MEDITERRANEAN ACTION PLAN

Meeting of Government-designated Experts on the Annexes to the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean

Monaco, 23 November 1996

REPORT

OF THE MEETING OF GOVERNMENT-DESIGNATED EXPERTS ON THE ANNEXES TO THE PROTOCOL CONCERNING SPECIALLY PROTECTED AREAS AND BIOLOGICAL DIVERSITY IN THE MEDITERRANEAN

UNEP
Athens, 1996
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Introduction

1. During the Conference of Plenipotentiaries held in Barcelona on 9 and 10 June 1995 the Contracting Parties to the Convention for the Protection of the Mediterranean Sea against Pollution adopted the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean. The final act of the above-mentioned conference of plenipotentiaries stipulates that the annexes to this protocol will be adopted in a forthcoming meeting of plenipotentiaries.

2. Three draft annexes were elaborated during two meetings of experts, which were held in Montpellier (France) from 22 to 25 November 1995, and in Tunis (Tunisia) from 22 to 23 March 1996. The reports of these meetings are contained in documents UNEP(OCA)/MED WG.100/5 and UNEP(OCA)/MED WG.108/4 respectively. The three draft annexes elaborated by the above-mentioned meetings have been reviewed by the Third Meeting of the National Focal Points for Specially Protected Areas (Tunis, 25-27 March 1996). The report of this meeting is contained in document UNEP(OCA)/MED WG.109/4.

3. During their Extraordinary Meeting held in Montpellier from 1 to 4 July 1996, the Contracting Parties to the Barcelona Convention took note of the three draft annexes, and decided to convene a Meeting of Plenipotentiaries for their adoption. It was also decided that the Meeting of Plenipotentiaries would have been immediately preceded by a one-day meeting of Government-designated experts aimed at finalizing the draft annexes.

4. The above-mentioned meetings were convened in Monaco on 23 and 24 November 1996 at the kind invitation of the Principality of Monaco.

Participation

5. Experts designated by the following Contracting Parties to the Barcelona Convention attended the Meeting: Albania, Croatia, Cyprus, Egypt, European Community, France, Greece, Israel, Italy, Libyan Arab Jamahiriya, Malta, Monaco, Morocco, Slovenia, Spain, Syria, Tunisia and Turkey.

6. The following United Nations bodies and secretariat units, and intergovernmental and non-governmental organizations were represented by observers: Secretariat of the Bonn Convention, Black Sea Environmental Programme, Council of Europe (Bern Convention), World Wide Fund for Nature (WWF), MEDMARAVIS, Whale and Dolphin Conservation Society, Acquario di Genova.

7. The representative of the European Commission informed the meeting that he had no mandate to represent the European Community and that he was representing in this meeting only the European Commission.

8. The Regional Activity Centre for Specially Protected Areas was also represented.

9. The complete list of participants is attached as Annex II to this report.
Agenda item 1: Opening of the Meeting

10. Mr. Patrick Van Klaveren, head of the Environmental Office for the Principality of Monaco, welcomed the delegates to Monaco. He emphasized the importance of this meeting insofar as it represents a decisive step in the setting up of the new Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean. This Protocol is a particularly innovative instrument that could constitute a legal framework suited to the requirements of natural heritage conservation in the Mediterranean region.

11. Mr. Lucien Chabason, Coordinator of the Mediterranean Action Plan, opening the session on behalf of Ms. Elizabeth Dowdeswell, Executive Director of the United Nations Environment Programme (UNEP), expressed the gratitude and thanks of UNEP and the MAP Coordinating Unit to the Principality of Monaco.

12. He described the various stages leading to the development of the draft annexes, and thanked the Regional Activity Centre for Specially Protected Areas for its vital contribution. The Coordinator stated that the annexes constitute one of the major innovations provided by the new Protocol and are an essential component for its enforcement.

13. He observed that the new Protocol will play an important role in the regional enforcement of the Convention on Biodiversity. Mr. Chabason stressed that the adoption of the annexes should enable the Contracting Parties to implement a single process to ratify the new Protocol.

Agenda item 2: Rules of procedure

14. The Meeting noted that the Rules of Procedure adopted for Meetings and Conferences of the Contracting Parties to the Convention for the Protection of the Mediterranean Sea against Pollution and its Protocols (UNEP(OCA)/IG.43/6, Annex XI), as amended by the Eighth Ordinary Meeting, would apply mutatis mutandis to its deliberations.

