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**United Nations  
Environment  
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**MEDITERRANEAN ACTION PLAN**

Meeting of Legal and Technical Experts  
to examine amendments to the Barcelona  
Convention and its related Protocols  
and the Mediterranean Action Plan (MAP)

Barcelona, 14-18 November 1994

**REPORT**

**OF THE MEETING OF LEGAL AND TECHNICAL EXPERTS TO  
EXAMINE AMENDMENTS TO THE BARCELONA CONVENTION AND  
ITS RELATED PROTOCOLS AND THE MEDITERRANEAN  
ACTION PLAN (MAP)**

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## **Introduction**

1. As a follow-up to the decisions taken by the Contracting Parties at their Eighth Ordinary Meeting (Antalya, 12-15 October 1993) and by the Bureau at its meeting held in Rabat (8-9 June 1994), the Meeting of Legal and Technical Experts to examine amendments to the Convention for the Protection of the Mediterranean Sea against Pollution and its related Protocols and to the Mediterranean Action Plan (MAP) was held in Barcelona from 14 to 18 November 1994 at the invitation of the Government of Spain.

## **Attendance**

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

3. The following United Nations bodies, specialized agencies, and other intergovernmental and non-governmental organizations were represented by observers: Food and Agriculture Organization of the United Nations (FAO), World Health Organization (WHO), Ecomediterrania, European Chemical Industry Council (CEFIC), Friends of the Earth, Greenpeace International, International Centre for Coastal and Ocean Policy Studies (ICCOPS), International Centre for Coastal Resources Research (CIIRC) International Juridical Organization for Environment and Development (IJO), World Wide Fund for Nature International (WWF).

4. The list of participants appears as Annex I to this report.

## **Agenda item 1 : Opening of the Meeting**

5. Mr. Albert Vilalta, Minister for the Environment of the Generalitat de Catalunya, welcomed the participants on behalf of the Catalan Government and the Spanish Ministry of Public Works, Transport and the Environment. He underlined the importance of the Mediterranean Sea for all its coastal States and said that its conservation and protection should be a priority for all Mediterranean governments and private enterprises, as well as for society as a whole. He drew attention to two particularly important aspects of the Mediterranean Action Plan, namely, its contribution towards better understanding among peoples in the Mediterranean area and its innovatory nature, and announced the Spanish and Catalan Governments intention of making available to MAP the services of the clean technology centre in Barcelona.

6. The results of the United Nations Conference on Environment and Development (UNCED), held in Rio de Janeiro in June 1992, provided the bases for revision and refocusing of the Mediterranean Action Plan. If the Barcelona Convention was to remain relevant for the next 20 years, its scope would have to be broadened and the principles and guidelines adopted by UNCED would have to be incorporated. Those were the objectives of the present Meeting and he wished participants success in their deliberations.

7. Mr. Lucien Chabason, Coordinator of the Mediterranean Action Plan, opened the meeting and welcomed the participants on behalf of Ms. Elizabeth Dowdeswell, Executive Director of the United Nations Environment Programme (UNEP). He emphasized that the purpose of the Meeting was to initiate a process of updating and adaptation so as to make the Barcelona Convention and the Mediterranean Action Plan increasingly effective and practical instruments. When it had been adopted, the Barcelona Convention had universally been seen as an innovatory and modern system and it had constituted a model for many other similar structures. However, it was now time to bring it into line with up-to-date trends and approaches so that it remained a relevant and important instrument. UNCED had shown that environmental protection could not be effective unless development needs were also taken into account. If the Contracting Parties considered that it was necessary to update the Barcelona Convention and the Mediterranean Action Plan, they could constitute the bases on which Mediterranean countries could implement their sustainable development.

8. The Coordinator drew attention to the two most important questions facing the Meeting: firstly, broadening the scope of the Convention and MAP, and secondly the effectiveness of the mechanism. With regard to the former, the Contracting Parties would have to decide upon the extent to which the scope of the Convention and MAP should be enlarged, bearing in mind that the Mediterranean Area was the common heritage of its inhabitants. He hoped that it would prove possible to agree upon a formula that would take into account the sustainable development of that heritage as a whole. Concerning effectiveness, he noted that many international conventions and national laws were also confronting the problem of how to enhance their effectiveness. It was necessary to re-examine all the structures of the Barcelona Convention and MAP with a view to making them more effective.

9. He concluded by stressing that the Meeting bore important responsibility for ensuring that the Barcelona Convention, its related Protocols and the Mediterranean Action Plan fulfilled the objectives and reached the level of efficiency which public opinion was entitled to demand. The MAP Secretariat would do everything possible to ensure that the process was brought to a successful conclusion.

#### **Agenda item 2 : Election of Officers**

10. The Meeting elected the following officers:

Chairperson:	Mr. Joaquin Ros (Spain)
Vice-Chairpersons:	Mr. Mohammed Ennabli (Tunisia) Ms Athena Mourmouris (Greece)
Rapporteur:	Ms Ruth Rotenberg (Israel)

#### **Agenda item 3 : Adoption of the Agenda**

11. At the suggestion of the representatives of France and Greece, the Meeting decided to amend item 6 of the provisional agenda (UNEP(OCA)/MED WG.82/1) to read "Exchange of views on the revision of the Mediterranean Action Plan" and to take it up before items 4 and 5. As thus amended, the agenda was adopted and it appears as Annex II.

**Agenda item 4 : Background and scope of the meeting**

12. The secretariat briefly recalled the important recent events which had allowed the organization of the present meeting, such as the Meeting of the Contracting Parties held in Antalya in 1993, the Bureau Meetings held in 1993 and 1994 and the Conference MED 21 held in November 1994 in Tunis.

13. The secretariat introduced the two working documents UNEP(OCA)/MED WG.82/3 and UNEP(OCA)/MED WG.82/3 Add.1 which listed the amendments proposed by the Contracting Parties to the Barcelona Convention, the Dumping Protocol, the Land-based sources Protocol and the Specially Protected Areas Protocol.

**Agenda item 5 : Exchange of views on the revision of the Mediterranean Action Plan**

14. Under this agenda item, the representative of Spain, after drawing attention to the achievements and shortcomings of the Mediterranean Action Plan, presented some ideas on a new amended Plan which would consist of the following four chapters: Sustainable development in the Mediterranean Basin; the Convention and its Protocols; research and monitoring; and the institutional and financial arrangements. The Coordinating Unit would remain in Athens under the auspices of UNEP and an Executive Council could be established to follow up activities between meetings of the Contracting Parties and to propose the budget and future programmes. Under the first chapter of MAP, a Commission on Sustainable Development would be set up, replacing the meetings of the focal points of the Blue Plan and the Priority Action Programme, and the Socio-Economic Committee. The status of the Regional Activities Centres would become uniform, all based on the same model of national centres, with redefined objectives. The MAP programme would continue to be determined and approved by the Contracting Parties and the budget would be used to finance the structure and activities totally or in part. Finally, a new form of financing might be introduced under which one third of the budget would be shared equally by all the Parties, the remaining two thirds being based on the United Nations scale of assessment. As Spain saw it, the Convention should remain primarily maritime, while the Action Plan should cover both sea and adjacent land.

15. The representative of France considered that the Action Plan as a whole should be revised by the addition of new principles, relating to sustainable development and coastal areas for example, with the legal texts not necessarily covering all aspects, their principal aim being to create a framework within which the Contracting Parties could fulfil their commitments.

16. The representative of Greece, supported by the representative of Cyprus, called for a more action-oriented Plan under which the activities would reflect an integrated approach and the need for sustainable development. She considered that a greater involvement of third parties, such as the large financial donors and also the NGOs, would be essential. In the future, the financial problems should be solved and not become the main subject of meetings of the Contracting Parties, which should concentrate on substance. The problem of communication and the need to make the Action Plan more widely known should also be tackled. Lastly, she stressed that the Convention, while not covering everything, could not be limited to the sea, but should extend to coastal areas.

