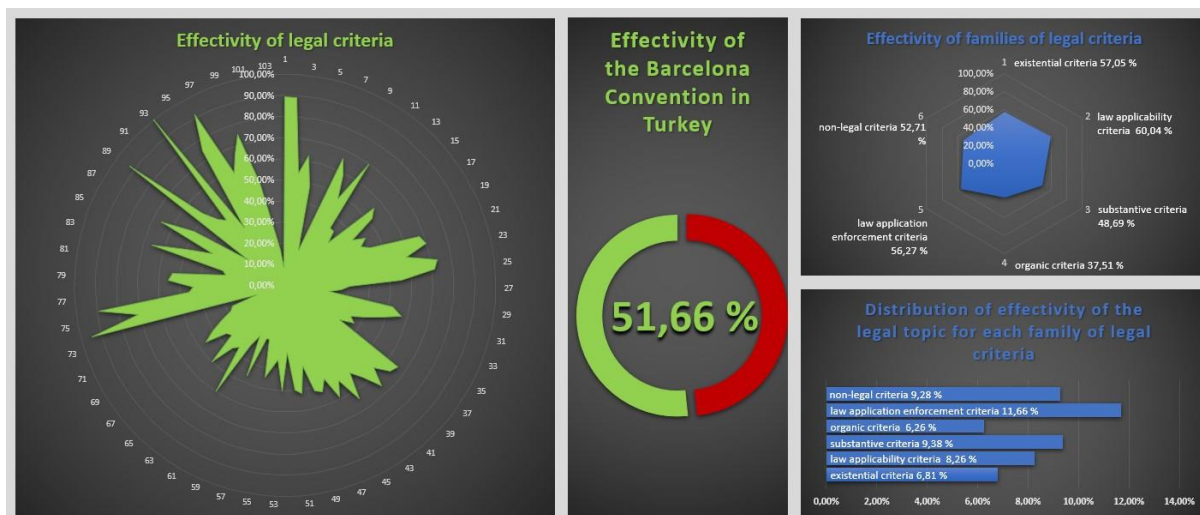
6.11	Strengthen the application of the Convention by the involvement of NGOs specialising in protecting the Mediterranean Sea.	16.67%
Enhance or increase the involvement of specialist NGOs to protect the Mediterranean Sea and share this information with Tunisian stakeholders involved in implementing the Barcelona Convention.		
6.12	Strengthen the application of the Convention by engaging with associations and NGOs.	25.00%
Improve or strengthen the dissemination of information to Tunisian stakeholders involved in implementation of the Barcelona Convention about engagement with associations and NGOs.		

A subsequent list of 7 legal criteria requires action to improve or strengthen the effectivity of the Barcelona Convention, i.e., 6.19% of criteria.

#### Concerning the results for Turkey:

The dashboard below identifies areas to improve effectivity.

Graph 9. Dashboard for the effectivity of the Barcelona Convention in Turkey



The radar chart entitled, "Effectivity of legal criteria" (in green on the left of the dashboard) shows 100 legal criteria, accounting for 85.47% of criteria, with a level of effectivity of less than 66.67%, requiring one or more improvements.

One or more examples of improvements to strengthen effectivity are given under each criterion (highlighted in green).

Table 8. List of criteria for Turkey with a level of effectivity of less than 66.67%

1	<u>Existential criteria: Legal existence and sources</u>	% lc
1.3	Publish the Convention on the website of each Ministry tasked with implementing it.	53.58%
Improve or increase the dissemination of information to Turkish stakeholders involved in implementing the Barcelona Convention:		
• On access points to Ministerial information dedicated to implementing the Convention,		
1.4	Provide explanations and comments about the Convention on the website of each Ministry tasked with implementing it.	62.50%
Improve or increase the dissemination of information to Turkish stakeholders involved in implementing the Barcelona Convention:		
• On access points to Ministerial information dedicated to arrangements to implement the Convention,		
1.5	Refer to implementing legislation on the websites of each Ministry responsible for the Convention.	48.22%
Improve or increase the dissemination of information to Turkish stakeholders involved in implementing the Barcelona Convention:		
• At access points for Ministerial information dedicated to references on implementing legislation for the convention,		
1.6	Refer to the Convention on their coastal regional directorate websites tasked with its implementation.	25.01%
Improve or increase the dissemination of information to Turkish stakeholders involved in implementing the Barcelona Convention:		
• At access points to information from these regional directorates dedicated to implementing the Convention,		
1.7	Provide explanations and comments about the Convention on the websites of regional directorates in coastal areas tasked with implementing it.	17.87%

Improve or increase the dissemination of information to Turkish stakeholders involved in implementing the Barcelona Convention:		
<ul style="list-style-type: none"> <li>At access points to information from these regional directorates dedicated to implementing the Convention,</li> </ul>		
2	Applicability criteria:	% Ic
2.1	Convention to have a direct effect in national law.	66.07%
Improve or increase the dissemination of information to Turkish stakeholders involved in implementing the Barcelona Convention on its direct effects in national law:		
<ul style="list-style-type: none"> <li>List legislation, legal texts and principles on transposing the convention in national law,</li> <li>List legal advisors,</li> <li>Lists of published references,</li> <li>Lists of stakeholders involved,</li> <li>List of legal training programmes,</li> </ul>		
2.2	Incorporate the Convention in a law.	58.93%
Improve or increase the dissemination of information to Turkish stakeholders involved in implementing the Barcelona Convention:		
<ul style="list-style-type: none"> <li>On the extracts of legislation featuring the Convention,</li> </ul>		
2.3	Incorporate the Convention in a supplementary law (text).	48.22%
Improve or increase the dissemination of information to Turkish stakeholders involved in implementing the Barcelona Convention:		
<ul style="list-style-type: none"> <li>On the extracts of regulatory legislation featuring the Convention,</li> </ul>		
3	Substantive criteria for application norms	% Ic
3.2.1	Through side events.	34.62%
3.2.2	Take steps to promote the application of the Convention: Through information campaigns.	34.62%
3.2.3	Through training activities.	28.85%
Improve or strengthen the dissemination of information about this set of criteria to Tunisian stakeholders involved in implementing the Barcelona Convention on:		
<ul style="list-style-type: none"> <li>On the list(s) of side events promoting the implementation of the convention,</li> <li>On the list(s) of information campaigns promoting the implementation of the Convention,</li> <li>On the list(s) of training activities promoting the implementation of the Convention,</li> </ul>		
3.3	Take legal measures.	55.77%
Improve or increase the dissemination of information to Turkish stakeholders involved in implementing the Barcelona Convention about the list(s) of legal measures.		
3.4	Take measures to implement the Mediterranean Action Plan (MAP).	51.93%
Improve or increase the dissemination of information to Turkish stakeholders involved in implementing the Barcelona Convention about the list(s) of legal measures accounting for MAP recommendations.		
3.5	Target recommendations by the Mediterranean Commission on Sustainable Development (MCSD) on measures taken to apply the Convention.	38.47%
Improve or increase the dissemination of information to Turkish stakeholders involved in implementing the Barcelona Convention about the list(s) of legal measures featuring MCSD recommendations.		
3.6.1	Provide for the precautionary principle by legislation to apply the Barcelona Convention.	44.24%
3.6.2	Provide for the precautionary principle in a national law (text).	40.39%
3.6.3	Apply the precautionary principle as part of the Barcelona Convention.	44.24%
Improve or increase the dissemination of information about this set of criteria to Turkish stakeholders involved in implementing the Barcelona Convention:		
<ul style="list-style-type: none"> <li>List(s) of legal texts or extracts providing for the precautionary principle applied to the Convention,</li> <li>List(s) of national laws (texts) or extracts providing for the precautionary principle,</li> <li>List(s) of extracts where the polluter pays principle has been applied in relation to the Convention,</li> </ul>		
3.7.3	Apply the polluter pays principle as part of the Barcelona Convention.	58.94%
Improve or increase the dissemination of information to Turkish stakeholders involved in implementing the Barcelona Convention:		
<ul style="list-style-type: none"> <li>List(s) of extracts where the polluter pays principle has been applied in relation to the Convention,</li> </ul>		
3.8.3	Apply impact assessments in the Barcelona Convention.	55.36%
Improve or increase the dissemination of information to Turkish stakeholders involved in implementing the Barcelona Convention:		
<ul style="list-style-type: none"> <li>List of impact assessments completed in connection with the Convention,</li> </ul>		
3.9.1	Include cross-border impact assessments in a legal text implementing the Barcelona Convention.	30.78%
3.9.2	Include cross-border impact assessments through national law (text).	26.93%
3.9.3	Apply cross-border impact assessments in the Barcelona Convention.	21.17%
Improve or increase the dissemination of information about this set of criteria to Turkish stakeholders involved in implementing the Barcelona Convention:		
<ul style="list-style-type: none"> <li>List(s) of legal texts implementing the Convention or extracts providing for cross-border impact assessments,</li> </ul>		

	<ul style="list-style-type: none"><li>List(s) of national laws (texts) or extracts providing for cross-border impact assessments,</li><li>A list of cross-border impact assessments required, completed or ongoing,</li></ul>		
3.10.1	Provide for integrated coastal zone management through a legal text to implement the Barcelona Convention.		51.93%
3.10.2	Provide for integrated coastal zone management in a national law (text).		57.15%
3.10.3	Apply integrated coastal zone management in the Barcelona Convention.		48.22%
Improve or increase the dissemination of information about this set of criteria to Turkish stakeholders involved in implementing the Barcelona Convention:			
	<ul style="list-style-type: none"><li>List(s) of legal texts implementing the Convention or extracts providing for integrated coastal management,</li><li>List(s) of legal texts in national law or extracts providing for integrated coastal management,</li><li>List of integrated coastal zone management activities required, ongoing or completed,</li></ul>		
3.11	Adopt a programme of measures to implement the Convention.		41.08%
Improve or increase the dissemination of information to Turkish stakeholders involved in implementing the Barcelona Convention:			
	<ul style="list-style-type: none"><li>The list(s) of measures and programmes adopted to implement the Convention,</li></ul>		
3.12	Set deadlines to implement the programmes.		34.62%
Improve or increase the dissemination of information to Turkish stakeholders involved in implementing the Barcelona Convention:			
	<ul style="list-style-type: none"><li>Extract(s) of deadlines set by the programmes to implement the Convention,</li></ul>		
3.13	Set deadlines to implement the measures.		37.51%
Improve or increase the dissemination of information to Turkish stakeholders involved in implementing the Barcelona Convention:			
	<ul style="list-style-type: none"><li>Extract(s) of deadlines adopted by the measures to implement the convention,</li></ul>		
3.14	Provide for the use of the best available techniques		30.78%
Improve or increase the dissemination of information to Turkish stakeholders involved in implementing the Barcelona Convention:			
	<ul style="list-style-type: none"><li>On the choice and uses of the best available techniques,</li></ul>		
3.15.1	Take legal action:	For dumping,	66.08%
3.15.2		For discharges from ships,	64.29%
3.15.3		For exploring the continental shelf,	57.70%
3.15.4		For land-based sources of pollution,	66.08%
3.15.5		In the event of an emergency situation,	57.15%
3.15.6		To conserve biological diversity,	51.79%
3.15.7		For cross-border movements of hazardous waste,	64.29%
Improve or increase the dissemination on this set of criteria by informing Turkish stakeholders involved in implementing the Barcelona Convention about the list, or lists, of access to the content of legal measures:			
	<ul style="list-style-type: none"><li>For dumping,</li><li>For discharges from ships,</li><li>For exploring the continental shelf,</li><li>For land-based sources of pollution,</li><li>In the event of an emergency situation,</li><li>To conserve biological diversity,</li><li>For cross-border movements of hazardous waste,</li></ul>		
3.16.1	Take non-legal action:	For dumping,	51.79%
3.16.2		For discharges from ships,	58.93%
3.16.3		For exploring the continental shelf,	48.08%
3.16.4		For land-based sources of pollution,	53.58%
3.16.5		In the event of an emergency situation,	51.79%
3.16.6		To conserve biological diversity,	39.29%
3.16.7		For cross-border movements of hazardous waste,	51.79%
Improve or increase the dissemination on this set of criteria by informing Turkish stakeholders involved in implementing the Barcelona Convention about the list, or lists, of access to the content of non-legal measures:			
	<ul style="list-style-type: none"><li>For dumping,</li><li>For discharges from ships,</li><li>For exploring the continental shelf,</li><li>For land-based sources of pollution,</li><li>In the event of an emergency situation,</li><li>To conserve biological diversity,</li><li>For cross-border movements of hazardous waste,</li></ul>		

3.17	Provide for access to information.		50.00%
Improve or increase the dissemination of information to Turkish stakeholders involved in implementing the Barcelona Convention:			
	• On the organisation of access to information,		
3.18	Organise participation in policy-making.		32.15%
Improve or increase the dissemination of information to Turkish stakeholders involved in implementing the Barcelona Convention:			
	• On the type of participation in policy-making,		
	• On organising participation in policy-making,		
3.19.1	By way of an exception, encourage the withholding of	In accordance with national law,	50.01%
3.19.2	access to information:	In compliance with an international regulation.	35.72%
Improve or increase the dissemination on this set of criteria by informing Turkish stakeholders involved in implementing the Barcelona Convention about the decision, or lists of decisions, to withhold information.			
3.20.1	Submit reports to the Convention Secretariat for each	Legal action taken.	39.29%
3.20.2	COP, on:	Non-legal action taken.	44.64%
Improve or increase the dissemination of information about this set of criteria to Turkish stakeholders involved in implementing the Barcelona Convention:			
	• Dissemination list for reports on legal and non-legal action taken for each COP.		
3.21.1	Specify in the national report:	The effectiveness of the measures taken,	26.79%
3.21.2		Problems encountered.	26.79%
Improve or increase the dissemination of information about this set of criteria to Turkish stakeholders involved in implementing the Barcelona Convention:			
	• Concerning the effectiveness of measures taken,		
	• Concerning problems encountered.		
4	Organic criteria		% Ic
4.1.1	Allocate effective management of the Convention to one or more Ministries:	at least 1,	46.44%
4.1.2		2 to 3,	
4.1.3		More than 3.	
Improve or increase dissemination on this set of criteria by informing Turkish stakeholders involved in implementing the Barcelona Convention about the Ministries effectively responsible for the convention.			
4.2	Organise a system of inter-Ministerial coordination to implement the Convention.		46.16%
Improve or increase the dissemination of information to Turkish stakeholders involved in implementing the Barcelona Convention:			
	• On organisation and planning arrangements for inter-Ministerial coordination to implement the Convention,		
	• On planning inter-Ministerial coordination to implement the convention.		
4.3.2	Have a government department tasked with monitoring the Convention in several Ministries.		45.84%
Improve or increase the dissemination of information to Turkish stakeholders involved in implementing the Barcelona Convention on the Ministerial department(s) tasked with monitoring the convention.			
4.4.1	Allocate staff from central government to appropriately monitor the application of the Convention:	Less than 2 FTE,	26.79%
4.4.2		2 to 4 FTE,	
4.4.3		More than 4 FTE.	
Improve or increase dissemination on this set of criteria by informing Turkish stakeholders involved in implementing the Barcelona Convention about central government staff numbers to monitor the application of the convention.			
4.5.1	Hold meetings on the Convention for central government departments on a suitable annual basis:	Less than twice a year,	32.70%
4.5.2		2 to 4 times a year,	
4.5.3		More than 4 times a year.	
Improve or increase the dissemination on this set of criteria by informing Turkish stakeholders involved in implementing the Barcelona Convention about the convention meeting timetable for administrative departments.			
4.6	Have appropriate local state department representation for the Convention.		59.62%
Improve or increase the dissemination of information to Turkish stakeholders involved in implementing the Barcelona Convention:			
	• List of appropriate state department(s) tasked with implementing the Convention at a local level,		
4.7.1	Designate a regional authority to conduct continuous	Centrally	36.54%
4.7.2	monitoring of pollution:	Regionally	38.64%
Improve or increase the dissemination of information about this set of criteria to Turkish stakeholders involved in implementing the Barcelona Convention:			
	• Description of the regional authority, or authorities, tasked with continuously monitoring pollution.		
4.8	Task public marine and coastal scientific research bodies to monitor the Convention.		50.00%
Improve or increase the dissemination of information to Turkish stakeholders involved in implementing the Barcelona Convention:			
	• List of public marine and coastal scientific research bodies tasked with monitoring the Convention.		



4.9	Involve coastal local authorities by implementing the Convention.		34.63%
Improve or increase the dissemination of information to Turkish stakeholders involved in implementing the Barcelona Convention:			
• On involving coastal local authorities in the implementation of the Convention,			
4.10	Involve coastal local authorities associations by the implementation of the Convention,		35.72%
Improve or increase the dissemination of information to Turkish stakeholders involved in implementing the Barcelona Convention:			
• On involving coastal local authority associations in implementing the Convention,			
4.11.1	Have a fleet of inshore research vessels:	1 to 4,	46.16%
4.11.2		More than 4.	
Improve or increase dissemination on this set of criteria by informing Turkish stakeholders involved in implementing the Barcelona Convention about the composition of the fleet of inshore research vessels.			
4.12.1	Have a fleet of offshore research vessels:	at least 1,	40.39%
4.12.2		More than 1.	
Improve or increase dissemination on this set of criteria by informing Turkish stakeholders involved in implementing the Barcelona Convention about the composition of the offshore research fleet of vessels.			
4.13.1	Secure an appropriate allocation of regional officers tasked with implementing the Convention:	1 to 4,	34.62%
4.13.2		More than 4.	
Improve or increase the dissemination on this set of criteria by informing Turkish stakeholders involved in implementing the Barcelona Convention about regional officer staff numbers tasked with implementing the Convention.			
4.14	Calculate the cost of measures required to implement the Convention.		28.58%
Improve or increase the dissemination of information to Turkish stakeholders involved in applying the Barcelona Convention about the implementation costs.			
4.15	Allocate a budget for measures required to implement the Convention.		26.79%
Improve or increase the dissemination of information to Turkish stakeholders involved in implementing the Barcelona Convention on State budget(s) for measures required to apply the Convention.			
4.16	Create one or more regional authority budget lines to apply the Convention.		14.30%
Improve or increase the dissemination of information to Turkish stakeholders involved in implementing the Barcelona Convention on regional authority budget lines for measures required to apply the Convention.			
5	<u>Enforcement criteria for the Barcelona Convention</u>		% Ic
5.2.2	Task a local body to conduct administrative enforcement procedures in territorial waters.		45.84%
Improve or increase the dissemination of information to Turkish stakeholders involved in implementing the Barcelona Convention:			
• On the organisation of administrative enforcements in territorial waters,			
• On the list(s) of local bodies responsible for implementing administrative enforcement procedures.			
5.3	Implement administrative enforcement procedures outside territorial waters.		43.75%
Improve or increase the dissemination of information to Turkish stakeholders involved in implementing the Barcelona Convention:			
• List of administrative enforcement audits scheduled or completed,			
5.4.1	Have an operational fleet of vessels to police the coastline:	1 to 4,	55.36%
5.4.2		More than 4.	
Improve or increase the dissemination on this set of criteria by informing Turkish stakeholders involved in implementing the Barcelona Convention about the composition of the fleet of vessels to police the coastline.			
5.5.1	Have an operational fleet of vessels to police areas outside territorial waters:	1 to 4,	53.85%
5.5.2		More than 4.	
Improve or increase the dissemination on this set of criteria by informing Turkish stakeholders involved in implementing the Barcelona Convention about the composition of the fleet of vessels to police areas outside territorial waters.			
5.6.1	Upon inception, establish as part of the judicial review process:	Rulings implementing the Convention.	28.58%
5.6.2		Checks and audits by the presence of the direct effect of the Convention.	30.36%
Improve or increase the dissemination of information about this set of criteria to Turkish stakeholders involved in implementing the Barcelona Convention:			
• On the list(s) of rulings for judicial review when implementing the Convention,			
• On the list(s) of checks and audits by the direct effect of the Convention.			
5.7.1	Provide for criminal sanctions under the Convention.		66.07%
5.7.2	Apply criminal sanctions.		50.01%
5.7.3	Apply settlement procedures.		37.51%
Improve or increase the dissemination of information about this set of criteria to Turkish stakeholders involved in implementing the Barcelona Convention:			

