

Introduction

1. The Meeting on Legal and Management Instruments for the Protection of the Mediterranean Coasts was held in Sevilla (Spain), on 12-15 December 2001, at the Fundación de las Tres Culturas (Foundation of the Three Cultures), at the kind invitation of the regional government of Andalucía.

Participants

2. The following Contracting Parties to the Convention for the Protection of the Mediterranean Sea against Pollution and its Protocols were represented at the meeting: Albania, Bosnia & Herzegovina, France, Greece, Israel, Italy, Libyan Arab Jamahiriya, Malta, Morocco, Slovenia, Spain, Tunisia and Turkey.

3. The Regional Activity Centre for the Priority Actions Programme (PAP/RAC) and the Regional Activity Centre for Specially Protected Areas (SPA/RAC) were also present.

4. The World Conservation Union (IUCN) was represented by an observer.

5. The following bodies were also represented by observers: Consejería de Presidencia Junta de Andalucía, Consejería de Medio Ambiente Junta de Andalucía, Generalitat de Catalunya, Govern de Balears, Direcció General Medio Natural Murcia, Empresa de Gestió Medio Ambiental (EGMASA), Fundació de las Tres Culturas.

6. The List of Participants is attached as **Annex I** to the present report.

Agenda item 1: Opening of the meeting

7. Mr Humberto Da Cruz, Programme Officer at MEDU, was representing the Coordinating Unit of the Mediterranean Action Plan and acted as Secretary of the meeting. He thanked the Regional Government of Andalucía for their hospitality and welcomed the participants.

8. Ms. Fuensanta Coves Botella, Minister for Environment of the Regional Government of Andalucía, welcomed also the participants on behalf of the regional government. She apologized for not being able to spend a longer time in the meeting, but she expressed the wish that the meeting would be constructive for the protection of the Mediterranean coasts.

Agenda item 2: Rules of procedure

8. The meeting decided that the Rules of procedure for Meetings and Conferences of the Contracting Parties to the Convention for the Protection of the Mediterranean Sea against Pollution and its Protocols would apply *mutatis mutandis* to its deliberations.

Agenda item 3: Election of officers

9. In accordance with Rule 20 of the Rules of procedure and after informal consultations, the meeting unanimously elected the following Bureau:

Chairperson:	Mr Giuliano Fierro (Italy)
Vice-chairperson:	Ms Souhir Karaouli (Tunisia)
Rapporteur:	Mr Fernando Molina (Spain).

Agenda item 4: Adoption of the agenda and organization of work

10. The meeting adopted the provisional agenda contained in document UNEP(DEC)/MED WG. 195/1. The Agenda is attached as **Annex II** to this report.

11. The Secretariat stressed the importance of the visit to Cabo de Gata Natural Park, scheduled for the last day of the meeting, 15 December 2002, pointing out that it would be a unique opportunity for discussion in a place where conservation management was combined with tourist development and fishing activities. Mr. Da Cruz informed the meeting that this area had been declared a Special Protected Area of Mediterranean Importance (SPAMI) in November 2001, during the Contracting Parties meeting in Monaco.

Agenda item 5: Activities for coastal protection in the Mediterranean context

11. The President took the floor, inviting Mr. Da Cruz to introduce the presentations scheduled under this agenda item .

12. Mr. Da Cruz presented the activities of MAP related to the protection and sustainable management of coastal areas.

13. Mr. Marko Prem, Deputy Director of PAP/RAC, expressed the apologies of the Director of the Centre, Mr. Ivica Trumbic, who was not able to attend the meeting, and made a presentation of the integrated management of coastal areas in the Mediterranean: balance and prospects.

14. Mr. Mohammed Adel Hentati, Director of SPA/RAC, introduced the activities related to the declaration and management of marine and coastal protected areas in the Mediterranean.

15. Mr. José Juste, an expert from the University of Valencia, emphasized the importance of the legal framework for coastal protection in the Mediterranean basin.

16. Mr. Pierre Bougeant, an expert from the "Conservatoire du Littoral" of France, presented the experience of his organization.