17. The representative of Tunisia recalled that the Eighth Ordinary Meeting of the Contracting Parties had called for a reformulation of the Convention to take into account the conclusions of the Rio Conference as well as those of the Conference MED 21 held in Tunis. The Convention, in its present form, related only to the marine environment, without establishing the necessary link with the surrounding coastal areas. What his country wanted was an effective instrument, not mere words, with an ambitious and flexible structure. As far as sustainable development was concerned, the United Nations had already made considerable progress following the adoption at Rio of Agenda 21, which should serve as guidelines.

18. The representative of Italy likewise called for a revision of MAP along the lines laid down at Rio. In this process, attention should also be given to the need to clarify the confusion between the responsibilities of the various MAP bodies. Furthermore, there was an urgent need for better public information. He appreciated the Spanish proposal and agreed that the Action Plan could have a broader scope than the Convention; however, the texts should above all be flexible.

19. The representative of Malta considered that the legal basis on which MAP was based had to be as wide as MAP itself, otherwise the need for further updating would recur. Accordingly, both the Convention and MAP had to be amended to reflect the spirit of Rio. The proposed Commission on Sustainable Development required a legal basis, which should be in the Convention. Regarding the role of UNEP, he stressed the essential role it played and that it should play in future, but believed that some changes could be made, e.g. the Coordinator to be elected by the Contracting Parties. Finally, he reserved his position on the Spanish proposal concerning the budget.

20. The representative of Israel pointed out that MAP had been a successful tool of regional cooperation for almost twenty years and the existing framework should be preserved with any necessary improvements. MAP and the Convention were essentially environmental in nature, with a developmental orientation, and should not become the reverse.

21. After the exchange of views on the Action Plan, the Meeting agreed that the secretariat should take into account the ideas and the remarks expressed by the countries' representatives and prepare a proposal on the revised Action Plan by 15 December 1994

and, later, present it at the next Meeting of the Socio-economic Committee and Scientific and Technical Committee to be held in March in Athens.

## **Agenda item 6 : Proposed revision of the legal texts**

### **6.1 Barcelona Convention**

22. The representatives of Malta, Tunisia, Spain, Italy and the secretariat introduced their proposed amendments contained in document UNEP(OCA)/MED WG.82/3, pages 1-23.

23. At the beginning of the discussions the Meeting focused on two essential issues: the geographical coverage of the Convention and the proposed Commission for sustainable development.

24. The view was expressed that there should be a clear reference in the Convention itself to implementation of sustainable development in the Mediterranean Area. Some delegations suggested that the Mediterranean Commission for the Sustainable Development be mentioned in the Convention as well. It was agreed that in any case it should be considered within the MAP.

25. In connection with the discussion on the geographical coverage of the Convention, after listening to the views of the Countries' delegates expressing different opinions, the Coordinator emphasized that the purpose of the Barcelona system was to translate ecological realities into legal terms and to lay down the bases for an "ecoregion". For the purposes of ecological management and protection, it was in fact not possible to distinguish the high seas from territorial or internal waters. In that connection, he also stated that ecologically sound management of the land in coastal areas was not desirable simply because it helped to protect the sea, but was an objective *per se*. Finally, he added that the amendments proposed by the Secretariat did not prejudice the sovereign rights of States under public international law, nor under the law of the sea.

26. After a general discussion, the Meeting examined article by article the amendments proposed by the Contracting Parties as contained in documents UNEP(OCA)/MED WG.82/3.

27. Concerning the Preamble, article 1 and article 3, the Meeting entrusted an open ended drafting group to draft new texts for further discussion in light of the views expressed. The Group was formed by representatives of six countries. As to article 4 to article 11, the secretariat was asked to prepare new drafts for discussion, based on the views and the remarks expressed by the Meeting. As a result, the meeting examined new draft amendments of articles 1 to 11, including the preamble. The revised texts after discussions and further modifications, appear in Annex III to this report.

28. During the discussion on article 4, the Meeting agreed to mention under this article the establishment by the Contracting Parties of Regional Activity Centres in the framework

of MAP and asked the secretariat to prepare a draft text to be submitted to the Joint Committees Meeting in March 1995.

29. With respect to the proposal of Malta to include a new article on the management of living resources, including fish stocks, the observer for FAO drew attention to the FAO Agreement for the Establishment of a General Fisheries Council in the Mediterranean (GFCM), which covered fisheries conservation and management measures in the Mediterranean and the Black Sea. He further mentioned the progress that had been made in the preparation of the FAO Code of Conduct for Responsible Fishing. This Code, which incorporated important environmental principles, was intended to be global in its scope, and would apply to all fisheries, including aquaculture. Finally, attention was drawn to the FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, 1993 which the countries present were urged to accept.

30. A number of representatives expressed the view that, as this subject was already covered by other legal instruments, such as the GFCM, it was not necessary to include it in the Barcelona Convention, which mainly dealt with the protection of the marine environment. It was also pointed out that the new paragraph 9A proposed by the Secretariat covered the subject adequately. The meeting agreed, however, that Mediterranean States should further assist and strengthen processes within GFCM to achieve a greater level of protection and sustainable exploitation of the fish stocks of the Mediterranean.

31. As to article 10, the Meeting agreed to retain the present text of the Convention, on the assumption that an annex to the Convention as provided for in paragraph 3 of article 10, should be proposed describing in detail the monitoring activities to be undertaken by the Contracting Parties.

32. Concerning two new articles proposed by the secretariat (11A and 11B of UNEP(OCA)/MED WG. 82/3) on Environmental legislation and Public information and participation, the Meeting considered the subjects treated by the articles very interesting and worth being inserted in the Convention. After commenting on the specific texts proposed, the Meeting asked the secretariat to re-draft them and to propose them to the Joint Committees Meeting to be held in Athens from 6 to 10 March 1995.

33. On the article 13, the Meeting agreed that the secretariat should prepare a new draft taking into account of the proposals made by Malta, Tunisia and the secretariat but keeping in mind the decision to establish the Commission for Sustainable Development in the framework of the Action Plan.

34. In examining the proposals by Spain and the secretariat under article 14, the Meeting agreed to retain the idea of inserting new articles covering in general terms the status and the role of NGOs and the Bureau, and asked the secretariat to prepare new texts accordingly. The insertion of a text covering the possibility to establish Regional Activity Centres was considered more opportune under article 4. The proposal related to the

establishment of National Committees for the Barcelona Convention, the Protocols and MAP, was discussed by the Meeting but it was agreed that it needed further consideration and that in any case it would be more opportune to include it under the Action Plan.

35. The proposed texts for articles 20 and 21 on Reports and Compliance Control, made by the secretariat, were found conceptually worth of attention but not acceptable at present.

36. In particular, the Meeting accepted the principle of improving the reporting system of the Contracting Parties' implementation of the Convention and its Protocols including the effectiveness of the measures taken, as proposed by the secretariat. On this subject, it was agreed that the secretariat, in consultation with the Contracting Parties and with a group of experts, would develop specific reporting formats. As to the proposal of a new text of article 21, the Coordinator stressed that in the opinion of the secretariat the text of the present article should be improved.

37. The representative of WWF suggested that the secretariat should periodically prepare a report on the state of the Mediterranean environment based on national reports and other available sources. The proposal was favourably received by the Meeting.

38. The Meeting accepted the proposal by Spain to delete paragraph 3 of article 15.

## **6.2 Dumping Protocol**

39. The representative of Spain introduced his country's amendments to the Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft (UNEP(OCA)/MED WG.82/3, pp. 24-27). In the course of ensuing exchange of views, speakers commended Spain on its efforts to improve the Protocol. There was broad agreement on the proposal to include a reference to incineration in the text and to replace the list of prohibited wastes by a reverse list. In that connection it was suggested that the Contracting Parties should be invited to inform the Secretariat whether they did in fact dump the materials mentioned in subparagraphs (b), (c) and (d) of new Article 4, and if they did not, that those subparagraphs should be deleted.