	<ul style="list-style-type: none"> <li>On the list(s) of planned criminal sanctions,</li> <li>On the list(s) with extracts of criminal sanctions applied,</li> <li>On the list(s) with extracts of settlement procedures.</li> </ul>	
5.8.1	Provide for administrative sanctions under the Convention.	66.07%
5.8.2	Apply administrative sanctions.	50.01%
	Improve or increase the dissemination of information about this set of criteria to Turkish stakeholders involved in implementing the Barcelona Convention:	
	<ul style="list-style-type: none"> <li>On the list(s) of planned administrative sanctions,</li> <li>On the list(s) of extracts of administrative sanctions applied.</li> </ul>	
5.9	Provide for a training programme for magistrates on coastal and maritime law.	21.44%
	Improve or strengthen the dissemination of information to Turkish stakeholders involved in implementing the Barcelona Convention about the training programme, or programmes and sessions for magistrates on coastal and maritime law.	
5.11	Enable associations and NGOs to initiate legal proceedings under the Convention.	51.93%
	Improve or increase the dissemination of information to Turkish stakeholders involved in implementing the Barcelona Convention about NGOs having initiated legal proceedings.	
5.12	Have associations and NGOs as official partners of the Barcelona Convention in the Member States.	44.64%
	Improve or increase the dissemination of information to Turkish stakeholders involved in implementing the Barcelona Convention about official partnerships with NGOs.	
6	<u>Non-legal criteria strengthening effective application</u> (rank criteria by order of importance, 1 being the criterion with the least impact on effectivity)	% Ic
6.1	Strengthen the application of the Convention by combating corruption.	41.67%
	Improve or step up communication to Turkish stakeholders involved in implementing the Barcelona Convention about activities to combat corruption.	
6.3	Strengthen the application of the Convention by its technical simplicity for implementation.	33.33%
	Give greater consideration with Turkish stakeholders involved in applying the Barcelona Convention on its technical simplicity of implementation.	
6.6	Strengthen the application of the Convention by providing relevant information, training and education.	58.33%
	Improve or increase information, training and education activities for all Turkish audiences (school pupils, local residents, elected officials, socio-economic, scientific and institutional stakeholders) directly or indirectly concerned by the implementation of the Barcelona Convention.	
6.9	Strengthen the application of the Convention by cooperation between the legal and scientific professions.	50.00%
	Improve or increase the dissemination of scientific projections on changes to the Mediterranean Sea to Turkish stakeholders involved in implementing the Barcelona Convention.	
6.10	Strengthen the application of the Convention by publishing data on protecting the Mediterranean Sea.	25.00%
	Improve or increase the dissemination of published data on the protection of the Mediterranean Sea to Turkish stakeholders involved in implementing the Barcelona Convention.	
6.11	Strengthen the application of the Convention by the involvement of NGOs specialising in protecting the Mediterranean Sea.	16.67%
	Enhance or increase the involvement of specialist NGOs to protect the Mediterranean Sea and share this information with Turkish stakeholders involved in implementing the Barcelona Convention.	
6.12	Strengthen the application of the Convention by engaging with NGOs.	8.33%
	Improve or increase the dissemination of information on the engagement of NGOs to Turkish stakeholders involved in implementation of the Barcelona Convention.	

It is advantageous to refine the list of criteria by initially retaining those criteria with a level of effectivity of less than 33.33% and the remainder at a later stage.

Table 9. List of criteria for Turkey with a level of effectivity of less than 33.33%

1	<u>Existential criteria: Legal existence and sources</u>	% Ic
1.6	Refer to the Convention on their coastal regional directorate websites tasked with its implementation.	25.01%
	Improve or increase the dissemination of information to Turkish stakeholders involved in implementing the Barcelona Convention:	
	<ul style="list-style-type: none"> <li>At access points to information from these regional directorates dedicated to implementing the Convention,</li> </ul>	
1.7	Provide explanations and comments about the Convention on the websites of regional directorates in coastal areas tasked with implementing it.	17.87%
	Improve or increase the dissemination of information to Turkish stakeholders involved in implementing the Barcelona Convention:	
	<ul style="list-style-type: none"> <li>At access points to information from these regional directorates dedicated to implementing the Convention,</li> </ul>	

3	Substantive criteria for application norms		% Ic
3.2.3	Takes steps to promote the application of the Convention through training activities.		28.85%
Improve or increase the dissemination of information to Tunisian stakeholders involved in implementing the convention on the list(s) of training activities that promote the application of the Convention.			
3.9.1	Include cross-border impact assessments in a legal text implementing the Barcelona Convention.		30.78%
3.9.2	Include cross-border impact assessments through national law (text).		26.93%
3.9.3	Apply cross-border impact assessments in the Barcelona Convention.		21.17%
Improve or increase the dissemination of information about this set of criteria to Turkish stakeholders involved in implementing the Barcelona Convention:			
<ul style="list-style-type: none"><li>List(s) of legal texts implementing the Convention or extracts providing for cross-border impact assessments,</li><li>List(s) of national laws (texts) or extracts providing for cross-border impact assessments,</li><li>A list of cross-border impact assessments required, completed or ongoing,</li></ul>			
3.14	Provide for the use of the best available techniques		30.78%
Improve or increase the dissemination of information to Turkish stakeholders involved in implementing the Barcelona Convention:			
<ul style="list-style-type: none"><li>On the choice and uses of the best available techniques,</li></ul>			
3.18	Organise participation in policy-making.		32.15%
Improve or increase the dissemination of information to Turkish stakeholders involved in implementing the Barcelona Convention:			
<ul style="list-style-type: none"><li>On the type of participation in policy-making,</li><li>On organising participation in policy-making,</li></ul>			
3.21.1	Specify in the national report:	The effectiveness of the measures taken,	26.79%
3.21.2		Problems encountered.	26.79%
Improve or increase the dissemination of information about this set of criteria to Turkish stakeholders involved in implementing the Barcelona Convention:			
<ul style="list-style-type: none"><li>Concerning the effectiveness of measures taken,</li><li>Concerning problems encountered.</li></ul>			
4	Organic criteria		% Ic
4.4.1	Allocate staff from central government to appropriately monitor the application of the Convention:	Less than 2 FTE,	26.79%
4.4.2		2 to 4 FTE,	
4.4.3		More than 4 FTE.	
Improve or increase dissemination on this set of criteria by informing Turkish stakeholders involved in implementing the Barcelona Convention about central government staff numbers to monitor the application of the convention.			
4.5.1	Hold meetings on the Convention for central government departments on a suitable annual basis:	Less than twice a year,	32.70%
4.5.2		2 to 4 times a year,	
4.5.3		More than 4 times a year.	
Improve or increase the dissemination on this set of criteria by informing Turkish stakeholders involved in implementing the Barcelona Convention about the convention meeting timetable for administrative departments.			
4.14	Calculate the cost of measures required to implement the Convention.		28.58%
Improve or increase the dissemination of information to Turkish stakeholders involved in applying the Barcelona Convention about the implementation costs.			
4.15	Allocate a budget for measures required to implement the Convention.		26.79%
Improve or increase the dissemination of information to Turkish stakeholders involved in implementing the Barcelona Convention on State budget(s) for measures required to apply the Convention .			
4.16	Create one or more regional authority budget lines to apply the Convention.		14.30%
Improve or increase the dissemination of information to Turkish stakeholders involved in implementing the Barcelona Convention on regional authority budget lines for measures required to apply the Convention.			
5	Enforcement criteria for the Barcelona Convention		% Ic
5.6.1	Upon inception, establish as part of the judicial review process:	Rulings implementing the Convention.	28.58%
5.6.2		Checks and audits by the presence of the direct effect of the Convention.	30.36%
Improve or increase the dissemination of information about this set of criteria to Turkish stakeholders involved in implementing the Barcelona Convention:			
<ul style="list-style-type: none"><li>On the list(s) of rulings for judicial review when implementing the Convention,</li><li>On the list(s) of checks and audits by the direct effect of the Convention.</li></ul>			



5.9	Provide for a training programme for magistrates on coastal and maritime law.	21.44%
Improve or strengthen the dissemination of information to Turkish stakeholders involved in implementing the Barcelona Convention about the training programme, or programmes and sessions for magistrates on coastal and maritime law.		
6	<u>Non-legal criteria strengthening effective application</u> (rank criteria by order of importance, 1 being the criterion with the least impact on effectivity)	% Ic
6.10	Strengthen the application of the Convention by publishing data on protecting the Mediterranean Sea.	25.00%
Improve or increase the dissemination of published data on the protection of the Mediterranean Sea to Turkish stakeholders involved in implementing the Barcelona Convention.		
6.11	Strengthen the application of the Convention by the involvement of NGOs specialising in protecting the Mediterranean Sea.	16.67%
Enhance or increase the involvement of specialist NGOs to protect the Mediterranean Sea and share this information with Turkish stakeholders involved in implementing the Barcelona Convention.		
6.12	Strengthen the application of the Convention by engaging with NGOs.	8.33%
Improve or increase the dissemination of information on the engagement of NGOs to Turkish stakeholders involved in implementation of the Barcelona Convention.		

By cross-referencing this list of 25 criteria (21.36% of the criteria) with the radar chart entitled "Effectivity of families of legal criteria", we can select families of legal criteria with a level of effectivity equal to, or less than, 66.67%, namely:

The same 25 criteria require action to improve or enhance the effectivity of the Barcelona Convention in Turkey, i.e., 21.36% of the criteria.

## 5. Conclusion

Based on the same scope for measuring effectivity in the 3 countries, the results of the test are conclusive.

The graphical representation using a dashboard is a truly pragmatic management tool:

- To identify areas of non-effectivity (effectivity of the legal criteria less than 66.67%)
- To target actions to improve or strengthen effectivity (effectivity of legal criteria less than 33.33%)
- To decide on actions to improve or strengthen effectivity with the level of effectivity of families of legal criteria (effectivity of families of legal criteria less than 66.67%)

## C. IMPROVING OR STRENGTHENING THE EFFECTIVITY OF THE BARCELONA CONVENTION

Incorporating an international treaty such as the Barcelona Convention, in national law varies from country to country. While similarities exist, national law is specific to a particular country, so comparisons cannot be made on the effectivity figures for the same scope of measurement.

As such, although the results of the measurements from this pilot test exercise cannot be compared, it is important to identify the legal areas for improvement to strengthen this effectivity. Some of these areas apply to all 3 countries while others do not.

### 1. Reminder of the methodology used to select legal criteria to be improved or strengthened

Given the effectivity levels resulting from the questionnaire responses, three steps must be clarified to draw up a list of the subject areas in the responses that require improvements from the relevant country:

1. Make a list of all responses with a level of effectivity of less than 66.67%,
2. Assuming that there will be too many responses less than 66.67%, draw up a shorter list of responses with a level of effectivity of less than 33.33%,
3. Prioritise actions to improve or strengthen the legal areas listed in point 2 on families of criteria with a level of effectivity of less than 66.67%.

#### List of legal areas to improve or strengthen by each country

This consists of identifying and applying acceptance thresholds for the level of effectivity in all areas:

- Legal criteria,
- Families of legal criteria.

**Methodological assumption No.1: Draft a list of legal areas to be improved or strengthened.**

- Select legal criteria with a level of effectivity deemed to be unacceptable from the families of criteria with a level of effectivity also deemed to be unacceptable,
- Propose actions to improve or strengthen the effectivity of these criteria.

In this pilot test, the levels were set arbitrarily:

- 66.67% for legal criteria,
- 66.67% for families of criteria.

In reality, the committee of experts (legal experts and mathematicians) set these levels by consensus before the survey begins. If required, levels can account for previously agreed targets set by the appropriate public authorities.

With the acceptance threshold for the level of effectivity set at 66.67%, inventories were made for France, Tunisia and Turkey respectively, comprising:

- 58 criteria out of 117 for France, i.e. 49.57% of criteria (see Table 3),
- 56 criteria out of 113 for Tunisia, i.e. 57.52% of criteria (see Table 5),
- 100 criteria out of 117 for Turkey, i.e. 85.47% of criteria (see Table 8).

Given the large number of criteria, this list was refined to prioritise legal criteria requiring improvements or strengthening to effectivity by lowering the threshold to 33.33%.

The new threshold was then applied to draft inventories of criteria for France, Tunisia and Turkey, comprising:

- 14 criteria out of 117 for France, i.e. 11.97% of criteria (see Table 4),
- 12 criteria out of 113 for Tunisia, i.e. 10.62% of criteria (see Table 6),
- 25 criteria out of 117 for Turkey, i.e. 21.36% of criteria (see Table 9).

To better target actions to improve or strengthen effectivity, only families of legal criteria with a level of effectivity less than 66.67% were processed.

The threshold was then applied to families of criteria to draft an inventory of the following criteria (less than 33.33% effectivity) for France, Tunisia and Turkey respectively:

- 14 criteria out of 117 for France, i.e. 11.97% of criteria (see Table 4),
- 7 criteria out of 113 for Tunisia, i.e. 6.19% of criteria (see Table 7),
- 25 criteria out of 117 for Turkey, i.e. 21.36% of criteria (see Table 9).

***Dissociation method for legal areas specific to each country and those common to all.***

This consists of identifying and applying the threshold for the number of countries above which a legal criterion is common to all.

As such, legal criteria are split between those specific to each country and those common to all.

**Methodological assumption No.2: Identify the target to improve or strengthen effectivity in an area of law**

- Either for the content of baseline implementing legislation for the Convention (common to all countries),
- Or for the process to implement laws, or texts (specific to each country),
- Or both.

In this pilot test exercise, this number was arbitrarily set at 2 countries.

In reality, levels are set by the committee of experts (legal experts and mathematicians), by consensus before the survey begins.

The Table 10 below provides details on the procedure to split criteria specific to France, Tunisia and Turkey from those common to all.

### Common criteria for improvement in all 3 countries.

Out of 117 common criteria (113 for Tunisia), 13 are common to at least 2 countries:

Table 10. List of common criteria to be improved

1	<u>Existential criteria: Legal existence and sources</u>	
1.4	Provide explanations and comments about the Convention on the website of each Ministry tasked with implementing it.	
	<u>Concerning the Barcelona Convention:</u> Inform States to ensure their Ministries responsible for the Barcelona Convention explain it and provide comments on their respective websites. and/or <u>Concerning States:</u> Improve or increase the dissemination of information to national stakeholders involved in implementing the Barcelona Convention: <ul style="list-style-type: none"> <li>On access points to Ministerial information dedicated to arrangements to implement the Convention,</li> </ul>	
1.6	Refer to the Convention on their coastal regional directorate websites tasked with its implementation.	
	<u>Concerning the Barcelona Convention:</u> Inform States to ensure their relevant regional departments in coastal areas refer to the Barcelona Convention on their respective websites. and/or <u>Concerning States:</u> Improve or increase the dissemination of information to national stakeholders involved in implementing the Barcelona Convention: <ul style="list-style-type: none"> <li>At access points to information from these regional directorates dedicated to implementing the Convention,</li> </ul>	
1.7	Provide explanations and comments about the Convention on the websites of regional directorates in coastal areas tasked with implementing it.	
	<u>Concerning the Barcelona Convention:</u> Inform States to ensure their regional directorates in coastal areas responsible for the Barcelona Convention explain it and provide comments on their respective websites. and/or <u>Concerning States:</u> Improve or increase the dissemination of information to national stakeholders involved in implementing the Barcelona Convention: <ul style="list-style-type: none"> <li>At access points to information from these regional directorates dedicated to implementing the Convention,</li> </ul>	
4	<u>Organic criteria</u>	
4.5.1	Hold meetings on the Convention for central government departments on a suitable annual basis:	Less than twice a year,
4.5.2		2 to 4 times a year,
4.5.3		More than 4 times a year.
	<u>Concerning the Barcelona Convention:</u> Inform the States in relation to this set of criteria to ensure that their central departments meet on a regular basis and specifically to discuss the Barcelona Convention. and/or <u>Concerning States:</u> Improve or increase the dissemination on this set of criteria by informing national stakeholders involved in implementing the Barcelona Convention about the convention meeting timetable for administrative departments.	
4.14	Calculate the cost of measures required to implement the Convention.	
	<u>Concerning the Barcelona Convention:</u> Inform States to ensure that they respectively calculate the costs of measures required to implement the Barcelona Convention. and/or <u>Concerning States:</u> Improve or increase the dissemination of information to national stakeholders involved in applying the Barcelona Convention about the implementation costs.	
4.16	Create one or more regional authority budget lines to apply the Convention.	
	<u>Concerning the Barcelona Convention:</u> Inform States to ensure that their regional authorities have respective budget lines to implement the Barcelona Convention. and/or <u>Concerning States:</u> Improve or increase the dissemination of information to national stakeholders involved in implementing the Barcelona Convention on regional authority budget lines for measures required to implement the Convention.	

5	<u>Enforcement criteria for the Barcelona Convention</u>
5.6.2	Introduce, for judicial review, checks and audits by the presence of the direct effect of the Convention when it comes into force.
<p><u>Concerning the Barcelona Convention:</u> Inform States to ensure they conduct checks and audits by the respective presence of the direct effect of the Barcelona Convention when it comes into force.</p> <p><i>and/or</i></p> <p><u>Concerning States:</u> Improve or increase the dissemination of information about this set of criteria to stakeholders involved in implementing the Barcelona Convention:</p> <ul style="list-style-type: none"> <li>On the list(s) of checks and audits by the presence of the direct effect of the Convention,</li> </ul>	
6	<u>Non-legal criteria strengthening effective application</u> (rank criteria by order of importance, 1 being the criterion with the least impact on effectivity)
6.9	Strengthen the application of the Convention by scientific projections on changes to the Mediterranean Sea.
<p><u>Concerning the Barcelona Convention:</u> Inform States to produce and communicate scientific projections on changes to the Mediterranean Sea.</p> <p><i>and/or</i></p> <p><u>Concerning States:</u> Improve or increase the dissemination of scientific projections on changes to the Mediterranean Sea to national stakeholders involved in implementing the Barcelona Convention.</p>	
6.10	Strengthen the application of the Convention by publishing data on protecting the Mediterranean Sea.
<p><u>Concerning the Barcelona Convention:</u> Inform States that they must publish data on the protection of the Mediterranean Sea.</p> <p><i>and/or</i></p> <p><u>Concerning States:</u> Improve or increase the dissemination of published data on the protection of the Mediterranean Sea to national stakeholders involved in implementing the Barcelona Convention.</p>	
6.11	Strengthen the application of the Convention by the involvement of NGOs specialising in protecting the Mediterranean Sea.
<p><u>Concerning the Barcelona Convention:</u> Inform States of the need to work with NGOs specialising in the protection of the Mediterranean Sea.</p> <p><i>and/or</i></p> <p><u>Concerning States:</u> Enhance or step up the involvement of specialist NGOs to protect the Mediterranean Sea and share this information with national stakeholders involved in implementing the Barcelona Convention.</p>	
6.12	Strengthen the application of the Convention by engaging with NGOs.
<p><u>Concerning the Barcelona Convention:</u> Encourage States to involve NGOs.</p> <p><i>and/or</i></p> <p><u>Concerning States:</u> Improve or increase the dissemination of information on the engagement of NGOs to national stakeholders involved in implementing the Barcelona Convention.</p>	

This criteria requires **actions to improve and strengthen the implementation of the Barcelona Convention in national law**, as well as **actions to improve or interpret the content of the Barcelona Convention**.

The 3 groups of experts must meet with the official Barcelona Convention authorities to understand the possible causes of this situation and formulate assumptions for them:

- for individual State level,
- for the Barcelona Convention itself.