Agenda item 3: Election of officers

15. In accordance with Rule 20 of the Rules of Procedure and after informal consultations, the Meeting unanimously elected the following officers:

Chairperson: Mr Patrick VAN KLAVEREN (Monaco)
Vice-Chairpersons: Mr. Mohamed Ait El HAJ (Morocco)
Mr. Cimad ERGINAY (Türkêy)
Mr. Aleksander FLOKO (Albania)
Ms. Simone BORG (Malta)
Rapporteur: Mr. Tuillio SCOVAZZI (Italy)
Agenda item 4: Adoption of the Agenda and organization of work

16. The Meeting adopted the provisional agenda contained in document UNEP(OCA)/MED WG.119/1. The meeting also approved the organization of work suggested by the Secretariat as it appears in document UNEP(OCA)/MED WG.119/2. The agenda is attached as Annex III to this report.

Agenda item 5: Examination and adoption of the three Annexes to the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean

(a) Annex I: Common criteria for the choice of protected marine and coastal areas that could be included in the SPAMI List

17. The Secretariat gave a brief presentation of the section in document UNEP(OCA)/MED WG.119/3 relating to the draft common criteria for the choice of protected marine and coastal areas that could be included in the SPAMI List. He particularly drew the attention of the meeting to several proposals from the Secretariat to improve the text and ensure conformity between the English and French versions.

18. With regard to B.2(f), the representative of Greece wondered whether it was convenient to retain the wording of "cultural heritage" and "well-being of local populations" in this definition, which might lead to interpretation difficulties when the text is transposed into national legislations. Some delegations remarked that cultural heritage was explicitly mentioned in the text of the Protocol and consequently, it would be wiser to retain it.

19. Concerning paragraph C.3, the representative of Greece made the following interpretative declaration:

"Greece understands that the procedures for submission of a proposal for inclusion in the SPAMI list referred to in part C para. 3 (legal status) of Annex I of the Barcelona Protocol of 10-06-1995 and in article 9 para. 2 sub. b of the same Protocol apply to those areas situated partly or wholly on the high sea which are in a reasonable distance from, and immediately adjacent to zones where the neighbouring Parties exercise sovereignty or jurisdiction."

20. The delegation of Turkey made the following declaration upon the interpretative declaration of Greece:

"The maritime boundaries between Turkey and Greece has yet to be delimited. Apart from those islands given to Greece and Turkey by international treaties and enumerated in them by name, there are numerous islets and rocks in the Aegean whose status is not clearly defined. This situation is also interrelated with other issues concerning the Aegean. Therefore, Greece’s legislation as well as its application to international organisations for such islets and rocks and their acceptance by such organisations can in no way constitute a basis for claims of sovereignty, nor could they be referred to as such in the future."
21. In response to the declaration made by Turkey, the representative of Greece made the following declaration:

"With reference to the statement by the Turkish delegation to this meeting, the Greek delegation wishes to confirm that the legal status of the Aegean Sea and the maritime boundaries between Greece and Turkey, are clearly defined by international law and the existing international treaties such as the Peace Treaty of Lausanne of 1923, the Greek-Turkish Protocol of Athens of 1926, the Agreements between Italy and Turkey of 1932 and the corresponding Letters exchanged between them, and the Peace Treaty with Italy of 1947. Greece is determined to continue to protect and exercise all its sovereignty and sovereign rights in its territory (continental area, islands, islets, rocks, territorial waters and continental shelf) including its competences in the open sea, through all means recognized by international law."

22. In concluding review of point 5 (a) of the agenda, the meeting approved several modifications to the wording and other improvements to the text. The draft common criteria for the choice of marine and coastal protected areas that could be included in the SPAMI List, as modified by the meeting, are included in Annex I to this report.

(b) Annex II: List of Endangered or Threatened Species

23. The meeting studied the draft version of Annex II to the Protocol concerning the list of endangered or threatened species. The meeting’s discussions regarding this item of the agenda resulted in the adoption of the List of endangered or threatened species which will be submitted for adoption by the meeting of plenipotentiaries (Monaco, 24 November 1996) as annex II to the Protocol. It is included in Annex I to the present report.

(c) Annex III: List of Species whose Exploitation is Regulated

24. Further to the discussion concerning this item of the agenda, the meeting adopted the List of species whose exploitation is regulated which will be submitted for adoption by the meeting of plenipotentiaries (Monaco, November 1996) as annex III to the Protocol. It is included in Annex I to the present report.

