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MEDITERRANEAN ACTION PLAN

Second Meeting of the Working Group of Experts designated
by the Contracting Parties on the Draft Protocol on Integrated
Coastal Zone Management (ICZM) in the Mediterranean

Loutraki, Greece, 6-9 September 2006

**WORKING DOCUMENT ON THE
DRAFT- PROTOCOL ON INTEGRATED MANAGEMENT OF
MEDITERRANEAN COASTAL ZONES**

INTRODUCTORY NOTE

At their 13th Meeting, the Contracting Parties to the Barcelona Convention and its Protocols, requested the Secretariat to prepare a “draft text of a Regional Protocol on ICAM” on the basis of a large consultation process of experts and all stakeholders for its consideration by the 14th CPs meeting in 2005.

Pursuant to this decision, the Secretariat (PAP/RAC) organized during the biennium 2004-2005, consultation meetings in Cagliari, (31 May –1 June 2004) and in Oristano, Italy (25-26 June 2005) where representatives of the Contracting Parties, experts and stakeholders from different sectors, including the civil society, participated.

The intention of the Secretariat was to involve as many stakeholders as possible with a view to identify, as effectively as possible, the main elements of a draft regional protocol, taking into account the progress achieved and lessons learned with respect to the field of integrated coastal areas management at the global, regional and national levels and considering the gaps existing in this field.

As a result, the requested draft text of a regional protocol on ICZM was developed and was subsequently submitted to the 14th meeting of the Contracting Parties in Portoroz in November 2005 for its further consideration.

Following the relevant discussions, the 14th Meeting of the CPs decided “ *to take note of the draft text of the Protocol on ICAM prepared by the Secretariat*” and “*to establish a WG of experts designated by the CPs to develop a draft text of the Protocol on ICZM with a view to its consideration and possible approval by the 15th Meeting of the CPs in 2007 and to convene a diplomatic conference for its adoption to be held immediately following the 15th meeting of the CPs*”.

In view of the preparations for the first meeting of the Working Group of Legal and Technical experts, the draft text of the Protocol prepared by the Secretariat was circulated to the Contracting Parties for their written comments or proposals.

A number of Contracting Parties namely: Albania, Algeria, Croatia, Cyprus, Egypt, EC, Israel, Serbia and Montenegro, Spain and Tunisia submitted proposals. These comments addressed mainly the principles of the future Protocol and its structure. There are, however, proposals that specifically refer to the substance of certain Articles of the present draft text of the Protocol.

The Secretariat has submitted a proposed text of the draft Protocol on ICZM together with comments and proposals by countries for the consideration of the first meeting of the Working Group of experts designated by the CPs to develop a draft text of the Protocol on ICZM which was held from 27-29 April, 2006 in Split, Croatia.

After a general discussion/debate on the objectives, principles and structure of regional protocol on ICZM, the WG reviewed the preamble and a number of articles of the proposed text of the draft Protocol. The first meeting reached agreement with respect to

the content of the preamble, article 1, article 3, and three first paragraphs of article 4. The meeting has also had a general discussion on the principles and objectives contained/described in article 5 of the proposed text of the draft Protocol on ICZM and requested the Secretariat to redraft the whole text of article 5 on the basis of their conclusions.

The draft text of the Protocol is presented as **Annex I** to this document for the consideration of the second meeting of the WG. Compared to the draft submitted to the first meeting of the WG, the following changes have been incorporated by the Secretariat:

- The text of the Preamble, article 1, article 3, three first paragraphs of article 4 as agreed by the first meeting of the WG, including the reservations made by some CPs.
- The text of article 5 reformulated by the Secretariat as suggested by the first meeting of the WG.

The rest of the proposed text of the draft Protocol is the same as the one submitted for the consideration by the first meeting of the WG.

All proposals, comments and suggestions made by Contracting Parties before and during the first meeting of the WG are presented as **Annex II** to this document, while proposals that refer to specific Articles are indicated as footnotes in each respective Article mentioning also the proposing Contracting Parties.

ANNEX I

DRAFT PROTOCOL ON INTEGRATED COASTAL ZONE MANAGEMENT IN THE MEDITERRANEAN

The Contracting Parties to the present Protocol,

Being Parties to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean, done at Barcelona in 1976, as amended in June 1995,

Desirous of implementing the obligations set out in Article 4, paragraphs 3(e) and 5, of the said Convention,

Considering that the coastal zones of the Mediterranean Sea are the common natural and cultural heritage of the peoples of the Mediterranean and that they should be preserved and used judiciously for the benefit of present and future generations,

Concerned at the increase in anthropic pressure on the coastal zones of the Mediterranean Sea which is threatening their fragile nature and *desirous* of halting and reversing the process of coastal zone degradation, and of significantly reducing the loss of biodiversity of coastal ecosystems,

Worried by the risks threatening coastal zones due to climate change, which is likely to result, inter alia, in a rise in sea level, and *aware* of the need to adopt sustainable measures to reduce the negative impact of natural phenomena,

Convinced that, as an irreplaceable ecological, economic and social resource, the planning and management of coastal zones with a view to their preservation and sustainable development requires a specific integrated approach at the level of the Mediterranean basin as a whole and its coastal States, taking into account their diversity and the specificity of islands,

Taking into account the United Nations Convention on the Law of the Sea, done at Montego Bay on 10 December 1982, the Convention on Wetlands of International Importance especially as Waterfowl Habitat, done at Ramsar on 2 February 1971, and the Convention on Biological Diversity, done at Rio de Janeiro on 5 June 1992, to which many Mediterranean coastal States and the European Community are Parties,

Concerned in particular to act in cooperation for the development of appropriate and integrated plans for coastal zone management pursuant to Article 4, paragraph 1(e), of the United Nations Framework Convention on Climate Change, done at New York on 9 May 1992,

Drawing on existing experience with integrated coastal zone management and the work of various organizations, including the European institutions,

Based upon the recommendations and work of the Mediterranean Commission on Sustainable Development and the recommendations of the meetings of the Contracting Parties held in Tunis in 1997, Monaco in 2001, Catania in 2003, and Portoroz in 2005, and the Mediterranean Strategy for Sustainable Development adopted in Portoroz in 2005,

Resolved to strengthen at the Mediterranean level the efforts made by coastal States to ensure integrated coastal zone management,

Determined to stimulate national, regional and local initiatives through coordinated promotional action, cooperation and partnership with the various actors concerned with a view to promoting efficient governance for the purpose of integrated coastal zone management,

Desirous of ensuring that coherence is achieved with regard to integrated coastal zone management in the application of the Convention and its Protocols,

Have agreed as follows:

PART I GENERAL PROVISIONS

Article 1 General Obligations

In conformity with the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its Protocols, the Parties shall establish a common framework for the integrated management of the Mediterranean coastal zone and shall take the necessary measures to strengthen regional cooperation for this purpose.

[Article 2 Definitions

For the purposes of this Protocol:

(a) "Convention" means the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean, done at Barcelona on 16 February 1976, as amended on 10 June 1995;

(b) "Organization" means the body referred to in Article 17 of the Convention;

(c) "Centre" means the Priority Actions Programme Regional Activity Centre;

(d) "coastal zone" means the geo-morphological area either side of the seashore in which the interaction between the maritime and land parts occurs in the form of complex ecological systems made up of biotic and abiotic components, living space for human communities and socio-economic activities;

(e) "integrated coastal zone management" means a dynamic process of the sustainable management and use of coastal zones taking into account at the same time the fragility of coastal ecosystems and landscapes, the diversity of activities and uses, their interactions, the maritime orientation of certain activities and uses and their impact on both the maritime and land parts;

(f) "coastal ecosystem" means a system of interactions between the populations of the various species inhabiting or traversing the coastal zone and between these populations and the coastal environment;

(g) "coastal plan and programme" means any document with legal value having for purpose or effect, directly or indirectly, the siting, the development of human settlements and activities, and the protection of the coastal zone.]

Article 3¹

Geographical coverage

1. The area to which the Protocol applies shall be the Mediterranean Sea area as defined in Article 1 of the Convention. The area is also defined by:

(a) The seaward limit of the coastal zone, which shall be the external limit of the territorial sea of States Parties;

(b) The landward limit of the coastal zone, which shall be the limit of the competent coastal administrative units.

2. If, within the limits of its sovereignty, a State Party establishes limits different from those envisaged in paragraph 1 of this Article, it shall communicate a declaration to the Depositary at the time of the deposit of its instrument of ratification, acceptance, approval of, or accession to this Protocol, or at any other subsequent time, in so far as:

(a) the seaward limit is less than the external limit of the territorial sea;

(b) the landward limit is different, either more or less than the territorial limits of coastal administrative units, in order to apply, inter alia, the ecosystem approach and economic and social criteria, [and to consider the specific situation of islands]².

3. Each State Party shall adopt or promote at the appropriate institutional level adequate actions to inform populations and any relevant actor of the geographical coverage of the Protocol.

Article 4

Preservation of rights

1. Nothing in this Protocol nor any act adopted on the basis of this Protocol shall prejudice the rights, the present and future claims or legal views of any Party relating to the law of the sea, in particular the nature and the extent of marine areas, the delimitation of marine areas between States with opposite or adjacent coasts, the right and modalities of passage through straits used for international navigation and the right of innocent passage in territorial seas, as well as the nature and extent of the jurisdiction of the coastal State, the flag State or the port State.

2. No act or activity undertaken on the basis of this Protocol shall constitute grounds for claiming, contending or disputing any claim to national sovereignty or jurisdiction.

3. The provisions of this Protocol shall be without prejudice to stricter provisions respecting the protection and management of the coastal zone contained in other existing or future national or international instruments or programmes.