This would involve considering actions such as:

- Enhancing communication in States about the generally under-recognised Barcelona Convention by systematically encouraging them to feature it in official national and regional websites, as well as in Ministerial announcements.
- Developing targeted actions for local authorities in coastal areas, encouraging them to include dedicated budget lines in their programming and environmental strategies to implement the Barcelona Convention.

- Making better use of actions by MAP NGO partners, both internationally by more systematically using them as relays for MAP activities and by engaging all MAP institutional bodies in the process, and nationally by involving and assisting them to promote and provide environmental education about the Mediterranean Sea.
- More systematically disseminate messages and scientific findings on the state of the Mediterranean Sea via different media channels.

## 2. Criteria to be improved for each country.

### **France:**

Out of the 14 criteria to be improved, 12 are common with at least one other country, while 2 are specific to France.

**Table 11. List of specific criteria to be improved for France**

1	<u>Existential criteria: Legal existence and sources</u>
1.5	Refer to implementing legislation on the websites of each Ministry responsible for the Convention.
<u>Concerning France:</u> Improve or strengthen the dissemination of information to French stakeholders involved in implementing the Barcelona Convention:	
<ul style="list-style-type: none"> <li>• At access points for Ministerial information dedicated to references on implementing legislation for the convention,</li> </ul>	
5	<u>Enforcement criteria for the Barcelona Convention</u>
5.7.3	Apply settlement procedures.
<u>Concerning France:</u> Improve or strengthen the dissemination of information to French stakeholders involved in implementing the Barcelona Convention:	
<ul style="list-style-type: none"> <li>• On list(s) of procedures that have resulted in settlements,</li> </ul>	

This would involve France:

- Improving the French Ministry of the Environment website concerning references to legal texts to implement the Barcelona Convention
- Requesting, under freedom of information, the French Ministry of Justice to disclose the criminal sanctions and settlements made in the geographical areas related to the Barcelona Convention

### **Concerning Tunisia:**

Out of the 7 criteria to be improved, 5 are common with at least one other country, while 2 are specific to Tunisia:

**Table 12. List of specific criteria to be improved for Tunisia**

4	<u>Organic criteria</u>
4.6	Have appropriate local state department representation for the Convention.
<u>Concerning Tunisia:</u> Improve or strengthen the dissemination of information to Tunisian stakeholders involved in implementing the Barcelona Convention:	
<ul style="list-style-type: none"> <li>• List of appropriate state department(s) tasked with implementing the Convention at a local level,</li> </ul>	
4.10	Involve coastal local authorities by implementing the Convention.
<u>Concerning Tunisia:</u> Improve or strengthen the dissemination of information to Tunisian stakeholders involved in implementing the Barcelona Convention:	
<ul style="list-style-type: none"> <li>• On involving coastal local authorities in the implementation of the Convention,</li> </ul>	

This would involve Tunisia:

- Improving the communication of information on Tunisian State departments tasked with implementing the Convention by disseminating and updating organisational charts
- Improving information and appropriate local administrative bodies responsible for implementing the convention

### **Concerning Turkey:**

Out of the 25 criteria to be improved, 11 are common with at least one other country, while 14 are specific to Turkey:

**Table 13. List of specific criteria to be improved for Turkey**

3	<u>Substantive criteria for application norms</u>	
3.2.3	Takes steps to promote the application of the Convention through training activities.	
<u>Concerning Turkey:</u>		
Improve or strengthen the dissemination of information to Tunisian stakeholders involved in implementing the Barcelona Convention:		
<ul style="list-style-type: none"><li>On the list(s) of training activities promoting the implementation of the Convention,</li></ul>		
3.9.1	Include cross-border impact assessments in a legal text implementing the Barcelona Convention.	
3.9.2	Include cross-border impact assessments through national law (text).	
3.9.3	Apply cross-border impact assessments in the Barcelona Convention.	
<u>Concerning Turkey:</u>		
Improve or increase the dissemination of information about this set of criteria to Turkish stakeholders involved in implementing the Barcelona Convention:		
<ul style="list-style-type: none"><li>List(s) of legal texts implementing the Convention or extracts providing for cross-border impact assessments,</li><li>List(s) of national laws (texts) or extracts providing for cross-border impact assessments,</li><li>A list of cross-border impact assessments required, completed or ongoing,</li></ul>		
3.14	Provide for the use of the best available techniques	
<u>Concerning Turkey:</u>		
Improve or increase the dissemination of information to Turkish stakeholders involved in implementing the Barcelona Convention:		
<ul style="list-style-type: none"><li>On the choice and uses of the best available techniques,</li></ul>		
3.18	Organise participation in policy-making.	
<u>Concerning Turkey:</u>		
Improve or increase the dissemination of information to Turkish stakeholders involved in implementing the Barcelona Convention:		
<ul style="list-style-type: none"><li>On the type of participation in policy-making,</li><li>On organising participation in policy-making,</li></ul>		
3.21.1	Specify in the national report:	The effectiveness of the measures taken,
3.21.2		Problems encountered.
<u>Concerning Turkey:</u>		
Improve or increase the dissemination of information about this set of criteria to Turkish stakeholders involved in implementing the Barcelona Convention:		
<ul style="list-style-type: none"><li>Concerning the effectiveness of measures taken,</li><li>Concerning problems encountered.</li></ul>		
4	<u>Organic criteria</u>	
4.4.1	Allocate staff from central government to appropriately monitor the application of the Convention:	Less than 2 FTE,
4.4.2		2 to 4 FTE,
4.4.3		More than 4 FTE.
<u>Concerning Turkey:</u>		
Improve or increase dissemination on this set of criteria by informing Turkish stakeholders involved in implementing the Barcelona Convention about central government staff numbers to monitor the application of the convention.		
4.15	Allocate a budget for measures required to implement the Convention.	
Improve or increase the dissemination of information to Turkish stakeholders involved in implementing the Barcelona Convention on State budget(s) for measures required to apply the Convention.		
5	<u>Enforcement criteria for the Barcelona Convention</u>	
5.6.1	Introduce rulings for judicial review of the Barcelona Convention as soon as it comes into force.	
<u>Concerning Turkey:</u>		
Improve or increase the dissemination of information to Turkish stakeholders involved in implementing the Barcelona Convention:		
<ul style="list-style-type: none"><li>On the list(s) of rulings for judicial review when implementing the Convention,</li><li>On the list(s) of checks and audits by the direct effect of the Convention.</li></ul>		
5.9	Provide for a training programme for magistrates on coastal and maritime law.	
<u>Concerning Turkey:</u>		
Improve or strengthen the dissemination of information to Turkish stakeholders involved in implementing the Barcelona Convention about the training programme, or programmes and sessions for magistrates on coastal and maritime law.		

This would involve Turkey:

- Better promoting its active participation in the Barcelona Convention at international meetings it attends
- Conducting a legal review of cross-border impact assessments

- Taking immediate non-legally binding action to implement the Barcelona Convention that provides for the use of these measures
- Disclosing, in its national report, difficulties of all kinds encountered when implementing the Convention
- Boosting the role and resources of local authorities for greater involvement in the effective application of the Convention
- Providing, where appropriate, for the courts to help better apply the Convention by publicising case law concerning the coastline
- Publicising in the media and newspapers the Barcelona Convention's contribution to improving the Mediterranean Sea environment

### 3. Conclusion

Comparing areas for improvement after measuring the effectivity of the Barcelona Convention in these 3 countries highlights the following points in terms of governance:

- Common areas of non-effectivity for all 3 countries, involving the contribution of the Barcelona Convention authorities to address them
- Areas of non-effectivity specific to each country involving the contribution of relevant national and local bodies to address them

## Conclusions: Lessons learned and outlook

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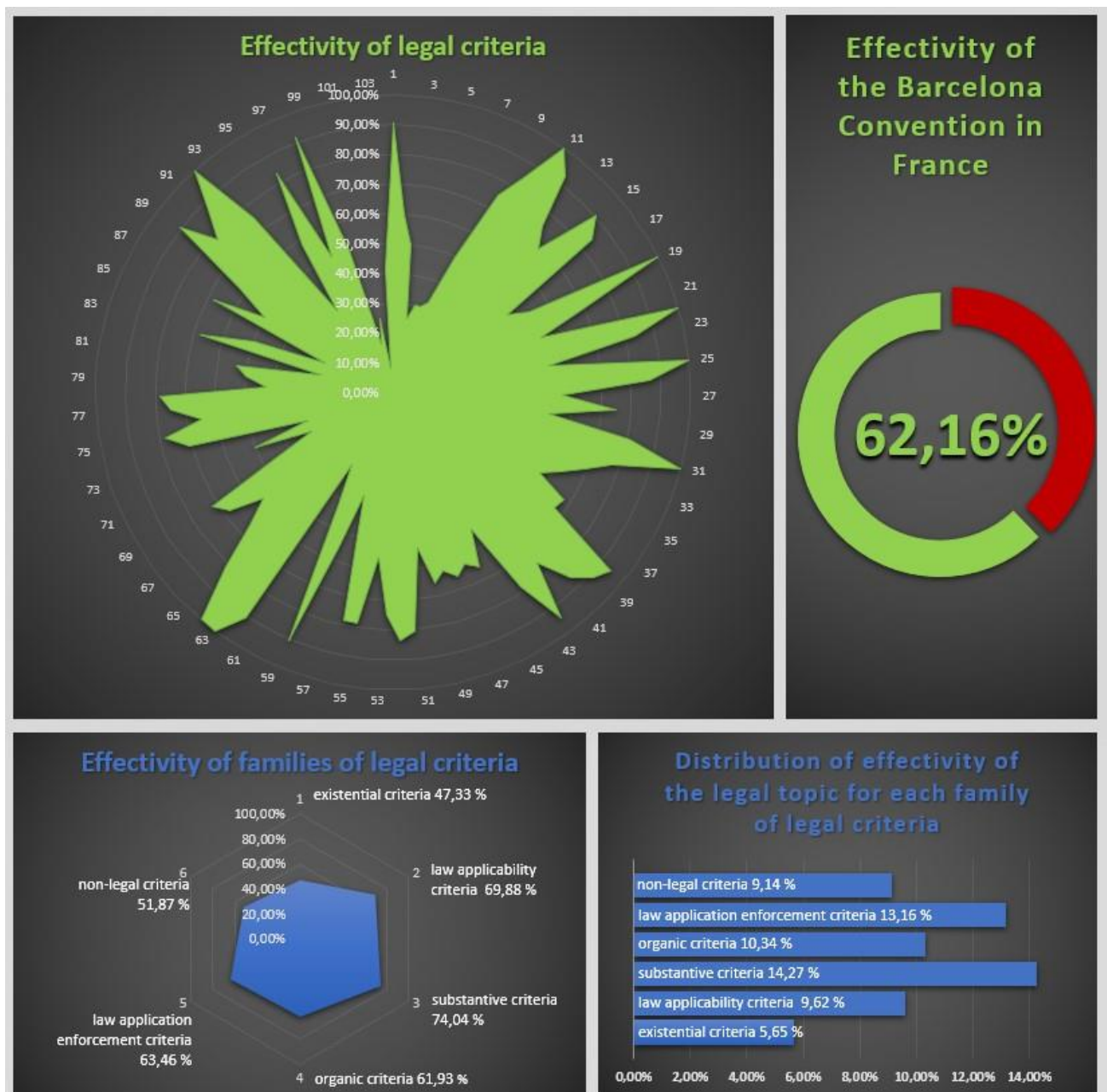
The pilot test exercise considers three prospects:

1. The benefit of developing legal indicators to monitor the effectivity of the application of the Barcelona Convention and its Protocols using:
  - Easy-to-read indicators to identify areas of non-effectivity in the Barcelona Convention:
    - Specific to each State,
    - Common to several States,
  - Ease in targeting actions to improve or strengthen effectivity:
    - In the drafting of a national report template,
    - In applying the Barcelona Convention, particularly to facilitate the work of the Compliance Committee,
    - In transposing the Convention in national law,
    - In national law.
2. In terms of the methodology, the pilot test exercise yielded various conclusions:
  - The need to be trained in the method,
  - The need to form a multi-disciplinary group of experts (legal experts, political scientists, mathematicians, statisticians, sociologists),
  - The need to test the questionnaire,
  - The State should also establish a parent population of Barcelona Convention stakeholders (legal and non-legal specialists) to create the panels of respondents to the questionnaire,
  - The need for questionnaire respondents to be supervised by survey interviewers.
3. The need for the test to be extended by inviting other volunteer States and by expanding scope in this subject area:
  - To a protocol of the Barcelona Convention to implement methodological lessons learned,
  - Consider mainstreaming **legal indicators to monitor the effectivity of application of the Barcelona Convention and its protocols**,
  - **Adapt the method to implement the Mediterranean Strategy for Sustainable Development (MSSD).**
4. Effectivity measurements resulting from the legal indicators must be correlated with existing indicators on the effectiveness of the Convention:
  - Include and differentiate, in the scope of measurement, the formal and practical applications of the Barcelona Convention in European and national law,
  - List existing results from the application of the Barcelona Convention at European and national levels,
  - Incorporate links in the method between these results as well as pre-existing indicators and the measurement of effectivity.



# Annex 1 - National Report on the Pilot Test in France

Graph 10. Dashboard for the effectivity of the Barcelona Convention in France



## A. SURVEY DESIGN

As this was a pilot test, the methodological approach was to:

- Select a scope of measurement common to all three countries: **Application of the Barcelona Convention covered in national law**,
- Develop an outline for the questionnaire: **Application of the Barcelona Convention in French national law**,
- Adapt the outline to national law,
- Apply the method to measure the effectivity of environmental law<sup>10</sup> by supporting the designers of the method.

The research to develop the survey for France was used as a basis for the surveys in the two other countries, to develop their respective questionnaires and establish their panel of respondents.

### 1. Constitution of the group of experts

The method involved assembling a group of experts (legal specialists from France, Tunisia and Turkey) to conduct the pilot test, from designing the questionnaire and choice of respondents to supervising the survey.

A mathematician contributed to the work of the group of experts by providing guidance on weighting and controls, together with formulating questions to ensure effectivity was properly measured.

The group met 18 times:

- 12 meetings to develop the questionnaire outline and choice of panel respondents,
- 2 meetings to assign weightings to the families of criteria,
- 4 meetings on criteria weighting
- 3 meetings on survey progress updates.

### 2. Scope of measurement for the application of law

This could have been different in the three countries without affecting the analysis of the test results. Budget savings were the reason for selecting a single scope of measurement for the test, a joint approach being far less onerous.

While trying to ensure the pilot test was representative and manage costs, the choice of Barcelona Convention minus its protocols meant that the method to measure effectivity and formulate legal indicators could be fully implemented in a limited time. The specific nature of the 7 Protocols would have resulted in considerably longer, more onerous data processing.

### 3. Questionnaire outline

CIDCE developed the initial outline for the questionnaire.

This work enabled the group of experts to successfully complete the following steps overseen by the project managers (legal expert and mathematician):

- Identification of legal criteria defined as an expected outcome when enforcing law derived from the Barcelona Convention,
- Distribution in the 6 families of legal criteria:
  - Existential,
  - Applicability,
  - Substantive,
  - Organic,
  - Enforcement,
  - Non-legal,
- Formulation of questions in single-choice interrogative form,
- Grading responses (all possible choices sorted, common to the entire questionnaire),
- Weighting of families of criteria (predominance of importance between the families of legal criteria),

<sup>10</sup> Measuring the Effectivity of Environmental Law – Legal Indicators for Sustainable Development (2021 - Authors: Michel Prieur, Christophe Bastin, with assistance from Mohamed Ali Mekouar - " Normandy Chair for Peace Future Generations, Peace & Environment Collection" - Published by Peter Lang)

- Weighting of legal criteria (importance between legal criteria),
- Combination of sub-questions (alternative and/or combined choice of a set of sub-questions).

These steps have highlighted the need for participants to be trained in the methodological approach and to include a mathematician in the research.

#### 4. Adaptation of the questionnaire outline for the national survey

The outline for the questionnaire was intended to be as universal as possible to interpret the Barcelona Convention in national law. Adapting it requires the following to be reviewed question by question:

- The need to ask the question,
- Rewording the question,
- Simplifying the question, if required,
- Adding questions corresponding to specifically French legal criteria.

Ultimately, 117 legal criteria were formulated in the form of questions or sub-questions and broken down as follows:



- 7 existential criteria,
- 3 applicability criteria,
- 48 substantive criteria,
- 27 organic criteria,
- 20 enforcement criteria,
- 12 non-legal criteria.

It is normal and consistent with reality of the steps to apply a law that there are many substantive criteria, as this corresponds to interpreting the Convention's substantive obligations into national law. The organic criteria then show the importance for institutions to properly apply the Convention. Finally, enforcement criteria relate to the contribution of administrative, judicial and civic enforcement measures. The low number of applicability criteria is normal as there are few legal issues when applying the law. This would be different for rules without an international background.

With these steps completed, the questionnaire was drafted in the form of 6 sub-questionnaires, one for each family of criteria.

The example below applies to the family of existential criteria

Table 14. Questionnaire 1/6 for France

 					
Questionnaire 1/6 - Barcelona Convention of 10 June 1995 which came into force on 9 July 2004					
Your area:		Application of the framework convention in French law			
1	Existential criteria: Legal existence and sources	YES	PARTLY	NO	DON'T KNOW
1.1	Has the Convention been published?				
1.2	Is publication conditional to its application?				
1.3	Is the Convention text accessible on the website of each Ministry responsible for it?				
1.4	Is the Convention clarified and discussed on the website of each Ministry responsible for it?				

1.5	Does the website of each Ministry responsible for the Convention refer to implementing legislation?				
1.6	Does the Convention feature on the websites of appropriate coastal regional authorities?				
1.7	Is the Convention clarified and discussed on regional websites?				

## B. CONSTITUTION THE PANEL OF RESPONDENTS

Defining the profiles of panel respondents forms a key point of the study and was conducted in conjunction with the team from Plan Bleu/UNEP MAP RAC:

- At national level, the profiles were:
  1. Focal point at the French Ministry of the Environment,
  2. Focal point at the French Ministry of Foreign Affairs,
  3. Lawyer,
  4. Prosecutor,
  5. Professor of International Law,
  6. The ex-Coordinator of the Barcelona Convention Secretariat,
  7. The General Secretariat for the Sea,
  8. National elected official,
  9. French Biodiversity Agency (OFB),
- At regional level: Region Sud Provence-Alpes-Côte d'Azur
  1. Officer from the DREAL,
  2. Maritime Affairs
  3. French Biodiversity Agency for the Mediterranean (OFB),
  4. Interregional Directorate for the Mediterranean Sea (DIRM),
  5. Regional NGO,
  6. Lawyer,
  7. Professor of International Law,
  8. City Councillor,
  9. Tourism company.

18 people from this list (9 nationally and 9 regionally/locally) were contacted by letter on 10 June 2021 sent jointly by Plan Bleu and CIDCE. Reminders were sent on 3 and 22 July followed by 13 September 2021.

One individual declined to answer the questionnaire and just 10 people took part, 4 at national level and 6 at local level. The national elected official and city councillor did not respond.

This demonstrates the importance of applying the statistical sampling rules to form a representative panel of respondents.

A parent population of stakeholders directly and indirectly involved in implementing the Barcelona Convention should be established for France and probably for each State Party, to introduce legal indicators for the Convention. This would help recruit a panel of respondents for each survey exercise and be large enough to cope with withdrawals while ensuring the study is representative.

## C. CONDUCTING THE SURVEY EXERCISE

For France, the respondents were free to complete the questionnaires alone or with assistance from a survey interviewer.

As such, for France, CIDCE recruited and trained student interns on 14 June 2021. Just 3 survey respondents required the assistance of a survey interviewer.

### 1. Concerning the respondents' participation

10 respondents answered the questionnaire but just 2 completed it fully.

There was a considerable difference in the return of responses, in terms of:

- The response rate
- The type of responses

With 10 survey respondents and a questionnaire featuring 117 legal criteria, 1,170 responses were expected (117 x 10).