17. Mr. Fernando Molina, apologized on behalf of the General Director of the Protected Areas Network of Andalucía, who was in the Regional Parliament and consequently was not able to attend the meeting during the first day. He introduced the policies for protected areas in Andalucía as a motor for sustainable development programmes.

18. At the ensuing general debate, several representatives expressed their wish to have more information on the touristic and archaeological interest of Cabo de Gata, and whether the economic resources of Andalucía were sufficient for the coastal protection. In response, the representative of Andalucía said that one could always say that economic resources were never enough, but there were priorities for the coastal protection. A considerable number of areas had been protected by law or decree in Andalucía and the economic resources were sufficient for the current activities. He added that some restoration activities were being developed and noted that the whole Spanish coast was public-owned.

19. Mr. Molina was requested to specify the invested funds in coastal protection in Andalucía, and which part of the Spanish coast had firstly received the tourist pressure coming from the big cities, especially from Madrid.

20. Concerning the coast of Andalucía, Mr. Molina said that it was Costa del Sol the first and most affected part, especially from the 60's, when a strong uncontrolled urban development started. Speaking about the whole Spanish coast, it was mainly the eastern part the most affected. Building had been planned even in Doñana National Park, including the construction of a road inside the protected area, which was fortunately cancelled in the 80's.

21. Mr. Galante, President of the Spanish Committee of IUCN, stated that the Spanish coast had been historically considered as a tourist service for the rest of Europe, and that this would become a serious problem unless the tourist policy was deeply modified. He would like to know whether there was any relationship between the Mediterranean Commission of the IUCN and MAP. If not, he believed that this should be rectified in the future, for arriving at a common programme.

22. Mr. Da Cruz emphasized that there was a collaboration with all partner organizations of MAP. At the request of the NGOs, different categories had been established for this cooperation, and IUCN was one of the organisations which had programmes of collaboration with the MAP, especially in the biodiversity field. He suggested that the recently inaugurated Mediterranean Office of IUCN could be the focal point for this collaboration.

23. Mr. Hentati, Director of SPA/RAC, stated that IUCN tools and approach had been applied in this institution. SPA/RAC had elaborated a report together with the Director of the Mediterranean Office in Málaga, for the management of the natural resources. In his opinion, IUCN approach was wider, having extended the MAP criteria to non-coastal areas and having established a marine-continental relationship. He believed that it would be desirable to use the same approach, and suggested that the Office in Malaga could be in charge of this. The Office should also tackle some issues like biodiversity and the biological aspects of fishing. He stressed that they were working jointly in concrete and defined actions.

24. The representative of Italy stressed the importance of biological aspects and international scientific cooperation for the protection of coasts. He also remarked that the development and growing of marine protected areas in his country is mainly due to a policy of marine fauna and flora protection which has stimulated the production of the related national thematic cartography. In particular the *Posidonea oceanica* meadow atlas, has sensitized the public opinion, the public authorities, institutions and the fishing operators, to the fact that for such areas a new approach is needed, governing the relations among environment, legislative system and sectoral enterprises.

25. Mr. Juste pointed out that in general terms, the Mediterranean had been quite productive in regulations, but concerning coastal management there were no international or regional rules. Each State was free for adopting measures and some countries or regions had adopted imaginative regulations (as it was the case of France). However, in the meeting it had been noticed that some regions were behind in this sense. Valencia was an example of this, with an urban law focussing only in the productivity. Several participants raised the question of the need to promote regulations for an integrated management for the coasts of the Mediterranean countries, with a minimum of common restrictive measures. Other participants asked whether it would be better to let the States act according to their own interests.

26. The representative of France expressed the opinion that there were available instruments that had not been efficiently used, like the eco-tax, and that it would be desirable to transform the concept from "the polluter pays" to "the user pays". He pointed out the fact that most tour-operators were foreigners, and subsequently the benefits were not for local people.

27. The Director of SPA/RAC, Mr. Hentati underlined the question posed by Mr. Juste, as the core issue of the meeting. He was wondering whether one should think of a protocol for the Mediterranean with some minimum regulations to ensure the coastal protection. Laws and regulations already existed but they were applied in a very low level. He was of the opinion that it was necessary to arrive to certain techniques that could facilitate the applicability of these regulations and protocols.