40. As to specific proposals to the text of the proposed amendments by Spain, the following was agreed:

- (a) concerning the title, a proposal was made to mention "incineration at sea" at the end of the title;
- (b) as to the preamble, the Meeting agreed to delete the last indent;
- (c) as to Article 1, it was suggested to add "to the fullest extent possible" after the word "eliminate";
- (d) as to Article 3, paragraphs 5 and 6 were combined to form one paragraph;

- (e) due to reservations made by some delegates on the proposal regarding Article 11, it was decided to put it in square brackets;

41. On the basis of the above, the Meeting agreed to ask the Secretariat to prepare a new draft of the Protocol to be submitted to the Joint Committees Meeting to be held in March 1995.

### **6.3 Emergency Protocol**

42. In introducing this Agenda item, the Chairman informed the Meeting that no amendments had been proposed by the Contracting Parties to the Emergency Protocol.

### **6.4 Land-based Sources Protocol**

43. The representative of Italy introduced his country's amendments to the Protocol for the Protection of the Mediterranean Sea against Pollution from Land-based Sources (UNEP(OCA)/MED WG.82/3, pp. 28-33). All representatives who took the floor expressed their appreciation of the efforts made by Italy to improve the Protocol.

44. The Meeting was informed of the latest developments taking place at the global level regarding the control of pollution by land-based activities and in particular, forthcoming meetings such as that to be held in Reykjavik (Iceland) in 1995, which were expected to lead to a global action plan for the control of pollution from land-based activities. The shift from "sources" to "activities" was mentioned as an important conceptual change. It was generally agreed that, although the global deliberations taking place had to be taken into account, the process of amending the Land-based Sources Protocol should not be postponed.

45. Concern was expressed by some representatives at the proposal to refer to the "hydrographic basin". Although the importance of the hydrographic basin for controlling pollution from land-based activities was recognized, it was stressed that its inclusion might create problems *inter alia* because in some instances it extended beyond the territories of the Contracting Parties. That concern could be partly met by mentioning in Article 4 that the Protocol applied to the parts of the hydrographic basin which came under the jurisdiction of Contracting Parties. One delegate suggested that in this case concerned Contracting Parties will be invited to collaborate on this matter with non-Party States. Problems and difficulties related to national competence, as well as to the broadening of the scope of application were also mentioned.

46. It was felt that an undertaking to eliminate all toxic, persistent and bioaccumulative inputs from land-based sources by substances listed in Annex I at a specific date (the year 2005) was perhaps an unrealistic target. However, it was emphasized that steps were already being taken and it was important to set a goal that would encourage further progress.

47. The Meeting agreed that the secretariat would prepare a new revised draft based on the views expressed and the proposals made by the Contracting Parties. To this effect it was agreed that written comments and proposals should be sent to the secretariat by the end of December 1994 for examination by the Joint Committees Meeting to be held in March 1995.

## **6.5 Specially Protected Areas Protocol**

48. The Chairperson introduced a revised text of the Protocol entitled "Protocol concerning Specially Protected Areas and Wildlife in the Mediterranean". He explained that the text had been prepared by three countries' representatives and the Secretariat and was based on the proposals put forward by Spain (UNEP(OCA)/MED WG.82/3, pp.34-37) and the Secretariat (UNEP(OCA)/MED WG.82/3/Add.1). The text is reproduced in the Appendix.

49. The Secretariat explained that the objective of the text was to establish an advanced system for the global protection of Mediterranean wildlife, including: (a) a number of specific provisions for the protection of wildlife; (b) the establishment of an annexed list of threatened or endangered species to be strictly protected by the Parties; (c) the extension of the Protocol area of application to the high seas because several of the species to be protected did not respect the artificial boundaries fixed on the basis of international laws. As far as SPAs were concerned, a major new feature was the establishment of a list of SPAs of Mediterranean importance to be annexed to the Protocol. The list was mainly aimed at establishing a regional system of protected areas, constituting a consistent ecological network representative of the ecosystems, habitats, biological diversity and landscape of the Mediterranean region.

50. The representative of France noted that the draft provided for two distinct lists of SPAs and appeared to establish the principle of areas which were characterized by different values, and he did not consider that appropriate. In his view, areas established under national jurisdiction should be included in Annex I on the basis of the report of the National Focal Points without requiring the approval of the Parties. He considered that there should be a third Annex listing species whose exploitation would be subject to regulation. Finally, he suggested that the existing Action Plan on Cetaceans, Marine Turtles and Monk Seals should be taken into account in the Protocol.

51. The representative of Israel, after expressing her appreciation for the efforts made to prepare a comprehensive and updated version of the Protocol, stated that the existence of two different levels of SPAs might give rise to difficulties and seemed unnecessary. Wherever the word "conservation" appeared, it should be preceded by "protection" and the terms used in the Protocol should be brought into line with those of the Convention.

52. The representative of Spain considered that the proposed draft contained too much detail and should be simplified. He also thought that the inclusion of the high seas was a particularly sensitive issue since non-Contracting Parties would be under no obligation to respect the Protocol. Therefore, formulas should be sought to ensure that protected areas

were respected by all countries. He noted the omission of any indication of the identity of the Depository. If that role was to be fulfilled by the Government of Spain, the question had to be clarified.

53. The representative of Greece welcomed the proposed draft, which covered the concepts of sustainability, biological diversity, the protection of species and coastal areas. It provided a sound basis for further discussion. Since the proposed text was very much oriented towards the protection of the natural environment, she suggested that the appropriate legal basis for MAP activities related to the protection of the cultural heritage had to be considered. She was in favour of a single list and status for protected areas and believed that the text of the Protocol should be simplified by including certain procedural and technical issues in annexes or guidelines. As regards in particular article 2 referring to the geographical coverage, she stressed the need for consensus and she pointed out that the prejudice clause should not put in doubt the importance of the U.N. Convention on the Law of Sea 1982. She suggested that this clause reflects in a positive way the general spirit of cooperation and the respect for the rights of the Contracting Parties.

54. The representative of Turkey expressed her appreciation for the proposed text, which required further clarification in regard to the traditional rights of the Parties and of third nations deriving international customary law, in particular the freedom of navigation in international water and the right to innocent passage in the territorial waters of the Contracting Parties. In this regard, Turkey was maintaining its reservation to the existing Protocol concerning the innocent passage of ships. She also suggested the addition of a paragraph to Article 8 stating that, where the limits of national sovereignty were not defined by a delimitation agreement, SPAs should be established by mutual agreement. Regarding the procedure for the inclusion in Annex I of SPAMIs established in international waters, she suggested that, in areas where the limits of national sovereignty were not defined, the nomination should be made by mutual agreement of the Parties concerned.

55. The representative of Monaco considered that, although the SPAs in international waters could not be legally binding on third nations, the Contracting Parties who would have adopted common measures could also take the appropriate diplomatic actions.

56. The representative of the European Commission reserved his position pending a closer examination of the text. As far as Annex I was concerned, he drew the participants' attention to the relevant European Directives.

57. The representative of Italy expressed his support to the objectives set forth by the secretariat.

58. The observer for WWF noted with satisfaction that the draft was in line with the amendments proposed by WWF. However, he suggested that the following items might be incorporated in the text: the establishment of a regional system of protected areas; the inclusion of an additional annex listing species whose exploitation should be regulated; the establishment of action plans and national and regional monitoring systems; and a reference to fishing, aquaculture and tourism.

59. During a discussion of the title of the Protocol, mention was made of the terms "biological diversity", "wildlife", "marine life" and "species", but no final agreement was reached.

60. A general wish was expressed to ensure consensus on controversial issues and to include realistic provisions in the Protocol in view of facilitating its implementation.

61. The secretariat was invited to prepare a further draft on the basis of the views that had been expressed during the debate.

#### **Agenda item 7 : Other business**

62. Under this Agenda item the Chairman drew the attention of the delegations of the very busy schedule that the Joint Meeting of the Socio-Economic Committee and Scientific and Technical Committee scheduled for March 1995 would have. In fact, he stressed that in addition to the task of re-discussing the texts of the Convention and the Protocols, the Meeting would also have to examine the revision of the Mediterranean Action Plan and finally to review the programme and the budget for 1996-1997.

