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MEDITERRANEAN ACTION PLAN

Third 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, 12-15 February 2007

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

INTRODUCTORY NOTE

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

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

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

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

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

The first meeting of the Working Group on ICZM which was held from 27-29 April 2006, in Split, Croatia, reached agreement with respect to the content of the preamble, article 1, article 3, and three first paragraphs of article 4. The meeting has also had a general discussion on the principles and objectives contained/described in article 5 of the proposed text of the draft Protocol on ICZM and requested the Secretariat to redraft the whole text of article 5 on the basis of their conclusions.

The second meeting of the Working Group on ICZM which was held from 6-9 September 2006, in Loutraki, Greece, reached agreement on a number of articles (namely 5, 6, 9, 10, 11, 12 and 13) of Part II (Principles and Elements of Integrated Coastal Zone Management). The meeting requested the Secretariat to reformulate articles 7 and 8 as per its suggestions and conclusions.

The second meeting has also had a general discussion on Part III (Instruments for Integrated Coastal Zone Management), namely articles 14 to 19 and requested the Secretariat to make necessary redrafting of the proposed text of the draft Protocol on ICZM.

All reformulated articles have been circulated for comments to the Members of the Working Group. Comments and proposals were received from one Contracting Party on articles 7 and 8. The proposal is incorporated in the draft text protocol.

The draft text of the Protocol is presented as Annex I to this document for the consideration of the third meeting of the WG. The draft text of the Protocol contains the following:

- a) The text of the Preamble, article 1, article 3, three first paragraphs of article 4 as agreed by the first meeting of the WG, including the reservations made by some CPs.
- b) The text of articles 5, 6, 9, 10, 11, 12 and 13 as agreed by the second meeting of the WG.
- c) The text of articles 7, 8, 14, 15, 16, 17, 18 and 19 as reformulated by the Secretariat on the basis of the suggestions by the second meeting of the WG and the proposal by Italy on articles 7 and 8. All these articles appear in bold.
- d) No changes have been made to Parts IV, V and VI.
- e) Articles not at all discussed (Art. 2) and those discussed but not yet agreed as a whole or partly by the first and the second meetings appear in brackets.

ANNEX I

DRAFT PROTOCOL ON INTEGRATED COASTAL ZONE MANAGEMENT IN THE MEDITERRANEAN

The Contracting Parties to the present Protocol,

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

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

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

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

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

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

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

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

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

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

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

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

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

Have agreed as follows:

PART I GENERAL PROVISIONS

Article 1 General Obligations

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

[Article 2 Definitions

For the purposes of this Protocol:

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

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

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

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

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

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

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

Article 3¹

Geographical coverage

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

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

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

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

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

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

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

Article 4

Preservation of rights

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

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

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

² Turkey expressed a reservation to this reference

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

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

PART II PRINCIPLES AND ELEMENTS OF INTEGRATED COASTAL ZONE MANAGEMENT

Article 5 Objectives of integrated management

The objectives of integrated coastal zone management are to:

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

Article 5bis

General principles of integrated coastal zone management

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

- (a) the biological wealth and the natural dynamics and functioning of the intertidal area and the complementary and interdependent nature of the marine part and the land part forming a single entity shall be taken particularly into account;
- (b) all elements relating to hydrological, geo-morphological, climatic, ecological, socio-economic and cultural systems shall be taken into account in an

integrated manner, so as not to exceed the carrying capacity of the [] and to prevent the negative effects of natural disasters and of development;

- (c) the ecosystems approach to coastal planning and management shall be applied so as to ensure the sustainable development of coastal zones;
- (d) appropriate governance allowing adequate and timely participation in a transparent decision-making process by local populations and stakeholders of civil society concerned with coastal zones shall be ensured;
- (e) cross-sectorally organized institutional coordination of the various administrative services and local and regional authorities competent in coastal zones shall be required;
- (f) the formulation of land use strategies, plans and programmes covering urban development and socio-economic activities, as well as other relevant sectoral policies, shall be required;
- (g) the multiplicity and diversity of activities in coastal zones shall be taken into account, and priority shall be given, where necessary to public services and activities requiring, in terms of use and location, the immediate proximity of the sea;
- (h) the allocation of uses throughout the entire coastal zone should be balanced [in order to avoid unnecessary concentration as well as sprawl];
- (i) preliminary assessments shall be made of the risks associated with the various human activities and infrastructure so as to prevent and reduce their negative impact on coastal zones;
- (j) damage to the coastal environment shall be prevented and, where it occurs, appropriate restoration shall be effected.

