

List of comments and suggestions for the improvement of the draft ICAM Protocol

(as made at the Consultative Workshop, Oristano, 24-25 June 2005)

Preamble

Agenda 21 (Johannesburg summit) should be included as an important element in the Preamble as it defines the global context (political and other) in which the Protocol was prepared, and is also important for the interpretation of this legal instrument.

Part I

Article 1

It should be emphasised that the Protocol is about the establishment of a legal framework, therefore a word "legal" should be added before the word "framework".

Article 2

e) "Coastal zone":

To base the definition of the coastal zone on geomorphology was felt to be a rather narrow concept. A coastal ecosystem could be a more appropriate term. Some discrepancy was felt in relation to Article 3 para.1/b where the landward limit is based on local administrative units only, although in the para.2 the possibility is left to the countries to use other criteria, such as ecosystem approach.

f) "integrated coastal zone management":

ICZM is an institutional process also, so it should appear in the definition.

It was proposed that a definition of the "public" and of the "other actors involved" should be included as a definition, too.

Article 3

Various proposals were made, mainly related to the landward limits of the coastal zone:

- To use the EU Eurostat classification for defining the landward limit of the coastal zone, such as NUT3; however this approach is not used in non-EU countries of the Mediterranean.
- The landward limits based on local administrative units could be in some cases too narrow, so possibility to allow for regional/provincial (i.e. sub-national) or national level, and river basin or ecosystem approach could be considered. However, it was also felt that local administrative units are the ones that are directly involved with coastal zone management and that it could otherwise take too long to apply it if delegated from the national level.
- There was also an opinion that "coastal administrative units" would be too broad a concept as it would include areas many kilometres inland, beyond the relevance to coastal issues. 100 m limit was proposed as obligatory, and countries could be flexible to go beyond.
- A combination of the ecosystem (scientific) and administrative principle when defining the coastal zone could be the best solution.
- In any case the article leaves a lot of flexibility to countries to define the most appropriate geographical coverage. The para.2 gives the minimum standard so that some common criteria are applicable for all countries. If it were too flexible, it could create problems. Unbalances are possible such as in the case of one country that would define its coastal zone on the river basin approach and the other which would define only a very narrow strip.
- The added value of this particular Protocol is also in defining more precisely the coastal zones, which are mentioned generally also in the Barcelona Convention and the other MAP Protocols.

Article 4

It was suggested to move the para.3 to the Final Provisions.

Part II

Article 5

As an additional principle, a principle of participation was suggested to be added, although this would mean a repetition, as this principle is one of the main ones in the Barcelona Convention itself.

All levels of authority, i.e. local, regional and national, should be referred to where appropriate, i.e. para.1/b, para.1/c.

In para. 1/a: the word "consideration" was proposed to be used instead of "perception".

In para. 1/g delete "to a minimum" and put "as far as possible".

In para.1/j in addition to local population a mention of others (e.g. tourists, foreigners etc.) should be made.

It would be good to split principles and objectives, and add some more objectives

Para.5/e seems to be redundant as another article mentions sustainable development.

In h) "professional activities" should be defined.

Article 6

It would be more appropriate to shift this article to the institutional part of the Protocol.

In para. 1 "appropriate mechanisms and bodies" should be put instead of "appropriate bodies".

In para.3 word "may be" should be replaced by "shall be".

In para.4 "work and put together" should be put instead of "work together".

Some doubts were raised about the binding requirements for the establishment of appropriate bodies. Also, it was proposed that the existing institutions/bodies should be used to avoid creation of new ones for this purpose, and to avoid the risk that such an institution has too many competencies.

Article 7

In a) the highest winter waterline is used as a criterion, but this does not take into account future processes, such as sea level rise, and coastal erosion. Exceptions should be allowed to be decided by each country as for 100m belt. It is also not clear what can be constructed just after that line of 100m. It could happen that high buildings were erected just on that line and the problem would in that case not be solved. In many cases coast is very narrow due to geomorphology, which would require a more flexible approach.

It was suggested to put "establish for the future", instead of "establish".