63. In view of the above, the Meeting felt that it was necessary to foresee to hold an additional meeting tentatively in February 1995 to examine the Specially Protected Areas Protocol and perhaps the Dumping Protocol.

64. The Chairman added that his Government was in position to host such a meeting and cover the occurring expenses.

#### **Agenda item 8 : Adoption of the report**

65. The English and French versions of the report were unanimously adopted on 18 November 1994 at 13,00 hours.

#### **Agenda item 9 : Closure of the meeting**

66. At the closure of the meeting, Mr L. Jeftic thanked all the delegates for their constructive participation and stressed the importance of the deliberations of the meeting, confirming that it had provided the secretariat with clear indications on how to proceed in the process of the revision of the Convention, the Protocols and MAP.

67. The delegates of Turkey and Israel thanked the Chairman for his excellent work which had been the key element for the success of the Meeting and the Secretariat for the very good preparatory work.

68. The Chairman, after the customary exchange of courtesies, declared the Meeting closed at 13,00 hours on 18 November 1994.



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## **ANNEX II**

### **AGENDA**

1. Opening of the meeting
2. Election of Officers
3. Adoption of Agenda
4. Background and scope of the meeting
5. Exchange of views on the revision of the Mediterranean Action Plan
6. Proposed Revision of the legal texts
  - 6.1 Barcelona Convention
  - 6.2 Dumping Protocol
  - 6.3 Emergency Protocol
  - 6.4 Land-based Sources Protocol
  - 6.5 Specially Protected Areas Protocol
7. Other business
8. Adoption of the report
9. Closure of the Meeting

## ANNEX III

### AMENDMENTS TO THE TEXT OF THE BARCELONA CONVENTION PROPOSED BY THE MEETING OF LEGAL AND TECHNICAL EXPERTS \*

#### Preamble

#### **The Contracting Parties,**

2. *Fully aware* of their responsibility to preserve and sustainably develop this common heritage for the benefit and enjoyment of present and future generations,

7. *Fully aware* that the Mediterranean Action Plan, since its adoption in 1975 and through its evolution, has contributed to the process of sustainable development in the Mediterranean region and has represented a substantive and dynamic tool for the implementation of the activities related to the Convention and its Protocols by the Contracting Parties,

8. *Taking into account* the results of the United Nations Conference on Environment and Development, held in Rio de Janeiro from 4 to 14 June 1992,

9. *Also taking into account* the Declaration of Genoa of 1985, the Charter of Nicosia of 1990, the Declaration of Cairo on Euro-Mediterranean Cooperation on the Environment within the Mediterranean Basin of 1992, the recommendations of the Conference of Casablanca of 1993, and the Declaration of Tunis on the Sustainable Development of the Mediterranean of 1994,

10. *Bearing in mind* the relevant provisions of the United Nations Convention on the Law of the Sea, done at Montego Bay on 10 December 1982 and signed by many Contracting Parties,

#### ***Have agreed as follows:***

---

\* This is the text as of 18 November 1994, and should be read in conjunction with the Report of the Meeting

*Article 1*

GEOGRAPHICAL COVERAGE

2. The application of the Convention may be extended to coastal areas as defined by each Contracting Party within its own territory.
3. Any protocol to this Convention may extend the geographical coverage to which that particular protocol applies.

*Article 2*

DEFINITIONS

- (a) "Pollution" means the introduction by man, directly or indirectly, of substances or energy into the marine environment including estuaries, which results or is likely to result in such deleterious effects as harm to living resources and marine life, hazards to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for use of seawater and reduction of amenities.

*Article 3*

GENERAL PROVISIONS

1. The Contracting Parties may enter into bilateral or multilateral agreements, including regional or subregional agreements for the promotion of sustainable development, the protection of the environment, the conservation and preservation of natural resources in the Mediterranean Sea Area, provided that such agreements are consistent with this Convention and the Protocols and conform to international law. Copies of such agreements shall be communicated to the Organization. As appropriate, Contracting Parties should make use of existing organizations, agreements or arrangements in the Mediterranean Sea Area.
2. Nothing in this Convention shall prejudice the rights [and positions] of any State concerning the [United Nations Convention on the] Law of the Sea [of 1982] and the nature and extent of port, coastal and flag State jurisdiction.

*Article 4*

GENERAL OBLIGATIONS

1. The Contracting Parties shall individually or jointly take all appropriate measures in accordance with the provisions of this Convention and those Protocols in force to which they are

party to prevent, abate, combat and to the fullest possible extent eliminate pollution of the Mediterranean Sea Area and to protect and enhance the marine environment in that Area so as to contribute towards its sustainable development.

2. The Contracting Parties pledge themselves to take appropriate measures to implement the Mediterranean Action Plan and, further, to pursue the protection of the marine environment and the natural resources of the Mediterranean Sea Area as an integral part of the development process, meeting the needs of present and future generations in an equitable manner.

3. In order to protect the environment and contribute to the sustainable development of the Mediterranean Sea Area , the Contracting Parties shall:

- (a) apply, in accordance with their capabilities, the precautionary principle, by virtue of which, where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation;
- (b) apply the polluter pays principle, by virtue of which the costs of pollution prevention, control and reduction measures are to be borne by the polluter, with due regard to the public interest;
- (c) undertake environmental impact assessment for proposed activities that are likely to cause a significant adverse impact on the marine environment and are subject to an authorization by competent national authorities;
- (d) promote cooperation between and among States in environmental impact assessment procedures related to activities under their jurisdiction or control which are likely to have a significant adverse effect on the marine environment of other States or areas beyond the limits of national jurisdiction, on the basis of notification, exchange of information and consultation.
- (e) ensure the integrated management of the coastal zones, taking into account the protection of areas of ecological and landscape interest and the rational use of natural resources.

4. In implementing the Convention and the related Protocols, the Contracting Parties shall:

- (a) adopt programmes and measures which contain, where appropriate, time limits for their completion;

- (b) utilize the best available techniques and the best environmental practices and promote the application of, access to and transfer of environmentally sound technology, including clean production technologies, taking into account the social, economic and technological condition.

5. The Contracting Parties shall cooperate in the formulation and adoption of protocols, prescribing agreed measures, procedures and standards for the implementation of this Convention.

6. The Contracting Parties further pledge themselves to promote, within the international bodies considered to be competent by the Contracting Parties, measures concerning the implementation of programmes of sustainable development, the protection, conservation and rehabilitation of the environment and of the natural resources in the Mediterranean Sea Area.

#### *Article 5*

### POLLUTION CAUSED BY DUMPING FROM SHIPS AND AIRCRAFT OR INCINERATION AT SEA

The Contracting Parties shall take all appropriate measures to prevent, abate and to the fullest possible extent eliminate pollution of the Mediterranean Sea Area caused by dumping from ships and aircraft or incineration at sea.

#### *Article 6*

### POLLUTION FROM SHIPS

The Contracting Parties shall take all measures in conformity with international law to prevent, abate, combat and to the fullest possible extent eliminate pollution of the Mediterranean Sea Area caused by discharges from ships and to ensure the effective implementation in that Area of the rules which are generally recognized at the international level relating to the control of this type of pollution.

#### *Article 7*

### POLLUTION RESULTING FROM EXPLORATION AND EXPLOITATION OF THE CONTINENTAL SHELF AND THE SEABED AND ITS SUBSOIL

The Contracting Parties shall take all appropriate measures to prevent, abate, combat and to the fullest possible extent eliminate pollution of the Mediterranean Sea Area resulting from exploration and exploitation of the continental shelf and the sea-bed and its subsoil.

*Article 8*

## POLLUTION FROM LAND-BASED SOURCES

The Contracting Parties shall take all appropriate measures to prevent, abate, combat and to the fullest possible extent eliminate pollution of the Mediterranean Sea Area and to ultimately phase out the inputs of toxic, persistent and bioaccumulative substances. These measures shall apply:

(a) To pollution from land-based sources within the territories of the Parties, in particular:

directly, from outfalls discharging into the sea or through coastal disposal;

indirectly, through rivers, canals or other watercourses, including underground watercourses, or through run-off;

(b) To pollution from land-based sources transported by the atmosphere.