¹ Italy expressed reservation to paragraphs 1(b) and 2

² Turkey expressed a reservation to this reference

[4. Nothing in this Protocol shall prejudice national defence activities and facilities; however, each State Party shall ensure that such activities and facilities are carried out or established in a manner consistent with this Protocol.]³

PART II PRINCIPLES AND ELEMENTS OF INTEGRATED COASTAL ZONE MANAGEMENT

Article 5 Objectives of integrated management

The objectives of integrated coastal zone management are to:

- (a) facilitate, through the rational planning of activities, the sustainable development of coastal zones by ensuring that the environment and landscapes are taken into account in harmony with economic, social and cultural development;*
- (b) preserve coastal zones for ecological, economic and leisure purposes, for the benefit of current and future generations;*
- (c) ensure the sustainable use of natural resources, particularly with regard to water use, and the integrity of coastal ecosystems;*
- (d) achieve coherence between public and private initiatives and between all decisions by the public authorities, at the national, regional and local levels, which affect the use of the coastal zone.*

Article 5bis

General principles of integrated coastal zone management

In implementing this Protocol, the Parties shall be guided by the following principles of integrated coastal zones management:

- (a) that the biological wealth of the intertidal area (coastal band) and the complementary and interdependent nature of the maritime part and the land part forming a single entity shall be taken in particular into account;*
- (b) that all elements relating to hydrological, geo-morphological, climatic, ecological, socio-economic and cultural systems shall be taken into account simultaneously, so as not to exceed their carrying capacity and to prevent the negative effects of natural catastrophes and of development;*
- (c) that appropriate governance allowing close and transparent participation in decision-making by local populations and stakeholders of civil society concerned with coastal zones shall be established;*

³ Please see comments by Cyprus and Tunisia

(d) that especially organized institutional coordination of the various administrative services and local and regional authorities competent in coastal zones shall be required;

(e) that the formulation of land use planning and urban development strategies, plans and programmes shall be required;

(f) that the multiplicity and diversity of activities in coastal zones shall be taken into account, and priority shall be given, where necessary, to public services and activities requiring the immediate proximity of the sea;

(g) that the occupation of the coastal zone shall not be concentrated on the coastal band, but can also encompass neighboring inland areas;

(h) that damage to the coastal environment shall be prevented and appropriately restored.

Article 5 ter
Information policy on principles and objectives

The Parties shall ensure that the above principles and objectives shall be covered by an appropriate information policy.

Article 6
Institutional coordination ⁴

1. For the purposes of integrated coastal zone management, the Parties shall:

(a) establish, where necessary, appropriate bodies and ensure through inter-ministerial co-ordination that sectoral approaches are avoided and global approaches facilitated.

(b) organize appropriate coordination between the various maritime and land authorities in the different administrative services competent in coastal zones, at both the regional and local levels.

(c) organize close coordination between national authorities and local and regional bodies in the field of coastal strategies, plans and programmes and in relation to the various authorizations for activities that may be achieved through joint consultative bodies or joint decision-making procedures.

2. Local and regional coastal zone administrative bodies shall, insofar as practicable, work together to strengthen the coherence and effectiveness of the coastal strategies, plans and programmes established.

⁴ Please see comments by Croatia, Cyprus, EC, Israel, Serbia and Montenegro, Spain, Tunisia

Article 7
Protection and use of the coastal zone⁵

In conformity with the principles and objectives set out in Article 5 of this Protocol, the Parties shall ensure that the utilization of the coastal zone is such as to preserve the integrity of coastal natural habitats, landscapes, natural resources and ecosystems.

For this purpose, the competent authorities shall:

- (a) establish, as from the highest winter waterline, a land strip where building is not permitted and determine the width thereof, which may not be less than [100 metres];
- (b) identify and delimit, outside the specially protected areas, natural areas in which urban development and other activities are prohibited;
- (c) limit the linear extension of urban development along the coast;
- (d) avoid the creation of new roads along the coast;
- (e) ensure that environmental concerns are integrated into the rules for the management and use of the public maritime domain;
- (f) organize the freedom of access of pedestrians to the sea and the shore without charge, subject to specific local geographical or ecological features;
- (g) regulate or prohibit the movement and parking of motor vehicles on beaches and dunes.

Article 8
Economic activities⁶

In conformity with the principles and objectives set forth in Article 5 of this Protocol and taking into account the relevant provisions of the Barcelona Convention and its Protocols, the Parties agree to promote a coastal and maritime economy adapted to the specific features of coastal zones, to maintain the quality of the products of the sea and to accord specific attention to activities that depend directly on the sea, by taking, in particular, the following measures:

1. Agriculture and industry

The location and operation of agricultural and industrial activities in coastal zones shall be such as to guarantee the highest level of protection of the environment so as to preserve coastal ecosystems and landscapes and prevent the pollution of the sea, the air and the soil.

⁵ Please see comments by Albania, Croatia, Cyprus, Serbia and Montenegro, Spain, Tunisia

⁶ Please see comments by Albania, Algeria, Croatia, Cyprus, Israel, Montenegro, Spain, Tunisia

2. Shellfish production, aquaculture and fishing

Development projects shall take into account the need to protect fishing, shellfish production and aquaculture areas.

Aquaculture shall be subject to prior authorization with a view to regulating the use of chemicals, feed additives and fertilizers and the disposal of waste.

3. Tourism and sporting and recreational activities

(a) The development of coastal tourism shall be sustainable and preserve natural resources and landscapes, through the promotion, inter alia, of environmental quality initiatives and cultural, ecological and rural tourism.

(b) Indicators of the development of sustainable coastal tourism shall be defined by the Parties in a concerted manner with a view to determining carrying capacity thresholds.

(c) The practice of the various sporting and recreational activities in the coastal zone shall be subject to regulations and prohibitions.

(d) Codes of good practice shall be formulated by the public authorities, the economic and social actors concerned and bodies representing sporting and recreational activities.

4. Utilization of natural resources

(a) The excavation and extraction of minerals, including the use of seawater in desalination plants in the coastal zone, shall be subject to prior authorization.

(b) The extraction of sand shall be regulated, and may be prohibited where it is likely to adversely affect the equilibrium of coastal ecosystems.

(c) Particular attention shall be paid to coastal aquifers and to dynamic areas of contact or interface between fresh and salt water, which may be adversely affected by the extraction of underground water or by discharges into the natural environment.

5. Energy

The construction in the coastal zone of installations for the production of renewable or non-renewable energy shall take into account the whole range of their effects on the coastal ecosystem and landscape.

6. Ports and maritime infrastructure and works

(a) Port activities and infrastructure, including marinas and road, airport and rail infrastructure, as well as any maritime works, shall not be prejudicial to coastal ecosystems, such as estuaries, wetlands, reefs, beaches, dunes and archipelagos.

(b) Any work affecting the seabed or subsoil of the maritime part of the coastal zone, including the construction of artificial reefs, sea walls, breakwaters or artificial beaches, shall be regulated or forbidden with a view to limiting their impact on coastal ecosystems and their direct or indirect effects on erosion.

Article 9 **Specific coastal ecosystems**⁷

The Parties shall take into account the characteristics of certain specific coastal ecosystems in accordance with the following modalities:

1. Coastal landscapes

The Parties shall:

- a) recognize the specific landscape value of coastal zones irrespective of their classification as protected areas;
- b) adopt measures to guarantee the protection, management and planning of coastal landscapes;
- c) undertake to promote regional and international cooperation with regard to the landscape and to implement common programmes for transboundary coastal landscapes.

2. Wetlands and estuaries

In addition to the creation of specially protected areas and with a view to preventing the disappearance of wetlands and estuaries, the Parties shall:

- a) take into account in national coastal strategies, plans and programmes, and when issuing authorizations, the environmental function of wetlands and estuaries.
- b) take the necessary measures to regulate or prohibit any activity which may have prejudicial effects on wetlands and estuaries
- c) undertake the restoration of degraded coastal wetlands with a view to reactivating their positive role in coastal environmental processes.

3. Coastal forests and woods

The Parties shall adopt measures intended to preserve or develop coastal forests and woods located outside specially protected areas.

4. Dunes

⁷ Please see comments by Cyprus, Egypt, Serbia and Montenegro, Spain

The Parties undertake to preserve and restore dune hills and bars.

5. Islands and small islands

The Parties undertake to accord special protection to islands and small islands, and for this purpose to:

(a) promote environmentally friendly activities in such areas and take special measures to ensure the participation of the inhabitants in the protection of coastal ecosystems based on their local customs and knowledge;

(b) take into account the specific characteristics of the island environment in national coastal strategies, plans and programmes and management instruments, particularly in the fields of transport, waste and water.

Article 10
Coastal erosion⁸

1. With a view to controlling coastal erosion more effectively, the Parties undertake to adopt the necessary measures to maintain or strengthen the natural capacity of the coast to adapt to changes, including those caused by the rise in sea levels.

2. The Parties shall ensure that all activities located in the coastal zone including maritime structures and any coastal defence works, take in particular into account their effects on coastal erosion and the direct and indirect costs which may result.

3. The Parties shall endeavour to anticipate coastal erosion through the adoption of special plans for the management of coastal sediments and coastal works.

Article 11
Cultural heritage⁹

1. The Parties shall adopt, individually or collectively, all appropriate means to preserve the cultural heritage of coastal zones in conformity with the applicable national and international instruments.

2. The Parties shall ensure that :

a) the preservation *in situ* of the cultural heritage of coastal zones, including the underwater heritage, are considered as the first option before any intervention directed at this heritage.

⁸ Please see comments by Cyprus, Serbia and Montenegro, Spain

⁹ Please see comments by Egypt, Serbia and Montenegro

b) elements of the underwater cultural heritage of coastal zones removed from the marine environment are conserved and managed in a manner safeguarding their long-term preservation.

c) elements of the underwater cultural heritage of coastal zones are not be commercially exploited.

Article 12 Participation ¹⁰

1. With a view to ensuring efficient governance throughout the process of the integrated management of coastal zones, the Parties shall take the necessary measures to ensure the association in the various phases of the formulation and implementation of coastal strategies plans and programmes, as well as the issuing of the various authorizations, of:

- the territorial communities and public entities concerned;
- economic operators as partners in integrated management through their representatives;
- the public, including non-governmental organizations.

