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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

REPORT

OF THE 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

UNEP/MAP
Athens, 2007

Introduction

1. Pursuant to the decision of the 14th Ordinary Meeting of the Contracting Parties to the Barcelona Convention and its Protocols, held in Portoroz, Slovenia, from 8 to 11 November 2005, the third meeting of the Working Group of legal and technical experts designated by the Contracting Parties was held at the Club Hotel Loutraki, Loutraki, Greece, from 12 to 15 February 2007, to continue discussing a draft text of a protocol on integrated coastal zone management (ICZM), with a view to its consideration and possible approval by the 15th Ordinary Meeting of the Contracting Parties to the Barcelona Convention and its Protocols, to be held in December 2007.

2. The purpose of the meeting was to continue the review of the text of the draft Protocol proposed by the Secretariat, resuming discussions initiated at the first and second meetings of the Working Group, held respectively in Split, Croatia, from 27 to 29 April 2006 and in Loutraki, Greece, from 6 to 9 September 2006.

Attendance

3. The meeting was attended by experts designated by the following Contracting Parties to the Barcelona Convention: Albania, Algeria, Bosnia and Herzegovina, Croatia, Cyprus, European Community, Egypt, France, Greece, Israel, Italy, Libyan Arab Jamahiriya, Morocco, Spain, Syrian Arab Republic, Tunisia and Turkey. Montenegro participated as an observer.

4. The Priority Action Programme Regional Activity Centre (PAP/RAC) and the Regional Activity Centre for Specially Protected Areas (SPA/RAC) were represented. The following United Nations specialized agencies and non-governmental organizations were also represented as observers: UNESCO, the Intergovernmental Oceanographic Commission (IOC), the Mouvement écologique algérien (MEA), the Mediterranean Association to Save the Sea Turtles (MEDASSET), the Mediterranean Information Office for Environment, Culture and Sustainable Development (MIO-ECSDE), the Réseau arabe pour l'Environnement et le Développement (RAED) and the Turkish Marine Research Foundation (TMRF).

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

Agenda item 1: Opening of the meeting

6. The meeting was opened by Mr Paul Mifsud, MAP Coordinator. Reviewing the background to the current meeting, he said that, in the course of previous meetings and through further constructive exchanges and contributions, good progress had been made in the discussion of the text of the draft Protocol. He trusted that the same cooperative spirit would prevail at the present meeting of the Working Group. One more meeting might be necessary in order to approve a final text for submission to the Contracting Parties in December 2007.

Agenda item 2: Election of officers

7. The meeting elected its officers as follows:

Chairperson: Mr Larbi Sbai (Morocco)
Vice-Chairpersons: Ms Selma Cengic (Bosnia and Herzegovina)
Ms Aurora Gomez Cardosa (Spain)

Mr Omar Abou Eich (Egypt)
Ms Athina Mourmouris (Greece)
Rapporteur: Mr Dan Tzafrir (Israel)

8. The Chairperson said he looked forward to fruitful cooperation in the forthcoming deliberations, leading to finalization of a coherent text that was as near to perfection as possible, bearing in mind, especially given the time constraints, that no legal text was infallible.

Agenda item 3: Adoption of the agenda and organization of work

9. The Chairperson drew attention to the provisional agenda (UNEP(DEPI)/MED WG.305/1) and the annotated provisional agenda (UNEP(DEPI)/MED WG. 305/2) containing the timetable of work. With reference to the latter document, he suggested that, in respect of agenda item 4, the Working Group might wish to proceed with consideration of articles not yet reviewed so as to complete the first round of discussion on the whole text. That approach was endorsed by the representative of France, who agreed that it was preferable to move ahead: returning first to issues left open at previous meetings might lead to protracted discussions at the outset of the meeting. The agenda was adopted on that understanding.

Agenda item 4: Review of the proposed draft text of the Protocol on integrated coastal zone management (ICZM)

Part II. Principles and elements of integrated coastal zone management

Article 7 (Protection and sustainable use of the coastal zone)

10. The meeting considered the draft text of Article 7, introduced by Mr Michel Prieur, Legal Consultant in conjunction with a proposed amendment by Italy.

11. The representative of Italy proposed to amend the Article by inserting a new subparagraph 2 (a)bis on the identification of spatial units based on the ecosystem approach.

12. Concerns were expressed that the proposed amendment created a new obligation to delimit coastal spatial units that could also further complicate the planning structures in some countries. It was suggested that the wording might be changed to provide more flexibility. It was first essential, however, to determine whether the delimitation of such units was indicative or obligatory.

13. While there was a general consensus concerning the importance of incorporating the ecosystem approach, many representatives felt that it would be more appropriate to insert a relevant paragraph under a different article of the Protocol. Articles 3 (Geographical coverage), 5bis (General principles of integrated coastal zone management), 14 (Observatories, inventories and networks) and 16 (National coastal strategies, plans and programmes) were mentioned as possible options.

14. Mr Prieur agreed that Article 5bis was a suitable option in that it dealt with general ICZM principles. If the paragraph was slightly redrafted, it could be inserted at the end of the present Article 5bis (c), for instance, which would still provide the necessary flexibility when it came to adoption of the ecosystem approach.