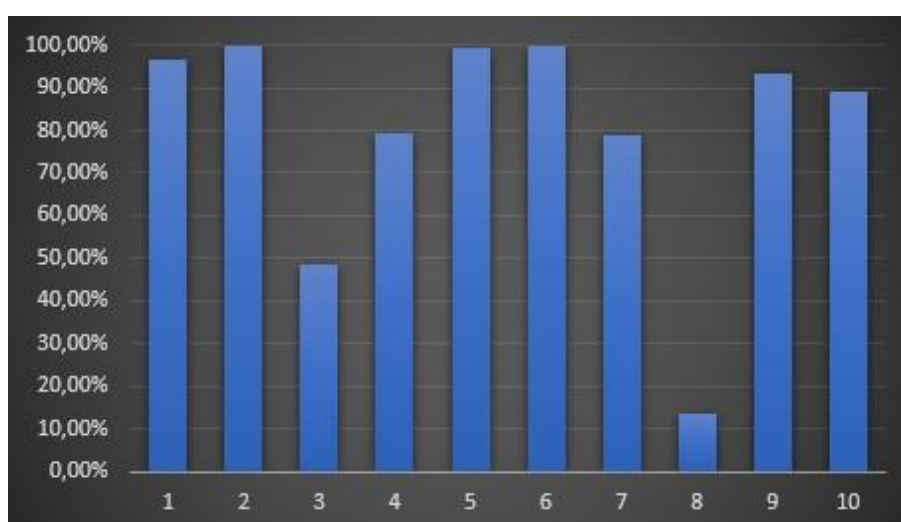
Just 934 responses were collected, constituting a response rate of 79.83%, which is a low percentage survey for survey data processing to be representative.

The Table 15 below shows the distribution of responses returned for the questionnaire:

Table 15. Question response rate by questionnaire for France

Number	1	2	3	4	5	6	7	8	9	10
Responses	113	117	57	93	116	117	92	16	109	104
Expected	117									
Return rate %	96.25%	100.00%	48.72%	79.48%	99.15%	100.00%	78.63%	1.45%	93.16%	88.89%

Graph 11. Bar chart indicating question response rates by survey respondent for France



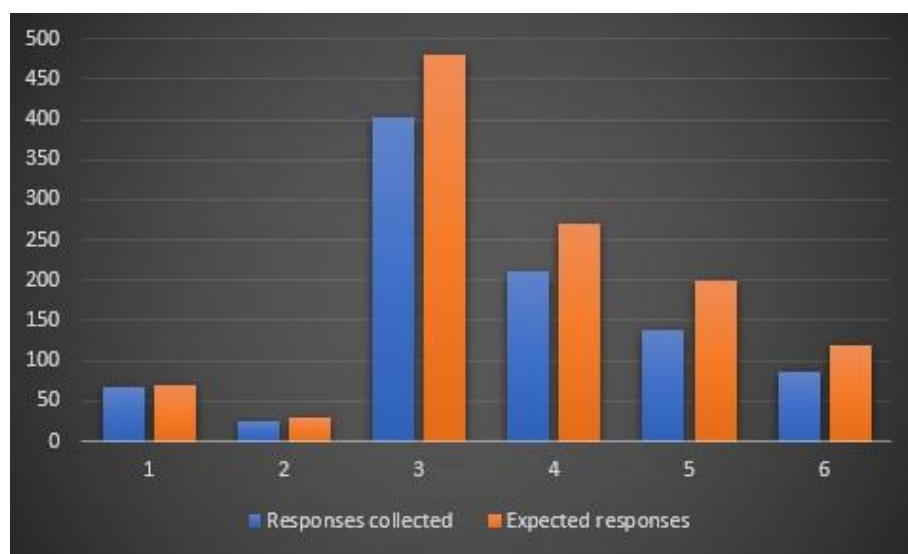
The distribution of responses by family is as follows:

Table 16. Distribution of responses and level of consensus of criteria by family for France

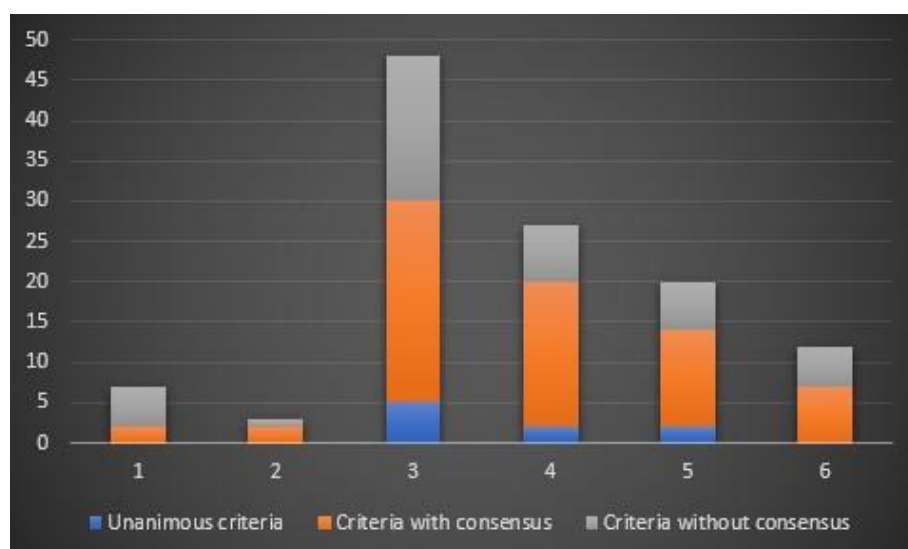
Number	Family 1	Family 2	Family 3	Family 4	Family 5	Family 6
Criteria	7	3	48	27	20	12
Responses	68/70	26/30	403/480	212/270	138/200	87/120
Unanimous criteria	0	0	5	2	2	0

Criteria with consensus	2	2	25	18	12	7
Criteria without consensus	5	1	18	7	6	5

Graph 12. Comparison between actual and expected responses by family of criteria for France



Graph 13. Distribution of level of consensus on criteria by family of criteria for France



These figures show the disparity in responses concerning:

- Return rate,
- Consensus.

Before seeking to understand the causes of this observation for France, an extensive analysis was conducted to verify the extent of this pattern in the other countries.

As a result, the analysis of this issue is addressed for the report as a whole.

From the 934 responses, there were also 276 responses stating, "Don't know", i.e. 29.55% of responses given.

Most of the panel of 10 respondents did not know how to answer the criteria listed in the table below:

Table 17. List of criteria mostly resulting in a "Don't know" response for France

1	<u>Existential criteria: Legal existence and sources</u>	
1.7	Is the Convention clarified and discussed on regional websites?	
3	<u>Substantive criteria for application norms</u>	
3.6.1	Is the precautionary principle:	provided for by a text applying the Barcelona Convention?
3.7.1	Is the polluter pays principle:	provided for by a text applying the Barcelona Convention?
3.8.1	Is the impact assessment:	provided for by a text applying the Barcelona Convention?
3.9.1	Is the cross-border impact assessment:	provided for by a text applying the Barcelona Convention?
3.9.3		applied?
3.12	Are there deadlines to deliver the programmes?	
3.13	Are there deadlines to deliver the measures?	
3.16.1	Has non-legal action been taken:	for dumping?
3.16.3		for exploring the continental shelf?
3.16.5		in the event of an emergency situation?
3.16.7		for cross-border movements of hazardous waste?
3.21.1	Does the State specify in its report:	the effectiveness of measures taken?
4	<u>Organic criteria</u>	
4.3.2	Is there a government department responsible for monitoring the convention:	in several Ministries?
4.4.1	How many full-time equivalent (FTE central government posts have been allocated to monitor the application of the Convention?	Less than 2 FTE?
4.4.2		2 to 4 FTE?
4.4.3		More than 4 FTE?
4.5.1	How many times a year do the central government departments meet to discuss the Convention?	Less than twice a year?
4.5.2		2 to 4 times a year?
4.5.3		More than 4 times a year?
4.10	Do the coastal local authority associations feel involved in the Convention?	
4.13.1	How many regional officers are tasked with applying the Convention?	1 to 4?
4.13.2		More than 4?
4.14	Has the State calculated the cost of measures required to implement the Convention?	
4.15	Has the State budgeted for measures required to implement the Convention?	
4.16	Are there one or more regional authority budget lines to apply the Convention?	
5	<u>Enforcement criteria for the Barcelona Convention</u>	
5.4.1	Does the State have an operational fleet of vessels to police the coastline?:	1 to 4 vessels?
5.4.2		More than 4 vessels?
5.5.1	Does the State have an operational fleet of vessels to police areas outside territorial waters?	1 to 4 vessels?
5.5.2		More than 4 vessels?
5.6.2	Since the Convention came into force, are there for the purposes of judicial review:	Checks and audits by the presence of the direct effect of the Convention?
5.7.2	Concerning criminal sanctions:	Are they enforced?
5.7.3		Are there settlement procedures?
5.8.2	Concerning administrative sanctions:	Are they enforced?
5.9	Is there a training programme for magistrates on coastal and maritime law?	

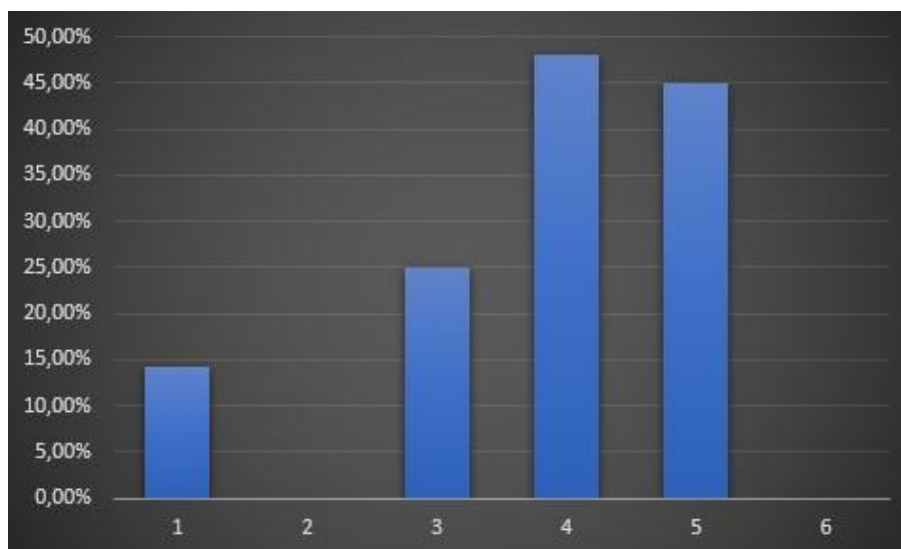
Overall:



Table 18. Distribution of criteria mostly resulting in a "Don't know" response by criteria group for France

Number	Family 1	Family 2	Family 3	Family 4	Family 5	Family 6
Mostly "Don't know" criteria	1/7	0/3	12/48	13/27	9/20	0/12
%	14.29%	0.00%	25.00%	48.15%	45.00%	0.00%

Graph 14. Bar chart of response rates mostly resulting in "Don't know" to criteria, by family of criteria for France



The rate of legal criteria in families 4 and 5 mostly resulting in "Don't know" responses are very high.

These figures demonstrate a disparity in legal understanding of the questionnaire.

It is difficult to draw any conclusions, so we will only make a series of assumptions:

- Concerning the panel of respondents:
  - Non-specialists misunderstanding overly technical questions,
  - Lack of familiarity with the rule of law for the Barcelona Convention.
- Concerning the survey:
  - The wording of the questions,
  - The legal complexity of the questionnaire.
- Concerning national law:
  - Specific aspects of the Convention not covered in national law,
  - A lack of information.

Having survey interviewers supervise and administer the questionnaire appears to be a rational solution to reduce the occurrence of disparities.

## D. FEEDBACK

### 1. Concerning the group of experts

The questionnaire had to be drafted remotely, which restricted spontaneous dialogue. Recurring discussions and questions were a sign of unfamiliarity with the methodology used which was gradually introduced during the sessions. This situation merits, in future, several sessions to present the methodology and vocabulary used prior to drafting the questionnaire.



How the method is applied in an international convention should first be clarified depending on whether the goal is to assess difficulties encountered nationally or internationally.

## 2. Concerning the panel respondents

The questionnaire came with several datasheets that may have hindered communication whereas they were supposed to inform people. These datasheets featured a page presenting the legal indicators, a presentation of the 6 families of criteria and the text on the 2020 IUCN motion encouraging States to introduce legal indicators, which became Resolution 050 in 2021 (see Annex 4).

There were difficulties with the survey concerning a series of departures and changes of post in the national and regional administrations, which led to refusals to complete the questionnaire due to insufficient knowledge about the Barcelona Convention. Broadly speaking, the respondents' overriding impression was that they were dealing with a complex subject and were unable to fully grasp its component parts. We must question whether people were afraid to give a wrong answer or if they were genuinely unfamiliar with the Barcelona system.

The rare requests for help from the survey interviewers were highly beneficial to reassure the respondents. Furthermore, while written responses to the questionnaire took 1 hour 15 minutes, it took less than an hour with a survey interviewer.

## E. CONCLUSION FOR FRANCE ON THE EXECUTION OF THE SURVEY

The benefit of having legal indicators seems obvious for all persons who took part in this pilot test exercise.

By contrast, formulating and using legal indicators requires a rigorous approach and various levels of prerequisites required of all French stakeholders of the Barcelona Convention for it to be a success, particularly:

- Training experts to formulate the questionnaire,
- Assembling a parent population of Convention stakeholders to form survey panels by properly identifying national, regional and local stakeholders,
- Official Ministry of the Environment or Foreign Affairs support so that the questionnaire is properly addressed,
- Recruiting and training survey interviewers.

## F. ANNEX - FRENCH QUESTIONNAIRE

Questionnaire 1/6 - Barcelona Convention of 10 June 1995 which came into force on 9 July 2004					
Your area:		Application of the framework convention in French law			
1	<u>Existential criteria: Legal existence and sources</u>	YES	PARTLY	NO	DON'T KNOW
1.1	Has the Convention been published?				
1.2	Is publication conditional to its application?				
1.3	Is the Convention text accessible on the website of each Ministry responsible for it?				
1.4	Is the Convention clarified and discussed on the website of each Ministry responsible for it?				
1.5	Does the website of each Ministry responsible for the Convention refer to its texts for application?				
1.6	Does the Convention feature on the websites of appropriate coastal regional authorities?				
1.7	Is the Convention clarified and discussed on regional websites?				

**Questionnaire 2/6 - Barcelona Convention of 10 June 1995 which came into force on 9 July 2004**

2	Applicability criteria:	YES	PARTLY	NO	DON'T KNOW
2.1	Does the Convention have a direct effect on national law?				
2.2	Is the Convention included in the law?				
2.3	Is the Convention included in regulatory legislation?				

**Questionnaire 3/6 - Barcelona Convention of 10 June 1995 which came into force on 9 July 2004**

3	Substantive criteria for application norms	YES	PARTLY	NO	DON'T KNOW
3.1	Do bilateral (or multilateral agreements) contribute to promoting the sustainable development and protection of the Mediterranean Sea?				
3.2.1	Do competent international organisations				
3.2.2	implement initiatives to foster the application of				
3.2.3	the Convention:				
	Through side events?				
	Through information campaigns?				
	Through training activities?				
3.3	Has legal action been taken to anticipate, reduce or combat pollution in the Mediterranean Sea?				
3.4	Have measures to implement the Mediterranean Action Plan (MAP)?				
3.5	Have recommendations by the Mediterranean Commission for Sustainable Development (MCSD) been targeted in the measures taken?				
3.6.1					
3.6.2	Is the precautionary principle:				
3.6.3					
3.7.1					
3.7.2	Is the polluter pays principle:				
3.7.3					
3.8.1					
3.8.2	Is the impact assessment:				
3.8.3					
3.9.1					
3.9.2	Is the cross-border impact assessment:				
3.9.3					
		YES	PARTLY	NO	DON'T KNOW
3.10.1					
3.10.2	Is integrated coastal zone management:				
3.10.3					
3.11	Have programmes and measures been adopted to implement the Convention?				
3.12	Are there deadlines to deliver the programmes?				
3.13	Are there deadlines to deliver the measures?				
3.14	Will the best available techniques be used?				
3.15.1	Has legal action been taken:				
	for dumping?				

3.15.2		for discharges from ships?				
3.15.3		for exploring the continental shelf?				
3.15.4		for land-based sources of pollution?				
3.15.5		in the event of an emergency situation?				
3.15.6		to conserve biological diversity?				
3.15.7		for cross-border movements of hazardous waste?				
3.16.1	Has non-legal action been taken:	for dumping?				
3.16.2		for discharges from ships?				
3.16.3		for exploring the continental shelf?				
3.16.4		for land-based sources of pollution?				
3.16.5		in the event of an emergency situation?				
3.16.6		to conserve biological diversity?				
3.16.7		for cross-border movements of hazardous waste?				
			YES	PARTLY	NO	DON'T KNOW
3.17	Is provision made for access to information?					
3.18	Are there arrangements for participation in decision-making?					
3.20.1	Exceptionally, when the State justifies withholding access to information:	is this in accordance with national law?				
3.20.2		is this in compliance with an international regulation?				
3.21.1	Does the State submit reports to the Convention Secretariat for each COP on:	legal action taken?				
3.21.2		non-legal action taken?				
3.22.1	Does the State specify in its report:	the effectiveness of measures taken?				
3.22.2		problems encountered?				

**Questionnaire 4/6 - Barcelona Convention of 10 June 1995 which came into force on 9 July 2004**

4	Organic criteria		YES	PARTLY	NO	DON'T KNOW
4.1.1	How many Ministries are actually responsible for the Convention?	At least 1 vessel?				
4.1.2		2 to 3?				
4.1.3		More than 3?				
4.2	Does the State organise a system of inter-Ministerial coordination to apply the Convention?					
4.3.1	Is there a government department responsible for monitoring the convention:	at the Ministry of the Environment?				
4.3.2		in several Ministries?				
4.4.1	How many full-time equivalent (FTE central government posts have been allocated to monitor the application of the Convention?	Less than 2 FTE?				
4.4.2		2 to 4 FTE?				
4.4.3		More than 4 FTE?				
4.5.1	Less than twice a year?					

4.5.2	How many times a year do the central government departments meet to discuss the Convention?	2 to 4 times a year?				
4.5.3		More than 4 times a year?				
			YES	PARTLY	NO	DON'T KNOW
4.6	Do State departments have appropriate local representation for the Convention?					
4.7.1	Is there a designated authority to continuously monitor pollution:	centrally?				
4.7.2		regionally?				
4.8	Are there public marine and coastal scientific research bodies tasked with monitoring the Convention?					
4.9	Do the coastal local authority associations feel involved in the Convention?					
4.10	Do the coastal local authority associations feel involved in the Convention?					
4.11.1	Does the State have a fleet of inshore research vessels?	1 to 4 vessels?				
4.11.2		More than 4 vessels?				
4.12.1	Does the State have a fleet of offshore research vessels?	At least 1 vessel?				
4.12.2		More than 1 vessel?				
4.13.1	How many regional officers are tasked with applying the Convention?	1 to 4?				
4.13.2		More than 4?				
4.14	Has the State calculated the cost of measures required to implement the Convention?					
4.15	Has the State budgeted for measures required to implement the Convention?					
4.16	Are there one or more regional authority budget lines to apply the Convention?					