2. Such participation shall involve consultative bodies, inquiries or public hearings. Mediation and conciliation procedures and a right of administrative or legal recourse should be available for cases in which a coastal plan or programme or a project to undertake a work or an activity on the coastal zone is challenged.

Article 13 Awareness-raising, training, education and research ¹¹

1. The Parties undertake to carry out, at the national or local levels, awareness-raising activities on integrated coastal zone management and to develop teaching and training on this subject.

2. The Parties shall organize, directly or with the assistance of the Organization, the Centre or the international organizations concerned, public education on the benefits of the integrated management of coastal zones with a view to ensuring their sustainable development.

3. The Parties shall establish the necessary mechanisms to further develop knowledge on the state of the environment in coastal zones and on the impact of the human activities, which are at the origin of their degradation processes.

4. Specialized research centres on integrated coastal zone management should be established and used both for information and training and for the preparation and implementation of public and private decisions.

¹⁰ Please see comments by Croatia, Cyprus, Israel, Spain

¹¹ Please see comments by Cyprus, Spain

**PART III
INSTRUMENTS FOR INTEGRATED COASTAL ZONE MANAGEMENT**

**Article 14
Observatories, inventories and networks ¹²**

1. The Parties shall establish observatories and prepare and regularly update national inventories of coastal zones. These inventories shall cover, on the one hand, resources and activities such as natural areas, landscapes, cultural sites, coastal agriculture, human settlements, economic installations and, on the other, the institutions, specific legislation and coastal plans and programmes which influence the coastal zone.

2. With a view to facilitating the permanent monitoring of the state and evolution of coastal zones, the Parties shall share the data gathered in national inventories in a coastal zone network established in cooperation with the Centre.

**Article 15
Mediterranean Strategy for Integrated Coastal Zone Management ¹³**

1. The Parties shall adopt a Mediterranean Strategy for Integrated Coastal Zone Management setting out the policy orientations for the sustainable development of the coastal zone upon which national strategies could be based.

2. The Parties shall ensure that the Mediterranean Strategy for Integrated Coastal Zone Management shall be formulated in conformity with the recommendations of the Mediterranean Commission on Sustainable Development and take into account the integrated management objectives and principles of this Protocol. It shall be monitored and reviewed periodically.

**Article 16
National coastal strategies, plans and programmes ¹⁴**

1. Each State Party shall formulate a national strategy for integrated coastal zone management and coastal implementation plans and programmes in conformity with the integrated management objectives and principles of this Protocol.

2. The national strategy, based on analysis of the existing situation, shall set objectives and determine priorities, with an indication of the reasons, identify social actors and processes, enumerate the measures to be taken and the legal and financial means available and set an implementation schedule.

3. Coastal plans and programmes, which may be specific or integrated in other plans and programmes, shall specify the orientations of the national strategy and

¹² Please see comments by Croatia, Cyprus, Egypt, Tunisia

¹³ Please see comments by Croatia, Israel, Spain

¹⁴ Please see comments by Croatia, Israel, Serbia and Montenegro, Tunisia

determine the carrying capacities and conditions for the allocation and use of the maritime and land parts of coastal zones.

Article 17 **Environmental assessment**¹⁵

1. Taking into account the fragility of coastal zones, the Parties shall ensure that the content of the environmental impact studies for public and private works and activities which may affect the environment of the coastal zone is being reinforced, taking into consideration the specific sensitivity of this environment, its carrying capacity and the inter-relationship between the maritime and land areas.

2. In accordance with the same criteria, the Parties shall formulate, as appropriate, a strategic environmental assessment of plans and programmes affecting the coastal zone.

Article 18 **Land ownership**¹⁶

With a view to promoting integrated coastal zone management, ensuring the preservation of areas that are not urbanized and allowing public access for purposes of recreation and leisure, Parties:

(a) shall adopt mechanisms for the acquisition of land for public ownership, the cession to public domain and the control of any new urban development;

(b) may impose easements on properties.

Article 19¹⁷ **Economic and financial instruments**

For the implementation of national coastal strategies, plans and programmes, States Parties:

a) shall adopt relevant financial and economic instruments intended to support local, regional and national initiatives for the integrated management of coastal zones;

b) may establish taxes and charges intended to dissuade and prevent activities damaging to the coastal zone, the product of which shall be assigned to the maintenance and management of coastal areas. Part of the product of such taxes and charges may be used to maintain a special fund to finance the integrated management of coastal zones.

¹⁵ Please see comments by Israel, Serbia and Montenegro, Tunisia

¹⁶ Please see comments by Croatia, Cyprus, Israel, Serbia and Montenegro, Spain, Tunisia

¹⁷ Please see comments by Croatia, Serbia and Montenegro, Spain

PART IV INTERNATIONAL COOPERATION

Article 20 Training and research ¹⁸

1. The Parties undertake, directly or with the assistance of the Centre or the international organizations concerned, to cooperate in the training of scientific, technical and administrative personnel in the field of integrated coastal zone management, particularly with a view to:

- (a) identifying and strengthening capacities;
- (b) developing scientific and technical research;
- (c) promoting centres specialized in integrated coastal zone management;
- (d) promoting training programmes for local professionals.

2. The Parties undertake, directly or with the assistance of the Centre or the international organizations concerned, to promote scientific and technical research into integrated coastal zone management, particularly through the exchange of scientific and technical information and the coordination of their research programmes.

Article 21 Scientific and technical assistance

The Parties undertake, directly or with the assistance of the Organisation, the Centre or the international organizations concerned, to cooperate for the provision of scientific and technical assistance, including access to environmentally sound technologies and their transfer, and other possible forms of assistance, to Parties requiring such assistance for integrated coastal zone management,

Article 22 ¹⁹ Exchange of information and demonstration projects

1. The Parties undertake, directly or with the assistance of the Organization, the Centre or the international organizations concerned, to cooperate in the exchange of information on the use of the best environmental practices and environmentally sound technologies for integrated coastal zone management.

2. With the support of the Organization and of the Centre the Parties shall in particular:

- (a) define coastal indicators;
- (b) establish and maintain up-to-date assessments of the use and management of coastal zones;
- (c) carry out demonstration projects of integrated coastal zone management.

¹⁸ Please see comments by Tunisia

¹⁹ Please see comments by Spain

Article 23 **Natural disasters** ²⁰

1. The Parties undertake to organize coordination of the use of the means of detection, warning and communication at their disposal to ensure the transmission as rapidly as possible of urgent information concerning any earthquake, volcanic eruption or landslide likely to cause a tidal wave affecting the coastal zones of the Mediterranean Sea. The Parties shall notify to the Organization the national authority competent to issue and receive such information.

2. The Parties shall formulate, either individually or through bilateral or multilateral cooperation, contingency plans and other arrangements to respond to the consequences of a natural disaster affecting the coastal zones of the Mediterranean Sea. The Parties shall inform the Organization every two years of the measures taken. The Organization shall submit a report to the Parties based on the information received.

3. The Parties undertake to cooperate, also with local authorities and non governmental organizations, for the provision on an urgent basis of all humanitarian and technical assistance in response to a natural disaster affecting the coastal zones of the Mediterranean Sea.

4. Reimbursement of the costs of assistance shall be made, unless otherwise specifically agreed to the contrary and *mutatis mutandis*, in accordance with the provisions of Article 13 of the Protocol concerning Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution of the Mediterranean Sea.

Article 24 **Transboundary cooperation** ²¹

States Parties shall endeavour, directly or with the assistance of the Organisation and the Centre or the international organizations concerned, to coordinate their national coastal strategies, plans and programmes for the management of contiguous coastal zones. Local and regional administrative bodies shall be associated with such coordination.

Article 25 **Transboundary impact studies and strategic assessment** ²²

1. The Parties shall cooperate, by means of notification, exchange of information and consultation, to assess the environmental impact of activities, plans and programmes concerning the coastal zone under their jurisdiction which are likely to cause a significant adverse effect to the coastal zones of other States or the marine environment of the Mediterranean Sea:

²⁰ Please see comments by Spain, Tunisia

²¹ Please see comments by Croatia, Egypt, Serbia and Montenegro

²² Please see comments by Egypt and Tunisia

(a) Before authorizing such activities or approving such plans or programmes, notification shall be made [to the Organization and] to States liable to be affected. The notification shall include:

- information on the proposed activity and its potential transboundary impact;
- an indication of a reasonable time and of the national authority competent for the receipt of comments from the Organization and from States liable to be affected.

(b) Within the reasonable time established, the affected Party shall respond to the Party of origin to acknowledge receipt of notification and shall indicate whether it intends to participate in the environmental impact study or the strategic assessment procedure. If so, the affected Party shall provide to the Party of origin any relevant information on the coastal environment within its jurisdiction, which is likely to be affected. The Party of origin shall provide the affected Party with the environmental impact study or strategic assessment documentation. This documentation shall take into consideration, *inter alia*, the specific sensitivity of coastal zones, their carrying capacity and the inter-relationship between the maritime and land areas.

(c) The concerned Parties shall ensure that the public is informed in due time of proposals submitted for a transboundary impact study or strategic assessment and is able to formulate, within a reasonable time, observations or counterproposals for transmission to the competent national authority. The public concerned, including relevant non-governmental organizations, means both the public in the State of origin and the public in the State or States of which the coastal zone is liable to be affected.

(d) Where appropriate, before a final decision is made by the Party of origin, the Parties shall engage in consultations concerning, *inter alia*, the potential transboundary impact of the proposed activity and appropriate measures to reduce or eliminate this impact.

2. The Parties may adopt, where appropriate, bilateral or multilateral agreements to give full effect to the above provisions.