The word prohibited in b) seems too strict, maybe "strictly regulated" could be used.

In c) the provision seems to be a bit too rigid, and should allow for exceptions. And "along the coast" is not clear enough, needs clarification.

The term "landscape" should be better described by using "natural and cultural landscape".

Article 8

When elaborating on rules for the economic activities, a word "measures of management" should be used instead, and the building sector should be mentioned, too.

In 1, also sub-soil should be added.

In 3.a) "sustainable tourism" could be used instead of "ecological and rural tourism", because other sorts of alternative tourism exist, such as balneaire, cultural, etc.

In 4, in relation to mineral extraction, quarries should be mentioned as an important issue. So, excavation of sediments was proposed to be added.

In 6.a) a softer language is suggested to allow discretion of local authorities.

Co-ordination of activities based on rules could be difficult, as objectives of sectors are often contradicting/competing, therefore collaboration is essential.

Article 9

In addition to the existing specific coastal ecosystems, river basins could also be mentioned. In para.2 it was suggested to mention also "deltas", in addition to estuaries and wetlands. In para.4 beaches should be added. Rehabilitation of degraded specific ecosystems should be taken into consideration.

Article 10

Instead of "All activities" in para.2, it was suggested to put "All future activities".

Article 11

If underwater cultural heritage is well managed than its exploitation should be allowed, of course excluding exploitation for private commercial gain, selling, and alike. So, in para.4 instead of "commercially exploited", it was proposed to use "may not be sold".

Article 12

When speaking about participation, a wider concept should be used so as to include access to information and access to justice.

Part III

Article 14

The idea of "networks" was insufficiently clear enough, as well as the detail of national inventories envisaged in para.1. It is not clear enough what sort of data are to be shared.

Article 15

It should be added that this is going to be a framework Strategy. It was clarified that the Strategy envisaged by the Protocol would not be a Strategy on how to implement the Protocol, and it will be more specific than the MSSD, where coastal zone is just one of the sub-sections. In any case, the two would be complementary.

Article 16

Relate national coastal strategies, plans and programmes with existing country's spatial planning documents, so as to avoid creation of new documents. In the case of island regions it was proposed that the preparation and implementation of coastal strategies, plans and programmes should be left to regions.

Article 19

More stress should be put on supporting local communities, and also to think of possible transfer of experience between North and South in this domain.

Part IV

Article 21

Cleaner production technologies should be added.

Article 22

In the English text, instead of "environmentally friendly technologies", "environmentally sound technologies" should be used, as in Article 21. Obligation to provide information should be included.

Article 23

Areas at risk or vulnerable areas should be firstly identified at the Mediterranean level and than adequate actions taken. The civil defence systems in some countries regulate these issues and should be taken into account.

It was proposed that industrial accidents should be added. However, it was suggested not to widen this article to disasters that are not specific to coastal zones.

Article 24 and 25

Consultations between the countries could be sometimes problematic, so further consideration of these articles should be made.

Many issues from these articles are regulated by other international conventions and they should not be specifically mentioned here. What this Protocol should refer to are principles. Also, it is not clear how "the polluter pays principle" is going to be implemented, as well as for compensations.

It was felt that quite a lot of task and burden is put on the Centre when transboundary co-operation is in question.

Parts V and VI

Article 26

PAP/RAC Focal Points could play the role of the FPs for this Protocol. However, it was suggested that there should be more FPs nominated for specific elements of the Protocol.

Article 27

Instead of the title Reports and monitoring, the title should read Reports and compliance. However, the issue of compliance seems to be a much wider concept than just reporting to which other MAP Protocols refer.

Article 28

In the first sentence is not clear weather it is about co-operation with countries or NGOs.

Article 29

The extraordinary meetings of the CPs are not envisaged.

Article 30

The Rules of procedure are not defined, therefore some rules of procedure and financial rules, based on other MAP Protocols, were suggested to be added.

Article 31

In the English text the title should read Relationship with Third Parties instead of Relations. Para.2 seems to be too ambitious, and should be made more precise. It was suggested to delete para.2 as this Protocol does not apply to high sea.