*Article 9A*

## NATURE CONSERVATION AND BIODIVERSITY

1. The Contracting Parties shall formulate strategies, plans or programmes and shall take all appropriate measures for the protection and conservation of the biological diversity and sustainability of the biological resources of the Mediterranean Sea Area.

2. The Contracting Parties shall jointly prepare and adopt inventories of sites and species of common Mediterranean interest. Lists of threatened and/or endangered species shall be prepared by the Contracting Parties and regularly updated. The Contracting Parties shall take appropriate measures to protect such species and sites and shall establish specially protected areas.

*Article 9B*POLLUTION RESULTING FROM THE TRANSBOUNDARY MOVEMENTS  
OF HAZARDOUS WASTES AND THEIR DISPOSAL

The Contracting Parties shall take all appropriate measures to prevent, abate and to the fullest possible extent eliminate pollution of the Mediterranean Sea Area which can be caused by transboundary movements and disposal of hazardous wastes, and to reduce to a minimum, and if possible eliminate, such transboundary movements.

*Article 11*

SCIENTIFIC AND TECHNOLOGICAL COOPERATION

2. The Contracting Parties undertake to promote the research on, access to and transfer of environmentally sound technology, including clean production technologies and to cooperate in the formulation, establishment and implementation of clean production processes.
3. Deleted.

Appendix

DRAFT PROTOCOL CONCERNING SPECIALLY PROTECTED AREAS AND  
WILDLIFE IN THE MEDITERRANEAN

The Contracting Parties to this Protocol,

Being Parties to the Convention for the Protection of the Mediterranean Sea against Pollution, adopted at Barcelona on 16 February 1976, [take into account a new title]

Conscious of the profound impact of human activities on the state of the marine environment and the littoral and more generally on the ecosystems of areas having prevailing Mediterranean features,

Stressing the importance of protecting and, as appropriate, improving the state of the Mediterranean cultural and natural heritage, in particular through the establishment of specially protected areas and also by the conservation of threatened species,

Considering the instruments adopted by the United Nations Conference on Environment and Development and particularly the Convention on Biological Diversity (Rio de Janeiro, 1992),

Conscious that when there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be invoked as a reason for postponing measures to avoid or minimize such a threat,

Considering that all States shall cooperate to conserve, protect and restore the health and integrity of ecosystems and that they have, in this respect, common but differentiated responsibilities,

Have agreed as follows:

---

The present text has been prepared by the representatives of Spain, Italy, Monaco and the Secretariat, and is based on the proposals put forward for the meeting by Spain (UNEP(OCA)/MED WG.82/3, pp. 34-37) and the Secretariat (UNEP(OCA)/MED WG.82/3/Add.1). Text is reproduced without editing.

## PART I GENERAL PROVISIONS

### Article 1 Definitions

For the purpose of this Protocol:

- (a) "Specially protected area", hereinafter "SPA", means the areas accorded a particular protection pursuant to the provisions of this Protocol;
- (b) "Centre" means the Regional Activity Centre for Specially Protected Areas;
- (c) "Convention" means the Convention for the Protection of the Mediterranean Sea against Pollution, adopted at Barcelona on 16 February 1976; [take into account a new title]
- (d) "Biological diversity" means the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems;
- (e) "Endangered species" means any species that is in danger of extinction throughout all or part of its range;
- (f) "Endemic species" means any species whose distribution is restricted to a limited geographical area;
- (g) "Threatened species" means every species whose state of conservation is unfavourable;
- (h) "Protected species" means any species accorded protection pursuant to the provisions of this Protocol;
- (i) "Conservation status of a species" means the sum of the influences acting on the species, that may affect its long-term distribution and abundance;
- (j) "Habitat" means the place or type of site where an organism or population naturally occurs;

- (k) "Organization" means the organization referred to in Article 2 of the Convention;
- (l) "Parties" means the Contracting Parties to this Protocol;
- (m) "National Focal Points" means the representatives of the Parties defined in Article 25 of this Protocol.

## Article 2 Territorial Application

1. The area to which this Protocol applies shall be the area of the Mediterranean Sea as delimited in Article 1 of the Convention. It also includes:
- the ocean floor and its subsoil;
  - the waters, the ocean floor and its subsoil on the landward side of the baseline from which the breadth of the territorial sea is measured and extending, in the case of watercourses, up to the freshwater limit;
  - wetlands or coastal areas designated by each of the Parties.
2. Nothing in this Protocol shall limit the sovereign immunity of certain ships in accordance with international law.
3. Nothing in this Protocol nor any act adopted on the basis of this Protocol shall prejudice the rights, the present or future claims and the legal views of any State concerning the law of the sea and the nature and the extent of marine areas, the delimitation of marine areas between States with opposite or adjacent coasts, as well as the nature and the extent of the jurisdiction of the coastal State, the flag State and the port State.

## Article 3 General Obligations

1. Each Party shall take the necessary measures to protect, preserve and manage in a sustainable and environmentally sound way:
- (a) areas of particular cultural or natural value;
  - (b) threatened or endangered species of flora and fauna.
2. The Parties shall co-operate, directly or through the competent international

organizations, for the conservation and the sustainable use of biological diversity in the area to which this Protocol applies.

3. The Parties shall formulate national strategies, plans and programmes for the conservation and sustainable use of biological diversity and marine and coastal biological resources.

4. The Parties shall integrate, to the extent possible, the conservation and sustainable use of biological diversity and biological resources into relevant sectoral or cross-sectoral plans, programmes and policies.

5. The Parties shall identify components of biological diversity important for its conservation and sustainable use.

6. The Parties shall monitor the components referred to in paragraph 5 of this Article and shall identify processes and categories of activities which have or are likely to have significant adverse impacts on the conservation and sustainable use of biological diversity, and monitor their effects through sampling and other techniques.

7. Each Party shall apply the measures provided for in this Protocol without prejudice to the sovereignty or the jurisdiction of other Parties or other States. Any measures taken by a Party to enforce these measures shall be in accordance with international law.

## PART II

### Specially Protected Areas

#### Article 4

#### Establishment of Specially Protected Areas

1. The Parties shall, to the extent possible, establish SPAs in the area to which this Protocol applies. They shall undertake the action necessary in order to protect, manage or restore those areas as rapidly as possible.
2. SPAs shall be established in order to safeguard in particular:
  - (a) representative types of coastal and marine ecosystems of adequate size to ensure their long-term viability and to maintain biological diversity;
  - (b) habitats which are in danger of disappearing in their natural area of distribution in the Mediterranean or which have a reduced natural area of distribution as a consequence of their regression or on account of their intrinsically restricted area;
  - (c) habitats and their associated ecosystems critical to the survival, reproduction and recovery of endangered, threatened or endemic species of flora or fauna;
  - (d) sites of particular importance because of their scientific, aesthetic, cultural or educational interest.
3. In the establishment of SPAs the Parties shall take into account common guidelines and criteria adopted in accordance with Article 16 of this Protocol.
4. The Parties shall endeavour to establish coastal SPAs which cover land and marine spaces at the same time.
5. The Parties shall notify SPAs to the Centre which shall compile and keep up to date a directory of SPAs. To this end the Parties shall supply the Centre with all the information necessary for that purpose and shall submit a report containing information in particular on:
  - (a) the name of the area and its geographical location;
  - (b) the physical and ecological features of the area;
  - (c) the date and history of the establishment;
  - (d) the legal status;
  - (e) the protected area management plans;
  - (f) the relevance to cultural heritage;
  - (g) the apparatus for research and for reception and the means for training, information and increasing public awareness;

(h) any threats to the area, including those which may come from sources beyond the control of the Parties.