Article 6

Institutional coordination

1. For the purposes of integrated coastal zone management, the Parties shall:
 - (a) ensure institutional coordination, where necessary through appropriate bodies or mechanisms, in order to avoid sectoral approaches and facilitate comprehensive approaches;
 - (b) organize appropriate coordination between:
 - 1) [the various authorities competent for both the marine and the land parts of coastal zones]
 - 2) the different administrative services, at the national, regional and local levels;
 - (c) organize close coordination between national authorities and local and regional bodies in the field of coastal strategies, plans and programmes and in relation to the various authorizations for activities that may be achieved through joint consultative bodies or joint decision-making procedures.
2. Competent national, regional and local coastal zone authorities shall, insofar as practicable, work together to strengthen the coherence and effectiveness of the coastal strategies, plans and programmes established.

[Article 7

Protection and sustainable use of the coastal zone

1. **In conformity with the objectives and principles set out in Articles 5 and 5bis of this Protocol, the Parties shall endeavour to ensure the sustainable use and management of coastal zones in order to preserve the coastal natural habitats, landscapes, natural resources and ecosystems, in compliance with international and regional legal instruments.**
2. **For this purpose, the [States] Parties**
 - (a) shall establish, as from the highest winter waterline, a land strip where new construction is not permitted and determine the width thereof, 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 public interest, provided that no other feasible solution is available and 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.**

3. The [States] Parties shall also endeavour to ensure that their national legal instruments include criteria for sustainable use of the coastal zone. Such criteria, taking into account specific local conditions, should include, *inter alia*, the following:
 - (a) Identifying and delimiting, outside protected areas, open areas in which urban development and other activities are regulated or prohibited
 - (b) Limiting the linear extension of urban development and the creation of new transport infrastructure along the coast
 - (c) Ensuring that environmental concerns are integrated into the rules for the management and use of the public maritime domain
 - (d) Providing for freedom of access by the public to and along the sea and the shore
 - (e) Regulating or prohibiting the movement and parking of vehicles on beaches, dunes and other sensitive areas.]

Proposal by Italy

[Article 7

Protection and sustainable use of the coastal zone

1. *In conformity with the objectives and principles set out in Articles 5 and 5bis of this Protocol, the Parties shall endeavour to ensure the sustainable use and management of coastal zones in order to preserve the coastal natural habitats, landscapes, natural resources and ecosystems, in compliance with international and regional legal instruments.*
2. *For this purpose, the States Parties*
 - (a) *shall establish, as from the highest winter waterline, a land strip where new construction is not permitted and determine the width thereof, 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 public interest, provided that no other feasible solution is available and 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.*
3. *The [States] Parties shall also endeavour to ensure that their national legal instruments include criteria for sustainable use of the coastal zone. Such criteria, taking into account specific local conditions, [shall]³ include, inter alia, the following:*

³ The conditional verb lowers the level of ambition of the proposal

- (a) Identifying and delimiting, outside protected areas, open areas in which urban development and other activities are [restricted and, where necessary,]⁴ prohibited*
- (b) Limiting the linear extension of urban development and the creation of new transport infrastructure along the coast*
- (c) Ensuring that environmental concerns are integrated into the rules for the management and use of the public maritime domain*
- (d) Providing for freedom of access by the public to and along the sea and the shore*
- (e) [Restricting and, where necessary]⁵ prohibiting the movement and parking of vehicles on beaches, dunes and other sensitive areas.]*