#### Questionnaire 5/6 - Barcelona Convention of 10 June 1995 which came into force on 9 July 2004

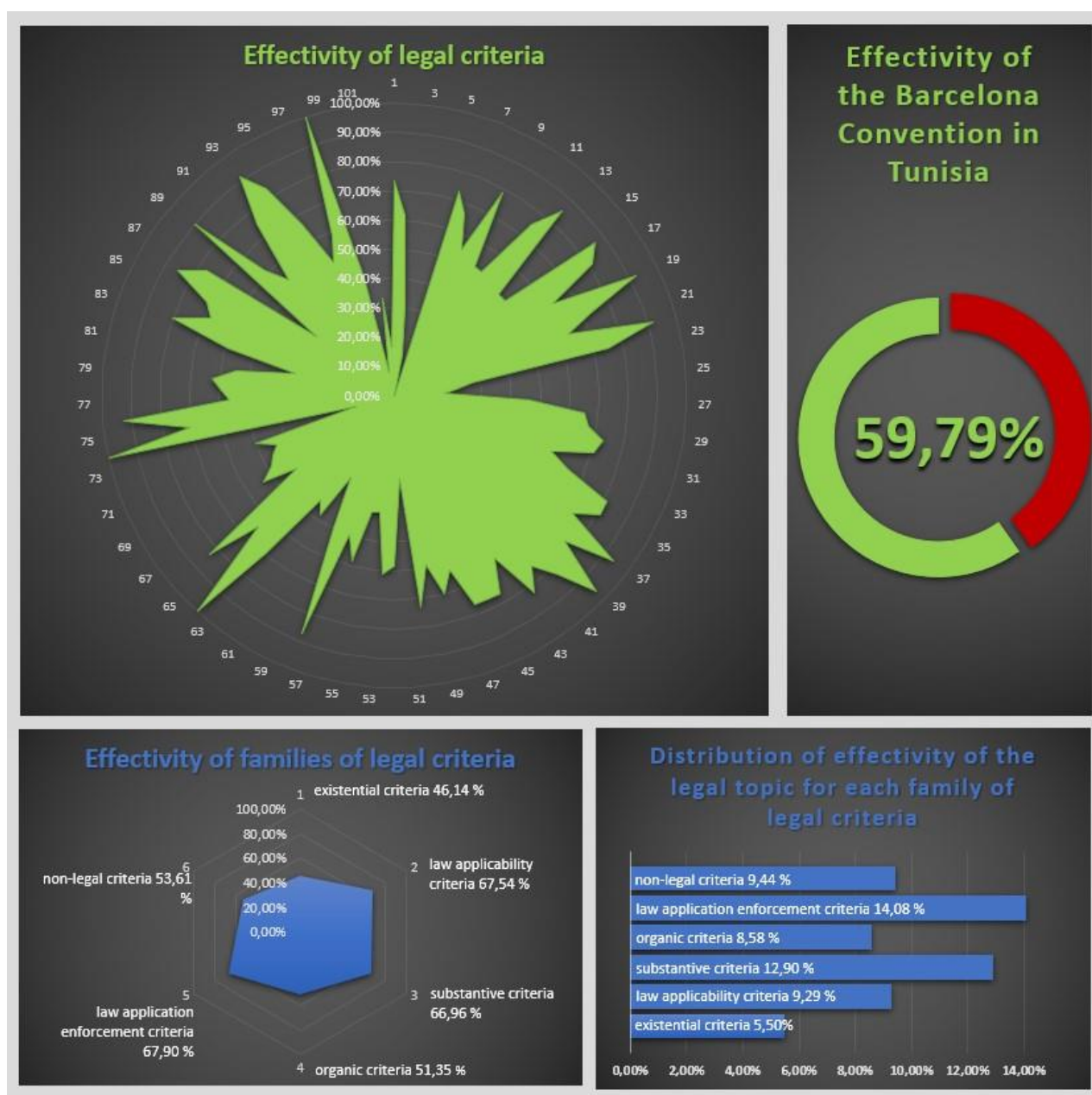
5	<u>Enforcement criteria for the Barcelona Convention</u>		YES	PARTLY	NO	DON'T KNOW
5.1.1	Are coastal administrative enforcement procedures implemented by:	a national body?				
5.1.2		a local body?				
5.2.1	Are administrative enforcement procedures in territorial waters implemented by:	a national body?				
5.2.2		a local body?				
			YES	PARTLY	NO	DON'T KNOW
5.3	Are administrative enforcement procedures outside territorial waters implemented by:					
5.4.1	Does the State have an operational fleet of vessels to police the coastline?:	1 to 4 vessels?				
5.4.2		More than 4 vessels?				
5.5.1	Does the State have an operational fleet of vessels to police areas outside territorial waters?	1 to 4 vessels?				
5.5.2		More than 4 vessels?				
5.6.1	Since the Convention came into force, are there for the purposes of judicial review:	rulings to enforce the Convention?				
5.6.2		Checks and audits by the presence of the direct effect of the Convention?				
5.7.1	Concerning criminal sanctions:	Are these provided for?				
5.7.2		Are they enforced?				
5.7.3		Are there settlement procedures?				
5.8.1	Concerning administrative sanctions:	Are these provided for?				
5.8.2		Are they enforced?				
5.9	Is there a training programme for magistrates on coastal and maritime law?					
5.10	Are NGOs eligible to take legal action?					
5.11	Have NGOs initiated legal proceedings?					
5.12	Are NGOs official partners of the Barcelona Convention?					

**Questionnaire 6/6 - Barcelona Convention of 10 June 1995 which came into force on 9 July 2004**

6	<u>Non-legal criteria strengthening effective application</u> (rank criteria by order of importance, 1 being the criterion with the least impact on effectiveness)	Order no.	DON'T KNOW
6.1	No corruption		
6.2	Political stability		
6.3	Technically simple to implement		
		Order no.	DON'T KNOW
6.4	No economic interests clashing with the protection of the Mediterranean Sea		
6.5	Awareness that the Convention exists		
6.6	Information, training, education provided about the Convention		
6.7	Provision of technical and human resources		
6.8	Cooperation between legal and scientific professions		
6.9	Scientific projections on changes to the Mediterranean Sea		
6.10	Publication of data on protecting the Mediterranean Sea		
6.11	NGOs specialising in protecting the Mediterranean Sea		
6.12	Involvement of NGOs		

## Annex 2 - National Report on the Pilot Test in Tunisia

Graph 15. Dashboard for the effectivity of the Barcelona Convention in Tunisia



## A. SURVEY DESIGN

### 1. Adapting the questionnaire

The pilot test was conducted by adapting the French questionnaire to the Tunisian context by working together with the report authors.

The key task in this process was refining the content of questions for each family of criteria to better reflect the institutional and organisational reality in Tunisia.

This stage was required to account for the local context.

Ultimately, 113 legal criteria were formulated in questions or sub-questions and distributed as follows:


- 4 existential criteria,
- 3 applicability criteria,
- 47 substantive criteria,
- 27 organic criteria,
- 20 enforcement criteria,
- 12 non-legal criteria.

The resulting distribution is the same as for France, except for existential criteria (4 instead of 7) and substantive criteria (47 instead of 48). This reflects the Tunisian experts' concerns to simplify the French questionnaire template. As with France, the low number of applicability criteria is due to the relative similarity of both legal systems.

The questionnaire was drafted in the form of 6 sub-questionnaires, one for each family of legal criteria.

*The example below applies to the family of existential criteria*

Table 19. Questionnaire 1/6 for Tunisia

					
Questionnaire 1/6 - Barcelona Convention of 10 June 1995 which came into force on 9 July 2004					
Your area: Application of the framework convention in Tunisian law					
1	Existential criteria: Legal existence and sources	YES	PARTLY	NO	DON'T KNOW
1.1	Has the Barcelona Convention (version 1995) been published in the Official Journal?				
1.2	Is publication conditional to its application?				
1.3	Is the Convention text accessible on the website of each Ministry responsible for it?				
1.4	Is the Convention clarified and discussed on the website of each Ministry responsible for it?				

## B. CONSTITUTION THE PANEL OF RESPONDENTS

The profiles of Tunisian panel respondents were identified using the list of French counterparts:

- At national level, the profiles were:
  1. Focal point at the Tunisian Ministry responsible for the environment and/or the sea,
  2. Focal point at the Tunisian Ministry of Foreign Affairs,
  3. Plan Bleu, SPA/RAC: environmental,

4. Sitting judge,
  5. Prosecutor,
  6. Professor of International Law,
  7. Tunisian Office of the Environment and Sustainable Development,
  8. INSTM expert (Maritime Science and technology Institute),
  9. Secretariat General for Maritime Affairs
  10. Tourism,
  11. National politician: Member or ex-member of Parliament,
- At regional level, the profiles were:
    1. A civil servant from the Regional Directorate for the Environment or National Environmental Protection Agency,
    2. NGO and/or regional associations,
    3. Consultancy firm,
    4. Lawyer,
    5. Professor of International Law,
    6. City Councillor,
    7. Governorates,
    8. Municipalities,
    9. Business,

The key task of the Tunisian working group of experts was to produce a list of individuals for the survey, contact them, send reminders and collect completed questionnaires to forward to the CIDCE Project Manager.

The problems encountered when conducting the survey are listed hereafter for each stage of the process.

### 1. Assessing the benefits of apportioning national and local survey respondents

Strictly speaking, apportioning national and local survey respondents had no apparent benefits for the choice of panel members. It was mostly respondents in cross-cutting roles at the Ministry of the Environment, coastal municipalities and the national association of municipalities (representing the 350 Tunisian municipalities) that answered the questionnaire, i.e. individuals with an interest in all subject areas, not necessarily on a local level.

The notion of "local" in the Tunisian constitution is addressed in the section on local authorities, while the term "sectoral" is used for sectors such as agriculture, tourism, manufacturing. The term "local" could be replaced in some cases by "sectoral".

### 2. Constituting the panel of respondents

An initial panel of survey respondents was identified in late June/early July 2021, from networking contacts in the various organisations engaged in, or likely to be involved in, applying the Barcelona Convention.

This initial list was then added to and expanded with additional individuals, whose names had been supplied by those contacted when drawing up the first list.

As such, the final panel of 25 respondents was finalised in July 2021, comprising public and private sector, national and local participants.

Occasionally, the national vs local balance of the panel was challenging, especially as local representatives are generally less well-known and harder to reach than their national counterparts.

### 3. Contacting survey respondents

The respondents were contacted in two stages, firstly to secure their agreement in principle and secondly to send the questionnaire, documents and an offer of assistance by a survey interviewer.



## 4. Agreement in principle

Once the draft list of respondents was finalised, they were contacted to obtain their agreement in principle to take part in the survey (mostly by telephone or e-mail).

Once they had agreed, (which was the case for most people contacted), all the explanatory documents and the questionnaire were sent out.

However, those contacted representing the Tunisian government ministries (mainly foreign affairs, environment and the Secretariat General for Maritime Affairs) asked for an official letter from Plan Bleu before agreeing to take part.

This demonstrates the importance of applying the statistical sampling rules to form a representative panel of respondents.

In Tunisia, the introduction of legal indicators requires a parent population of stakeholders directly or indirectly involved in applying the Barcelona Convention. This would help recruit a panel of respondents for each survey exercise and be large enough to cope with withdrawals while ensuring the study is representative

## C. CONDUCTING THE SURVEY EXERCISE

### 1. Sending out questionnaires and survey interviewer assistance

Once this stage was completed, the questionnaire was sent out with an offer of help from a specialist CIDCE survey interviewer.

A check was then made to see of all those who gave their agreement in principle to the survey had actually received the questionnaire.

Just a few people asked a survey interviewer to assist them, stating their difficulty in understanding and completing the questionnaire unaided (2). Out of the twenty people to receive questionnaires (having given their agreement in principle), together with the letter from Plan Bleu and explanatory documents (families of criteria, the concept of legal indicators), most chose not to request help from CIDCE experts. Just two people (including an retired, ex-politician and biology professor) requested help.

The experience showed that those that completed the questionnaire with a survey interviewer submitted it rapidly which made the work easier. Most, however, chose to complete it unaided, which was time-consuming or they forgot the task and needed reminding.

### 2. Submitting completed questionnaires

This varied according to the respondents.

Completed questionnaires took 10 days to 1 month to arrive. Some never replied even though they had received reminders by e-mail or telephone. Out of the 22 survey respondents, half only had to be reminded once by e-mail or telephone to send back the completed the questionnaire. The remainder had to be contacted several times, sometimes resulting in abandoning the respondent.

### 3. Concerning the respondents' participation

15 respondents answered the questionnaire but just 3 completed it fully.

There was a considerable difference in the return of responses, in terms of:

- The response rate
- The type of responses

With 15 panel respondents and a questionnaire featuring 113 legal criteria, 1,695 responses were expected (113 x 15).

Just 1,465 responses were collected, constituting a response rate of 86.43%, which is a low percentage survey for survey data processing to be representative.

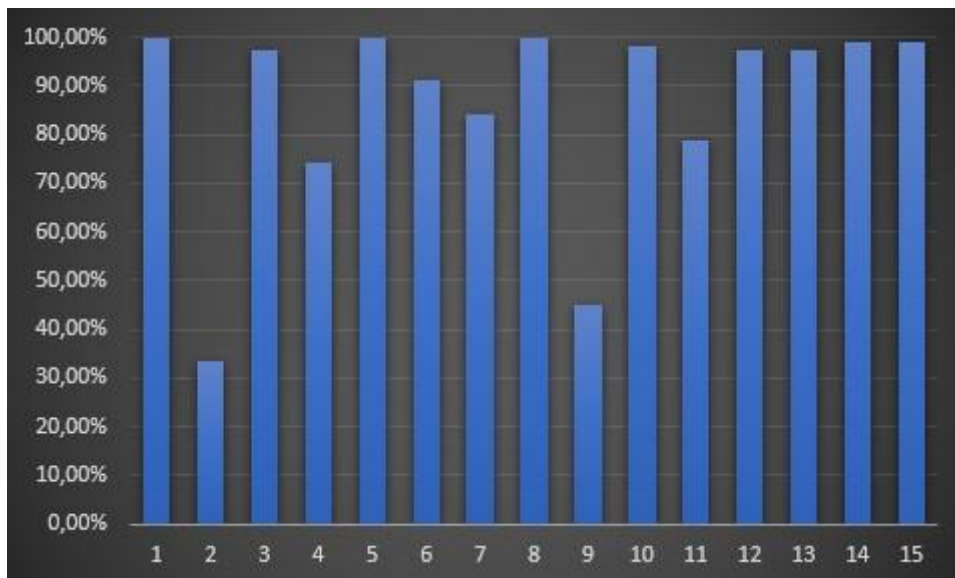
The table below shows the distribution of responses returned for the questionnaire:

Table 20. Question response rates by questionnaire for Tunisia

Number	1	2	3	4	5	6	7	8	9	10
Responses	113	38	110	84	113	103	95	113	51	111
Expected	113									
Return rate %	100.00%	33.62%	97.35%	74.33%	100.00%	91.15%	84.07%	100.00%	45.13%	98.23%

Number	11	12	13	14	15
Responses	89	110	110	112	112
Expected	113				
Return rate %	78.76%	97.35%	97.35%	99.12%	99.12%

Graph 16. Bar chart indicating question response rates by questionnaire for Tunisia

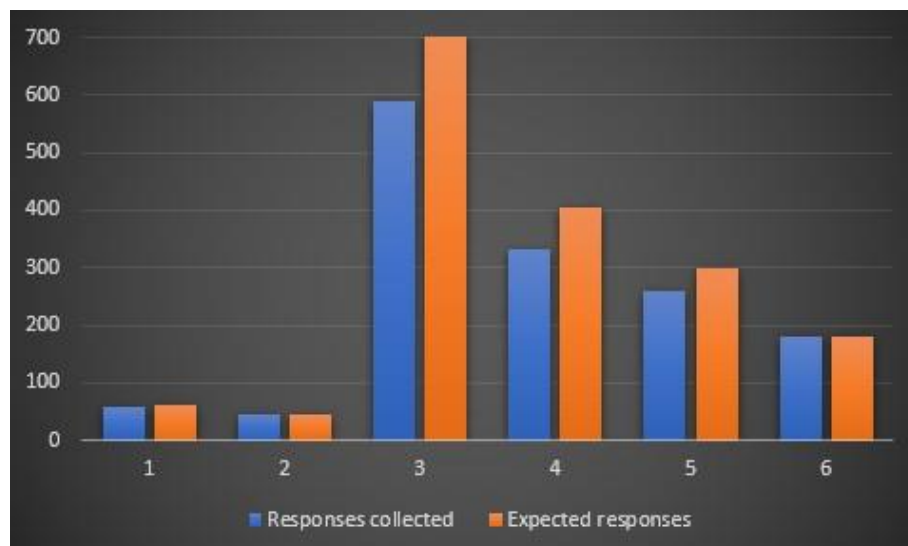


The distribution of responses by family is as follows:

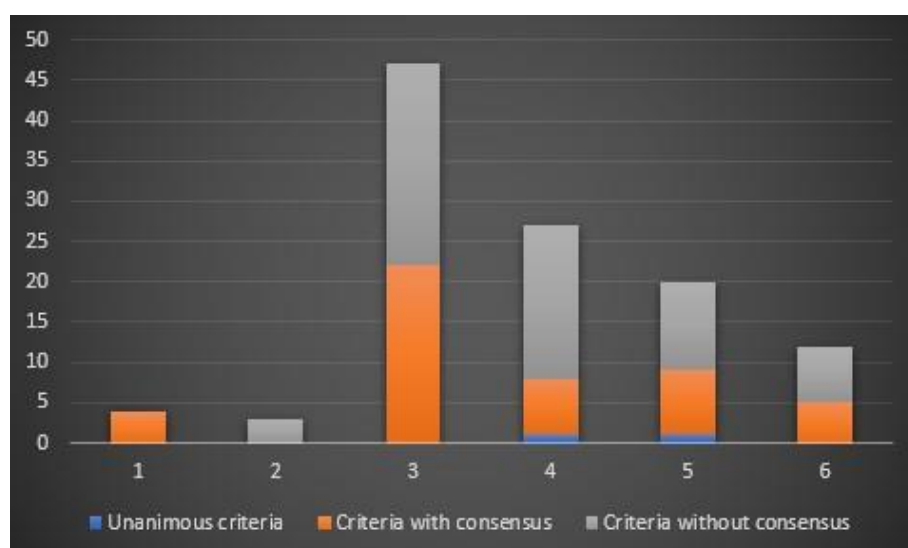
Table 21. Distribution of responses and level of consensus of criteria by family for Tunisia

Number	Family 1	Family 2	Family 3	Family 4	Family 5	Family 6
Criteria	4	3	47	27	20	12
Responses	59/60	45/45	591/705	331/405	259/300	180/180
Unanimous criteria	0	0	0	1	1	0
Criteria with consensus	4	0	22	7	8	5
Criteria without consensus	0	3	25	19	11	7

Graph 17. Comparison between actual and expected responses, by family of criteria for Tunisia



Graph 18. Distribution of level of consensus in criteria by family of criteria for Tunisia



These figures demonstrate a disparity in responses in terms of:

- Return rate,
- Consensus.

Before seeking to understand the causes of this observation for Tunisia, an extensive analysis was conducted on France and Turkey to verify the extent of this pattern.

As a result, the analysis of this issue is addressed for the report as a whole.

From the 1,465 responses, there were also 242 responses stating, "Don't know", i.e. 16.52% of responses given.