#### Article 5 Protection Measures

The Parties, having regard to the objectives pursued and taking into account the characteristics of each SPA, shall, in conformity with the rules of international law, progressively take the measures required, in particular:

(a) the strengthening of the application, as far as SPAs are concerned, of the other Protocols to the Convention and of other relevant treaties to which they are Parties;

(b) the prohibition of the dumping or discharge of wastes and other substances that impair directly or indirectly the integrity of the SPA;

(c) the regulation, in conformity with international law, of the passage of ships and any stopping or anchoring;

(d) the regulation or prohibition of fishing, hunting, taking of animals and the harvesting of plants, and their destruction;

(e) the prohibition of the introduction of any non-indigenous species to the SPA in question, or of genetically modified species;

(f) the regulation of the introduction or the re-introduction of species which are or have been present in such SPA;

(g) the regulation or the prohibition of any act likely to harm or disturb the fauna or flora, their habitat or their associated ecosystem;

(h) the regulation or prohibition of any activity involving the exploration or exploitation of the sea-bed or its subsoil or a modification of the sea-bed profile;

(i) the regulation or prohibition of any activity involving a modification of the profile of the soil or the exploitation of the subsoil of the land part of a SPA;

(j) the regulation of any scientific research activity;

(k) the regulation or prohibition of trade in animals, parts of animals, plants, parts of plants which originate in SPAs or are subject to measures of protection;

(l) the regulation or prohibition of industrial activities or other activities which are not compatible with the uses that have been envisaged for the SPA;

(m) the regulation of touristical, sporting or recreational activities that might endanger the state of conservation of the ecosystems of SPAs, species of flora and fauna, or might impair the cultural and archaeological objects;

(n) any other measure aimed at safeguarding ecological and biological processes in SPAs.

## Article 6 Planning and Management

1. The Parties shall, in accordance with the rules of international law, adopt planning, management and enforcement measures for SPAs. In this regard, the Parties shall take into account the common guidelines and criteria adopted in accordance with Article 16 of this Protocol.

2. Such measures should include:

(a) the development and adoption of a management plan for each SPA that specifies the legal and institutional framework and the management and protection measures applicable to the SPA;

(b) the continuous monitoring of user impacts, ecological processes, habitats, species, populations, as well as the undertaking of activities aimed at improved management;

(c) the active involvement of local communities and populations, as appropriate, in the management of SPAs, including assistance to and training of local inhabitants who may be affected by the establishment of protected areas;

(d) the adoption of mechanisms for financing the development and effective management of SPAs;

(e) contingency plans for responding to incidents that could threaten or cause damage to SPAs;

(f) the regulation of activities compatible with the objectives for which the SPA was established and the terms of the relating permits;

(g) the development of qualified managers and technical personnel, as well as appropriate infrastructures.

3. When SPAs covering both land and marine areas are established, for each SPA the Parties shall appoint, as far as possible, a single authority with the competence to administer and manage the whole of the SPA concerned.

#### Article 7 Buffer Zones

The Parties shall, as far as possible, strengthen the protection of a SPA by establishing one or more buffer zones in which activities are less severely restricted, while remaining compatible with the achievement of the purposes of such SPA.

#### Article 8 Specially Protected Areas Contiguous to International Boundaries

1. If a Party intends to establish in an area subject to its sovereignty or national jurisdiction, a SPA contiguous to the frontier and to the limits of a zone subject to the sovereignty or national jurisdiction of another Party, the competent authorities of the two Parties shall consult each other with a view to reaching agreement on the measures to be taken and shall, *inter alia*, examine the possibility of the establishment by the other Party of a corresponding SPA or the adoption by it of any other appropriate measures.

2. If a Party intends to establish, in an area subject to its sovereignty or national jurisdiction, a SPA contiguous to the frontier or to the limits of the zone of national jurisdiction of a State that is not a Party to this Protocol, the Party shall endeavour to cooperate with that State with a view to holding the consultations referred to in the previous paragraph.

3. If a State which is not party to this Protocol intends to establish a SPA contiguous to the frontier or to the limits of the zone subject to the sovereignty or national jurisdiction of a Party to this Protocol, the latter shall endeavour to co-operate with that State with a view to holding the consultations referred to in paragraph 1.

Article 9  
List of Specially Protected Areas  
of Mediterranean Importance

1. The Parties shall draw up a "List of Specially Protected Areas of Mediterranean Importance", hereinafter referred to as "SPAMI List", which constitutes Annex I to this Protocol.

2. The Parties agree:

(a) to recognize the particular importance for the Mediterranean area of SPAs appearing in the SPAMI List;

(b) to comply with the measures applicable to the SPAs appearing in the SPAMI List and neither to authorize nor undertake any activities that might be in contrast with the objectives for which the SPA was established.

3. The procedures for the inclusion in the SPAMI List and the terms of the periodical revision of the SPAMI List are stated in Annex I.

Article 10.  
Changes in the status  
of the specially protected areas

1. Changes in the delimitation or legal status of a SPA or the suppression of all or part of such an area may not take place unless there are important reasons for doing so, taking into account the necessity of safeguarding the environment and of complying with the obligations provided for by this Protocol. The Parties shall notify this modification to the Centre with the aim of keeping updated the directory mentioned under Article 4, paragraph 5.

### **PART III PROTECTED SPECIES**

#### Article 11

#### National Measures for the Protection of Wildlife

1. The Parties shall manage species of flora and fauna with the aim of maintaining them in a favourable state of conservation.
2. The Parties shall, in the zones situated on the landward side of the external limit of their territorial sea, identify endangered or threatened species of flora and fauna and accord protected status to such species. The Parties shall regulate and, where appropriate, prohibit activities having adverse effects on such species or their habitats and ecosystems, and carry out management, planning and other measures to ensure a favourable state of conservation of such species.
3. With respect to protected species of fauna, the Parties shall control and, where appropriate, prohibit:
  - (a) the taking, possession or killing (including, to the extent possible, the incidental taking, possession or killing), the commercial trade, the transport and the exhibition for commercial purposes of these species, their eggs, parts or products;
  - (b) to the extent possible, the disturbance of wild fauna, particularly during the period of breeding, incubation, estivation or migration, as well as other periods of biological stress.
4. The Parties shall, in addition to the measures specified in the previous paragraph, co-ordinate their efforts, through bilateral or multilateral actions, including if necessary, any agreements for the protection and recovery of migratory species whose range extends into the area to which this Protocol applies.
5. With respect to protected species of flora and their parts and products, the Parties shall regulate, and where appropriate, prohibit all forms of destruction and disturbance, including the picking, collecting, cutting, uprooting, possession of, commercial trade in, or transport and exhibition for commercial purposes of such species.
6. The Parties shall formulate and adopt policies and plans for the management of captive breeding of protected fauna and propagation of protected flora.

7. The Parties shall endeavour, directly or through the Centre, to consult with range States that are not Parties to this Protocol, with a view to co-ordinating their efforts to manage and protect endangered or threatened species.

8. The Parties shall make provisions, where possible, for the return of protected species exported or held illegally. Efforts should be made by Parties to reintroduce such species to the wild or, if unsuccessful, make provision for their use in scientific studies or for public education purposes.

## Article 12

### Co-operative Measures for the Protection of Wildlife

1. The Parties shall adopt co-operative measures to ensure the protection of endangered or threatened species of flora and fauna listed in Annex II (List of Endangered and threatened Species) of this Protocol.

2. The Parties shall ensure total protection and recovery to the species of fauna listed in Annex II by prohibiting:

(a) the taking, possession or killing (including, to the extent possible, the incidental taking, possession or killing) commercial trade in, transport and exhibition of such species, their eggs, parts or products;

(b) the disturbance of such species, particularly during periods of breeding, incubation, estivation or migration, as well as other periods of biological stress.

3. The Parties shall adopt appropriate measures to ensure the protection and recovery of the species of flora listed in Annex II. They shall prohibit, to this end, all forms of destruction or disturbance, including the picking, collecting, cutting, uprooting, or possession of, or commercial trade in, or transport and exhibition for commercial purposes of such species, their seeds, parts or products.