PART V INSTITUTIONAL PROVISIONS

Article 26 Focal Points

Each Party shall designate a Focal Point to serve as liaison with the Centre and to disseminate information in its country on the technical and scientific aspects of the implementation of this Protocol. The Focal Points shall meet periodically, to carry out the functions deriving from this Protocol.

Article 27 **Reports** ²³

The Parties shall submit to the ordinary Meetings of the Contracting Parties, reports on the implementation of this Protocol, in such form and at such intervals as these Meetings may determine, in particular on:

- (a) the state and evolution of integrated coastal zone management;
- (b) the effectiveness of the measures taken and the problems encountered in their implementation.

Article 28 **Institutional arrangements** ²⁴

The Organization shall be responsible for coordinating the implementation of this Protocol and for cooperating with non-governmental organizations. For this purpose, it shall receive the support of the Centre, to which it may entrust the following functions:

- (a) assisting the Parties to:
 - establish a coastal zone network pursuant to Article 14;
 - prepare and implement their national strategies for integrated coastal zone management pursuant to Article 16;
 - carry out research programmes and organize training activities pursuant to Article 20;
 - organize detection and warning systems for natural disasters pursuant to Article 23;
 - coordinate the management of transboundary coastal zones pursuant to Article 24;
 - assess transboundary impact pursuant to Article 25;
- (b) formulating the Mediterranean Strategy for Integrated Coastal Zone Management provided for in Article 15 and carrying out the functions entrusted to it by this strategy;
- (c) preparing a regular report on the state and development of integrated coastal zone management in the Mediterranean Sea;
- (d) undertaking the exchange of information and demonstration projects and preparing technical studies and coastal indicators pursuant to Article 22;
- (e) preparing every two years a report on contingency plans for natural disasters pursuant to Article 23;
- (f) convening and organizing the meetings of the Focal Points pursuant to Article 26;
- (g) any other function assigned to it by the Parties.

²³ Please see comments by Tunisia

²⁴ Please see comments by Cyprus, Egypt

Article 29 Meetings of the Parties

1. The ordinary meetings of the Parties to this Protocol shall be held in conjunction with the ordinary meetings of the Contracting Parties to the Convention held pursuant to Article 18 of the Convention. The Parties may also hold extraordinary meetings in conformity with that Article.

2. The functions of the meetings of the Parties to this Protocol shall be *inter alia*:

- (a) to keep under review the implementation of this Protocol;
- (b) to ensure that this Protocol is implemented in coordination and synergy with the other Protocols;
- (c) to oversee the work of the Organization and of the Centre relating to the implementation of this Protocol and providing policy guidance for their activities;
- (d) to consider the efficiency of the measures adopted for integrated coastal zone management and the need for other measures, in particular in the form of annexes or amendments to this Protocol;
- (e) to make recommendations to the Parties on the measures to be adopted for the implementation of this Protocol;
- (f) to examine the proposals made by the Meetings of Focal Points pursuant to Article 26 of this Protocol;
- (g) to consider reports transmitted by the Parties and making appropriate recommendations pursuant to Article 27;
- (h) to examine any other relevant information submitted through the Centre;
- (i) to examine any other matter relevant to this Protocol, as appropriate.

PART VI FINAL PROVISIONS

Article 30 Relationship with the Convention

1. The provisions of the Convention relating to any Protocol shall apply with respect to this Protocol.

2. The rules of procedures and the financial rules adopted pursuant to article 24 of the Convention shall apply with respect to this Protocol, unless the Parties to this Protocol agree otherwise.

Article 31
Relations with third Parties

1. The Parties shall invite, where appropriate, States that are not Parties to this Protocol and international organizations to cooperate in the implementation of this Protocol.

2. The Parties undertake to adopt appropriate measures, consistent with international law, to ensure that no one engages in any activity contrary to the principles and objectives of this Protocol.

Article 32
Final provisions

1. This Protocol shall be open for signature aton..... and in Madrid from.....to..... by any Contracting Party to the Convention.

2. This Protocol shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Government of Spain, which will assume the functions of Depositary.

3. As from this Protocol shall be open for accession by any Party to the Convention.

4. This Protocol shall enter into force on the thirtieth day (30) following the deposit of at least six (6) instruments of ratification, acceptance, approval or accession.

ANNEX II

Appendix 1

Comments and proposals by the Contracting Parties that are presented in this Appendix with respect to the content of Article 1, 3 and 5 refer to the version of the proposed text of the protocol that was submitted to the First Meeting of the Working Group, held in Split, Croatia, from 27-29 April 2006.

General Comments by Contracting Parties

Albania

Regarding public participation: we consider very important the references towards AARHUS Convention and Protocol on Strategic Environmental Assessment which based on AARHUS Convention developed specific issues regarding public participation in EIA/SEA. This experience can better help considering public participation issues in ICZM and decision making process.

Regarding the structure probably is better to have more “parts” or “chapters”: probably principles may be in a separate part. Probably a grouping of articles on special coastal ecosystems, cultural heritage by one side and human pressure, economic activities by the other. At the same time, coordination, cooperation (national, regional, international, within and between countries) probably in one part. Also, awareness, training, education, participation etc. (within and between countries) in one part;

We consider very important the participation of representatives from important and active NGO-s. They can bring experiences and can support further developments in the Mediterranean countries to develop respective national coastal legislation and most of all its implementation;

Observers from different international organisations related to coastal issues may take part in the meetings of the working group;

Except law experts, some important scientists and technical experts are very important during the discussions;

During sessions of the working group, presentations of best experiences regarding integrated coastal management can raise effective discussions which may lead to very important proposals. Sometimes even bad examples can promote the same effective discussions and proposals;

Transboundary cooperation should be seen not only as a way to promote sustainable development in the respective coastal areas, but at the same time as an important element to promote exchange of experiences, harmonisation of methodologies, best practices etc. The working group need to inform and exchange ideas on best experiences they may have had regarding bilateral and multilateral cooperations in

related issues (such as transboundary lakes/ waters/specially protected areas, even transboundary cooperation for sectorial strategies, plans, projects with transboundary impacts).

Algeria

In its general context, the draft Protocol sets out principles and orientations that are in accordance with those provided for in Algerian Act No. 02-02 of 5 February 2002 on the protection and development of the coast, except that the territory covered by the two texts is not the same.

In the Comments (p.19, last paragraph), it is indicated that the terms “coast” and “coastal zone” have the same meaning and that the proposed new Protocol is intended to promote integrated management of coastal zones in States Parties.

In this respect, with a view to ensuring its effective and efficient implementation, taking into account the measures adopted by countries at the national level in the context of the management of their sensitive areas, “coast and/or coastal zones”, it is suggested that a Protocol on the “integrated management of the coast and coastal zones” should be formulated.

The ecosystem approach should be emphasized in the definition of coastal zones and the coast and, accordingly, the territory covered should be reconsidered by including the communes and municipalities bordering on the ecosystems that exist in these areas, such as forest areas, wetlands and natural areas of ecological and landscape value and which are remarkable.

Integrated management of the coast and coastal zones covers a well-defined and delimited area, and includes the administrators and managers of these sensitive areas, which is why it is also necessary to include the communes and municipalities bordering on these areas so as to provide a basis for and ensure more effective and rational management coordination.

- in addition to economic activities, urbanization should be added to Article 8, Issues related to urbanization, the development of coastal areas and demographic growth are undoubtedly major concerns.

- finally, provision and reference should be made to the appropriate and suitable management on the territory of the “coast and/or coastal zones” of sources of pollution from catchment areas (waste water and urban, industrial and agricultural waste).

Croatia

In accordance with our reiterated statements at the MAP FPs' meeting and CPs' meeting, we consider this draft Protocol a highly important instrument for preservation of the coastal zones and their environment and therefore, we give a strong support to its further elaboration and development. Having studied the draft Protocol in depth, we would like to give some comments as well as the examples of how certain provisions of this draft Protocol are in place in the Republic of Croatia:

We believe that generally there should be some room left for taking into consideration particularities of the States that should still act within the basic provisions of the draft Protocol; the whole package of documents and measures should be more visible and more connected to the series of programs, strategies and projects that are appearing; a good care should be taken in order to avoid any unnecessary increase in administering, institutions, documents, acts etc. because it is difficult to find a way and therefore, it would be good that the new documents lean on the existing ones.

However, we believe that approximately 70% of the proposed provisions of the draft Protocol is already in place in our country and we believe the development of this particular Protocol will give a strong impetus to the protection of the Mediterranean environment and coastal zones and therefore, we are very supportive of all the further work on its elaboration, which I am personally looking very much forward to.

Cyprus

The drafting and ultimate adoption of a Protocol on ICZM is considered as a very important initiative since, if ratified, it will provide a solid basis for regional work in the field of ICZM and would undoubtedly improve the efficiency of coastal management at the national level.

However, the discussion of the issue in Nice was the only first real debate on the text at the level of policy makers or policy formulators. So far the procedure was consultant-driven and expert driven. It was obvious in Nice that very few (if any) of the participants (almost from Environment Ministries) have had time to sound out planning, finance, local government, development tourism ministries or their reactions on the text. There is no point in devoting time and resources negotiating texts that can be endorsed by Environment Ministries or agencies but have very few possibilities of being ratified by national governments, which by definition have to look into broader issues and not only environmental ones.

When filtering the text through the above criteria and requirements, serious reservations emerge about the practicability and realism of the draft protocol as it stands. It is altogether too: absolute, inflexible, dictating, infringing on issues of national competences and costly. The text remains mostly based on similar text being around for a decade at least, that have made not much progress other than being adopted as guidelines and models for reflection. It does not adequately safeguard national sovereignty and legislation despite the fact that national authorities will be solely responsible for the legal and institutional context and financing, and much of the burden of responsibility to deliver will rest at the local level.