Most of the panel of 15 respondents did not know how to answer the criteria listed in the table below:

Table 22. List of criteria mostly resulting in a "Don't know" response for Tunisia

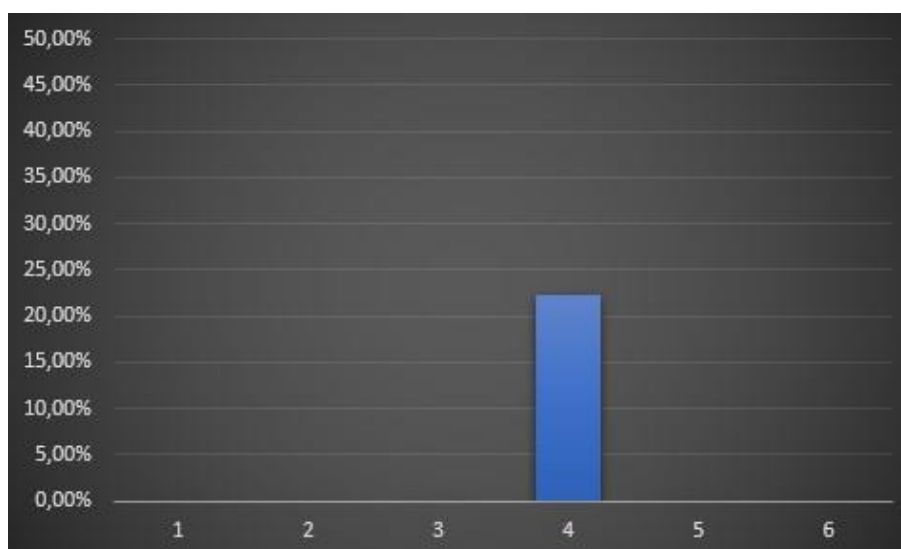
4	Organic criteria	
4.4.1	How many full-time equivalent (FTE central government posts have been allocated to monitor the application of the Convention?	Less than 2 FTE?
4.4.2		2 to 4 FTE?
4.4.3		More than 4 FTE?
4.5.1	How many times a year do the central government departments meet to discuss the Convention?	Less than twice a year?
4.5.2		2 to 4 times a year?
4.5.3		More than 4 times a year?

Overall:

Table 23. Distribution of criteria mostly resulting in a "Don't know" response by criteria group for Tunisia

Number	Family 1	Family 2	Family 3	Family 4	Family 5	Family 6
Mostly "Don't know" criteria	0/7	0/3	0/47	6/27	0/20	0/12
%	0.0%	0.00%	0.00%	22.22%	0.00%	0.00%

Graph 19. Bar chart of response rates mostly resulting in "Don't know" to criteria, by family of criteria for Tunisia



Just family 4 accounts for 6 legal criteria mostly featuring a "Don't know" response. The other 5 families feature none at all.

Two observations can be made from these figures:

- A minor disparity in legal understanding
- Lack of familiarity with law enforcement mechanisms (see Table 7 and Graph 7, page 49, on response rates, Table 9; page 51 on criteria mostly resulting in a "Don't know" response)

It is difficult to draw any conclusions, so we will make only assumptions:

- Concerning the panel of respondents:
  - Non-specialists misunderstanding overly technical questions,
  - Lack of familiarity with the rule of law for the Barcelona Convention.
- Concerning the survey:
  - The wording of the questions,
  - The legal complexity of the questionnaire.

- Concerning national law:
  - Specific aspects of the Convention not covered in national law,
  - A lack of information.

Having survey interviewers supervise and administer the questionnaire appears to be a rational solution to reduce the occurrence of disparities.

## D. FEEDBACK

### 1. Concerning the group of experts

Some members expressed their views on the benefit of the questionnaire in relation to:

- Their job description,
- Their occupation in the relevant institution (Ministry, public body, municipality or association).

Others were more reserved on the two aforementioned points, highlighting the difficulty to complete the questionnaire.

### 2. Concerning the panel respondents

Some respondents were surprised at how little (or not at all) their organisation of department communicated on the Barcelona Convention.

They even tabled a proposal for a training programme on the Convention at their level, but also for organisations likely to be interested in the subject.

## E. CONCLUSIONS FOR TUNISIA ON THE EXECUTION OF THE SURVEY

### 1. Assessment of the survey benefits

#### **Strengths:**

All respondents recognised the advantages of using legal indicators while the survey shows that, although clearly beneficial, they are not used in practice when they could properly appraise the effectivity of an international legal norm or its transposition in national law.

As legal experts teaching environmental law at Tunisian universities, some sub-indicators attracted our attention and show the paucity of communication on the Barcelona Convention within the country, but particularly locally

A country like Tunisia would benefit from using legal indicators domestically to improve the effectivity of the Barcelona Convention.

Adding these indicators to monitoring reports on implementing the Convention would be an advantage.

#### **Problems encountered:**

There are many:

- Firstly, when the survey began, during the summer holiday period, several people were on leave which delayed its progress. The National Declaration of 25 July 2021 also caused huge disruption in the government with respondents being more preoccupied by the situation rather than a mere questionnaire!
- Several individuals had to be reminded once or even twice before they responded.
- Some respondents found it difficult to understand the questionnaire and were reluctant to ask for help:
  - Those who withdrew after giving their agreement in principle as they, "*didn't consider themselves apt to complete the questionnaire properly*".
  - Those who stopped responding entirely, without apologising.
- One individual commented on the overly legal nature of the questionnaire.

- Considerable time was lost between first contacting respondents for their agreement in principle and a second time to send out the questionnaire.
- In addition to details given in the accompanying letter, there was no specified return date for completed questionnaires, so respondents took their time.

## 2. Lessons learned from the methodology and recommendations from the Tunisian group of experts

- To save time, respondents were contacted directly by telephone or by video-conference to secure their agreement in principle and then to send all the documents at the same time.
- The questionnaire needs simplified as most individual contacted were not legal experts.
- The time needed to answer the questionnaire should be stated from the outset, while always allowing flexibility.
- Tunisian survey interviewers must be available as some respondents were embarrassed to ask for help from a foreign language speaker. These individuals then accepted to work with a Tunisian although the questionnaire had to be in Arabic to make it easier for the survey interviewer.

## F. ANNEX - TUNISIAN QUESTIONNAIRE

### Questionnaire 1/6 - Barcelona Convention of 10 June 1995 which came into force on 9 July 2004

Your area:		Application of the framework convention in Tunisian law			
1	Existential criteria: Legal existence and sources	YES	PARTLY	NO	DON'T KNOW
1.1	Has the Barcelona Convention (version 1995) been published in the Official Journal?				
1.2	Is publication conditional to its application?				
1.3	Is the Convention text accessible on the website of each Ministry responsible for it?				
1.4	Is the Convention clarified and discussed on the website of each Ministry responsible for it?				

### Questionnaire 2/6 - Barcelona Convention of 10 June 1995 which came into force on 9 July 2004

2	Applicability criteria:	YES	PARTLY	NO	DON'T KNOW
2.1	Does the Convention have a direct effect on national law?				
2.2	Is the Convention included in the law?				
2.3	Is the Convention included in regulatory legislation?				

### Questionnaire 3/6 - Barcelona Convention of 10 June 1995 which came into force on 9 July 2004

3	Substantive criteria for application norms	YES	PARTLY	NO	DON'T KNOW
3.1	Are there agreements (bilateral or multilateral) that, in addition to the Convention, help promote sustainable development and protection of the Mediterranean Sea?				
3.2.1	Do competent international organisations				
3.2.2	implement initiatives to foster the application of the Convention:				
	Through side events?				
	Through information campaigns?				
3.3	Has legal action been taken to enforce the Convention?				

3.4	Have measures to implement the Mediterranean Action Plan (MAP)?					
3.5	Have recommendations by the Mediterranean Commission for Sustainable Development (MCSD) been targeted in the measures taken?					
3.6.1	Is the precautionary principle:	provided for by a text applying the Barcelona Convention?				
3.6.2		provided for by another piece of national legislation?				
3.6.3		applied?				
3.7.1	Is the polluter pays principle:	provided for by a text applying the Barcelona Convention?				
3.7.2		provided for by another piece of national legislation?				
3.7.3		applied?				
3.8.1	Is the impact assessment:	provided for by a text applying the Barcelona Convention?				
3.8.2		provided for by another piece of national legislation?				
3.8.3		applied?				
3.9.1	Is the cross-border impact assessment:	provided for by a text applying the Barcelona Convention?				
3.9.2		provided for by another piece of national legislation?				
3.9.3		applied?				
			YES	PARTLY	NO	DON'T KNOW
3.10.1	Is integrated coastal zone management:	provided for by a text applying the Barcelona Convention?				
3.10.2		provided for by another piece of national legislation?				
3.10.3		applied?				
3.11	Have programmes and measures been adopted to implement the Convention?					
3.12	Are there deadlines to deliver the programmes?					
3.13	Are there deadlines to deliver the measures?					
3.14	Will the best available techniques be used?					
3.15.1	Has legal action been taken:	for dumping (Art. 5)?				
3.15.2		for discharges from ships (Art 6)?				
3.15.3		for exploring the continental shelf (Art. 7)?				
3.15.4		for land-based sources of pollution (Art. 8)?				
3.15.5		in the event of an emergency situation (Art. 9)?				
3.15.6		to conserve biological diversity (Art. 10)?				
3.15.7		for cross-border movements of hazardous waste (Art. 11)?				
3.16.1	Has non-legal action been taken:	for dumping (Art. 5)?				
3.16.2		for discharges from ships (Art 6)?				
3.16.3		for exploring the continental shelf (Art. 7)?				
3.16.4		for land-based sources of pollution (Art. 8)?				
3.16.5		in the event of an emergency situation (Art. 9)?				



3.16.6		to conserve biological diversity (Art. 10)?				
3.16.7		for cross-border movements of hazardous waste (Art. 11)?				
			YES	PARTLY	NO	DON'T KNOW
3.17	Is provision made for access to information?					
3.18	Are there arrangements for participation in decision-making?					
3.20.1	Exceptionally, when the State justifies withholding access to information:	is this in accordance with national law?				
3.20.2		is this in compliance with an international regulation?				
3.21.1	Does the State submit reports to the Convention Secretariat for each COP on:	legal action taken?				
3.21.2		non-legal action taken?				
3.22.1	Does the State specify in its report:	the effectiveness of measures taken?				
3.22.2		problems encountered?				

**Questionnaire 4/6 - Barcelona Convention of 10 June 1995 which came into force on 9 July 2004**

4	<u>Organic criteria</u>		YES	PARTLY	NO	DON'T KNOW
4.1.1	How many Ministries are actually responsible for the Convention?	At least 1 vessel?				
4.1.2		2 to 3?				
4.1.3		More than 3?				
4.2	Does the State organise a system of inter-Ministerial coordination to apply the Convention?					
4.3.1	Is there a government department responsible for monitoring the convention:	at the Ministry of the Environment?				
4.3.2		in several Ministries?				
4.4.1	How many full-time equivalent (FTE) central government posts have been allocated to monitor the application of the Convention?	Less than 2 FTE?				
4.4.2		2 to 4 FTE?				
4.4.3		More than 4 FTE?				
4.5.1	How many times a year do the central government departments meet to discuss the Convention?	Less than twice a year?				
4.5.2		2 to 4 times a year?				
4.5.3		Less than twice a year?				
			YES	PARTLY	NO	DON'T KNOW
4.6	Do State departments have appropriate local (devolved) representation for the Convention?					
4.7	Is there a decentralised public body tasked with implementing the Convention (expressly or implicitly).					
4.8.1	Is there a designated authority to continuously monitor pollution:	centrally?				
4.8.2		regionally?				
4.9	Are there public marine and coastal scientific research bodies tasked with monitoring the Convention?					
4.10	Do the coastal local authority associations feel involved in the Convention?					
4.11.1	Does the State have a fleet of inshore research vessels?	1 to 4 vessels?				
4.11.2		More than 4 vessels?				
4.12.1	Does the State have a fleet of offshore research vessels?	At least 1 vessel?				
4.12.2		More than 1 vessel?				
4.13.1	1 to 4?					

4.13.2	How many regional officers are tasked with applying the Convention?	More than 4?				
4.14	Has the State calculated the cost of measures required to implement the Convention?					
4.15	Has the State budgeted for measures required to implement the Convention?					
4.16	Are there one or more regional authority budget lines to apply the Convention?					

#### **Questionnaire 5/6 - Barcelona Convention of 10 June 1995 which came into force on 9 July 2004**

5	<u>Enforcement criteria for the Barcelona Convention</u>		YES	PARTLY	NO	DON'T KNOW
5.1.1	Are coastal administrative enforcement procedures implemented by:	a national body?				
5.1.2		a local body?				
5.2.1	Are administrative enforcement procedures in territorial waters implemented by:	a national body?				
5.2.2		a local body?				
			YES	PARTLY	NO	DON'T KNOW
5.3	Are administrative enforcement procedures outside territorial waters implemented by:					
5.4.1	Does the State have an operational fleet of vessels to police the coastline?:	1 to 4 vessels?				
5.4.2		More than 4 vessels?				
5.5.1	Does the State have an operational fleet of vessels to police areas outside territorial waters?	1 to 4 vessels?				
5.5.2		More than 4 vessels?				
5.6.1	Since the Convention came into force, are there for the purposes of judicial review:	rulings to enforce the Convention?				
5.6.2		Checks and audits by the presence of the direct effect of the Convention?				
5.7.1	Concerning criminal sanctions:	Are these provided for?				
5.7.2		Are they enforced?				
5.7.3		Are there settlement procedures?				
5.8.1	Concerning administrative sanctions:	Are these provided for?				
5.8.2		Are they enforced?				
5.9	Is there a training programme for magistrates on coastal and maritime law?					
5.10	Are associations/NGOs eligible to take legal action?					
5.11	Have associations/NGOs initiated legal proceedings?					
5.12	Are NGOs official partners of the Barcelona Convention?					

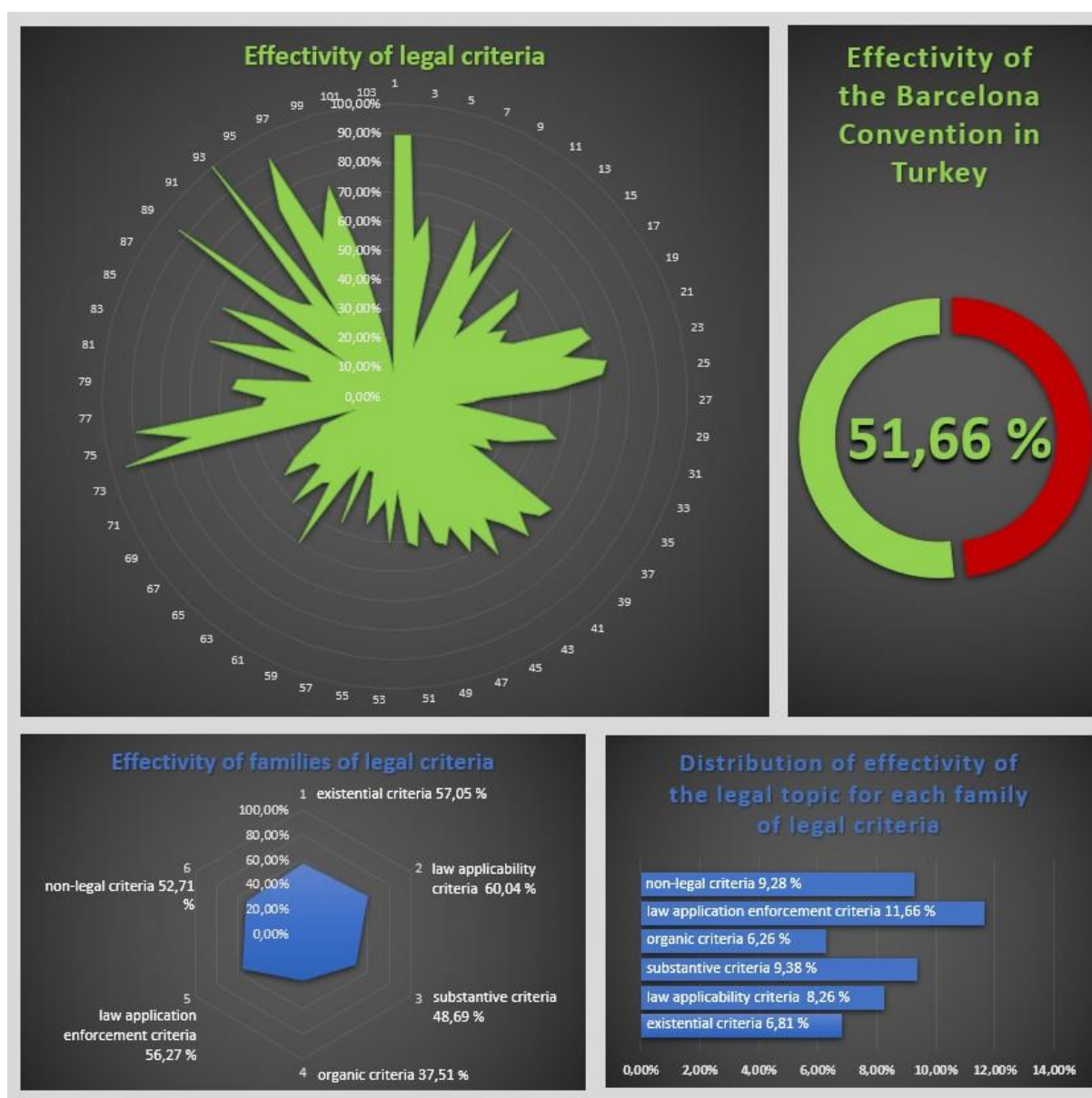
#### **Questionnaire 6/6 - Barcelona Convention of 10 June 1995 which came into force on 9 July 2004**

6	<u>Non-legal criteria strengthening effective application</u> (rank criteria by order of importance, 1 being the criterion with the least impact on effectivity)	Order no.	DON'T KNOW
6.1	No corruption		
6.2	Political stability		
6.3	Technically simple to implement		
		Order no.	DON'T KNOW
6.4	No economic interests clashing with the protection of the Mediterranean Sea		
6.5	Awareness that the Convention exists		
6.6	Dissemination of information, training and education about the Convention		

6.7	Provision of technical and human resources		
6.8	Cooperation between legal and scientific experts		
6.9	Scientific projections on changes to the Mediterranean Sea		
6.10	Publication of data on protecting the Mediterranean Sea		
6.11	Associations/NGOs specialising in protecting the Mediterranean Sea		
6.12	Engage with associations/NGOs		

## Annex 3 - National Report on the Pilot Test in Turkey

Graph 20. Dashboard for the effectivity of the Barcelona Convention in Turkey



## A. SURVEY DESIGN

### 1. Adapting the questionnaire

The outline for the French questionnaire was entirely revised to adapt it to the specific aspects of Turkish law. The questionnaire was drafted in French and Turkish.

Ultimately, 117 legal criteria were formulated in the form of questions or sub-questions and distributed as follows:


- 7 existential criteria,
- 3 applicability criteria,
- 48 substantive criteria,
- 27 organic criteria,
- 20 enforcement criteria,
- 12 non-legal criteria.

The observation above in Annex 1, page 74 is the same in this case.

With these steps completed, the questionnaire was drafted in the form of 6 sub-questionnaires, one for each family of criteria.

The example below applies to the family of existential criteria

Table 24. Questionnaire 1/6 for Turkey

					
<b>Questionnaire 1/6 - Barcelona Convention of 10 June 1995 which came into force on 9 July 2004</b>					
Your area:		<b>Application of the framework convention in Turkish law</b>			
1	Existential criteria: Legal existence and sources	YES	PARTLY	NO	DON'T KNOW
1.1	Has the Convention been published?				
1.2	Is publication conditional to its application?				
1.3	Is the Convention text accessible on the website of each Ministry responsible for it?				
1.4	Is the Convention clarified and discussed on the website of each Ministry responsible for it?				
1.5	Does the website of each Ministry responsible for the Convention refer to its texts for application?				
1.6	Does the Convention feature on the websites of appropriate coastal regional authorities?				
1.7	Is the Convention clarified and discussed on regional websites?				

## B. CONSTITUTION THE PANEL OF RESPONDENTS

The main difficulty encountered nationally was finding the right person to speak to.

### 1. Panel respondent choice: Legal and institutional criteria, difficulties encountered

30 people were invited, nationally and regionally, to take part in the survey, including national and local authorities, namely:

- Profiles at national level:
  - 2 Ministries,
    - Ministry of the Environment and Urban Planning,
  - 11 universities,
    - University of Bilgi,
    - University of Akdeniz,

- University of Ankara,
- At regional level, the profiles were:
  - 7 metropolitan municipalities (city halls with powers to administer the entire department concerned):
    - Metropolitan municipality of Hatay,
    - Metropolitan municipality Antalya,
    - Metropolitan municipality of Izmir,
    - Metropolitan municipality of Muğla,
    - Metropolitan municipality of Mersin,
    - Metropolitan municipality of Hatay,
    - Metropolitan municipality of Aydin,
  - 6 regional Bars in the Mediterranean basin:
    - Bar of Antalya,
    - Bar of Izmir,
    - Bar of Hatay,
    - Bar of Muğla,

## 2. Responses from respondents to the offer of help from survey interviewers

In total, 15 surveys were conducted in Turkey, with 14 questionnaires completed and returned.