4. The Parties shall prohibit the destruction of and the damage to the habitat of species listed in Annex II and shall formulate and implement action plans for their conservation or recovery.

5. When the range area of a threatened or endangered species occurs on both sides of a national frontier or of the limit that separates the territories or the spaces subject to the sovereignty or the national jurisdiction of two Parties to this Protocol, these Parties shall co-operate with a view to ensure the conservation and, if necessary, the recovery of such species.

6. Provided that there are no other satisfactory solutions available, and that the exemption does not harm the survival of the population or of any other species, the Parties may adopt exemptions to the prohibitions prescribed for the protection of the species listed in Annex II for scientific, educational or management purposes necessary to ensure the survival of the species or to prevent significant damage. Such exemptions shall be notified to the Centre.

### Article 13

#### Introduction of Non-indigenous or Genetically Altered Species

1. The Parties shall take all appropriate measures to regulate the intentional or accidental introduction of non-indigenous or genetically altered species to the wild and prohibit those that may cause harmful impacts to the ecosystems, habitats or species in the area to which this Protocol applies.

2. The Parties shall adopt all possible measures to eradicate species that have already been introduced when such species cause or risk causing damage to ecosystems, habitats or species in the area to which this Protocol applies.

### Article 14

#### Amendments to Annex II

1. The status of species appearing in Annex II shall be revised and periodically evaluated by the National Focal Points on the basis of available information.

2. The procedures to amend Annex II shall be as follows:

(a) any Party may nominate an endangered or threatened species of flora or fauna for inclusion in or deletion from Annex II. Such nominations shall be made taking into account the guidelines and criteria adopted by the Parties pursuant to Article 16 of this Protocol;

(b) the Party making a nomination shall provide the Centre with an introductory report which shall include in particular the following information:

- scientific names of the species;
- estimated populations of species and their geographic distribution;
- its legal status;
- biological interactions with other species and specific habitat requirements;

- management and recovery plans for endangered and threatened species;
- scientific and technical research programmes on the species;
- threats to the species, its habitat and its associated ecosystems, including those which may come from sources of pollution beyond the control of the Parties;

(c) the National Focal Points shall evaluate the nominations and shall report their views to the Parties;

(d) the Parties shall review the nominations and the report of the National Focal Points. A species shall be listed in Annex II by consensus, if possible, and if not, by a two-thirds' majority vote of the Parties present and voting;

(e) a Party may, at the moment of the adoption of the decision, enter a reservation to the listing of a particular species in Annex II. The reservation shall be confirmed by notifying the Depositary in writing within 90 days of the date of the decision. The Depositary shall, without delay, notify other Parties of the confirmation of a reservation;

(f) a listing in Annex II shall become effective 90 days after the date of the decision. The listing shall be binding for all the Parties, except those which made a reservation in accordance with the previous paragraph;

(g) a Party may, at any time, withdraw a reservation to the listing of a species in Annex II to this Protocol. The withdrawal shall take effect from the date the Depositary has received the notification. The Depositary shall, without delay, notify the withdrawal to the other Parties.

3. The Depositary shall inform the competent international organizations and the States concerned which are not Parties to the Protocol of the inclusion of a species in Annex II.

**PART IV**  
**COMMON PROVISIONS TO PROTECTED AREAS AND SPECIES**

Article 15  
Inventories

Each Party shall compile comprehensive inventories of:

- (a) areas over which they exercise sovereignty or jurisdiction that contain rare or fragile ecosystems, that are reservoirs of biological diversity, that are important for threatened or endangered species;
- (b) species of fauna or flora that are threatened or endangered.

Article 16  
Establishment of Common Guidelines and Criteria

The Parties shall take into account the "Guidelines for the Selection, Establishment, Management and Notification of Information on Marine and Coastal Protected Areas in the Mediterranean", of which the fifth ordinary meeting of the Contracting Parties to the Convention took note in 1987. At their first meeting, the Parties shall adopt common criteria, concerning the procedures of listing areas and species in Annexes I and II.

[Article 17  
Environmental Impact Assessment

1. In the planning process leading to decisions about industrial and other projects and activities that could significantly affect protected Areas and species, the Parties shall evaluate and take into consideration the possible direct and indirect, immediate or in the long term, impact, including cumulative impacts of the project and activities being contemplated.
2. The Centre shall, to the extent possible, provide guidance and assistance, upon request, to the Parties making these assessments.]

Article 18  
Integration of Traditional Activities

1. The Parties shall, in formulating protective measures, take into account the traditional subsistence and cultural needs of their local populations. They shall provide exemptions, as necessary, to meet these needs. No exemption which is allowed for this reason shall:

(a) endanger either the maintenance of ecosystems protected under the terms of this Protocol or the biological processes contributing to the maintenance of those ecosystems;

(b) cause either the extinction of, or a substantial reduction in the number of, individuals making up the populations of species of flora and fauna, in particular threatened, endangered, migratory or endemic species.

2. Parties which allow exemptions with regard to protective measures shall inform the Centre accordingly.

Article 19  
Publicity, Information, Public Awareness and Education

1. The Parties shall give appropriate publicity to the establishment of SPAs, their boundaries, buffer zones, applicable regulations, and to the designation of protected species, their habitats and applicable regulations.

2. The Parties shall endeavour to inform the public of the interest and value of SPAs and protected species, and of the scientific knowledge which may be gained from the point of view of nature conservation and other points of view. Such information should have an appropriate place in education programmes. The Parties shall also endeavour to promote the participation of their public and their conservation organizations in measures that are necessary for the protection of the areas and species concerned, including environmental impact assessments.

Article 20  
Scientific, Technical and Management Research

1. The Parties shall encourage and develop scientific and technical research relating to the aims of this Protocol. They shall also encourage and develop research into the sustainable use of protected areas and species.
2. The Parties shall consult among themselves and with competent regional and world organizations with a view to identifying, planning and undertaking scientific and technical research and monitoring programmes necessary to characterize and monitor protected areas and species and to assess the effectiveness of measures taken to implement management and recovery plans.
3. The Parties shall exchange, directly or through the Centre, scientific and technical information concerning current and planned research and monitoring programmes and the results thereof. They shall, to the fullest extent possible, co-ordinate their research and monitoring programmes, and endeavour to jointly define or standardize their procedures.
4. The Parties shall, in technical and scientific research, accord priority to SPAMI and species appearing in Annexes I and II.

Article 21  
Mutual Co-operation

1. The Parties shall, directly or with the assistance of the Centre or relevant international organizations, establish co-operation programmes to co-ordinate the establishment, conservation, planning and management of SPAs, as well as the choice, management and conservation of protected species. There shall be regular exchanges of information concerning the characteristics of protected areas and species, the experience acquired and the problems encountered.
2. The Parties shall, without delay, communicate any situation that might endanger the ecosystems of SPAs or the survival of protected species of flora and fauna to the other Parties, to the States that might be affected and to the Centre.

Article 22  
Mutual Assistance

1. The Parties shall co-operate, directly or with the assistance of the Centre or international organizations, in formulating, drafting, financing and implementing programmes of mutual assistance and assistance to developing countries that express a need for it with a view to the implementation of this Protocol.
2. These programmes shall include public environmental education, the training of scientific, technical and management personnel, scientific research, the acquisition, utilization, design, development of appropriate equipment, and transfer of technology on advantageous terms to be agreed among the Parties concerned.
3. The Parties shall, in matters of mutual assistance, accord priority to SPAMIs and species appearing in Annexes I and II.

Article 23  
Reports of the Parties

1. Each Party shall submit, at each ordinary meeting of the Parties, a report on the implementation of this Protocol, in particular on:
  - (a) the status of SPAs that the Party established or nominated for inclusion in the SPAMI List;
  - (b) any changes in the delimitation or legal status of SPAs, buffer zones and protected species;
  - (c) possible exemptions allowed pursuant to Articles 12 and 18 of this Protocol.