25. The representative of the European Commission, on behalf of the Commission and the member States of the European Community attending the meeting, declared that the management of a number of species listed in the annexes, notably in the list of species whose exploitation is regulated, comes within the Community's exclusive competence in the area of fisheries. Hence, the member States of the Community will, whenever necessary, implement any future management measure insofar as the Community approves the annexes. Any future measure will be taken in the framework of the Community's fisheries policy.

26. The delegations from France, Greece, Italy and Spain declared that they adhered to the declaration made by the representative of the European Commission.
27. The representative of Malta pointed out that the following species are of particular interest to the economy of Maltese traditional fishing industry, and that Malta feels it needs to further study the possible implications which the said annexes would have on a national level: *Mobula mobular, Paracentrotus lividus, Homarus gammarus, Maja squinado, Palinurus elephas, Scyllarides latus, Scyllarus arctus, Anguilla anguilla, Epinephelus marginatus, Lamna nasus, Prionace glauca, Raja alba, Sciaena umbra, Squatina squatina, Thunnus thynnus, Umbrina cirrosa, Xiphias gladius.* By consequence, Malta makes a reservation regarding the inclusion of these species in the Annexes to the Protocol.

28. The representative of the World Wide Fund for Nature (WWF) pointed out that the aim of Annex III is to raise the attention of competent international management bodies toward the sustainable use of all the listed species. Traditional fisheries would then not be affected in a negative way by this Annex. He also noted that, for the same reason, he wishes that EC will soon adopt Annex III after the necessary procedures.

**Agenda item 6 : Any other matter**

29. There were no other matters.

**Agenda item 7 : Adoption of the report of the meeting**

30. The meeting unanimously adopted its report and approved the text of the three draft annexes to the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean (*Annex I*) for consideration by the Meeting of Plenipotentiaries.

**Agenda item 8 : Closure of the meeting**

31. After the customary exchange of courtesies, the Chairman declared the meeting closed on Saturday, 23 November 1996, at 20.00 hours.
ANNEX I

DRAFT ANNEXES TO THE PROTOCOL CONCERNING SPECIALLY PROTECTED AREAS AND BIOLOGICAL DIVERSITY IN THE MEDITERRANEAN
COMMON CRITERIA FOR THE CHOICE OF PROTECTED MARINE
AND COASTAL AREAS THAT COULD BE INCLUDED
IN THE SPAMI LIST

A. GENERAL PRINCIPLES

The Contracting Parties agree that the following general principles will guide their work in establishing the SPAMI List:

a) The conservation of the natural heritage is the basic aim that must characterize a SPAMI. The pursuit of other aims such as the conservation of the cultural heritage, and the promotion of scientific research, education, participation, collaboration, is highly desirable in SPAMIs and constitutes a factor in favour of a site being included on the List, to the extent in which it remains compatible with the aims of conservation.

b) No limit is imposed on the total number of areas included in the List or on the number of areas any individual Party can propose for inscription. Nevertheless, the Parties agree that sites will be selected on a scientific basis and included in the List according to their qualities; they will have therefore to fulfil the requirements set out by the Protocol and the present criteria.

c) The listed SPAMI and their geographical distribution will have to be representative of the Mediterranean region and its biodiversity. To this end the List will have to represent the highest number possible of types of habitats and ecosystems.

d) The SPAMIs will have to constitute the core of a network aiming at the effective conservation of the Mediterranean heritage. To attain this objective, the Parties will develop their cooperation on bilateral and multilateral bases in the field of conservation and management of natural sites and notably through the establishment of transboundary SPAMIs.

e) The sites included in the SPAMI List are intended to have a value of example and model for the protection of the natural heritage of the region. To this end, the Parties ensure that sites included in the List are provided with adequate legal status, protection measures and management methods and means.

B. GENERAL FEATURES OF THE AREAS THAT COULD BE INCLUDED IN THE SPAMI LIST

1. To be eligible for inclusion in the SPAMI List, an area must fulfil at least one of the general criteria set in Article 8 paragraph 2 of the Protocol. Several of these general criteria can in certain cases be fulfilled by the same area, and such a circumstance cannot but strengthen the case for the inclusion of the area in the List.
2. The regional value is a basic requirement of an area for being included in the SPAMI List. The following criteria should be used in evaluating the Mediterranean interest of an area:

   a) Uniqueness
   The area contains unique or rare ecosystems, or rare or endemic species.

   b) Natural representativeness
   The area has highly representative ecological processes, or community or habitat types or other natural characteristics. Representativeness is the degree to which an area represents a habitat type, ecological process, biological community, physiographic feature or other natural characteristic.

   c) Diversity
   The area has a high diversity of species, communities, habitats or ecosystems.

   d) Naturalness
   The area has a high degree of naturalness as a result of the lack or low level of human-induced disturbance and degradation.

   e) Presence of habitats that are critical to endangered, threatened or endemic species.

   f) Cultural representativeness
   The area has a high representative value with respect to the cultural heritage, due to the existence of environmentally sound traditional activities integrated with nature which support the well-being of local populations.