When the participants selected to take part in the survey were contacted, they were told about the option of assistance from a trained survey interviewer, if needed.

3 respondents said they wanted help to complete the questionnaire, all at regional level, or 21.42% of respondents.

10 out of 12 of the self-completed questionnaires had to be amended and missing answers added by a survey interviewer. 1 respondent did not reply to a request for amendments to complete the questionnaire, answering just 1 page. As a result, it had to be excluded from the list of completed questionnaires.

8 other respondents did not complete their questionnaires. Responses were deemed to be appropriate and full. Among the questionnaires completed without help from a survey interviewer, just 2 were returned without mistakes.

This demonstrates the importance of applying the statistical sampling rules to form a representative panel of respondents.

In Turkey, the introduction of legal indicators requires a parent population of stakeholders directly or indirectly involved in applying the Barcelona Convention. This would help recruit a panel of respondents for each survey exercise and be large enough to cope with withdrawals while ensuring the study is representative.

## C. CONDUCTING THE SURVEY EXERCISE

Questionnaires were sent at the start of the survey to those participants who did not request assistance. They were asked to return the document after answering the questions. It was noted that the response process for surveys using this method was relatively long. When the survey interviewers checked the responses, they found omissions or errors in all questionnaires, apart from 2. These observations were shared with the survey participants and measures taken to ensure the questionnaires were properly completed. In some cases, respondents had to be contacted a second time to make necessary corrections.

Survey interviewers were directed to those participants who requested help at the start of the survey and interviewed via ZOOM or by telephone. During this time, the interviewers gave necessary explanations and answered queries on the purpose of the survey and the implications of the questions. Meanwhile, the interviewers were aided by giving their utmost attention to points highlighted in their training from CIDCE. It was noted that the response process for surveys using this method was relatively short. The method also ensured that the questions were answered fully, correctly and collected more easily and quickly.

### 1. Concerning the respondents' participation

14 respondents returned their questionnaires, while just 6 were fully completed.

There was a considerable difference in the return of responses, in terms of:

- The response rate
- The type of responses

With 14 panel respondents and a questionnaire featuring 117 legal criteria, 1,638 responses were expected (117 x 14).

Just 1,590 responses were collected, constituting a response rate of 97.07%, which is a satisfactory percentage survey for survey data processing to be representative.

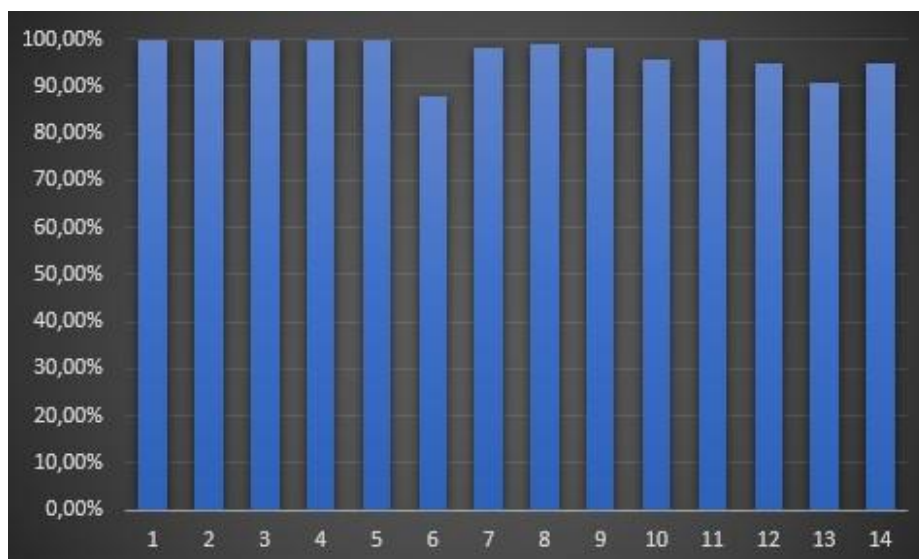
The table below shows the distribution of responses returned for the questionnaire:

Table 25. Question response rates by questionnaire for Turkey

Number	1	2	3	4	5	6	7	8	9	10
Responses	117	117	117	117	117	103	115	116	115	112
Expected	117									
Return rate %	100.00%	100.00%	100.00%	100.00%	100.00%	88.03%	98.29%	99.14%	98.29%	95.73%

Number	11	12	13	14
Responses	117	111	106	111
Expected	117			
Return rate %	100.00%	94.87%	90.60%	94.87%

Graph 21. Bar chart indicating question response rates by questionnaire for Turkey



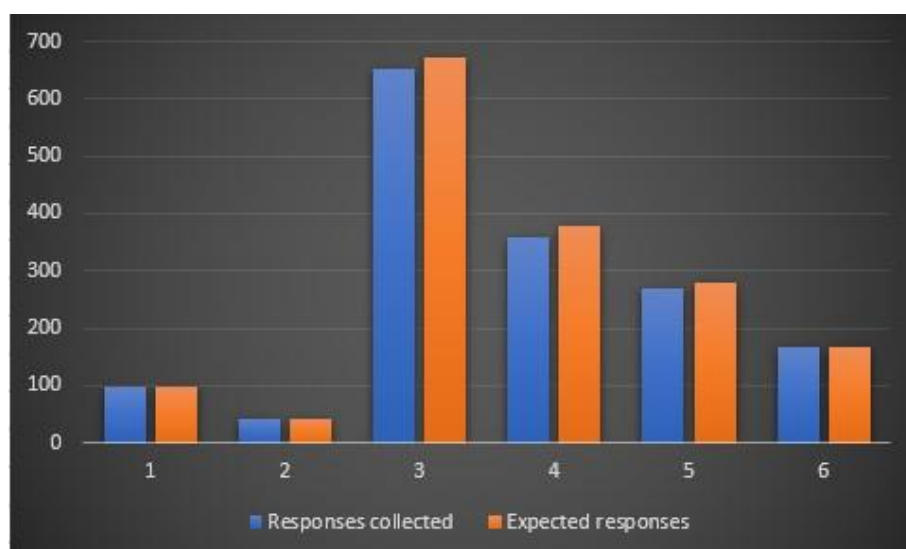
The distribution of responses by family is as follows:

Table 26. Distribution of responses and level of consensus of criteria by family for Turkey

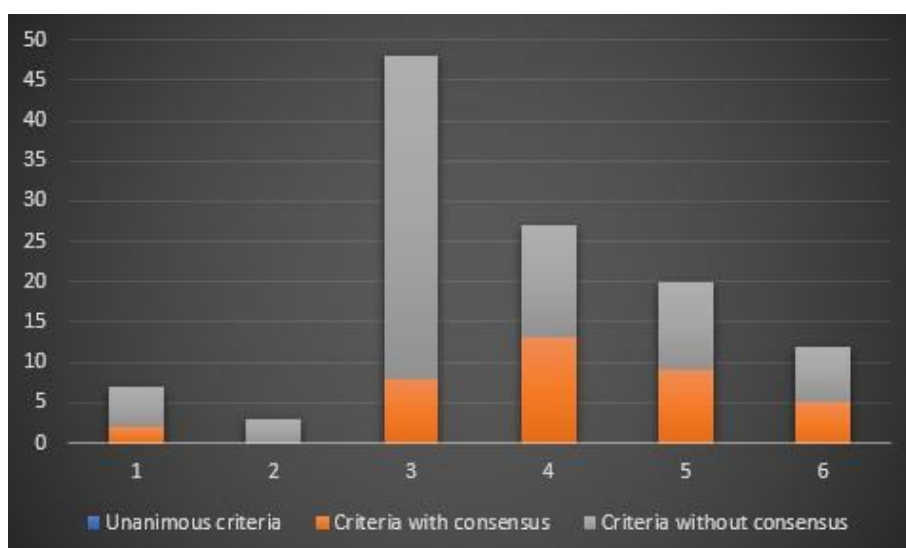
Number	Family 1	Family 2	Family 3	Family 4	Family 5	Family 6
Criteria	7	3	48	27	20	12
Responses	98/98	42/42	653/672	358/378	271/280	168/168
Unanimous criteria	0	0	0	0	0	0
Criteria with consensus	2	0	8	13	9	5
Criteria without consensus	5	3	40	14	11	7



Graph 22. Comparison between actual and expected responses, by family of criteria for Turkey



Graph 23. Distribution of level of consensus in criteria by family of criteria for Turkey



These figures demonstrate a disparity in responses in terms of:

- The question return rate, while clearly acceptable overall, was unsatisfactory for 5 out of 14 questionnaires, with figure of less than 96%.
- The consensus of responses to legal criteria.

Before seeking to understand the causes of this observation for Turkey, an extensive analysis was conducted to verify the extent of this pattern in the other countries.

As a result, the analysis of this issue is addressed for the report as a whole.

From the 1,590 responses, there were also 461 responses stating, "Don't know", i.e. 28.74% of responses given.

Most of the panel of 14 respondents did not know how to answer the criteria listed in the table below:

Table 27. List of criteria predominately resulting in a "Don't know" response for Turkey

3	<u>Substantive criteria for application norms</u>	
3.20.1	Does the State submit reports to the Convention Secretariat for each COP according to Art. 26-1 on:	legal action taken?
3.20.2		non-legal action taken?
3.21.1	Does the State, according to Art. 26-1, specify in its report:	the effectiveness of measures taken?
3.21.2		problems encountered?

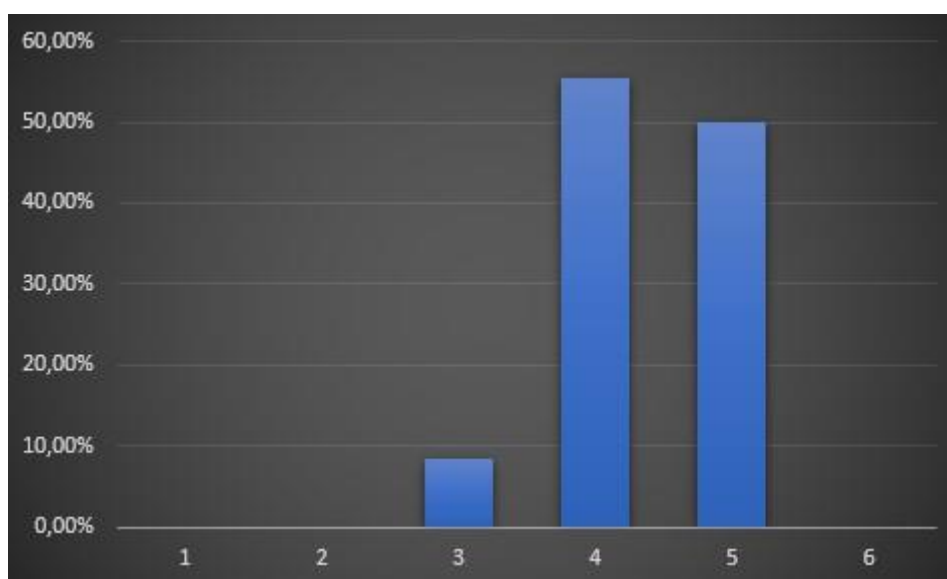
4	<u>Organic criteria</u>	
4.4.1	How many full-time equivalent (FTE) central government posts have been allocated to monitor the application of the Convention?	Less than 2 FTE?
4.4.2		2 to 4 FTE?
4.4.3		More than 4 FTE?
4.5.1	How many times a year do the central government departments meet to discuss the Convention?	Less than twice a year?
4.5.2		2 to 4 times a year?
4.5.3		More than 4 times a year?
4.7.1	Is there a designated authority under Art. 12-2 to continuously monitor pollution:	centrally?
4.11.1	Does the State have a fleet of inshore research vessels?	1 to 4 vessels?
4.11.2		More than 4 vessels?
4.12.1	Does the State have a fleet of offshore research vessels?	At least 1 vessel?
4.12.2		More than 1 vessel?
4.13.1	How many regional officers are tasked with applying the Convention?	1 to 4?
4.13.2		More than 4?
4.14	Has the State calculated the cost of measures required to implement the Convention?	
4.15	Has the State budgeted for measures required to implement the Convention?	
5	<u>Enforcement criteria for the Barcelona Convention</u>	
5.3	Are administrative enforcement procedures outside territorial waters implemented?	
5.4.1	Does the State have an operational fleet of vessels to police the coastline?:	1 to 4 vessels?
5.4.2		More than 4 vessels?
5.5.1	Does the State have an operational fleet of vessels to police areas outside territorial waters?	1 to 4 vessels?
5.5.2		More than 4 vessels?
5.6.1	Since the Convention came into force, are there for the purposes of judicial review:	rulings to enforce the Convention?
5.6.2		Checks and audits by the presence of the direct effect of the Convention?
5.9	Is there a training programme for magistrates on coastal and maritime law?	
5.11	Have NGOs initiated legal proceedings?	
5.12	Are NGOs official partners of the Barcelona Convention?	

Overall:

Table 28. Distribution of criteria predominately resulting in a "Don't know" response by family of criteria for Turkey

Number	Family 1	Family 2	Family 3	Family 4	Family 5	Family 6
Mostly "Don't know" criteria	0/7	0/3	4/48	15/27	10/20	0/12
%	0.00%	0.00%	8.33%	55.56%	50.00%	0.00%

Graph 24. Bar chart of response rates mostly resulting in "Don't know" to criteria, by family of criteria for Turkey



Families 4 and 5 account for 6 legal criteria mostly featuring a "Don't know" response.

These figures demonstrate a disparity in legal understanding of the questionnaire.

It is difficult to draw any conclusions, so we will only make assumptions:

- Concerning the panel of respondents:
  - Non-specialists misunderstanding overly technical questions,
  - Lack of familiarity with the rule of law for the Barcelona Convention.
- Concerning the survey:
  - The wording of the questions,
  - The legal complexity of the questionnaire.
- Concerning national law:
  - Specific aspects of the Convention not covered in national law,
  - A lack of information.

Having survey interviewers supervise and administer the questionnaire appears to be a rational solution to reduce the occurrence of disparities.

## D. FEEDBACK

### 1. Concerning the group of experts

All participants said they were happy to have taken part in the study.

As the survey used Excel, some interviewers found it difficult to complete the questionnaire for respondents unfamiliar with Excel. The respondents commented that it would be better to use a more user-friendly interface.

### 2. Concerning the panel of respondents

Some respondents did not understand neutral choices to answer some questions, particularly use of "Partly". Some flatly declined to answer, while others selected this option as their response when it was not active. This problem stems from the form of the disabled option. The survey interviewers had to give specific guidance as it could cause confusion when analysing the responses.

Respondents commented that it would be useful to have written guidance on how to complete the questionnaire. Indeed, those who took part in the survey study received a written explanation on the research undertaken. It was clearly stated that interviewers could provide assistance if required and while 78.87% of survey respondents did not want help from the interviewers, most did receive some assistance from them.

It was reported that the text on questions about the Convention was not completely understood. It was also highlighted that the questions required a certain level of expertise and that not everyone could answer them. In the research

conducted by the interviewers, respondents were generally reluctant to choose the "Don't know" option. They answered the questions more easily when told that the "Don't know" option was as important as the other responses and that they should select it if they were unfamiliar with the subject.

It was reported that question 5.3 was not properly formulated for a yes/no answer. (Question 5.3: Who provides administrative enforcement in areas outside territorial waters?)

The simple wording used was welcomed.

While the few requests for assistance from an interviewer reassured those respondents. Furthermore, while completing a printed questionnaire took roughly 1 hour 15 minutes, using an interviewer took less than an hour.

## E. CONCLUSION FOR TURKEY ON THE EXECUTION OF THE SURVEY

### 1. Survey benefits

The survey was extremely valuable as it was the first study to measure the effects of an international convention (in this case, the Barcelona Convention) from a legal perspective with mathematical data. The value of the survey was explained to respondents, which encouraged them to readily participate.

Various public agencies and bodies, universities and independent lawyers were invited to take part and as they all had different aptitudes, the resulting data was guaranteed to come from a range of sources. As such, the content was more wide-ranging and of greater quality. Some participants responded by e-mail asking for their survey results, while others did not. However, the general view is that they were content to have taken part and were interested by the project. Some respondents also wanted to add comments to the questions in addition to completing the survey.

### 2. Suggestions to improve the method.

The "Partly" response to some questions was disabled due to the question configuration. In these cases, this option was disabled and covered with a large X, while almost all those who chose to complete the questionnaire unaided, found it difficult to answer. Some respondents made no attempt to answer questions whereas others marked all their answers in the same way, by cutting and pasting the disabled box. Given that the survey results were too complex to be assessed, those respondents who used this method were asked to provide their answers again. As such, an alternative method could be used to disable the "Partly" option, for instance by inserting "Do not check box" in place of "Partly".

As indicated above, 78.57% of respondents did not request help from a survey interviewer, however most of them did not fully complete the questionnaire before then receiving assistance. This is why asking a survey interviewer for help should be emphasised, while detailed guidance could also be sent outlining the survey response rules. This guidance could explain, for example, how to check the answer boxes, why the "Partly" box is disabled for some questions, the requirement not to answer these questions or to add any additional information when answering questions and to readily check the "Don't know" box.

### 3. The benefits of legal indicators

The method used appears appropriate. The method for legal indicators could encourage Barcelona Convention Signatory States to use it when drafting their national reports.

## F. ANNEX - TURKISH QUESTIONNAIRE

### Anket Soruları 1/6 - 10 Haziran 1995 tarihli Barselona Çerçeve Sözleşmesi - 9 Temmuz 2004'te yürürlüğe girdi

Kapsamınız:		Çerçeve anlaşmanın Türk hukukunda uygulanması			
1	Var olma ölçütleri: Yasal dayanaklar ve kaynaklar	EVET	KISMEN	HAYIR	BİLMİYORUM
1.1	Yayımlandı mı?				
1.2	Uygulanması için yayımlanması gerekli mi?				
1.3	Sözleşme metni, Sözleşmeyi uygulamakla görevli bakanlıkların internet sitelerinde erişime açık mı?				

1.4	İlgili bakanlıkların internet sitelerinde Sözleşme'ye ilişkin açıklama ve yorum bulunuyor mu?				
1.5	İlgili bakanlıkların internet sitelerinde uygulama metinlerine atıfta bulunuluyor mu?				
1.6	Kıyı bölgelerinin yönetiminden sorumlu yetkili kurumların internet sitelerinde Sözleşme'ye yer veriliyor mu?				
1.7	İlgili yerel yönetimlerin internet sitelerinde Sözleşme'ye ilişkin açıklama ve yorum bulunuyor mu?				

**Anket Soruları 2/6 - 10 Haziran 1995 tarihli Barcelona Çerçeve Sözleşmesi - 9 Temmuz 2004'te yürürlüğe girdi**

2	Uygulanabilirlik ölçütleri	EVET	KISMEN	HAYIR	BİLMİYORUM
2.1	Sözleşme'nin ulusal hukukta doğrudan uygulanma kabiliyeti var mıdır?				
2.2	Sözleşme yasal bir düzenlemeye konu olmuş mudur?				
2.3	Sözleşme idari bir düzenlemeye konu olmuş mudur?				