**[Article 8
Economic activities**

1. In conformity with the objectives and principles set forth in Articles 5 and 5bis of this Protocol, and taking into account the relevant provisions of the Barcelona Convention and its Protocols, the Parties shall:

- (a) accord specific attention to economic activities that require immediate proximity to the sea or that depend directly on the sea
- (b) ensure that the various economic activities minimize the use of natural resources; and take into account the needs of future generations
- (c) ensure respect for integrated water resources management and environmentally sound waste management
- (d) ensure that the coastal and maritime economy is adapted to the fragile nature of coastal zones and that resources of the sea are protected from pollution
- (e) define indicators of the development of economic activities to ensure sustainable use of coastal zones and ensure compliance with carrying capacity thresholds
- (f) promote codes of good practice among public authorities, economic actors and NGOs.

2. With regard to the following economic activities, the Parties agree:

- (a) **Agriculture and industry**
to guarantee a high level of protection of the environment in the location and operation of agricultural and industrial activities so as to preserve coastal ecosystems and landscapes and prevent pollution of the sea, water, air and soil
- (b) **Shellfish production and fishing**

⁴ For the purpose to obtain a real limitation of their negative impact on coastal zones – and considering that the provision to regulate can be interpreted as a low method - provide restriction other than prohibition. Otherwise, keep the current text.

⁵ See above, note 4 .

- (i) to take into account the need to protect fishing and shellfish production areas in development projects
 - (ii) to ensure that fishing and shellfish production practices are compatible with sustainable use of natural marine resources
- (c) Aquaculture
 - (i) to take into account the need to protect aquaculture areas in development projects
 - (ii) to regulate aquaculture by controlling the use of inputs and waste treatment
- (d) Tourism, sporting and recreational activities
 - (i) to encourage sustainable coastal tourism that preserves coastal ecosystems, natural resources and landscapes
 - (ii) to promote specific forms of coastal tourism including cultural, rural and ecotourism, while respecting the traditions of local populations
 - (iii) to regulate or prohibit, where necessary, the practice of the various sporting and recreational activities, including recreational fishing and shellfish extraction
- (e) Utilization of specific natural resources
 - (i) to subject to prior authorization the excavation and extraction of minerals, including the use of seawater in desalination plants and stone exploitation
 - (ii) to regulate and prohibit the extraction of sand and river sediments where it is likely to adversely affect the equilibrium of coastal ecosystems
 - (iii) to monitor coastal aquifers and dynamic areas of contact or interface between fresh and salt water, which may be adversely affected by the extraction of underground water or by discharges into the natural environment
- (f) Infrastructure, energy facilities, ports and maritime works
 - to subject these facilities and works to authorization so that their negative impact on coastal ecosystems, landscapes and geomorphology is minimized or, where appropriate, compensated by non-financial measures.]

Proposal by Italy

**[Article 8
Economic activities**

1. *In conformity with the objectives and principles set forth in Articles 5 and 5bis of this Protocol, and taking into account the relevant provisions of the Barcelona Convention and its Protocols, the Parties shall [ensure consistency in the application and development of relevant national legislation and regulation with the following criteria]⁶:*

⁶ *The integration is to guarantee a more consistent application of Protocol's criteria, principles and rules in the application and development of relevant national legislation and regulation.*

- (a) **accord specific attention to economic activities that require immediate proximity to the sea or that depend directly on the sea**
 - (b) **ensure that the various economic activities minimize the use of natural resources; and take into account the needs of future generations**
 - (c) **ensure respect for integrated water resources management and environmentally sound waste management**
 - (d) **ensure that the coastal and maritime economy is adapted to the fragile nature of coastal zones and that resources of the sea are protected from pollution**
 - (e) **define indicators of the development of economic activities to ensure sustainable use of coastal zones and ensure compliance with carrying capacity thresholds**
 - (f) **promote codes of good practice among public authorities, economic actors and NGOs.**
2. **With regard to the following economic activities, the Parties agree:**
- (a) **Agriculture and industry**
to guarantee a high level of protection of the environment in the location and operation of agricultural and industrial activities so as to preserve coastal ecosystems and landscapes and prevent pollution of the sea, water, air and soil
 - (b) **Fishing^{7,8}**
 - (i) **to ensure that fishing practices are compatible with sustainable use of natural marine resources**
 - (c) **Aquaculture**
 - (i) **to take into account the need to protect aquaculture areas in development projects**
 - (ii) **to regulate aquaculture by controlling the use of inputs and waste treatment**
 - (d) **Tourism, sporting and recreational activities**