[Article 24  
Liability and Compensation

The Parties shall adopt appropriate measures to implement the provisions of this Protocol. Such measures shall include penal or administrative sanctions as well as measures for the compensation for damages caused to SPAs and species deriving from violations of the provisions of this Protocol.]

## **PART V INSTITUTIONAL PROVISIONS**

### Article 25 National Focal Points

Each Party shall appoint a delegate called the National Focal Point to serve as liaison with the Centre on the technical aspects of the implementation of this Protocol. The National Focal Points shall meet at least once every two years to exercise the competences that are assigned to them by this Protocol, to discuss matters of joint interest and especially to propose recommendations concerning scientific, administrative and legal information as well as the standardization and processing of data.

### Article 26 Regional Activity Centre for Specially Protected Areas

1. The Centre shall be responsible, under the supervision of the Co-ordinating Unit for the Mediterranean Action Plan, for co-ordinating the implementation of this Protocol and ensuring all the functions that have been attributed to it by the latter, among others:

(a) convening and servicing the meetings of the National Focal Points and providing them with secretariat services;

(b) assisting the Parties, in co-operation with the competent international, intergovernmental and non-governmental organizations, in:

- facilitating programmes of technical and scientific research as provided for in Article 20 of this Protocol;

- facilitating the exchange of scientific and technical information among the Parties as provided for in Article 20 of this Protocol;

- the preparation, when so requested, of management plans for protected areas and protected species pursuant to Article 6 of this Protocol;

- the development of co-operative programmes pursuant to Article **20** of this Protocol;

- the preparation of educational materials designed for various groups;

- (c) formulating recommendations on common guidelines and criteria pursuant to Article 16 of this Protocol;
- (d) maintaining and updating databases of protected areas and protected species;
- (e) preparing reports and technical studies which may be required for the implementation of this Protocol;
- (f) elaborating and implementing the training programmes mentioned in Article 22, paragraph 2;
- (g) co-operating with regional, international governmental and non-governmental organizations concerned with the protection of areas and species, provided that the specificity of each organization and the need to avoid the duplication of activities are respected;
- (h) carrying out any other function assigned by the Parties to the Centre.

#### Article 27 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 14 of the Convention. The Parties may also hold extraordinary meetings in conformity with that Article.
2. The meetings of the Parties shall carry out all the functions that are conferred to them by this Protocol and that are particularly aimed at:
  - (a) keeping under review the implementation of this Protocol;
  - (b) overseeing and providing policy guidance to the Organization and the Centre;
  - (c) considering the efficacy of the measures adopted for the management and protection of areas and species, and examining the need for other measures, in particular in the form of Annexes, as well as amendments to this Protocol or to its Annexes;
  - (d) adopting the common guidelines and criteria provided for in Article 16 of this Protocol;

(e) analysing reports transmitted by the Parties under Article 23 of this Protocol, as well as any other pertinent information which the Parties shall transmit through the Centre;

(f) making recommendations to the Parties on the measures to be adopted for the implementation of this Protocol;

(g) examining the recommendations of the meetings of the National Focal Points pursuant to Article 25 of this Protocol;

(h) making any proposal to improve the efficacy of this Protocol;

(i) examining any other matter as appropriate.

## **PART VI FINAL PROVISIONS**

### Article 28

#### Effect of the Protocol on Domestic Legislation

The provisions of this Protocol shall in no way affect the right of Parties to adopt relevant stricter domestic measures in the implementation of this Protocol.

### Article 29

#### Relationship with Third Parties

1. The Parties shall invite States that are not Parties to the Protocol and international organizations to co-operate in the implementation of this Protocol.
2. The Parties undertake to adopt appropriate measures, consistent with international law, to the end that no one engages in any activity contrary to the principles or purposes of this Protocol.

### Article 30

#### Signature

This Protocol shall be open for signature at [place] from [date] to [date], by any Contracting Party to the Convention.

### Article 31

#### Entry into force

1. This Protocol shall enter into force on the thirtieth day following the deposit of at least six instruments of ratification, acceptance or approval of, or accession to, the Protocol.
2. From the date of its entry into force, this Protocol shall replace the Protocol Concerning Mediterranean Specially Protected Areas, open for signature at Geneva on 3 April 1982, in the relationship among the Parties to both instruments.

In witness whereof, the undersigned, being duly authorized, have signed this Protocol.

Done at [place], on [date], in a single copy in the Arabic, English, French and Spanish languages, the four texts being equally authoritative.

## **ANNEX I**

### List of Specially Protected Areas of Mediterranean Importance

#### Procedures for the inclusion in the SPAMI

#### List of zones situated on the landward side of the external limit of the territorial sea and on the continental shelf

The procedures for the inclusion in the SPAMI List of zones situated on the landward side of the external limit of the territorial sea and on the continental shelf of the Parties are as follows:

- (a) the nomination shall be submitted by the Party concerned, taking into account the guidelines and criteria adopted by the Parties pursuant to Article 16 of this Protocol;
- (b) the Party making a nomination shall provide the Centre with an introductory report, including, in particular, the information mentioned under Article 4, paragraph 5, of this Protocol, as well as a justification of the Mediterranean importance of the area;
- (c) the National Focal Points shall evaluate the nominations and shall report their views to the Parties;
- (d) the Parties shall review the nominations and the report of the National Focal Points. An area shall be included in the SPAMI List by consensus;
- (e) a Party may, when the decision is adopted, enter a reservation to the inclusion of an area in the SPAMI List. The reservation shall be confirmed by notifying the Depositary in writing within 90 days of the date of the decision. The Depositary shall, without delay, notify other Parties of the confirmation of a reservation;

(f) the inclusion of an area in the SPAMI List shall become effective 90 days after the date of the decision. The inclusion shall be binding for all Parties, except those which confirmed a reservation in accordance with the previous paragraph;

(g) a Party may, at any time, withdraw a reservation to the inclusion of an area in the SPAMI List. The withdrawal shall become effective from the date the Depository has received the notification. The Depository shall, without delay, notify the withdrawal to the other Parties.

Procedures for the inclusion in the SPAMI List  
of areas on the seaward side of the external limit of the  
territorial sea

The procedures for the inclusion in the SPAMI List of areas on the seaward side of the external limit of the territorial sea are as follows:

(a) the nomination shall be submitted by one Party or more Parties jointly, at any time, after the entry into force of this Protocol. The nomination shall be made taking into account the guidelines and criteria adopted by the Parties pursuant to Article 16 of this Protocol;

(b) the Parties making a nomination shall provide the Centre with an introductory report including, in particular, the information mentioned under Article 4, paragraph 5, of this Protocol, as well as a justification of the Mediterranean importance of the area;

(c) the National Focal Points shall evaluate the nominations and shall report their views to the Parties;

(d) the Parties shall review the nominations and the report of the National Focal Points. An area shall be included in the SPAMI List by consensus;

(e) a Party may, at the moment of the adoption of the decision, enter a reservation to the inclusion of an area in the SPAMI List. The reservation shall be confirmed by notifying the Depository in writing within 90 days of the date of the decision. The Depository shall, without delay, notify other Parties of the confirmation of a reservation;

(f) the inclusion of an area in the SPAMI List shall become effective 90 days after the date of the decision. The inclusion shall be binding for all Parties, except those which confirmed a reservation in accordance with the previous paragraph;

(g) a Party may, at any time, withdraw a reservation to the inclusion of an area

in the SPAMI List. The withdrawal shall take effect from the date the Depositary has received the notification. The Depositary shall, without delay, notify the withdrawal to the other Parties.

The Depositary shall inform the competent international organizations and the States concerned which are not Parties to this Protocol of the inclusion of an area in the SPAMI List.

The SPAMI List shall be periodically revised by the Parties. The inclusion of an area in the List shall be tacitly renewed so long as the guidelines and criteria adopted by the Parties in accordance with Article 16 are respected. Otherwise, the maintenance of this area in the List shall be re-examined in accordance with the procedure followed for its inclusion.

## **ANNEX II**

List of Endangered and Threatened Species of Fauna and Flora

[Omissis]