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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 involving experts and all stakeholders for its consideration by the 14th Meeting of the Contracting Parties 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, considering also the gaps existing in this field.

As a result, a draft text of a regional protocol on ICAM 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 Contracting Parties decided “ *to take note of the draft text of the Protocol on ICAM prepared by the Secretariat*” and “ *to establish a Working Group of experts designated by the Contracting Parties to develop a draft text of the Protocol on ICAM with a view to its consideration and possible approval by the 15th Meeting of the Contracting Parties in 2007 and to convene a diplomatic conference for its adoption to be held immediately following the 15th Meeting of the Contracting Parties*”.

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 has been circulated to the Contracting Parties requesting them to submit in writing comments or proposals. The draft text of the Protocol is presented as **Annex I** to this document.

Proposals and comments were received from a number of Contracting Parties namely: Albania, Algeria, Croatia, Egypt, EC, Israel, Tunisia and Serbia and Montenegro. Their comments are mostly of a general nature addressing mainly the principles of the future Protocol and its structure. There are, however, a number of proposals that specifically refer to the substance of certain Articles of the present draft text of the Protocol.

Proposals and comments made by the Contracting Parties are presented in **Annex II** to this report. Comments and proposals with respect to specific Articles of the present draft text of the Protocol are indicated as footnotes in each respective Article

mentioning also the proposing Contracting Parties. The texts of the comments and proposals referring to specific Articles are presented in **Annex III** to this document.

Furthermore, in view of bringing the present draft text of the Protocol in line with the language, terminology, format and the legal requirements of the Barcelona Convention and its Protocols, a number of changes have been incorporated by the Secretariat. These changes are **in bold** for easy reference by members of the Working Group. The above amendments do not touch upon the substance, principles and the core elements of the present draft text of the Protocol but they are required for the sake of formal consistency with the Barcelona Convention and its Protocols.

In conclusion, the Secretariat proposes that the attached draft text of the Protocol, presented in **Annex I**, be used as the basis for discussion by the first meeting of the Working Group of Legal and Technical Experts on the ICAM Protocol, together with the general and specific comments and proposals submitted by the Contracting Parties and attached to **Annex II** and **III** to this document.

ANNEX I

DRAFT PROTOCOL ON THE INTEGRATED MANAGEMENT OF MEDITERRANEAN COASTAL AREAS

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 Art. 4 (3)(e) and 4(5) of the said Convention,

Considering that the coastal zone of the Mediterranean Sea is the common natural and cultural heritage of the peoples of the Mediterranean and that it should be 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 equilibrium and desirous to halt and reverse the process of coastal degradation,

Worried by the risks menacing coastal zones due to climate change, which is likely to result, among others, in a rise in sea level, and aware of the need to adopt preventive measures to reduce the impact of natural phenomena, such as tidal waves,

Convinced that, as an irreplaceable ecological and economic resource, the planning and management of the coastal zone with a view to its sustainable development requires a specially adapted global approach and an integrated management system at the level of the Mediterranean basin as a whole and its coastal States, taking into account their diversity and 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,

Benefiting from the experiences acquired in the integrated management of coastal zones and taking into account the Recommendation of the European Parliament and of the Council of 30 May 2002 concerning the implementation of Integrated Coastal Zone Management Strategy in Europe,

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 as well as the Mediterranean Sustainable Development Strategy adopted in Portoroz in 2005.**

Resolved to strengthen at the regional level the efforts made by coastal States and determined to stimulate 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 to ensure coherence in the application of the provisions of the Convention and its Protocols with regard to integrated coastal zone management,

Have agreed as follows:

PART I GENERAL PROVISIONS

Article 1 General Obligations

In conformity with the general principles of 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 Definitions¹

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.

¹ See comment by Albania.

Article 3 **Geographical coverage**²

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

(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 external limit of local coastal administrative units.

2. If, within the limits of its jurisdiction, a Party decides to establish 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 closer to the coast;

(b) the landward limit is different, either more or less than the territorial limits of local coastal administrative units on the basis of pertinent reasons such as the ecosystem approach, the economic and social **criteria** or the specific situation of islands.