⁷ The modification is needed because, first of all, a main difference exists between “fishing” (the action of catching fish and other aquatic organisms) and “aquaculture” (the farming of aquatic organisms in inland and coastal areas, involving intervention in the rearing process to enhance production and the individual or corporate ownership of the stock being cultivated), and secondly because with “shellfish production” it’s meant both capture (fishing) and farming of aquatic invertebrates possessing a shell or exoskeleton, usually molluscs and/or crustaceans. In other words, to consider in the same paragraph “shellfish production and fishing” and in another “aquaculture” is incorrect, because the activity of shellfish production concerns only some aquatic organisms (“aquatic invertebrates possessing a shell or exoskeleton”) and this activity is included in both fishing and aquaculture.

The definitions are available at the official site of FAO: www.fao.org.

⁸ It is important to specify – and to insert in article 2 Definitions - that with fishing is meant both catching and taking all the biological marine resources (in the UNCLOS – preceding CBD – is written conservation of the living resources of the sea), e.g. fish, sponge, coral, etc.

- (i) *to encourage sustainable coastal tourism [with a rational and renewable use of resources such as territory, energy, water, natural resources, the heritage etc., in order to] preserves coastal ecosystems, natural [and cultural] resources and landscapes⁹*
 - (ii) *to promote specific forms of coastal tourism including cultural, rural and ecotourism, while respecting the traditions of local populations*
 - (iii) *to regulate [and, where necessary,] prohibit the practice of the various sporting and recreational activities, including recreational fishing and shellfish extraction*
- (e) *Utilization of specific natural resources*
 - (i) *to subject to prior authorization the excavation and extraction of minerals, including the use of seawater in desalination plants and stone exploitation*
 - (ii) *to regulate and, [where it is likely to adversely affect the equilibrium of coastal ecosystems], prohibit the extraction of sand and river sediments*
 - (iii) *to monitor coastal aquifers and dynamic areas of contact or interface between fresh and salt water, which may be adversely affected by the extraction of underground water or by discharges into the natural environment*
- (f) *Infrastructure, energy facilities, ports and maritime works*

to subject [infrastructure, energy facilities, ports and maritime works]¹⁰ to authorization [consistent with art 5 bis, paragraph (i)]¹¹ so that their negative impact on coastal ecosystems, landscapes and geomorphology is minimized or, where appropriate, compensated by non-financial measures
- (g) *Shipping*

[Shipping activities should be conducted [as to ensure]¹² the preservation of coastal ecosystems and endeavouring to minimize pollution from ships.]

⁹ The reformulation of paragraph (i) tends to be more specific in defining the sustainability of tourist activities related to environment, culture and local tradition.

¹⁰ The reformulation tends to give more transparency to the interpretation of the paragraph

¹¹ The reformulation explicitly – referring to another article - provides for authorization subject to preliminary assessments.

¹² The substitution has been made as to stress the States responsibility to preservation of coastal areas.

Article 9

Specific coastal ecosystems

The Parties shall take measures to protect the characteristics of certain specific coastal ecosystems as follows :

1. Wetlands and estuaries

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

- (a) take into account in national coastal strategies, plans and programmes, and when issuing authorizations, the environmental, economic and social function of wetlands and estuaries;
- (b) take the necessary measures to regulate or, if necessary, prohibit activities which may have adverse effects on wetlands and estuaries;
- (c) undertake, to the extent possible, the restoration of degraded coastal wetlands with a view to reactivating their positive role in coastal environmental processes.