As a general position (and a minimalistic one, considering the otherwise broad acceptance of the text) it is recommended that a greater degree of flexibility be introduced into the wording, and an assessment of its possible impacts be undertaken before the next draft is submitted to the CPs. The Protocol should also be confined to policy, principles and strategies issues and not extend (at least not in a legally binding or committing manner), into national and local area management, such as land use planning, administrative issues and land ownership.

European Community

Based on this preliminary work, we can conclude that there is a general consensus on the initiative towards a Protocol. However the contents of the Protocol should be such as to allow the widest number of ratifications and subsequent implementation. The contents of the current draft do not attract the necessary consensus to that effect. A substantial review of the draft document will be necessary, in order to cover:

- A better reflection of sustainable development policy for the coastal zone, particularly taking care not to exceed the EU *acquis* in constraints to activities/development or in requirements for environmental protection;
- Further elaboration of vision and purpose of integration of sectoral interests, vertical integration over the various levels of governance, integration across administrative boundaries and especially the land-sea boundary;
- Introduction of much more flexibility in the legal and administrative arrangements as well as in the choice of instruments, respecting subsidiarity and efficiency principles.

In our opinion, these concerns cannot just be dealt with by a mere Article-by-Article discussion of the draft protocol. A broader discussion will be necessary, including the objective, the scope and the structure of a Protocol.

Finally, we have to highlight that since the draft Protocol of March 2005, new EU initiatives relevant to the coastal and marine area have taken shape. In particular, the Commission has issued a Thematic Strategy for the Protection of the Marine Environment, including a proposal for a Marine Framework Directive. Moreover, a Green Paper towards an EU Maritime Policy should be published in May. The EU ICZM Recommendation itself is currently being evaluated, with a Commission report due for the end of 2006. We will be keen to see that these EU initiatives and the Protocol to the Barcelona Convention evolve in a consistent way.

Israel

The comments given on a number of specific Articles are preliminary thoughts and remarks to the draft protocol. As also reflected in the above, the protocol's provisions should be further considered, bearing in mind the differentiation between the national and international spheres. As mentioned Israel has a wide range of legislative and administrative frameworks and arrangements which establish a firm basis for the protection of the coastal environment and most of them are coherent with the principles of the proposed protocol and with some of the proposed provisions.

Serbia and Montenegro

The draft text of the Protocol has been also pointed to the attention of the Legal department of the Public Enterprise for Coastal Zone Management of Montenegro. Without any specific or in general comments, the Protocol has been judged as an

important document for further implementation of sound coastal management in Montenegro. The Protocol deals with issues that have not been set up in our legal or institutional framework, which makes this Protocol a basis for future improvements toward setting up of Integrated Coastal Zone Management in Montenegro.

In this long-term complex processes many obstacles appeared from the reason of the intention to harmonize national structure with relevant EU and international legal acts in short time period, but also to provide profit and economic valorization of the natural resources. The constrains between economic development and sustainable management of the non-renewable natural resources appeared more obviously in coastal zone, as the most important national development resource, then anywhere else.

This is situation we currently have in creation of legal framework for rational use and management with ports and its surroundings and definition of the responsibilities of the competent authorities in field of marine water protection against pollution from land and sea based sources.

After consultations with relevant sectors common recommendation of the sectors relevant for environmental protection, urban and physical planning ICAM protocol is find as the essential and necessary legal act that will improve and foster current processes at national level that contributes to the implementation of relevant EU policies and UN conventions.

Montenegro supports the ICAM Protocol adoption as sees it as the basis, introduction of integrated coastal zone management, improvement of our legal, institutional and planning framework for ICAM and for improvement of current coastal management practice. Here are reflections on how certain provisions of the ICAM Protocol will influence the coastal management in Montenegro.

Spain

One of the most important aspects to consider is the use of indicators in integrated coastal zone management. They include environmental, socio-economics, and governance indicators. Governance aspects must be considered in integrated coastal zone management. The protocol must include and clearly distinguish the role of the different governmental levels: national, regional, and local level. Also Mediterranean region level will be desirable to be included. Land, urban, and regional planning are good tools for ICZM.

Appendix 2

Specific Comments by Contracting Parties

Comments and proposals by the Contracting Parties that are presented in this Appendix with respect to the content of Article 1, 3 and 5 refer to the version of the proposed text of the protocol that was submitted to the First Meeting of the Working Group, held in Split, Croatia, from 27-29 April 2006.

Article 1 -General Obligations

No comments were provided

Article 2- Definitions

Comments by Albania

State Parties: in some articles is mentioned “State Parties” and in other articles “Parties”. If we are going to use both definitions, it is necessary to include them in article 2- Definitions;

Comments by Cyprus

(With legal value)

A country may want to utilise existing planning hierarchy without having to invent new types of planning.

Comments by Spain

Paragraph e

The definition of “coastal zone” is not according with article 3, paragraph 1. In the first one is a geo-morphological and environmental aspect of the “coastal zone” and the second one is an administrative aspect. It would be the same concept in the definition of “coastal zone” and the geographical coverage. Some links would be desirable in order to make compatible both concepts.

Article 3 - Geographical coverage

Comments by Algeria

The ecosystem approach should be emphasized in the definition of coastal zones and the coast and, accordingly, the territory covered should be reconsidered by including the communes and municipalities bordering on the ecosystems that exist in these areas, such as forest areas, wetlands and natural areas of ecological and landscape value and

which are remarkable.

With regard to the definition of the scope and with our field experience, the ecosystem approach must also be taken into account in the determination of coastal zones or the coast and, accordingly, the territory covered should be reconsidered by including the communes and municipalities bordering on the various ecosystems that exist in the area of the coast or coastal zones, such as forest areas, wetlands and natural areas of ecological and landscape value and which are remarkable.

Comments by Croatia

The definition of the geographical coverage of the Protocol in Article 3 is acceptable in general, however we believe that there should be some flexibility left for the interpretation taking into consideration the particularities of each State and its respective coastal zone. Croatian Regulation on Protected Coastal Area Development and Conservation (Official Gazzette 128/04) defines in Article 2 'protected coastal area' as consisting of "all the islands and a 1.000-m wide mainland and a 300-m wide marine belt measured from the coastline", which stands for "tidal wave line on the coast"

Comments by Cyprus:

(Local administrative units)

Administrative unit refers to an administrative arrangement, which is entirely the responsibility of a country and subject to local specificities and circumstances. A country may not want to establish such units, neither are they considered indispensable.

Comments by the European Community

The definition of the coastal zone has, and continues to be, a matter of discussion. We appreciate that the geographical scope of some of the Protocol stipulations needs to be defined. However a general definition of "the" coastal zone as proposed by the draft Protocol, risks reducing ICZM to a local management matter. Such a reduced definition is not consistent with the aim of ICZM to coordinate coastal policies and legislation across EU, national, regional and local governance levels. It also undermines the justification for action through a binding instrument at international level, given the subsidiarity that should necessarily apply to management of local matters.

Comments by Egypt

The geographical coverage of the Protocol: It seem to be there are much comments in this article , we prefer to define a suitable figure for landward limit. In case of Egypt, the local administrative boundary cover hundred of Kilometers, this is beyond the relevance of coastal issues. Egypt has a definition, which might be helpful:

"The coastal zone is a domain of land-sea interface. It encompasses the territorial water and extends landwards to areas of active interaction with the marine environment for at least 30km in the desert areas, unless major topographical features interrupt this stretch,

while in the lower Nile Delta region the terrestrial part would extend up to the 3.0m contour above sea level "

Comments by Israel

The landward limit of "coastal administrative units" is not relevant as a boundary for ICAM as it can reach several kilometers inland, much beyond relevance to coastal issues. All environmental issues cannot be covered within ICAM, and emphasis should be on those for which a coastal location is a major issue. The Israeli Law for the Protection of the Coastal Environment, 2004 (hereinafter "Israeli coastal law") extends to 300 meters inland, both in urban and non-urban areas. This was a compromise between NGOs (that proposed 500 m') and municipalities (100 m). We suggest countries be given flexibility beyond the obligatory 100 meters.

Principally, the paragraph referring to the 100 m' land fringe prohibiting building is similar to the paragraph in Israel's coastal master plan (1983) and the Israeli Coastal Law. As this is found in the master plan and in the Israeli Coastal Law, there will be exceptions due to circumstances. If the Protocol defines a 100 m building setback, it must allow for exceptions to be decided by each party state in its territory.

Urban / transport development limitation – following our remark about the landward limit of the coastal zone, we foresee the possibility for objections, as the wording of the Protocol does not set up recommendations that will be considered by national planning authorities regarding each individual case.

Free access of pedestrians to the sea is not guaranteed under Israeli law although it was seriously considered during the legislative process.

Comments by Serbia and Montenegro

As described earlier, in Montenegro there is a defined coastal zone (public maritime domain) for which there is a law, institution and a plan to be adopted. However, this zone that includes the territorial sea and a narrow land strip, is not the coastal zone or coastal area as seen by ICAM principles. The ICAM Protocol defines the landward limit of the coastal area to be the territorial limit of local coastal administrative units which will ensure better application of the future Protocol, and will provide for clear jurisdiction and authority. The Republic of Montenegro still needs to define its coastal area, and we will use the provisions of the article 3 in our procedure.

Comments by Spain

Paragraph 1

It seems not realistic seaward and landward limits. Specially, landward limit does not represent the boundary of "coastal zone". Sometimes more than one municipality is needed in a wide range. In other cases watershed is desirable. In Spain the zone affected by Spanish Shore Act is 100 m as a general rule and sometimes is 20 m or less.

Article 4 - Preservation of rights

Comments by Cyprus:

Impinges on national defense issues

Comments by Tunisia

Modify Article 4, paragraph 4, so as to include security installations among the exemptions provided for in this Article:

4. "Nothing in this Protocol shall prejudice national defense and national security activities and facilities";

Instead of: "Nothing in this Protocol shall prejudice national defense activities and facilities".