28. The representative of Catalunya noted that it would be necessary to recognize once again that the problem of the implementation of the Barcelona Convention was based on the small number of ratifications by the Contracting Parties. He compared the situation with the huge delay in the implementation of the Habitats Directive and Natura 2000 Network in the European Union. In his opinion, protection would always fail if not having a positive effect on the well-being of the local population.

29. The representative of Israel felt that emerging new laws should be combined with other aspects, like the economic problems. Ministries other than Environment could interpret regulations as threats, and it was important to make them understand that the particular regulations were not against them.

30. The representative of Greece agreed on the necessity of reinforcing and implementing what already existed. However, the policy that is being implemented is still rather sectoral, rendering the promotion of regulations for the integrated management of coastal areas, necessary. She referred to the difficulties of such an approach using the case of EU as an example, where long discussions had taken place in respect to the adoption of a Directive, or Regulation for the Integrated Coastal Zone Management (ICZM). The difficulties were related among others with the differences in the legislation among countries and the differences in terms of environmental and socio-economic conditions. The implementation of a European Demonstration Program for the ICZM contributed to the elaboration of a European Strategy for ICZM, which provided principles and guidelines for ICZM. A similar approach could be useful for the Mediterranean region. The elaboration of a Strategy for ICZM could provide the basis for promoting ICZM, while in the longer run the use of regulatory tools for ICZM could be also sought.

31. Mr. Juste wondered whether the meeting was convinced of the urgency of preventive measures and the importance of the problems in the Mediterranean coast, especially the urbanisation. He emphasized that there were many difficulties, resulting from different legislation in the different countries, but he stressed the fact that there was the same problem with the marine pollution from land-based sources and he referred to the LBS protocol which was adopted in 1980. He agreed with the representative of Greece, that it would be better to start with some guidelines or regulations that could at least let the process start.

32. The representative of the regional government of Murcia noted that only the environmentalists spoke about protection, while tourist and infrastructure sectors did not care about the issue, and in her opinion, other sectors should be involved in the process. She pointed out that two sectorial instruments were being used for a global policy, and after having overcome the "island" concept in protected areas, still quite reduced protected areas were being designated. She added that theory was advancing but practice not. She also emphasized that more practical strategies are necessary as well as a more strict implementation of protocols and conventions.

33. The representative of Italy felt that decentralisation was a very dangerous issue and that a step forward should be made, concerning the protocol on protected areas. He noted that the implementation of the eco-tax should be discussed in depth.

Agenda item 6: Presentation of the status of coastal protection policies

34. The Secretariat introduced the presentations of the representatives of the different countries. There were some changes in the programme, due to the absence of the representatives from Algeria, Croatia, Egypt, Monaco and Syria. In the first session, the representatives of Morocco, Tunisia, Israel, Turkey, Albania and Bosnia & Herzegovina, presented the status of coastal protection policies in their respective countries, while in the second session the representatives of Slovenia, Greece, Malta, Italy, France and the Libyan Arab Jamahiriya made their presentations.

35. The Secretariat introduced a round table discussion on coastal protection in Spain, chaired by Mr. Eduardo Galante, President of the Spanish Committee of IUCN. He conveyed the apologies of the representative of the Direction General of Coasts, who was not able to attend the meeting. He opened the discussion with an introduction on the history of the Spanish coasts and wondered what were the main problems for conservation of the Spanish coasts, especially concerning legislation and its implementation.

36. The representatives of the regional governments of Andalucía, Catalunya, Murcia and Baleares referred to the problems of coastal protection in their respective regions. Mr. Galante summarized the situation in the region of Valencia.

37. In the ensuing debate a question for the representative of Baleares was posed on whether the late arrival of tourism in the island of Menorca had caused a more ecological tourism.

38. Mr. José Manuel Gómez, the representative of Baleares, expressed the view that due to historical factors, Menorca's population was inclined to industrial development. For this reason, the island was not tourism-dependent. A special law for the limitation of urban development was being elaborated and the coast of Menorca was, far ahead, the best-preserved island of Baleares. The President drew a parallel between Menorca and the island of Capri in Italy, where nature was well preserved.