3. The local coastal administrative units, populations and the various actors concerned shall be informed of the geographical coverage of this Protocol by the Parties.

Article 4 **Preservation of rights**³

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.

² See comments by Algeria, Croatia, EC, Israel and Serbia and Montenegro and proposal by Egypt.

³ See proposal by Tunisia.

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.

PART II

PRINCIPLES AND ELEMENTS OF INTEGRATED COASTAL ZONE MANAGEMENT

Article 5

General principles and objectives of integrated management⁴

1. The Parties shall ensure that the integrated management of their coastal zone is based on the following principles and objectives:

(a) the coastal zone shall be managed as an area of sustainable and environmentally friendly development through a global and concerted approach based on the perception of the coastal zone as a single entity and taking into account its carrying capacity;

(b) the interaction and interdependence between the maritime part and the land part of the coastal zone shall be systematically taken into consideration and integrated in national and local coastal plans and programmes;

(c) the coordination of all administrative decision-making levels and coherence between all integrated coastal zone management instruments shall be ensured by the various public authorities at both the national and the local levels;

(d) the prevention and management of risks and damage resulting from natural disasters and climate change shall be taken into account in the various integrated coastal zone management instruments;

(e) a balance shall be achieved between the protection of natural resources and the economic and social development of the coastal zone;

(f) the coastal zones shall be protected against degradation and the integrity of coastal ecosystems shall be preserved;

(g) the generation of waste shall be reduced to a minimum and the environmentally sound disposal of waste shall be ensured;

(h) the various uses of coastal zones shall be made mutually compatible by ensuring that priority is accorded to public services and professional activities which depend directly on the sea;

(i) the use and sharing of natural resources shall be based on equitable and sustainable management criteria and priority shall be accorded to local populations insofar as possible;

⁴ See comments by Israel and Serbia and Montenegro.

(j) the role of local populations shall be recognized, taking into account traditional local practices that are compatible with the respect for natural resources and coastal ecosystems.

2. The **Parties shall also ensure** that these principles and objectives shall be covered by an appropriate information policy.

Article 6 **Institutional coordination**⁵

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.

Article 7 **Protection and use of the coastal zone**⁶

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 fringe 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;

⁵ See comments by Croatia, EC, Israel, Serbia and Montenegro and proposal by Tunisia.

⁶ See comments by Albania, Croatia, Serbia and Montenegro and proposal by Tunisia.

- (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 activities**⁷

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.

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.

⁷ See comments by Albania, Algeria, Croatia, Israel, Serbia and Montenegro and proposal by Tunisia.

(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 ecosystems⁸**

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

1. Coastal landscapes

⁸ See comments by Egypt and Serbia and Montenegro.

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

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 erosion⁹

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 heritage¹⁰

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.

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 Participation¹¹

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:

⁹ See comment by Serbia and Montenegro.

¹⁰ See comments by Egypt on 11, 2 (c) and Serbia and Montenegro.

¹¹ See comments by Albania, Croatia and Israel

- 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

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.

PART III

INSTRUMENTS FOR INTEGRATED COASTAL ZONE MANAGEMENT

Article 14

Observatories, inventories and networks¹²

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.

¹² See comments by Croatia, Egypt and proposal by Tunisia.

Article 15
Mediterranean Strategy for Integrated Coastal Zone Management¹³

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 programmes¹⁴

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

Article 17
Environmental assessment¹⁵

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.

¹³ See comments by Croatia and Israel.

¹⁴ See comments by Croatia, Israel, Serbia and Montenegro and proposal by Tunisia

¹⁵ See comments by Israel, Serbia and Montenegro and proposal by Tunisia.

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.

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.

¹⁶ See comments by Croatia, Israel, Serbia and Montenegro and proposal by Tunisia.

¹⁷ See comments by Croatia, Israel and Serbia and Montenegro.

¹⁸ See proposal by Tunisia.

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 **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.

Article 23 **Natural disasters**¹⁹

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.

¹⁹ See proposal by Tunisia.

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**²⁰

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**²¹

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:

(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

²⁰ See comments by Croatia, Egypt and Serbia and Montenegro.

²¹ See comments by Egypt and proposal by Tunisia.

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 ²²

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.