PART II PRINCIPLES AND ELEMENTS OF INTEGRATED COASTAL ZONE MANAGEMENT

Article 5- General principles and objectives of integrated management

Comments by Cyprus:

No flexibility, prohibitive cost, theoretical: what it is 'minimum'; what it is equitable sharing? Constitutionally is not valid. Not all relevant issues are regulated by the state.

Comments by Israel

In general, most of the economic activities mentioned are relevant to Israel. As such further consideration should be given to the extent to which the protocol could deal with matters in the national level. The parties should reconsider this part of the protocol in a way of setting up general principles and guidelines. In addition article 5 subparagraph (h) needs some clarification about the meaning of the phrase "professional activities".

Comments by Serbia and Montenegro

All of the principles set by the article 5. are the principles that are or will be incorporated in Montenegrin NSSD, ICAM Strategy, laws and bylaws governing the coastal zone. Therefore we see article 5. as another confirmation of the general sustainable development principles.

Comments by Spain

Paragraph 1a

It is only for environmental areas. What about urban or industrial areas? In paragraph 1,

b and c, regional or autonomous communities must be taken account

In article 5 as a general principle the definition of public domain versus private domain must be considered. It is not the same kind of management in public domain than in private domain. It is a specific of the countries that the rules are based in Roman Law.

Paragraph 1

It must be completed by almost two more principles:

Governance aspects must be taken account on the goals of integrated coastal zone management. Legal framework must included penalties and sanctions those who do not act according legal regulations.

(b) Land and urban plans could be useful tools in local, regional and national management. Integrated coastal zone management must take account land and sea plans.

Article 6-Institutional coordination

Comments by Croatia

Provision of Article 6 of the draft Protocol on integrated management of coastal zone leaves enough options for the issue of institutional coordination to be regulated on the level of Member States, i.e. a good framework for institutional coordination is provided by Article 6. Based on this provision of the Protocol, each Member State will be able to establish appropriate system of coordination vertically as well as horizontally.

Comments by Cyprus

(Local and regional coastal zone administrative bodies)

Administrative unit refers to an administrative arrangement, which is entirely the responsibility of a country and subject to local specificities and circumstances. A country may not want to establish such units, neither are they considered indispensable.

Comments by the European Community

The essential components of Integrated Coastal Zone Management, as promoted by the EU ICZM Recommendation, are coordination between sectoral policies, coherence between planning and management, and participation. These elements of governance should also be at the heart of a Protocol to the Barcelona convention. From our perspective, the development of detailed requirements by sector would inevitably entail a risk of overlap or inconsistencies with the EU *acquis* or other initiatives in the Mediterranean. This would be counterproductive and we should avoid adding to the complexity of policies and regulations affecting the coastal zones.

Comments by Israel

Institutional coordination is one of the components necessary for the success of ICAM. It is questionable whether the establishment of national bodies should be a statutory requirement of the Protocol.

Comments by Serbia and Montenegro

The ICAM Protocol proposes the establishment of appropriate bodies to avoid the sectoral approaches. In Montenegro an institution - Public enterprise for Coastal zone management exists and although the coastal management in Montenegro has its negative sides, having one institution to coordinate the activities in the coastal zone in Montenegro was very efficient, especially in the period of transition in our country.

Comments by Spain

Paragraphs 1 and 2

Sectorial or horizontal integration and intergovernmental or vertical integration must be introduced. Local, regional and national levels must be taken account.

Paragraph 3

It must be considered to join staff groups. It is the main problem in developed countries: who is the responsible for ICZM?

Comments by Tunisia

Paragraph 1:

It is preferable to rectify the term "avoided" by the term "incorporated" through coordination.

It would therefore read:

1. "The Parties shall establish, where necessary, appropriate bodies and ensure through inter-ministerial coordination that sectoral approaches are incorporated and global approaches facilitated."

Instead of: "The Parties shall establish, where necessary, appropriate bodies and ensure through inter-ministerial coordination that sectoral approaches are avoided and global approaches facilitated."

Paragraphs 2 and 3:

Add the term "develop" in paragraphs 2 and 3, as what is needed is to develop and organize the appropriate approach.

It would therefore read:

2. "The Parties shall develop and organize appropriate coordination between the various maritime and land authorities (...)"

3. "The Parties shall develop and organize close coordination between national authorities and local and regional bodies in the field of coastal strategies, plans

and programmes (...)"

Instead of:

2. "The Parties shall organize appropriate coordination between the various maritime and land authorities (...)"

3. "The Parties shall organize close coordination between national authorities and local and regional bodies in the field of coastal strategies, plans and programmes (...)"

Paragraph 4:

With regard to the commitment of the Parties, the Protocol cannot call for commitment at the local level: it is merely possible to organize them to strengthen the process.

It would therefore read:

4. "The Parties shall ensure that local and regional coastal zone administrative bodies are organized to strengthen the coherence and effectiveness of the coastal strategies, plans and programmes established."

Instead of: "Local and regional coastal zone administrative bodies shall, insofar as practicable, work together to strengthen the coherence and effectiveness of the coastal strategies, plans and programmes established."

Article 7-Protection and use of the coastal zone

Comments by Albania

We think that it is necessary to give more space to maritime part in the Protocol

Comments by Croatia

As to the Article 7, we would like to stress that in Croatia, the Regulation on Protected Coastal Area Development and Conservation regulates the part of the coast where building is not permitted within 100 m width and guarantees public and free access to the coast. We believe 100 m wide part where building is not permitted to be a minimum and it would be most recommendable to widen the part, not only in a linear way, but also with a more flexible approach, depending on configuration and characteristics of the area and landscape. Therefore, it would be good to define such possibility – criteria which would be applied by some states. This refers primarily to excluding the possibility of building in all the parts of the coast except for those where there are housing settlements and marinas in building areas according to our Regulation.

Concerning traffic we should be clearer, because it necessarily takes place and somewhere new roads may be needed, although not necessarily huge infrastructure, like highways. The distance from the coast line is of importance here, because it is not clarified by Article 7 of the draft Protocol so in this respect it may be applied to the whole coastal zone width and not only within the 100 meters where building is not permitted.

Comments by Cyprus:

(The provision with respect to the coastal strip and the prohibition of same activities outside the specially protected areas and use of the public maritime domain).

Impossible in already developed countries, politically, legally and financially problematic.

Comments by Serbia and Montenegro

In Montenegro, so far, we do not have legal provision that defines the "non building area" The definition of the "non building zone" is necessary to be recognized and proclaimed in Montenegro. For the proposal of 100m for the non-building line set by the draft Protocol, we are of the opinion that in some parts, due to the coastal geomorphology, it will be very hard to implement, since in some areas the coast is very narrow with high mountains rising from the coastline. Having in mind difference in the coastal natural features of the different Mediterranean countries, we propose that the draft Protocol allows each country to set the "non-building area", and possibly give the max and min limits (no less thanm, not wider thanm).

Comments by Spain

Article 7 only considers environmental aspects, coastal zone management includes others. Management coastal plans for e, f, and g, and other items could be a good tool. It must be included public hearing.

Paragraph a

The limit on 100 m from highest winter waterline must be reconsidered. Spanish shore Act considers 100 m from public domain as a general rule, but there are some exceptions to 20 m in urban areas before 1988, and less than 20 m in some consolidate areas.

Paragraphs b and e

Must include land or environmental plans.

Paragraph f

Must be included in regional planning.

Comments by Tunisia

Read: "For this purpose, the States Parties shall:"

Instead of: "For this purpose, the competent authorities shall:"

Moreover, it is important to distinguish in this Article between urban areas which are developed along the coast and which are covered by a development plan and areas which are not covered by a development plan and which are therefore not occupied and can be preserved. With regard to the areas that are not currently covered by urban development plans, the land fringe where building is not permitted can be set at a minimum of 100 metres. However, for the areas currently covered by urban development

plans and which are now urbanized it would be necessary to provide for a narrower land fringe where building is not permitted, which should be managed according to the laws in force in the Contracting Parties.

For paragraph (a): make a distinction between urbanized and non-urbanized areas:

(a) "establish, as from the highest winter waterline, a land fringe where building is not permitted and determine the width thereof, which may not be less than [100 metres], in respect of coastal zones which are not currently urbanized;"

(a bis) "establish, as from the highest winter waterline, a land fringe where building is not permitted and determine the width thereof, which may not be less than [25 metres], in respect of coastal zones which are currently urbanized. The extension of the urban zone along the coastline shall comply with the provisions of paragraph (a) of this Article."

Instead of:

(a) "establish, as from the highest winter waterline, a land fringe where building is not permitted and determine the width thereof, which may not be less than [100 metres];"

For paragraphs (c) and (d): add the following phrase "through the enactment of specific laws".

It would therefore read:

(c) "limit the linear extension of urban development along the coast, through the enactment of specific laws;"

(d) "avoid the creation of new roads along the coast, through the enactment of specific laws;"

Article 8 - Economic activities

Comments by Albania

In Article 8, Economic activities, is necessary to mention that all these activities are important and unavoidable in the coastal area. In order to provide sustainable development of the coastal area, policies, plans, strategies of agriculture, industry, etc. all these activities have to be subject of SEA and EIA, related to specific conditions of every country except general issues mentioned under this article. Each Party shall ensure that a strategic environmental assessment is carried out for plans and programs, which are likely to have significant environmental, including health, effects. A strategic environmental assessment shall be carried out for plans and programs which are prepared for agriculture, forestry, fisheries, energy, industry including mining, transport, regional development, waste management, water management, telecommunications, tourism, town and country planning or land use, and which set the framework for future development consent for projects listed inand any other project listed in that requires an environmental impact assessment under national legislation;

Comments by Algeria

Il conviendrait d'ajouter à l'article 8, P.29, outre les activités économiques, l'urbanisation. En effet, les questions liées à l'urbanisation, à la littoralisation et à l'accroissement démographique, constituent, indéniablement des préoccupations importantes.