39. The representative of Greece referred to land ownership in her country, where an important land fragmentation with a high number of private owners existed, resulting to poor environmental protection, as land ownership is often regarded as an opportunity for land development, especially for tourism. Such development often led to coastal urbanisation and environmental degradation. She expressed the opinion that opportunities for alternative types of development should be provided to the owners in order to conserve their land. Within this context financial compensation could be rather helpful.

40. Mr. Gómez mentioned that the town and country planning was quite strict in the Baleares region, where according to law, 45% of the territory was not available for building. Having Mallorca as a negative example, he believed that this was not sustainable in long-term, especially taking into account that the 16% of the population was at poverty level, inside the richest region of Spain. For this reason, a compensatory measure had been implemented: the eco-tax. This measure would avoid an excessive value of the land, which would progressively result in making the land available only to people from Central and Northern Europe. In fact, this had already happened in other areas, like Almería, where Central and Northern Europeans were acquiring the best pieces of land.

41. The representative of Tunisia did not support the idea of an eco-tax. She believed that it could be understood as a way of allowing pollution or non-sustainable land use if the eco-tax was paid.

42. For the representative of France this was a quite complicated issue, to be interpreted as "pollution paying for conservation". He stated that tourism gave fewer benefits to the countries than what could be expected, since most of the income was routed to the tour-operators. It would be necessary to find a system for Baleares islands that could avoid unfair tourist competition.

43. The representative of Tunisia requested clarification on the idea of supporting the eco-tax. She felt that the source of pollution should pay, but the eco-tax could be perceived in many different ways. In her opinion, what a normal citizen would understand was "I have the right of polluting because I pay". The representative of France noted that the cultural problems were different from the North to the South.

44. The representative of the regional government of Baleares underlined the importance of considering what was the origin and destination of the tax. He explained that the origin was a pre-existing polluting activity, which was the tourism. The tourist was richer and more consuming than the local population, as it had been demonstrated. 90% of the sewage was purged in Baleares islands, but there were some maximum points during summer that could not be filtered. The destination of the eco-tax was firstly, for improving the de-polluting systems and secondly, for those who did not pollute and contributed to maintain the quality of the place, which was in fact the attractiveness for tourists.

Agenda item 7: Presentation of case studies to point out the interrelationship between conservation and economic policies (tourism, fisheries...) in a context of sustainable development

45. The representative of the regional government of Catalunya presented the experience of management of the submarine environment in Medes Islands; Mr. Antonio Galán, Head of Unit of the European Community Affairs of the regional Ministry of Presidency of Andalucía, introduced the conclusions of the AMI (Ateliers Méditerranéens Interregionaux) workshop, which was held on December 12, about regulations for coastal areas management, from the regional perspective.

Agenda item 8: Visit to the area of Cabo de Gata-Níjar (Almería) with emphasis on legal instruments and management policies created to combine conservation and economic development.

46. A visit to Cabo de Gata-Níjar was organized on December 15. The bad weather did not allow to complete the visit, guided by the Director of the Natural Park. However, several aspects concerning the management of the area were discussed.

Agenda item 9: Any other business

47. No other issue was raised.

Agenda item 10: Adoption of the report of the meeting

48. The Secretariat informed that the report of the meeting would be transmitted during the first week of January 2002, to be revised by the participants. In case that any corrections should be made, the participants would require it in the following days to the reception of the report.

Recommendations adopted by the meeting:

- **The participants ask the Contracting Parties that have still not have done so, to urgently accept the amendments and/or ratify the Convention and the related protocols in order to facilitate a better coastal management and protection in the Mediterranean.**
- **The protection of marine or terrestrial areas is an important mechanism for the conservation of the environment. By implementing legal provisions within those areas, management is somehow easier in comparison to other non designated areas, as the society –stakeholders, decision-makers- have come to a consensus to give priority to protection in those areas.**
- **It is important to create conditions (legal, fiscal, technical, etc.) for the sustainable management of non-protected areas, as they represent the majority of territories in the countries. It is of utmost importance to create conditions for:**
 - Coordination between sectors, when deciding on the use of natural resources, territory, etc.**
 - To involve all relevant stakeholders, NGOs, public in general, etc. to participate in a decision-making process.**
 - To use methodologies, tools, for the integrated management in a transparent and understandable way (for all actors involved in the process).**
 - To establish, reinforce, apply legal instruments that will make possible the above mentioned conditions in order to move towards more sustainable management of coastal areas.**
- **Dissemination of good practices, exchange of experiences. The main objective would not be to create more and more protected areas, but to create conditions for the implementation of integrated management of coastal areas in practice by which potentials that natural resources give can be released for the better quality of life (socio-economic situation) of the populations.**
- **The participants of the meeting of Sevilla have found interesting the initiatives using the principle utiliser/payer in order to add funds for the protection of the environment, especially as it is done in Baleares with the eco-tax. They propose that MAP promotes in-depth studies on this issue.**
- **It is necessary to adopt a Protocol to ensure Integrated Coastal Areas Management or at least to adopt some common regulations for all the Mediterranean countries.**