²² See comment by Tunisia.

Article 28 **Institutional arrangements**²³

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.

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*:**

²³ See comment by Egypt.

- (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 at**on..... 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

General comments by Contracting Parties

Albania

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.

Reference should also be made to the flexibility of the territory of the "coast or coastal zone" in the management of sources of pollution from catchement areas, such as urban or industrial wastewater and solid 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 administrating, 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.

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.

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.

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.

ANNEX III

Specific comments and proposals by Contracting Parties

Article 1 -General Obligations

No comments were provided

Article 2- Definitions

Comment 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;

Article 3 - Geographical coverage

Comment by Algeria

L'approche écosystémique devrait être privilégiée dans la délimitation des zones côtières et du littoral, et de ce fait, on devrait reconsidérer le territoire en intégrant les communes et municipalités limitrophes aux écosystèmes existant sur ces territoires, tels les massifs forestiers, les zones humides, les sites naturels et remarquables, d'intérêt écologique, paysager.

Sur le plan de délimitation et avec l'expérience que nous avons sur terrain, l'approche écosystémique doit également être prise en compte dans la délimitation des zones côtières ou le littoral et de ce fait appel à la reconsidération du territoire en intégrant les communes limitrophes aux différentes écosystémique qui existent dans le domaine littoral ou domaine des zones côtières tel que massifs forestiers, les zones humides et les zones naturelles d'intérêt écologique, paysager et remarquable.

Comment 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 Gazette 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"

Comment by the EC

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.

Proposal 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 "

Comment 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.

Comment 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.

Article 4 - Preservation of rights**Proposal by Tunisia**

Modifier le paragraphe 4 de l'article 4 de manière à intégrer les équipement de sécurité dans les exceptions à prévoir dans cet article . Ainsi on lira :

4. « Rien dans le présent Protocole ne porte atteinte aux activités et installations affectées à la défense nationale **et à la sécurité nationale** »; Au lieu de : Rien dans le présent Protocole ne porte atteinte aux activités et installations affectées à la défense nationale;

PART II**PRINCIPLES AND ELEMENTS OF INTEGRATED COASTAL ZONE MANAGEMENT****Article 5- General principles and objectives of integrated management****Comment 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".

Comment 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.

Article 6-Institutional coordination

Comment 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.

Comment 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.

Comment 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.

Proposal by Tunisia

Paragraphe 1 :

Il est préférable de rectifier le terme « éviter » par le terme encadrer dans le cadre de la coordination.

Ainsi on lira :

1. Les États Parties instituent, si besoin est, des organes appropriés et font en sorte qu'une coordination interministérielle permette d'encadrer les approches sectorielles et facilite les approches globales.

Au lieu de : Les États Parties instituent, si besoin est, des organes appropriés et font en sorte qu'une coordination interministérielle permette d'éviter les approches sectorielles et facilite les approches globales.

Paragraphe 2 et 3 :

Ajouter la terminologie « développer » dans les deux paragraphes 2 et 3 puisqu'il s'agit de développer une approche et de l'organiser.

Ainsi on lira :

2. Les États Parties développent et organisent une coordination appropriée entre les différentes autorités maritimes et terrestres ...

3. Les États Parties développent et organisent une coordination étroite entre autorités nationales et entités locales ou régionales dans le domaine des stratégies, plans et programmes côtiers... .

Au lieu de :

2. Les États Parties organisent une coordination appropriée entre les différentes autorités maritimes et terrestres

3. Les États Parties organisent une coordination étroite entre autorités nationales et entités locales ou régionales dans le domaine des stratégies, plans et programmes côtiers

Paragraphe 4 :

S'agissant d'engagement des parties, le protocole ne peut prévoir un engagement au niveau local ; on peut tout simplement les organiser pour renforcer le processus.

Ainsi on lira :

4. Les États Parties veillent à ce que les entités locales et régionales des zones côtières soit organisées pour renforcer la cohérence et l'efficacité des stratégies, plans et programmes côtiers mis en place.

Au lieu de : Les entités locales et régionales des zones côtières doivent, autant que faire se peut, se regrouper pour renforcer la cohérence et l'efficacité des stratégies, plans et programmes côtiers mis en place.

