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MEDITERRANEAN ACTION PLAN

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

Loutraki, Greece, 10-11 December 2007

WORKING DOCUMENT ON THE DRAFT- PROTOCOL ON INTEGRATED COASTAL ZONE MANAGEMENT IN THE MEDITERRANEAN

(Proposals by the Secretariat on the pending Articles)

INTRODUCTORY NOTE

Following the decision of the 14th Meeting of the Contracting Parties “*to establish a Working Group of experts designated by the Contracting Parties to develop a draft text of the Protocol on ICZM with a view to its consideration and possible approval by the 15th Meeting of the Contracting Parties in 2007 and to convene a diplomatic conference for its adoption to be held immediately following the 15th meeting of the Contracting Parties*”, the Secretariat has convened four meetings of the Working Group, during which the draft text of the ICZM Protocol was successfully negotiated.

At the end of the fourth meeting, agreement was reached on almost all articles of the draft text protocol. A few Contracting Parties registered reservations on some paragraphs or parts thereof concerning articles 3, 8, 11, 13 and 21. The 4th meeting then decided to submit the draft text of the ICZM Protocol to the MAP focal points meeting for further consideration and guidance.

During the MAP focal points meeting held on 16-19 October 2007 in Madrid, the Contracting parties that had raised reservation on some articles, paragraph or part thereof, called for more flexibility and respect for local conditions of the coastal zones, which are not the same throughout the Mediterranean.

With a view to reaching full consensus, the meeting of the MAP focal points mandated the Secretariat to prepare proposals on the pending articles and convene the fifth meeting of the Working Group in order to conclude the negotiations.

In this respect, the Secretariat has requested the concerned Contracting parties either to withdraw their reservation or submit their own alternative proposals. Three contracting Parties submitted their own proposals on articles 3, 8, 11 and 13.

On the basis of the discussions held during the fourth meeting of the Working Group, the conclusions of the MAP focal points meeting and the proposals submitted by the concerned parties, the Secretariat has prepared proposals on articles 3, 8, 11 and 13, which it feels cover the main concerns. The proposals by the Secretariat are given in the annex to the present document.

It is expected that the fifth Meeting of the Working Group of Experts will resolve the pending issues of the draft ICZM Protocol in order to facilitate its approval by the 15th meeting of the Contracting parties and its adoption by the Conference of Plenipotentiaries.

ANNEX I

DRAFT PROTOCOL ON INTEGRATED COASTAL ZONE MANAGEMENT IN THE MEDITERRANEAN

Sixth paragraph of the preamble

Convinced that, as an irreplaceable ecological, economic and social resource, the planning and management of coastal zones with a view to their preservation and sustainable development requires a specific integrated approach at the level of the Mediterranean basin as a whole and of its coastal States, taking into account their diversity and in particular the specific needs of islands¹,

Article 3 Geographical coverage

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

- (a) the seaward limit of the coastal zone, which shall be the external limit of the territorial sea of States Parties; and
- (b) the landward limit of the coastal zone, which shall be the limit of the competent ~~administrative~~ coastal units as defined by the States Parties.

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

- (a) the seaward limit is less than the external limit of the territorial sea;
- (b) the landward limit is different, either more or less, from the limits of the territory of ~~administrative~~ coastal units as defined above, in order to apply, *inter alia*, the ecosystem approach and economic and social criteria and to consider the specific situation of islands² and to take into account the negative effects of climate change.

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

¹ During the MAP focal points meeting held in Madrid, Spain from 16-19 October 2007, the representative of Turkey raised a reservation on the phrase “to take into account in particular specific needs of islands” in the sixth paragraph of the preamble

2 Reservation by Turkey on the phrase “and to consider the specific situation of islands”

Article 8 Protection and sustainable use of the coastal zone

2. For this purpose, the States Parties

(a) shall establish in the non urbanized coastal zones, as from the highest winter waterline, a setback, taking into account, *inter alia*, the areas directly and negatively affected by climate change and which may not be less than 100 metres; stricter national measures determining this width shall continue to apply;

(b) may grant exemptions to the above measure for projects located in coastal zones in the course of urbanization as approved by the competent Authorities of the States Parties as well as for projects of public interest provided that the exemptions are not contrary to the objectives and principles of this Protocol. National legal instruments providing for such exemptions shall be notified to the Organization.

{(c) may adapt paragraphs 2(a) and 2(b) of this Article taking into consideration the geo-morphological constraints in accordance with commonly agreed criteria. National legal instruments providing for such adaptations shall be notified to the Organization}

Article 11

Coastal landscapes

2. The States Parties undertake to promote regional and international cooperation in the field of landscape protection, and in particular, the implementation, where appropriate, of joint actions for transboundary coastal landscapes.

Article 13

Cultural heritage

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

2. The States Parties shall ensure that the preservation in situ of the cultural heritage of coastal zones is considered as the first option before any intervention directed at this heritage.

~~3. The States Parties shall ensure, as appropriate, that archeological and historical elements of the cultural heritage of coastal zones, as defined by their national legislation, are not traded, sold, bought or bartered as commercial goods.~~

3. The States Parties shall ensure in particular that elements of the underwater cultural heritage of coastal zones removed from the marine environment are conserved and managed in a manner safeguarding their long-term preservation and are not traded, sold, bought or bartered as commercial goods.

Article 21

Economic, financial and fiscal instruments

For the implementation of national coastal strategies, plans and programmes, States Parties **shall**³ take appropriate measures to adopt relevant economic, financial and/or fiscal instruments intended to support local, regional and national initiatives for the integrated management of coastal zones.

Article 29⁴

Transboundary environmental assessment

³ Reservation by Greece on the word "shall"

⁴ During the MAP focal points meeting held in Madrid, Spain from 16-19 October 2007, the representative of Turkey raised a reservation on article 29 unless a phrase is introduced referring to the fact that Turkey is not party to the Convention on "Environmental Impact Assessment in a transboundary context", Espo, 1991.