2. Marine habitats

The Parties, recognizing the need to protect marine areas hosting habitats and species of high conservation value, irrespective of their classification as protected areas, shall:

- (a) adopt measures to ensure the protection and conservation, through legislation, management and planning of marine and coastal areas, in particular of those hosting habitats and species of high conservation value;
- (b) undertake to promote regional and international cooperation for the implementation of common programmes on the protection of marine habitats.

3. Coastal forests and woods

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

4. Dunes

[The Parties undertake to preserve and, where possible, rehabilitate in a sustainable manner dune hills and bars].

Article 9 bis **Coastal landscapes**

The [States] Parties, recognizing the specific aesthetic, natural and cultural value of coastal landscapes, irrespective of their classification as protected areas, shall adopt measures to ensure the protection through legislation, management and planning, of coastal landscapes;

[undertake to promote regional and international cooperation with regard to the landscape and to implement joint actions for transboundary coastal landscapes.]

Article 9 ter **Islands**

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

- (a) promote environmentally friendly activities in such areas and take special measures to ensure the participation of the inhabitants in the protection of coastal ecosystems based on their local customs and knowledge;
- (b) take into account the specific characteristics of the island environment and the necessity to ensure interaction among islands in national coastal strategies, plans and programmes and management instruments, particularly in the fields of transport, tourism, fishing, waste and water.

Article 10 **Coastal erosion**

1. In conformity with the objectives and principles set out in Articles 5 and 5bis of the Protocol, the Parties, with a view to preventing and mitigating the negative impact of coastal erosion more effectively, undertake to adopt the necessary measures to maintain or restore the natural capacity of the coast to adapt to changes, including those caused by the rise in sea levels.
2. The Parties, when considering new activities and works located in the coastal zone including marine structures and [any] coastal defence works, shall take particular account of their negative effects on coastal erosion and the direct and indirect costs which may result. In respect of existing activities and structures, the Parties should adopt measures to minimize their effects on coastal erosion.
3. The Parties shall endeavour to anticipate the impacts of coastal erosion through the integrated management of activities, including adoption of special measures for coastal sediments and coastal works.

4. The Parties undertake to share scientific data that may improve knowledge on the state, development and impacts of coastal erosion.

Article 11

Cultural heritage

1. The [States] Parties shall adopt, individually or collectively, all appropriate measures to preserve and protect the cultural heritage of coastal zone, 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 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 12

Participation

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

- the territorial communities and public entities concerned;
- economic operators;
- non-governmental organizations;
- social actors;
- the public concerned.

Such participation shall involve *inter alia* consultative bodies, inquiries or public hearings, and may extend to partnerships.

2. With a view to ensuring such participation, the Parties shall provide information in an adequate, timely and effective manner.

3. Mediation or conciliation procedures and a right of administrative or legal recourse should be available to any stakeholder challenging decisions, acts or omissions subject to the participation provisions established by the Parties with respect to plans, programmes or projects on the coastal zone.

Article 13
Awareness-raising, training, education and research

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

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

3. The Parties shall provide for interdisciplinary scientific research on integrated coastal zone management and on the interaction between activities and their impacts on coastal zones. To this end, they should establish or support specialized research centres. The purpose of this research is, in particular, to further knowledge of integrated coastal zone management, to contribute to public information and to facilitate public and private decision-making.

PART III
INSTRUMENTS FOR INTEGRATED COASTAL ZONE MANAGEMENT

Article 14
Observatories, inventories and networks

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

2. With a view to facilitating the permanent observation of the state and evolution of coastal zones, the Parties shall set out, considering the existing monitoring mechanism, an agreed reference format and process to collect and exchange data in national inventories with the aim of establishing a coastal zone data network, in cooperation with the Centre.

Article 15

Mediterranean strategy for integrated coastal zone management

The Parties undertake to cooperate for the promotion of sustainable and integrated management of coastal zones taking into account, and complementing if necessary, the MSSD. The operational instruments for such cooperation will be periodically reviewed by the Parties.