Article 7-Protection and use of the coastal zone

Comment by Albania

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

Comment 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.

Comment 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).

Proposal by Tunisia

Lire : « A cet effet les Etats Parties »

Au lieu de : « A cet effet les autorités compétentes ».

Par ailleurs, il est important de différencier dans cet article les zones urbaines qui sont aménagées le long de la côte et qui sont couvertes par un plan d'aménagement et les zones non couvertes par un plan d'aménagement et donc non occupées et pouvant être préservées.

Ainsi au niveau des zones non couvertes actuellement par des plans d'aménagement urbain la bande inconstructible peut être fixée à 100 mètres minimum. Mais au niveau des zones couvertes actuellement par des plans d'aménagement urbain et qui est actuellement occupée par l'urbanisation il faudrait prévoir une bande inconstructible plus réduite qui devrait être gérée selon les lois en vigueur dans les pays contractants.

Pour le paragraphe a : différencier entre les zones urbanisées et les zones non urbanisées :

a) Constituent, à compter du niveau atteint par le plus grand flot d'hiver, une bande de terre inconstructible et en fixent la largeur qui ne pourra être inférieure à [100 mètres] ; et ce au niveau des zones côtières non occupées actuellement par l'urbanisation

a ') Constituent, à compter du niveau atteint par le plus grand flot d'hiver, une bande de terre inconstructible et en fixent la largeur qui ne pourra être inférieure à [25 mètres] ; et ce au niveau des zones côtières occupées actuellement par l'urbanisation. L'extension d'une zone urbaine le long du littoral respectera le paragraphe « a » de cet article.

Au lieu de :

a) Constituent, à compter du niveau atteint par le plus grand flot d'hiver, une bande de terre inconstructible et en fixent la largeur qui ne pourra être inférieure à [100 mètres] ;

Pour les paragraphes c , d : Ajouter la phrase suivante : « par la promulgation de lois spécifiques »

Ainsi on lira :

c) Limitent le développement linéaire des agglomérations le long de la côte, par la promulgation de lois spécifiques ;

- d) Évitent la création de routes nouvelles le long de la côte ; par la promulgation de lois spécifiques

Article 8 - Economic activities

Comment 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;

Comment 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.

Comment 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.

Comment 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.

Comment 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.

Proposal by Tunisia

6. Ports, infrastructures et ouvrages maritimes :

Eliminer le terme « interdits » puisque l'interdiction est une mesure réglementaire.

Ainsi on lira :

b) Tous travaux affectant le sol ou le sous-sol de la partie maritime de la zone côtière, y compris la construction de récifs artificiels, digues, épis ou plages artificielles devront être réglementés en vue d'en limiter les impacts sur les écosystèmes côtiers et les effets directs ou indirects sur l'érosion.

Au lieu de :

b) Tous travaux affectant le sol ou le sous-sol de la partie maritime de la zone côtière, y compris la construction de récifs artificiels, digues, épis ou plages artificielles devront être réglementés ou interdits en vue d'en limiter les impacts sur les écosystèmes côtiers et les effets directs ou indirects sur l'érosion.

Article 9- Specific coastal ecosystems

Comment 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.

Comment 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.

Article 10-Coastal erosion**Comment 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.

Article 11-Cultural Heritage**Comments by Egypt**

Para 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.

Comment 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**Comment by 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.

Comment 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.

Comment 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.

Article 13

Awareness-raising, training, education and research

No comments were provided.

PART III

INSTRUMENTS FOR INTEGRATED COASTAL ZONE MANAGEMENT

Article 14

Observatories, inventories and networks

Comment 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.

Comment by Egypt

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

Comment by Tunisia

Préciser que l'observatoire doivent aussi collecter les données relatives au milieu marin.

Article 15- Mediterranean Strategy for Integrated Coastal Zone Management

Comment 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.

Comment 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.

Article 16-National coastal strategies, plans and programmes

Comment 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.

Comment 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.