**Anket Soruları 3/6 - 10 Haziran 1995 tarihli Barcelona Çerçeve Sözleşmesi - 9 Temmuz 2004'te yürürlüğe girdi**

3	Uygulama normlarının maddi ölçütleri	EVET	KISMEN	HAYIR	BİLMİYORUM
3.1	Madde 3-2 uyarınca ikili (veya çok taraflı) anlaşmalar sürdürülebilir gelişmeyi teşvik etmeye ve Akdeniz'i korumaya yardımcı oluyor mu?				
3.2.1	Madde 3-4 uyarınca Sözleşmenin uygulanmasını				
3.2.2	tesvik etmek için nitelikli uluslararası kuruluşlar				
3.2.3	bünyesinde girişimlerde bulunuldu mu?				
3.3	Madde 4-1 uyarınca yasal tedbirler alınmış mıdır?				
3.4	Madde 4-2 uyarınca Akdeniz Eylem Planı'nın (MAP) uygulanması için adımlar atılmış mıdır?				
3.5	Madde 4-2 uyarınca alınan tedbirlerde Akdeniz Sürdürülebilir Kalkınma Komisyonu'nun tavsiyeleri dikkate alınmış mıdır?				
3.6.1	Madde 4-3-a'daki ihtiyat ilkesi				
3.6.2	Herhangi bir ulusal hukuk düzenlemesinde öngörülmekte midir?				
3.6.3	Uygulanmakta mıdır?				
3.7.1	Madde 4-3-b'deki kirlenme öder ilkesi				
3.7.2	Herhangi bir ulusal hukuk düzenlemesinde öngörülmekte midir?				
3.7.3	Uygulanmakta mıdır?				
		EVET	KISMEN	HAYIR	BİLMİYORUM
3.8.1	Madde 4-3-c'deki çevresel etki değerlendirme mekanizması				
3.8.2	Herhangi bir ulusal hukuk düzenlemesinde öngörülmekte midir?				
3.8.3	Uygulanmakta mıdır?				
3.9.1	Madde 4-3-d'deki sınır aşan çevresel etki değerlendirme mekanizması				

3.9.2		Herhangi bir ulusal hukuk düzenlemesinde öngörülmekte midir?				
3.9.3		Uygulanmakta mıdır?				
3.10.1	Madde 4-3-e'deki bütünleşik kıyı yönetimi	Barselona Sözleşmesini uygulayan herhangi bir düzenleme tarafından öngörülmekte midir?				
3.10.2		Herhangi bir ulusal hukuk düzenlemesinde öngörülmekte midir?				
3.10.3		Uygulanmakta mıdır?				
3.11	Madde 4-4-a uyarınca Sözleşmenin uygulanması için programlar ve tedbirler kabul edildi mi?					
3.12	Madde 4-4-a uyarınca programları icra etmek için herhangi bir zaman çizelgesi var mı?					
3.13	Madde 4-4-a uyarınca tedbirleri icra etmek için herhangi bir zaman çizelgesi var mı?					
3.14	Madde 4-4-b uyarınca mevcut en iyi tekniklerin kullanılması planlanıyor mu?					
			<b>EVET</b>	<b>KISMEN</b>	<b>HAYIR</b>	<b>BİLMİYORUM</b>
3.15.1	Madde 5 ile 11 arasında düzenlenen şu yükümlülükler kapsamında yasal tedbirler alınmış mıdır?	Gemi ve uçaklardan kaynaklı boşaltma işlemleri için (md. 5)				
3.15.2		Gemilerden atıkların atılması konusunda (md. 6)				
3.15.3		Kıta sahanlığının araştırılması ve işletilmesi sırasında meydana gelen kirlenmeler konusunda (md. 7)				
3.15.4		Karasal kirlenmeler konusunda (md. 8)				
3.15.5		Kirlenme sonucu meydana gelen olağanüstü hallerde (md. 9)				
3.15.6		Biyolojik çeşitliliğin korunması için (md. 10)				
3.15.7		Tehlikeli atıkların sınır ötesi taşınması konusunda (md. 11)				
3.16.1	Madde 5 ile 11 arasında düzenlenen şu yükümlülükler kapsamında yasal tedbirler dışında başka tedbirler alınmış mıdır?	Gemi ve uçaklardan kaynaklı boşaltma işlemleri için (md. 5)				
3.16.2		Gemilerden atıkların atılması konusunda (md. 6)				
3.16.3		Kıta sahanlığının araştırılması ve işletilmesi sırasında meydana gelen kirlenmeler konusunda (md. 7)				
3.16.4		Karasal kirlenmeler konusunda (md. 8)				
3.16.5		Kirlenme sonucu meydana gelen olağanüstü hallerde (md. 9)				
3.16.6		Biyolojik çeşitliliğin korunması için (md. 10)				
3.16.7		Tehlikeli atıkların sınır ötesi taşınması konusunda (md. 11)				
3.17	Madde 15-1 uyarınca bilgiye erişim öngörülmüş müdür?					
3.18	Madde 15-2 uyarınca karar alma süreçlerine katılım organize edilmiş midir?					
3.20.1	Madde 15-3 uyarınca istisnaen, Devlet bilgiye erişimi reddettiğinde, gerekçesi	Ulusal hukuka uygun mudur?				
3.20.2		Uluslararası bir düzenlemeyle uygun mudur?				
3.21.1	Madde 26-1 uyarınca Devlet, Taraflar Konferansı dönemlerinde aşağıdaki konularda sözleşmenin sekreteryasına raporlar göndermekte midir?	Alınan yasal tedbirler				
3.21.2		Alınan diğer tedbirler				
3.22.1	Alınan tedbirlerin etkililiği					

3.22.2	Madde 26-1 uyarınca Devlet raporunda şunlara yer vermekte midir?	Karşılaşılan sorunlar				
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**Anket Soruları 4/6 - 10 Haziran 1995 tarihli Barselona Çerçeve Sözleşmesi - 9 Temmuz 2004'te yürürlüğe girdi**

4	Yönetmelik ölçütleri		EVET	KISMEN	HAYIR	BİLMİYORUM
4.1.1		En az 1				
4.1.2	Sözleşmeden sorumlu kaç tane Bakanlık vardır?	2 ile 3 arasında				
4.1.3		3'ten fazla				
4.2	Devlet, sözleşmenin uygulanması konusunda bakanlıklar arası koordinasyon sağlıyor mu?					
			EVET	KISMEN	HAYIR	BİLMİYORUM
4.3.1	Sözleşmeyi izlemekten sorumlu bir yönetim birimi var mı?	Çevre ve Şehircilik Bakanlığı'nda				
4.3.2		Birden çok bakanlıkta				
4.4.1	Merkezi idare (yönetim), sözleşmenin uygulanmasını izlemek için kaç tane tam zaman eşdeğeri belirlemiştir?	2'den az				
4.4.2		2 ile 4 arasında				
4.4.3		4'ten fazla				
4.5.1	Merkezi yönetim birimleri, sözleşme için yılda kaç defa toplanmaktadır?	2'den az				
4.5.2		2 ile 4 arasında				
4.5.3		4'ten fazla				
4.6	Devlet idaresinin sözleşmeyi uygulamakla yetkili herhangi bir yerel idari birimi var mıdır?					
4.7.1	b+22:24ölgelerindeki yerel otoriteler kendilerini	Merkezi düzeyde				
4.7.2	Sözleşme ile alakadar hissediyorlar mı?	Bölgesel düzeyde				
4.8	Deniz ve kıyı alanlarında bilimsel araştırma yapan kamu kurumlarının Sözleşme'yi izlemekle görevlendirilmiş midir?					
4.9	Kıyı bölgelerindeki yerel otoriteler kendilerini Sözleşme ile alakadar hissediyorlar mı?					
4.10	Akdeniz Belediyeler Birliği kendisini Sözleşme ile alakadar hissediyor mu?					
4.11.1	Devletin hidrografik filosu var mı?	1 ile 4 arası				
4.11.2		4'ten fazla				
4.12.1	Devletin oşinografik filosu var mı?	En az 1				
4.12.2		1'den çok				
4.13.1	Akdeniz Bölgesi'nde Sözleşme'yi uygulamakla görevli temsilci sayısı kaçtır?	1 ile 4 arası				
4.13.2		4'ten fazla				
4.14	Devlet, Sözleşmenin uygulanması için gerekli tedbirlerin maliyetini hesaplıyor mu?					
4.15	Devlet Sözleşme'nin uygulanması için gerekli olan tedbirler bakımından bir bütçe öngörüyor mu?					
			EVET	KISMEN	HAYIR	BİLMİYORUM
4.16	Sözleşmenin uygulanması için bir veya daha fazla bölgesel/yerel otoritelerin bütçe kalemi var mı?					

**Anket Soruları 5/6 - 10 Haziran 1995 tarihli Barselona Çerçeve Sözleşmesi - 9 Temmuz 2004'te yürürlüğe girdi**

5	Barselona Sözleşmesi'nin uygulanmasının denetimi ölçütleri		EVET	KISMEN	HAYIR	BİLMİYORUM
5.1.1	Kıyıların idari kontrolü aşağıdakilerden hangisi tarafından gerçekleştiriliyor?	Ulusal bir makam tarafından				
5.1.2		Yerel bir makam tarafından				
5.2.1	Kararları üzerindeki idari kontrol, aşağıdakilerden	Ulusal bir makam tarafından				
5.2.2	hangisi tarafından gerçekleştiriliyor?	Yerel bir makam tarafından				
5.3	Kararların ötesindeki alanların idari kontrolünü kim gerçekleştiriyor?					
5.4.1		1 ile 4 arasında				



5.4.2	Devlet kıyı kontrolü için operasyonel bir filo ya sahip midir?	4'ten fazla				
5.5.1	Devlet karasuların ötesini kontrol için operasyonel bir filoya sahip midir?	1 ile 4 arasında				
5.5.2		4'ten fazla				
5.6.1	Yürürlüğe girmesinden bu yana, yargı denetimi bakımından	Sözleşme'yi uygulayan kararlar var mı?				
5.6.2		Sözleşme'nin doğrudan uygulanması yoluyla gerçekleşen bir denetim var mı?				
5.7.1	Cezai yaptırımlar	Öngörülmüş mü?				
5.7.2		Uygulanıyor mu?				
5.7.3		Uzlaşma usulleri var mı?				
			<b>EVET</b>	<b>KISMEN</b>	<b>HAYIR</b>	<b>BİLMİYORUM</b>
5.8.1	İdari yaptırımlar	Öngörülmüş mü?				
5.8.2		Uygulanıyor mu?				
5.9	Hakimlerin kıyı ve deniz hukuku alanında eğitim almaları öngörülmüş müdür?					
5.10	STK'ların yargıya başvurma yetkisi var mı?					
5.11	Yargıya başvuran STK'lar var mı?					
5.12	Barselona Sözleşmesi'nin hükümet-dışı örgütlerden (STK) resmi ortağı var mı?					

**Anket Soruları 6/6 - 10 Haziran 1995 tarihli Barselona Çerçeve Sözleşmesi - 9 Temmuz 2004'te yürürlüğe girdi**

6	Sözleşmenin uygulanması için hukuk dışı ölçütler, 1 en önemlisi olmak üzere, ölçütleri önem sırasına göre nasıl sıralarsınız	Sıralama Numarası	BİLMİYORUM
6.1	Yolsuzluğun-rüşvetin olmaması		
6.2	Politik istikrar		
6.3	Uygulamanın teknik basitliği		
6.4	Akdeniz'in korunmasına aykırı ekonomik çıkarların olmaması		
6.5	Sözleşmenin varlığından haberdar olunması		
6.6	Sözleşmeyle ilgili bilginin yayılması, eğitim ve öğretim faaliyetlerinin yapılması		
6.7	Teknik kaynakların ve insan kaynaklarının sağlanması		
6.8	Hukuk ve teknik bilim disiplinlerinin işbirliği		
6.9	Akdeniz'deki gelişmelere ilişkin bilimsel projeksiyonlar		
6.10	Akdeniz'in korunmasına ilişkin verilerin yayımlanması		
6.11	STK'ların Akdeniz'in korunması konusunda uzmanlaşması		
6.12	STK'ların seferber olması		

# Annex 4: Legal indicators, Family of criteria and IUCN Resolution 050

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## A. LEGAL INDICATORS

### 1. Analysis

The application of the Barcelona Convention is dependent on its effective implementation at international, national and local levels. This implementation requires a complex legal process with contributions from numerous stakeholders, such as government bodies and inspection bodies, economic stakeholders, the legal profession, scientific experts and environmental protection associations/NGOs. Applying the Barcelona Convention in situ is all too often not enough. How can we identify and resolve this situation? While there are indicators that measure available scientific data using statistics, no legal indicators exist to measure the process governing the effective application of the Convention. The United Nations sustainable development goals (SDGs) for 2030 and the transformations to achieve the SDGs by 2050, have quantitative effectiveness indicators that exclude the contribution of law, including international conventions, to make a qualitative assessment of progress made.

### 2. An innovative tool

The International Center for Comparative Environmental Law (CIDCE) has been conducting research to inventing legal indicators since 2018, in its capacity as an NGO and official international partner of the UN, the Barcelona Convention and of its Protocols (see online publication:

[www.ifdd.francophonie.org/media/docs/publications/733\\_indicateur-juridique\\_web.pdf](http://www.ifdd.francophonie.org/media/docs/publications/733_indicateur-juridique_web.pdf).)

The aim of the research is to design, test, trial and scientifically validate, then mainstream, a new method. This consists of formulating questionnaires, in a given subject area of environmental law, to provide responses to mathematically measure progress or deterioration observed in a State or region concerned with the application of an international convention.

The 21st meeting of the Contracting Parties of the Barcelona Convention and its Protocols, in Naples, on 2 to 5 December 2019, approved the request of the Compliance Committee to introduce legal indicators, in Decision IG 24/1. This is the first time that an international convention has requested legal indicators to better identify the effectivity of its implementation.

### 3. Developing legal indicators

Indicators are data used to measure a phenomenon while a panel of experts selects a battery of indicators to measure the effectivity of an international convention. These indicators are derived from six families of legal criteria that influence the effective application of law. These include the existence and sources of a ruling, the legal applicability of the convention, the institutional framework required to apply the Convention, its substantive content, the procedural, financial, judicial and societal conditions governing its application, sanctions and their enforcement. Then there are non-legally binding factors that bolster the effective application of the Convention (familiarisation with texts, no corruption, civic and NGO considerations, etc.). The panel of experts applies a weighting to each family of criteria by consensus. This weighting ranks the indicators based on their respective importance to highlight the stipulations for the rule of law to be effectively applied. The questionnaires featuring this criteria are given to a panel of stakeholders (respondents) contributing to the application of the Convention in each State Party. The responses are then mathematically processed and represented graphically, using the figures to measure the progress and shortcomings in the application of the Convention. The responses can then be combined with scientific, social and economic indicators measuring the performance and effectiveness, thus helping to produce an overall assessment on the state of the environment in the Mediterranean in relation to the effective role of the Convention.

## 4. The benefits of legal indicators

Legal indicators are used to:

- Pinpoint difficulties concerning the application of the Convention,
- Boost the visibility of legitimacy of law when applying the Convention,
- Give civil society better information on the advantages of the Barcelona Convention for a greater role in good governance complying with the state of environmental law,
- Provide a decision-making tool and continuous improvement measures for parliaments, governments and government services of the State Parties of the Barcelona Convention to protect the environment in the Mediterranean, so that they can better target needs and the content of reforms to make to better apply the Barcelona Convention and its Protocols,
- Contribute to better informing the Compliance Committee when appraising national reports.

## B. FAMILIES OF CRITERIA

Dividing up the various components to implement the legal obligations contained in the Barcelona Convention helps to structure the list of questions to ask stakeholders involved in applying the Barcelona Convention. This list represents a range of indicators to assess the effectivity of the Barcelona Convention by mathematically measuring the level of effectivity.

5 legal criteria and 1 non-legal criterion are used in the process:

### 1. Existential criterion:

- a. For a norm to be effective, in this case the Barcelona Convention, it must legally exist and be visible.
- b. Has the Barcelona Convention been published or an explanation given in national law?

### 2. Applicability criterion:

- a. For a norm to be effective, it must be legally applicable, i.e. be in force and enforceable.
- b. Is there implementing legislation? At what level? National or local? Is there the power to review legality or constitutionality? When? In advance or retrospectively? How? Is this a direct consequence of international law?

### 3. Substantive criterion:

- a. For a norm to be effective it must have content in varying levels of detail.
- b. Is this just general principles of detailed rules? How has this content formulated? What does it provide for? What does it ban? What does it allow? Is it a norm for progress or deterioration? Does it comprise unilateral acts? Plans? Contracts?

### 4. Organic criterion:

- a. For a norm to be effective it must be supported by appropriate institutions.
- b. Do they exist? At what geographical level? How are they organised? With what human, technical, financial and scientific resources?

### 5. Application criterion:

- a. For a norm to be effective, it must be complied with and properly enforced.
- b. Are there inspection bodies to do this, with inspectors/auditors? How many are there? Is it a special or general policing body? Are there sanctions? Are they used? Are there judicial reviews? Open to who? Chaired by which judges? Are the decisions taken implemented? Is there a citizen control mechanism? How is it applied?
- c. The questions to ask are dependent on all existing legal mechanisms for the practical application of the Barcelona Convention by enforcing administrative, judicial and citizen checks and controls.

### 6. Non-legal criterion:

- a. For a norm to be effective, it must also correspond to requirements, as well as economic, social and cultural data inasmuch as these are likely to influence the effectivity of that norm.

- b. Is the norm known? Is it easy to understand and legible? Is it too technical? Is it swamped by corruption? Is it ignored by businesses or NGOs? Is it economically viable? Is it compatible with local customs and culture? Does it meet the expectations of subjects of law?
- c. In short, the questions to be asked rely on each country's political, socio-economic and cultural context. The aim envisages non-legally binding obstacles to the effective application of the Barcelona Convention to assess their potential impact.

## C. IUCN RESOLUTION 050

### 1. WCC-2020-Res-050-EN - Measuring the effectiveness of environmental law using legal indicator

CONSIDERING that nature conservation requires the effective application of international, regional, national and local environmental rules;

AWARE that the implementation of these rules is unsatisfactory, and that their application involves all the stakeholders, following a complex legal process: administrations, economic stakeholders, legal professions, environmental associations;

OBSERVING that, in most cases, the reports on the state of the environment only assess policies through scientific or economic indicators, omitting to appreciate their legal effectiveness;

REGRETTING that the indicators regarding Sustainable Development Goals (SDGs) are rarely aimed at the contribution of the law and often lack qualitative data allowing for the assessment of the effectiveness of rules, thereby omitting the contribution of the law to the success or failure of environmental policies;

DELIGHTED AT the emerging interest in more representative indicators of the difficulties of applying environmental law, as revealed by the European Union's 7th Environment Action Plan, demanding specific indicators to control environmental legislation or the ministerial statement on the third meeting of the United Nations Environment Assembly (UNEA-3), encouraging the development of multidisciplinary indicators;

NOTING that the Escazú Agreement in Latin America and the Caribbean provides for indicators to assess the efficacy, effectiveness and the progress of policies;

NOTING the promotion by IUCN, the United Nations Environment Programme (UNEP), the Institute for the French-speaking World for Sustainable Development (IFDD) of the International Organisation of La Francophonie (OIF) and the Economic Community of West African States (ECOWAS) of an innovative methodology regarding the creation of legal indicators during the Yaoundé Symposium in 2018; and

PERSUADED that the legal indicators will increase the visibility and legitimacy of environmental law, allowing for a greater understanding of the reasons why it is misapplied or rarely applied;

### 2. The IUCN World Conservation Congress 2020, at its session in Marseille, France:

1. CALLS ON the World Commission on Environmental Law (WCEL) and its members, supported by the Director General, to develop experiments and training in the creation of legal indicators on nature conservation, with the participation of law professors, lawyers, judges, prosecutors and the administrative services responsible for the enforcement of environmental law;
2. ASKS the Director General to invite the United Nations to add legal indicators to the existing indicators on the sustainable development goals;
3. ASKS the Parties to regional and universal conventions on the environment to introduce legal indicators also, in order to facilitate the assessment of the States' reports, notably in compliance committees; and
4. URGES all the governments and secretariats of international and regional organisations to introduce legal qualitative indicators in their regular reports on the state of the environment, in order to assess the effectiveness of legal policies and decisions.