Article 16

National coastal strategies, plans and programmes

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

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

3. Coastal plans and programmes, which may be self-standing or integrated in other plans and programmes, shall specify the orientations of the national strategy and implement it at an appropriate territorial level, determining, *inter alia*, the carrying capacities and conditions for the allocation and use of the marine and land parts of coastal zones.

Article 17

Environmental assessment

1. Taking into account the fragility of coastal zones, the Parties shall ensure that the content of environmental impact studies for public and private works and activities which may have a significant adverse impact on the environment of the coastal zone takes into consideration the specific sensitivity of this environment and the interrelationship between the marine and land areas through a carrying capacity evaluation and an analysis of cumulative impacts.

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

Article 18

Land ownership

With a view to promoting integrated coastal zone management, reducing economic pressure, maintaining open areas and allowing public access to and along the sea and the shore, Parties may adopt mechanisms for the acquisition of land for public ownership, cession to the public domain and the institution of easements on properties and of donations or transfer of land to public ownership.

Article 19

Economic and financial instruments

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

- a) shall adopt relevant financial and economic instruments intended to support local, regional and national initiatives for the integrated management of coastal zones**
- b) may, *inter alia*, establish taxes and charges intended to dissuade and prevent activities damaging to the coastal zone, the product of which shall be assigned to the maintenance, the sustainable management and the restoration of coastal areas. Part of the product of such taxes and charges may be used to maintain a special fund to finance the integrated management of coastal zones**
- c) may provide for economic incentives aimed at removal of existing infrastructures and constructions and for support schemes based on voluntary agreements for investments contributing, *inter alia*, to the protection and improvement of the coastal environment and landscape and to the sustainable use of natural resources.**

PART IV

INTERNATIONAL COOPERATION

Article 20

Training and research

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

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

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

Article 21

Scientific and technical assistance

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

Article 22

Exchange of information and demonstration projects

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

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

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

Article 23

Natural disasters

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

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

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

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

Article 24

Transboundary cooperation

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

Article 25

Transboundary impact studies and strategic assessment

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

- (a) Before authorizing such activities or approving such plans or programmes, notification shall be made [to the Organization and] to States liable to be affected. The notification shall include:
 - information on the proposed activity and its potential transboundary impact;
 - an indication of a reasonable time and of the national authority competent for the receipt of comments from the Organization and from States liable to be affected.
- (b) Within the reasonable time established, the affected Party shall respond to the Party of origin to acknowledge receipt of notification and shall indicate whether it intends to participate in the environmental impact study or the strategic assessment procedure. If so, the affected Party shall provide to the Party of origin any relevant information on the coastal environment within its jurisdiction, which is likely to be affected. The Party of origin shall provide the affected Party with the environmental impact study or strategic assessment documentation. This documentation shall take into consideration, inter alia, the specific sensitivity of coastal zones, their carrying capacity and the inter-relationship between the maritime and land areas.

- (c) The concerned Parties shall ensure that the public is informed in due time of proposals submitted for a transboundary impact study or strategic assessment and is able to formulate, within a reasonable time, observations or counterproposals for transmission to the competent national authority. The public concerned, including relevant non-governmental organizations, means both the public in the State of origin and the public in the State or States of which the coastal zone is liable to be affected.
 - (d) Where appropriate, before a final decision is made by the Party of origin, the Parties shall engage in consultations concerning, inter alia, the potential transboundary impact of the proposed activity and appropriate measures to reduce or eliminate this impact.
2. The Parties may adopt, where appropriate, bilateral or multilateral agreements to give full effect to the above provisions.

PART V INSTITUTIONAL PROVISIONS

Article 26 Focal Points

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

Article 27 Reports

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

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

Article 28

Institutional arrangements

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

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

Article 29

Meetings of the Parties

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

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

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

PART VI FINAL PROVISIONS

Article 30 Relationship with the Convention

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

Article 31
Relations with third Parties

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

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

Article 32
Final provisions

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

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

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

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