Proposal by Tunisia

Paragraphe 1 : ajouter le terme « de cette stratégie »

Ainsi on lira :

1. Chaque Etat Partie élabore une stratégie nationale de gestion intégrée des zones côtières ainsi que des plans et programmes côtiers de mise en œuvre de cette stratégie dans le respect des objectifs et principes de gestion intégrée du présent Protocole.

Au lieu de :

1. Chaque Etat Partie élabore une stratégie nationale de gestion intégrée des zones côtières ainsi que des plans et programmes côtiers de mise en œuvre dans le respect des objectifs et principes de gestion intégrée du présent Protocole.

Comment by Israel

1. 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
2. Marine Pollution Prevention Fund, which generates resources (fees, fines, budget and donations) for combating marine and coastal pollution and for cleanup operations.
3. A Cleanliness Maintenance Fund, whose resources include fees and fines imposed under various environmental laws, to finance a broad range of environmental activities.
4. A Coastal taxation under the new coastal law is now under preparation.

Article 17-Environmental assessment

Comment by Serbia and Montenegro

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

Comment 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.

Proposal by Tunisia

Paragraphe 1 : ajouter « Chaque Etat Partie veillera à ce que »

Ainsi on lira :

1. Compte tenu de la fragilité des zones côtières, chaque Etat Partie veillera à ce que le contenu des études d'impact des travaux et des activités publiques et privées pouvant affecter l'environnement de la zone côtière doit être renforcé pour prendre en considération la sensibilité particulière de ce milieu, sa capacité de charge et l'interrelation entre les espaces maritimes et terrestres.

Au lieu de :

1. Compte tenu de la fragilité des zones côtières, le contenu des études d'impact des travaux et des activités publiques et privées pouvant affecter l'environnement de la zone côtière doit être renforcé pour prendre en considération la sensibilité particulière de ce milieu, sa capacité de charge et l'interrelation entre les espaces maritimes et terrestres.

Article 18 -Land ownership

Comment 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 coast line 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.

Comment 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.

Comment 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.

Proposal by Tunisia

Ajouter la phrase « contrôle de toute urbanisation nouvelle » pour l'intitulé de l'article et prévoir un paragraphe pour spécifier la nécessité de protéger et de gérer certains espaces littoraux au moyens de l'acquisition foncière ou l'établissement d'un cahier des charges qui fixe les usages, les modes de gestion et de préservation ces espaces.

Article 19-Economic and financial instruments

Comment 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.

Comment by Israel

1. 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.

Comment 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 the 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.

**PART IV
INTERNATIONAL COOPERATION**

**Article 20
Training and research**

Proposal by Tunisia

Paragraphe 2 : Ligne 2 : Ajouter le terme « appliquée » .

Ainsi on lira :

2. Les Parties s'engagent, directement ou avec l'aide du Centre ou des organisations internationales concernées, à promouvoir la recherche scientifique technique et appliquée sur la gestion intégrée des zones côtières, en particulier en échangeant des renseignements d'ordre scientifique et technique et en coordonnant leurs programmes de recherche.

Au lieu de :

2. Les Parties s'engagent, directement ou avec l'aide du Centre ou des organisations internationales concernées, à promouvoir la recherche scientifique et technique sur la gestion intégrée des zones côtières, en particulier en échangeant des renseignements d'ordre scientifique et technique et en coordonnant leurs programmes de recherche.

Article 21- Scientific and technical assistance

No comments were provided

Article 22- Exchange of information and demonstration projects

No comments were provided

**Article 23
Natural disasters**

Proposal by Tunisia

Paragraphe 3 :

Reprendre l'Article 13 du Protocole relatif à la Coopération en Matière de Prévention de la Pollution par les navires et, en cas de situation critique, de lutte contre la pollution de la mer Méditerranée adopté à La Vallette le 25 janvier 2002, pour l'adapter au contexte du protocole de Gestion Intégrée des Zones Côtière.

Article 24 Transboundary cooperation

Comment 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.

Comment 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.

Comment 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

Comment 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.

Proposal by Tunisia

Article 25 : Études d'impact et évaluations stratégiques trans-frontières

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

Comment by Tunisia

Ajouter la liste et coordonnées des autorités nationales compétentes et préciser leur rôle dans le cadre de ce protocole.

Article 28-Institutional arrangements

Comment 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