Agenda item 11: Closure of the meeting

47. Mr Da Cruz thanked the government of Andalucia for the excellent organization of the meeting and for the substantial cooperation and generous hospitality.

48. The Director General of REMPA addressed some closing remarks to the meeting and thanked MAP for having organized this meeting in Andalucia.

51. The representative of Greece in the name of the participants thanked MAP and the Junta de Andalucia for the excellent and fruitful organization of this meeting.

52. After the usual exchange of courtesies the President declared the meeting closed on December 15 at 16.30 hrs.

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ANNEX II

PROVISIONAL AGENDA

12 December 2001

Arrival of participants.
Reception.

13 December 2001

09.00

Agenda item 1: Opening of the meeting .

Agenda item 2: Adoption of the rules of procedure.

Agenda item 3: Election of officers.

Agenda item 4: Adoption of the agenda and organization of work

Agenda item 5: Activities for coastal protection in the Mediterranean context.

10:00 Presentation of the activities of MAP related to the protection and sustainable management of coastal areas.
Humberto Da Cruz, Programme Officer, MAP-UNEP.

10:30 Integrated management of coastal areas in the Mediterranean: balance and prospects.
Ivica Trumbic, Director of PAP/RAC.

11:00 Coffee break.

11:30 Presentation of activities related to the declaration and management of marine and coastal protected areas in the Mediterranean.
Mohammed Adel Hentati, Director SPA/RAC.

12:00 The legal framework for coastal protection in the Mediterranean basin.
José Juste, Professor of the University of Valencia.

12:30 The experience of "Conservatoire du Littoral" in France.
Pierre Bougeant. Chargé de mission Méditerranée. Conservatoire du Littoral

13:00 Policies for protected areas in Andalusia as a motor for sustainable development programmes.
Hermelindo Castro, Director General of RENPA.

13.30 General debate.

14:00 Lunch.

Agenda item 6: Presentation of the status of coastal protection policies by country.

16:30	Morocco
16:45	Algeria
17:00	Tunisia
17:15	Libya
17:30	Egypt
17:45	Lebanon
18:00	Coffee break.
18:30	Syria
18:45	Turkey
19:00	Albania
19:15	Bosnia and Herzegovina

14 December 2001 (Continuation of the country presentations)

09:00	Slovenia
09:15	Croatia
09:30	Israel
09:45	Malta
10:00	Monaco
10:15	Coffee break.
10:45	Greece
11:00	Italy
11:15	France
11:30	Roundtable on coastal protection policies in Spain (Ministerio de Medio Ambiente, Junta de Andalucía, Generalitat de Catalunya, Generalitat de Valencia, Gobierno de Murcia, Gobierno de Baleares).
12:30	General debate.

Agenda item 7: Presentation of case studies to point out the interrelationship between conservation and economic policies (tourism, fisheries...) in a context of sustainable development.

13.00.	Three case studies affecting several areas of the Mediterranean coast will be presented.
14.30	Lunch break
16.30	Departure to Cabo de Gata

15 December 2001

Agenda item 8: Visit to the area of Cabo de Gata-Níjar with emphasis on legal instruments and management policies created to combine conservation and economic development.

Agenda item 9: Any other business

Agenda item 10: Adoption of the report of the meeting. The Secretariat will prepare the report, which will be sent to the participants at later stage.

Agenda item 11: Closure of the meeting.