3. To be included in the SPAMI List, an area having scientific, educational or aesthetic interest must, respectively, present a particular value for research in the field of natural sciences or for activities of environmental education or awareness or contain outstanding natural features, landscapes or seascapes.

4. Besides the fundamental criteria specified in article 8, paragraph 2, of the Protocol, a certain number of other characteristics and factors should be considered as favourable for the inclusion of the site in the List. These include:

   a) the existence of threats likely to impair the ecological, biological, aesthetic or cultural value of the area;
   b) the involvement and active participation of the public in general, and particularly of local communities, in the process of planning and management of the area;
   c) the existence of a body representing the public, professional, non-governmental sectors and the scientific community involved in the area;
   d) the existence in the area of opportunities for sustainable development;
   e) the existence of an integrated coastal management plan within the meaning of Article 4 paragraph 3 (e) of the Convention.
C. LEGAL STATUS

1. All areas eligible for inclusion in the SPAMI List must be awarded a legal status guaranteeing their effective long-term protection.

2. To be included in the SPAMI List, an area situated in a zone already delimited over which a Party exercises sovereignty or jurisdiction must have a protected status recognized by the Party concerned.

3. In the case of areas situated, partly or wholly, on the high sea or in a zone where the limits of national sovereignty or jurisdiction have not yet been defined, the legal status, the management plan, the applicable measures and the other elements provided for in Article 9, paragraph 3, of the Protocol will be provided by the neighbouring Parties concerned in the proposal for inclusion in the SPAMI List.

D. PROTECTION, PLANNING AND MANAGEMENT MEASURES

1. Conservation and management objectives must be clearly defined in the texts relating to each site, and will constitute the basis for assessment of the adequacy of the adopted measures and the effectiveness of their implementation at the revisions of the SPAMI List.

2. Protection, planning and management measures applicable to each area must be adequate for the achievement of the conservation and management objectives set for the site in the short and long term, and take in particular into account the threats upon it.

3. Protection, planning and management measures must be based on an adequate knowledge of the elements of the natural environment and of socio-economic and cultural factors that characterize each area. In case of shortcomings in basic knowledge, an area proposed for inclusion in the SPAMI List must have a programme for the collection of the unavailable data and information.

4. The competence and responsibility with regard to administration and implementation of conservation measures for areas proposed for inclusion in the SPAMI List must be clearly defined in the texts governing each area.

5. In the respect of the specificity characterizing each protected site, the protection measures for a SPAMI must take account of the following basic aspects:
   a) the strengthening of the regulation of the release or dumping of wastes and other substances likely directly or indirectly to impair the integrity of the area;
   b) the strengthening of the regulation of the introduction or reintroduction of any species into the area;
   c) the regulation of any activity or act likely to harm or disturb the species, or that might endanger the conservation status of the ecosystems or species or might impair the natural, cultural or aesthetic characteristics of the area.
   d) the regulation applicable to the zones surrounding the area in question.
6. To be included in the SPAMI List, a protected area must have a management body, endowed with sufficient powers as well as means and human resources to prevent and/or control activities likely to be contrary to the aims of the protected area.

7. To be included in the SPAMI List an area will have to be endowed with a management plan. The main rules of this management plan are to be laid down as from the time of inclusion and implemented immediately. A detailed management plan must be presented within three years of the time of inclusion. Failure to respect this obligation entails the removal of the site from the List.

8. To be included in the SPAMI List, an area will have to be endowed with a monitoring programme. This programme should include the identification and monitoring of a certain number of significant parameters for the area in question, in order to allow the assessment of the state and evolution of the area, as well as the effectiveness of protection and management measures implemented, so that they may be adapted if need be. To this end further necessary studies are to be commissioned.
LIST OF ENDANGERED OR THREATENED SPECIES

Magnoliophyta
Posidonia oceanica
Zostera marina
Zostera noltii

Chlorophyta
Caulerpa ollivieri

Phaeophyta
Cystoseira amentacea (including var. stricta and var. spicata)
Cystoseira mediterranea
Cystoseira sedoides
Cystoseira spinosa (including C. adriatica)
Cystoseira zostericoides
Laminaria rodriquezii

Rhodophyta
Goniolithon byssoides
Lithophyllum lichenoides
Ptilophora mediterranea
Schimmelmannia schousboei

Porifera
Asbestopluma hypogea
Aplysina sp. plur.
Axinella cannabina
Axinella polypoides
Geodia cydonium
Ircinia foetida
Ircinia pipetta
Petrobiona massiliana
Tethya sp. plur.