Comments by Croatia

All the economic activities, listed in Article 8, are of great relevance for the Republic of Croatia apart from industry, if not connected to the sea, as well as windmills and quarries which are excluded or limited in the area of 1000 m (Protected coastal area). Proposed rules are specific enough as a principle and a framework with the presumption that they will be further defined. Croatia has already built in its respective regulations and documents most of the principles and guidelines which are the same or similar to the ones stipulated by the draft Protocol. In Croatia the Regulation on Protected Coastal Area Development and Conservation regulates more in details the conditions for physical planning and preservation of the protected coastal zone, than it is stipulated by Article 8 of the draft Protocol.

We would like to stress that when mentioning excavation and extraction of minerals, we primarily think of quarries and we believe that it is highly important to determine restrictions connected to the stone exploitation. Our experience says that quarries degrade the coastal zone irreversibly; therefore our Regulation stipulates restrictions regarding quarries in the coastal zone. Legal framework of the Republic of Croatia regulates the procedure for excavation and extraction of minerals in relation to obtaining permits, but irrespective of this fact, we believe that it is necessary to guarantee a higher level of protection especially in the coastal zone.

We think that there should be room left for the States to introduce special protection measures in certain areas of interest.

Comments by Cyprus

No flexibility, in essence it precludes any coastal development:

- a) Effects on landscape are highly subjective
- b) How can a port or airport not be prejudicial?
- c) How can a breakwater not 'affect' the seabed?
- d) The term 'prejudicial' is too vague

Comments by Israel

As for Article 8, we suggest that paragraph 3 (a) will be rephrased so it will reflect properly that protocol's goal is to promote sustainable tourism.

Comments by Serbia and Montenegro

Almost all of the activities and the proposed rules in the Article 8, are relevant to the present state and the future development on the Montenegrin coast. The proposed measures in the Article 8 are specific enough to give clear guidance for sustainable

development of the activities in the coastal region, but leaving enough room for specificities of each of the Mediterranean countries.

Comments by Spain

Paragraph 1

It must separate agricultural and industry. Industry, as chemical, use to be water consumer and could be dangerous. Sometimes agricultural requirements are better than environmental scenarios. Agricultural shall be subject to prior authorization with a view to regulating the use of chemicals and fertilizers.

Paragraph 3b

It has reference to tourism indicators. It would be desirable indicators as a general concept in integrated coastal zone management.

Paragraph 6a

All the aspects considered must be included in land and regional planning.

Paragraph 6b

The conclusion is that EIA must be made.

Comments by Tunisia

6. Ports and maritime infrastructure and works

Delete the words "or forbidden", since prohibition is a regulatory measure.

It would therefore read:

(b) "Any works affecting the seabed or subsoil of the maritime part of the coastal zone, including the construction of artificial reefs, sea walls, breakwaters or artificial beaches, shall be regulated with a view to limiting their impact on coastal ecosystems and their direct or indirect effects on erosion."

Instead of:

"Any works affecting the seabed or subsoil of the maritime part of the coastal zone, including the construction of artificial reefs, sea walls, breakwaters or artificial beaches, shall be regulated or forbidden with a view to limiting their impact on coastal ecosystems and their direct or indirect effects on erosion."

Article 9- Specific coastal ecosystems

Comments by Cyprus

In essence it precludes any coastal development: The term 'prejudicial' is too vague. Commitment with respect to the restoration of degraded coastal wetlands, hills and bars may entail prohibitive costs

Comments by Egypt

Para 2: We did not support the comment to include the approach of river basin, river some time run in more than one country. In case of Egypt, the Nile River is passing through 6 African countries, not a Barcelona convention Parties.

Para 3 : regarding the dunes, this is one of the resources it need to be protected and if possible used under certain condition that maintain the ecosystem and coasts, because it could be commercially exploitation in excavation of minerals and construction.

Comments by Serbia and Montenegro

The provisions given by the Article 9 will enforce the protection of the specific coastal ecosystems such as sand dunes and coastal wetlands on the Montenegrin coast, which have been partially covered by our legal system, and in practice, the management of such ecosystems have been poor.

Comments by Spain

Before article 9 a brief introduction of environmental, socio-economics, and governance aspects will be discussed.

Paragraph 1

The implementation will be made by land and regional plans.

Article 10-Coastal erosion

Comment by Cyprus

It refers to existing activities: Politically, legally and financially problematic

Comments by Serbia and Montenegro

Although recent activities on the monitoring of coastal erosion showed that there is coastal erosion of some Montenegrin beaches due to building close to the beach, the legal framework dealing with coastal issues do not propose any measures for this issue. Therefore the provision of the article 10 will give the first basis for development of the measures and legal framework for the control of coastal erosion.

Comments by Spain

Paragraph 3

EIA and sand rights must be included.

Article 11-Cultural Heritage

Comments by Egypt

Paragraph 4

Culture heritage: the elements of underwater cultural heritage of coastal zone may not be commercially exploited, why not, this is also one of the resources it need to be protected and if possible used under certain condition that maintain its integrity.

Comments by Serbia and Montenegro

The measures provided by this article 11 will reinforce the importance of the protection of the cultural heritage on the coast and underwater.

Article 12- Participation

Comments by Croatia

Participation of stakeholders and public in general in a decision making process as stipulated by the provisions of Article 12 of the draft Protocol is possible in the Republic of Croatia without major difficulties. We consider participation of all the stakeholders, including nongovernmental organizations and the public in general in the decision-making process of great importance. Public participation is regulated by different acts and some regulations: Physical Planning Act, Regulation on Public Debate in the Procedure of Establishing Physical Plans (OG 101/98), Act on Access to Information (OG 172/03) Environmental Protection Act (OG 82/94, and 128/99), Nature Protection Act etc. All the physical plans in Croatia fall under public insight and comments, which is regulated by a special Regulation.

Comments by Cyprus

Such procedures (on meditation and reconciliation) entirely relate to national practices and traditions

Comments by Israel

Public Participation in Israel is demonstrated in various processes:

- During a legislative process the relevant stakeholders are invited to the parliament committee and have an opportunity to express their opinion on proposed legislation in general, and on specific issues in particular.
- NGOs are represented in various administrative and local authority committees, including on coastal committee.
- The Planning and Building Law requires the notification in all major newspapers during the planning process.
- The Planning and Building Law also provides for the public active role by submitting objections during the planning process.

- Freedom of Information Law 1998 safeguard the right of the public to receive information and sets up the obligation of local and national authorities to provide the information to the public.

Comments by Spain

Before article 12 an introduction of governance will be made. Governance is not only public participation.

In article 12 law application must be considered.

Article 13
Awareness-raising, training, education and research

Comments by Cyprus:

Refers to an administrative arrangement, which is entirely the responsibility of a country and subject to local specificities and circumstances.

Comments by Spain

Paragraph 1
Regional level must be taken account.

PART III
INSTRUMENTS FOR INTEGRATED COASTAL ZONE MANAGEMENT

Article 14
Observatories, inventories and networks

Comments by Croatia

Following the provisions of Article 14 we believe that the idea of inventories is basically acceptable. However, the formulation put in the draft Protocol is not totally clear concerning “national legislation” because different elements are listed (areas, activities, institutions). Therefore, it would be useful to formulate it more systematically with more clear indicators. Additionally, such an inventory i.e. system and implementation should in a certain and acceptable part be adapted to the national systems and data collection mechanisms at least for a longer period (e.g. statistics, institutions) if it would not cause problems for the Protocol.

Comments by Cyprus:

Refers to an administrative arrangement, which is entirely the responsibility of a country and subject to local specificities and circumstances.

Comments by Egypt

Observation, inventories and network: It seems to be difficult, needs times, efforts, fund and mechanism for implementing

Comments by Tunisia

Specify that observatories shall also collect data relating to the marine environment.

Article 15- Mediterranean Strategy for Integrated Coastal Zone Management

Comments by Croatia

Article 15 envisages the Mediterranean Strategy for ICZM for which we believe it is very important to have a common understanding on the crucial elements of the Strategy since it could contribute to the development of national strategies.

Comments by Israel

As far as we are aware the “Mediterranean Strategy for Integrated Coastal Zone Management” has not been prepared, therefore it would be difficult to ask the parties to commit themselves to unknown document. Furthermore, a Mediterranean strategy could only be a “framework” strategy as the significant instrument is national strategy, which differs from country to country, and cannot be isolated from the non-coastal areas.

Comments by Spain

In article 15 the different intergovernmental levels must be considered. From Mediterranean, national, regional, and local levels.

Article 16-National coastal strategies, plans and programmes

Comments by Croatia

If the solutions proposed in Article 16 of the draft Protocol remain such as stipulated; it will definitely contribute to development of national strategies. It is expected though first to define the elements and rules that are common for the Mediterranean region. In our country there is a significant need for drawing a national coastal strategy, implementation programs and plans, which should be in accordance with the documents on physical planning.

Comments by Israel

The existence and implementation of Financial and Economic instruments is one of ICAM implementing tools and they differ from country to country. In Israel for example two funds were set up –

Marine Pollution Prevention Fund, which generates resources (fees, fines, budget and donations) for combating marine and coastal pollution and for cleanup operations.

A Cleanliness Maintenance Fund, whose resources include fees and fines imposed under various environmental laws, to finance a broad range of environmental activities.

A Coastal taxation under the new coastal law is now under preparation.

Comments by Serbia and Montenegro

Montenegro just started the process of drawing its National Sustainable Development Strategy of Montenegro-NSSD Montenegro, recognizing the sea and the coastal zone as one of the priority areas. In accordance with the goals set for the Coastal zone in the NSSD, the ICAM Strategy in Montenegro will be develop.

Article 16 is the additional tool for ICZM strategy recognition as the most important pre-condition for sustainable development of the costal zone in Montenegro. In respect to this active participation of PAP/RAC in activities in Montenegro has essential importance for this process at national level.

