

Project description ‘Clean Mediterranean Sea! – CMS!’

As of 1st May 2020

“Clean Mediterranean Sea! – CMS!” is an “academic start-up” project at the Ludwig Boltzmann Institute of Human Rights – Research Association (BIM-FV). Its planning and preparation was done under the guidance of *Hannes Tretter* and it was coordinated by *Philip Wilfing* with the help of volunteer law students from the University of Vienna, starting in autumn of 2018 and finishing in late 2019. In early 2020, the *Hermann and Marianne Straniak Foundation* from Sarnen (Switzerland), whose roots also extend to Austria (<http://straniak.de/>), decided it would give financial support to the project for 2020, making it possible to continue the matter at a professional level.

Cooperation

In light of the climate crisis and the fact that large amounts of plastic waste are increasingly straining the ecosystem of the Mediterranean Sea, largely enclosed as it is by the Bosphorus and Gibraltar, and given the fact that our oceans are the planet’s largest CO₂ reservoirs, CMS! is cooperating with the Austrian marine biology NGO *MareMundi* and *World Wildlife Fund (WWF) Austria* as project partners, aiming to carry out interdisciplinary analyses on the subject, in order to use the results to develop legal policy proposals and initiatives. These will be transmitted to the European Union, the OSCE, and the countries bordering the Mediterranean Sea.

- **Cooperation has been arranged with the following organisations:**

- *MareMundi, Austria* (<https://mare-mundi.org/>)
- *World Wildlife Fund (WWF) Austria* (<https://www.wwf.at/>)
- *Pacific Garbage Screening, Germany* (<https://www.pacific-garbage-screening.de/>)

Moreover, legal and biological experts from various universities and other academic institutions as well as experienced NGOs active in the field in neighbouring states of the Mediterranean Sea will be invited to contribute to the project with papers on the legal framework, respective practice and environmental challenges in their countries.

- **Organisational support**

In 2021, an interdisciplinary conference on the subject at the *EU Global Campus of Human Rights* in Venice (<https://gchumanrights.org/>) will be held, where experts of universities, academic institutions and experienced NGOs coming from the neighbouring states of the Mediterranean Sea will be invited. The Secretary General of the Global Campus, Professor *Manfred Nowak*, has already indicated his intentions to make such a conference possible.

Research

A. Project work 2020

After initial surveys in 2019 on international and European legislation, initiatives, strategies, programmes and recommendations regarding the prevention, disposal and recycling of plastic waste and other contaminants including their joint and several impact on the Mediterranean Sea, the following steps are currently being carried out:

- **March to August 2020:**

- **Legal analyses**

In-depth research and comparative analysis on subject-specific tasks and competencies, legal frameworks, objectives, strategies, programs, projects, declarations, resolutions, recommendations, initiatives and legal policy plans of:

- ***European Union***

- Union for the Mediterranean
 - Barcelona Convention and Protocols
 - EU-Directives based on the Aarhus Convention
 - EU Marine Strategy Directive
 - EU Water Directive
 - EU Single Use Plastic Directive
 - EU Environment Action Programme
 - Climate and Energy Package 2020
 - Mediterranean Action Plan (MAP)
 - H2020 Initiative for a Cleaner Mediterranean
 - European Parliament Intergroup Seas-Rivers-Islands & Coastal Areas (SEARICA)
 - EU Green Deal 2020

- ***OSCE***

- 'Mediterranean Dimension' of the OSCE
 - Contact Group with the Mediterranean Partners for Co-operation

- ***United Nations***

- United Nations Environment Programme (UNEP)
 - Work of the UN Expert Group on Marine Litter and Microplastics
 - UN Sustainable Development Solutions Network (UN SDSN)
 - UN Projects: Clean Seas, Project Plastic Busters

- ***Corporate Social Responsibility (CSR) of enterprises***

- UN Global Compact 1999
 - Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework (so called 'John Ruggie Principles') 2011

- 'Zero Draft' of a Legally Binding Instrument to Regulate, in International Human Rights Law, the Activities of Transnational Corporations and Other Business Enterprises 2019
- Respective CSR Codes of Conduct of Enterprises

○ **Gathering biological information**

The following information is to be gathered in cooperation with the marine biology NGO MareMundi and WWF Austria:

- Marine biological and climatic consequences of the Mediterranean's plastic pollution
- Identifying 'hot spots' of plastic pollution in the Mediterranean Sea
- Biological criteria for regulations in environmental law and/or in waste management
- Necessary control mechanisms to ensure compliance with all legal obligations
- Necessary control mechanisms for collection, recycling and/or disposal of plastic waste
- Technologies for collecting and utilising plastic waste

● **September to December 2020:**

○ **Comparative legal assessments**

The following comparative assessments will be conducted:

- Assessment of international maritime law regarding relevant obligations in environmental law, control mechanisms and possibilities for sanctioning violations
- Assessment of the possibilities of judicial enforcement of environmental claims in the Mediterranean Sea according to the Aarhus Convention
- Assessment of the case-law of the ECtHR and the CJEU on the possibilities of judicial enforcement of environmental claims in those Member States of the EU and the Council of Europe, which border the Mediterranean Sea
- Comparative legal assessment of regulations in environmental law and waste management legislation as well as their practical implementation in countries bordering the Mediterranean Sea in cooperation with foreign universities and NGOs
- Assessment of respective Codes of Conduct of business companies regarding the prevention, collection, recycling and disposal of plastic in production and sales chains
- Identifying gaps in law and practice

Marine biological, chemical and other conclusions and analyses will be taken into account as they are researched and made available by the partner organisations.

○ **Possible ways to remove and make use of plastic waste in the sea**

The partner organisation *Pacific Garbage Screening* will provide information regarding the question of which specific technical and other measures could and should be taken to remove plastic waste from the sea and finding ways to make use of it.

B. Further project planning for 2021

- **International conference**

Plans for 2021 include holding an interdisciplinary conference on the subject at the *EU Global Campus of Human Rights* in Venice (<https://gchumanrights.org/>), where relevant scientific institutions and NGOs of the countries bordering the Mediterranean Sea will be invited. The aim of the conference is to discuss critically the research results of the project by then and to take into account the outcome of the evaluation for the finalisation of the research study.

- **Recommendations and proposals to stakeholders**

The ultimate aim of the project is to create concrete recommendations and reform proposals referring to respective gaps and shortcomings in international, European and national legislation and practice (specifically regarding the insufficient implementation of existing legislation through a lack of control mechanisms and effective sanctions). These recommendations and reform proposals are to be submitted to the UN, OSCE, EU, and to countries that border the Mediterranean Sea as well as enterprises which produce, use or collect plastics or plastic waste. The proposals shall additionally be discussed at specific conferences.

- **Media relations**

Finally, the CMS! Website (www.cms-humanrights.com) and social media tools will call attention to the issues, recommendations and reform proposals which shall take up a presence in public.

Publication

After successful implementation of the project, it is intended that the entire results of the study are published online as well as a hard copy at the end of 2021 or beginning of 2022. Since the study will contain not only the results of the research work but also recommendations and proposals for improvement of the legal frameworks, practices and policies on international, European, and the national level of countries that border the Mediterranean Sea as well as for codes of conduct of enterprises, the publication will be submitted to all relevant stakeholders in politics, legislation, economy, media and civil society. Additionally, the outcome of the study will be discussed at conferences and presented in public.

Finally, the project's own CMS! Website (www.cms-humanrights.com) will inform the public about the core project results and will be used to call attention to the issues and any new developments.