Cnidaria
Astroides calycularis
Errina aspera
Gerardia savaglia
Echinodermata
Asterina panceri
Centrostephanus longispinus
Ophidiaster ophidianus

Bryozoa
Homera lichenoides

Mollusca
Ranella olearia (= Argobuccinum olearium = A. giganteum)
Charonia lampas (= Ch. rubicunda = Ch. nodiferum)
Charonia tritonis (= Ch. seguenziae)
Dendropoma petraeum
Erosaria spurca
Gibbula nivosa
Lithophaga lithophaga
Luria lurida (= Cypraea lurida)
Mitra zonata
Patella ferruginea
Patella nigra
Pholas dactylus
Pinna nobilis
Pinna rudis (= P. pernula)
Schilderia achatidea
Tonna galea
Zonaria pyrum

Crustacea
Ocypode cursor
Pachylasma giganteum

Pisces
Acipenser naccarii
Acipenser sturio
Aphanius fasciatus
Aphanius iberus
Cetorhinus maximus
Carcharodon carcharias
Hippocampus ramulosus
Hippocampus hippocampus
Huso huso
Lethenteron zanandrei
Mobula mobular
Pomatoschistus canestrinii
Pomatoschistus tortonesei
Valencia hispanica
Valencia letourneuxi
Reptiles
Caretta caretta
Chelonia mydas
Dermochelys coriacea
Eretmochelys imbricata
Lepidochelys kempii
Trionyx triunguis

Aves
Pandion haliaetus
Calonecrtis diomedea
Falco eleonorae
Hydrobates pelagicus
Larus audouinii
Numenius tenuirostris
Phalacrocorax aristotelis
Phalacrocorax pygmeus
Pelecanus onocrotalus
Pelecanus crispus
Phoenicopterus ruber
Puffinus yelkouan
Sterna albifrons
Sterna bengalensis
Sterna sandvicensis

Mammalia
Balaenoptera acutorostrata
Balaenoptera borealis
Balaenoptera physalus
Delphinus delphis
Eubalaena glacialis
Globicephala melas
Grampus griseus
Kogia simus
Megaptera novaeangliae
Mesoplodon densirostris
Monachus monachus
Orcinus orca
Phocoena phocoena
 Physeter macrocephalus
Pseudorca crassidens
Stenella coeruleoalba
Steno bredanensis
Tursiops truncatus
Ziphius cavirostris
LIST OF SPECIES WHOSE EXPLOITATION IS REGULATED

**Porifera**
- *Hippospongia communis*
- *Spongia agaricina*
- *Spongia officinalis*
- *Spongia zimocea*

**Cnidaria**
- *Antipathes sp. plur.*
- *Corallium rubrum*

**Echinodermata**
- *Paracentrotus lividus*

**Crustacea**
- *Homarus gammarus*
- *Maja squinado*
- *Palinurus elephas*
- *Scyllarides latus*
- *Scyllarus pigmaeus*
- *Scyllarus arctus*

**Piscies**
- *Alosa alosa*
- *Alosa fallax*
- *Anguilla anguilla*
- *Epinephelus marginatus*
- *Isurus oxyrinchus*
- *Lamna nasus*
- *Lampetra fluviatilis*
- *Petromyzon marinus*
- *Prionace glauca*
- *Raja alba*
- *Sciaena umbra*
- *Squatina squatina*
- *Thunnus thynnus*
- *Umbrina cirrosa*
- *Xiphias gladius*
ANNEX II

LIST OF PARTICIPANTS
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ANNEX III

AGENDA OF THE MEETING
ANNEX III

AGENDA OF THE MEETING

1. Opening of the meeting
2. Rules of procedure
3. Election of officers
4. Adoption of the agenda and organization of work
5. Examination and adoption of the three Annexes to the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean:
   a. Annex 1: Common criteria for the choice of protected marine and coastal areas that could be included in the SPAMI List
   b. Annex 2: List of endangered or threatened species
   c. Annex 3: List of species whose exploitation is regulated
6. Any other matters
7. Adoption of the report of the meeting
8. Closure of the meeting