Comments by Tunisia

Paragraph 1: add the words "for this strategy".

It would therefore read:

1. "Each State Party shall formulate a national strategy for integrated coastal zone management and coastal implementation plans and programmes for this strategy in conformity with the integrated management objectives and principles of this Protocol."

Instead of:

1. Each State Party shall formulate a national strategy for integrated coastal zone management and coastal implementation plans and programming in conformity with the integrated management objectives and principles of this Protocol."

Article 17-Environmental assessment

Comments by Israel

Israel has a wide range of legally and regulatory provisions through spatial planning and other nature protection legal documents, which have proven to be efficient tools for implementing ICAM. EIAs have been required through the planning legislation since 1982. New Planning and Building Regulations (Environmental Impact Assessments) came into force in September 2003. The regulations are aimed at upgrading the EIA system to help incorporate environmental considerations in earlier stages of the planning and decision making processes and to incorporate sustainable development principles in EIAs.

Environmental Assessment in Israel is based on the legally system applied on the national level. As such it doesn't support the introduction of ex-territorial bodies in the internal process. Any proposal for the intervention of ex-territorial bodies in the national internal processes still need more study and consideration from legal and professional point of view, also by the Contracting Parties.

Comments by Serbia and Montenegro

Article 17 represents additional enforcement of the provisions of Montenegrin EIA and SEA Laws to be implemented from 2008.

Comments by Tunisia

Paragraph 1: add "each State Party shall ensure that"

It would therefore read:

1. Taking into account the fragility of coastal zones, each State Party shall ensure that the content of the environmental impact studies for public and private works and activities which may affect the environment of the coastal zone must be reinforced, to take into consideration the specific sensitivity of this environment, its carrying capacity and the inter-relationship between the maritime and land areas.

Instead of:

1. Taking into account the fragility of coastal zones, the content of the environmental impact studies for public and private works and activities which may affect the environment of the coastal zone shall be reinforced, taking into consideration the specific sensitivity of this environment, its carrying capacity and the inter-relationship between the maritime and land areas.

Article 18 -Land ownership

Comments by Croatia

On Article 18 we would like to inform that the mechanism for the acquisition of land for public ownership already exists in Croatia, it is related for the protected areas by Nature Protection Act. Cession to public domain is regulated; 6 meters from the coastline are considered public maritime good which cannot be in anybody's ownership. In Croatia, a separate Expropriation Act (OG 9/94, 35/94 and 114/01) and Construction Act (OG 175/03, 100/04) regulate expropriation for buildings of interest for the State, particularly in relation to infrastructure. It is important to point out that any new urban development in the Croatian coastal zone is regulated by specific physical plans.

Comments by Cyprus

Reference to: *may impose easement on properties* is constitutionally, politically and economically problematic

Comments by Israel

Most land along the coastal area is public ownership, including the seashore area. Israeli law regulated land ownership to include legal arrangement and mechanism for the acquisition of land for public practices. The existing procedures are controversial as they are in conflict with basic legal right of private ownership. Any attempt to introduce provisions in the protocol concerning this subject matter may raise problems.

Comments by Serbia and Montenegro

It is defined by the Law on Coastal Zone that the coastal zone is state owned and that private ownership in the coastal zone is guaranteed. the Law on expropriation defines the procedure of acquisition of land for public ownership if it is defined that is of a greater public good. This procedure have been used for the purposes of building roads or objects of public interest, such as schools or hospitals, however, it was not practice to expropriate private land for the purpose of natural protection in Montenegro. In that sense, the instruments for acquisition of land for public ownership would be of a great benefit for Montenegro.

Comments by Spain

Paragraph 1

There are some organizations in Europe that have mechanism for land incorporation to coastal zone. The implementation of such rules would be desirable to establish in this protocol.

Paragraph 2

The incorporation of easement rights, that are included in Spanish Shore Act, would be desirable.

Comments by Tunisia

Add the phrase “and control of any further urbanization” in the heading of this Article and include a paragraph specifying the need to protect and manage certain coastal areas through property acquisition or the establishment of conditions specifying the uses, management systems and preservation of these areas.

Article 19-Economic and financial instruments

Comments by Croatia

Article 19 stipulates introduction of the appropriate financial and economic instruments which will necessarily contribute to the implementation of all the necessary measures for protection and preservation of this specific zone. In Croatia, similar financial elements and economic instruments are stipulated by the provision of Islands Act. We have already established charges and contributions that are used for the protection of environment: water charges, municipal services' charges, contributions and as of

recently important charges that are collected by the Environmental Protection and Energy Efficiency Fund.

Comments by Serbia and Montenegro

When the Parliament of Montenegro in 1992 adopted the Coastal Zone Law, and set up the Public Enterprise for the management of the coastal zone, some of the economic and financial instruments were set at that time. The institution set up to manage the use of the coastal zone is set up to be self-financed, earning income from renting of the coastal zone. The rent is the income of the institution and is to be reinvested into the coastal zone. All the annual income is to be reinvested into the coastal zone. Therefore, economic instruments are necessary for the Integrated coastal zone management.

Comments by Spain

Paragraph 1

Coastal strategies must be defined at national, regional, and local level. The links between them must be defined.

After article 19 it seems to be a good policy to establish law development and law implementation in the different levels of governments. Governance aspects must be introduced.

PART IV INTERNATIONAL COOPERATION

Article 20 Training and research

Comments by Tunisia

Paragraph 2: line 2: add the term “applied”

It would therefore read:

2. “The Parties undertake, directly or with the assistance of the Centre or the international organizations concerned, to promote scientific, technical and applied research into integrated coastal zone management, particularly through the exchange of scientific and technical information and the coordination of their research programmes.

Instead of:

2. “The Parties undertake, directly or with the assistance of the Centre or the international organizations concerned, to promote scientific and technical research into integrated coastal zone management, particularly through the exchange of scientific and technical information and the coordination of their research programmes.

Article 21- Scientific and technical assistance

No comments were provided

Article 22- Exchange of information and demonstration projects

Comments by Spain

Coastal indicators must be introduced strictly and in depth. Project demonstrations must be introduced at national, regional, and local levels.

Article 23- Natural disasters

Comments by Spain

Paragraph 3
Cooperation must be included at regional level.

Comments by Tunisia

Paragraph 3:

Take Article 13 of the Protocol concerning Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution of the Mediterranean Sea, done in Valletta on 25 January 2002, and adapt it to the context of the Protocol on the Integrated Management of Mediterranean Coastal Zones.

Article 24- Transboundary cooperation

Comments by Croatia

Concerning Article 24 we believe that there are no difficulties and that there should not be any related to coordination of our national coastal strategies, plans and programs for management of the coastal zone with the neighbouring countries. Some of our protected areas (Delta of Neretva River) have already been transboundary connected with the protected areas in the neighboring countries. In such a case, management plan and nature protection measures are established in mutual agreement with the respective countries. There are joint activities in a number of projects aiming at Adriatic Sea and coastal zone protection with the neighbouring countries. There are experiences in the implementation of joint EIAs related to the activities in connection to the coastal zone.

Comments by Egypt

The consultations between countries could be sometimes problematic, many issues from these articles are regulated by other international conventions and they not be

specifically mentioned here. We suggest that this protocol can refer to the importance and principles of EIA to coastal zone. Other protocol can be developed by MAP specially target and regulate the cooperation between Barcelona convention Parties in EIA and SEA.

Comments by Serbia and Montenegro

The coastal region of Montenegro is bordering with Albania and Croatia, and Italy across the Adriatic. So far we did not have specific cross border projects on the coast. However, we believe that transboundary cooperation as set by the article 24 is necessary for the Integrated coastal zone management on national and international levels.

In sense of transboundary cooperation and in general regional cooperation the ICAM Protocol will be important obligatory legal act that will provide basis for more decisive action in the field of integrated costal zone management at national, as well at regional level.

Article 25-Transboundary impact studies and strategic assessment

Comments by Egypt

Transboundary cooperation & EIA , SEA : the consultations between countries could be sometimes problematic, many issues from these articles are regulated by other international conventions and they not be specifically mentioned here. We suggest that this protocol can refer to the importance and principles of EIA to coastal zone. Other protocol can be developed by MAP specially target and regulate the cooperation between Barcelona convention Parties in EIA and SEA.

Comments by Tunisia

Paragraph 1: (grammatical correction - only concerns the French version)

Paragraphe 1 : remplacer «le terme « elles » par « eux » ;

Ainsi on lira :

1. Les États Parties décident de coopérer **entre eux** pour évaluer l'impact sur l'environnement des activités, plans et programmes concernant la zone côtière relevant de leur juridiction qui sont susceptibles de porter un préjudice important aux zones côtières d'autres États ou au milieu marin de la mer Méditerranée, par le biais de notifications, d'échanges d'informations et de consultations.

Au lieu :

1. Les États Parties décident de coopérer **entre elles** pour évaluer l'impact sur l'environnement des activités, plans et programmes concernant la zone côtière relevant de leur juridiction qui sont susceptibles de porter un préjudice important aux zones côtières d'autres États ou au milieu marin de la mer Méditerranée, par le biais de notifications, d'échanges d'informations et de consultations.

PART V INSTITUTIONAL PROVISIONS

Article 26 -Focal Points

No comments were provided

Article 27-Reports

Comments by Tunisia

Add the list and coordinates of the competent national authorities and indicate their role in the context of this Protocol.

Article 28-Institutional arrangements

Comments by Cyprus:

“Coordinate the management of transboundary coastal zone” – issue of national jurisdictions.

Comments by Egypt

Institutional arrangement, first Paragraph (non-governmental organization) most probably its International organization, because dealing with NGO is the pure responsibility of each country

Article 29-Meetings of the Parties

No comments were provided

PART VI FINAL PROVISIONS

Article 30-Relationship with the Convention

No comments were provided

Article 31-Relations with third Parties

No comments were provided

Article 32-Final provisions

No comments were provided