15. The representative of Italy suggested that, with a few minor modifications, the proposed paragraph could be inserted before the present paragraph 3 of Article 3. One representative cautioned against reopening any discussion of Article 3, given its critical

importance to the Protocol, but the representatives of Greece and Italy each drew attention to the fact that further discussion of the Article was still viable in view of the reservations expressed to it by their respective countries. Numerous representatives commented that the final wording should be settled before any decision as to the positioning of the paragraph was made.

16. In response to the various suggestions, Mr Ivica Trumbić, Director of PAP/RAC, said that inclusion of the proposed new paragraph in Article 3 would be a practical solution, but that the final decision should ideally be based on how the content would subsequently best be incorporated under legislation at national level. One representative added that the underlying objective of the paragraph was another important criterion to take into account in making that decision.

17. Several participants queried the justification for the proposal in subparagraph 2 (a) to specify a minimum width (setback) of 100 metres for the strip of coastal land on which no new construction was to be permitted. The representative of Spain said that his country would find it difficult to accede to the Protocol if such a large setback was imposed. Some representatives commented that subparagraph (a) laid down a minimum setback, which might, however, be changed in cases of public interest, as specified in subparagraph (b). Others pointed out that such exemptions would not benefit private individuals. Land values would drop dramatically in the coastal strip, as no construction would be permitted there, and the landowners might be entitled to compensation. Further Issues raised included the following: whether the setback would be imposed in or outside urban areas, or those likely to be urbanized in the future; use of the results of an environmental impact assessment to determine an appropriate setback; and the relevance of factors besides the distance from the waterline, such as height above sea level, as sea levels were likely to rise as a result of climate change.

18. One observer commented that the criteria listed in paragraph 3 should also include the anchoring of sea craft close to dunes or other sensitive coastal sites.

19. Contrasting opinions were expressed regarding inclusion of the phrase ‘and other sensitive areas’ in subparagraph 3 (e). The representative of Italy said that the phrase introduced flexibility into the subparagraph, allowing Parties to identify specific sensitive areas. Various suggestions were made with regard to specific areas that should be included, although it was pointed out that such a list could not be complete. The representative of SPA/RAC said that, in particular, the marine environment was not mentioned.

20. The Working Group later discussed a new draft of Article 7, revised in the light of representatives’ comments. Questions were raised about the implications of the phrase ‘outside built-up areas’, and it was therefore enclosed in square brackets. The representative of Greece stated that she reserved the right to reopen discussion of the wording of paragraph 2 on which she placed a study reservation at a later date.

Article 8 (Economic activities)

21. There was general agreement that the addition to the chapeau of paragraph 1 proposed by Italy was unnecessary. The representative of Italy therefore agreed to withdraw the proposal.

22. Several representatives proposed that, in subparagraph 1 (a), the words ‘or that depend directly on the sea’ should be deleted, as some economic activities that used products of the sea might be situated inland. A participant reminded that it had been agreed at the previous meeting to use the wording "needing the proximity of the sea".

23. With regard to subparagraph 1 (e), the representative of Greece said that ‘compliance’ was a legal term and that carrying-capacity thresholds had not been defined. Discussion also took place on the exact meaning of the term "carrying capacity", i.e. whether it refers to the carrying capacity of a territory or to a tool to be applied by the countries, in which case it would be necessary to modify sectoral legislation.

24. An observer pointed out that subparagraphs 1 (a) to (f) represented aspects of environmental management systems. He proposed that a further subparagraph be added, exhorting Parties to adopt an environmental management system, including thresholds, indicators and monitoring, for controlling economic activities in ICZM.

25. It was decided to rephrase the chapeau to paragraph 2, to indicate that the subparagraphs below it represented additional economic activities that could be submitted to regulation. The title of subparagraph 2 (e) should be brought into line with the other titles, to refer to an economic activity.

26. The representative of SPA/RAC said that subparagraph 2 (c) should include mention of the possible deleterious effects on fragile sites of the implantation of aquaculture areas and also the need to prevent the introduction of invasive alien species.

27. The representative of Greece said that the phrase ‘regulate and prohibit’ should be changed to ‘regulate or prohibit’ throughout the Protocol. In response to the Italian proposal to delete the reference to shellfish products in association with fishing, she proposed that shellfish be mentioned in subparagraph 2 (c).

28. In a discussion about whether to include subparagraph 2 (g) on shipping proposed by Italy, several representatives pointed out that the effects of shipping on the environment were already covered by several conventions of the International Maritime Organization (IMO). One representative questioned the feasibility of Parties finding a common approach to controlling the transfer of harmful alien organisms from ballast water discharged into the Mediterranean, as proposed in an additional amendment from Italy.

29. The Working Group later considered a revised draft of Article 8. The representative of France pointed out that an issue of substance remained undecided in subparagraph 2 (g), namely whether it was appropriate to refer to shipping activities in the current Protocol, which derived from an environmental convention. After some discussion, the subparagraph, with minor amendments, was enclosed in square brackets in the draft Protocol.

Part III. Instruments for integrated coastal zone management

Article 14 (Observatories, inventories and networks)

30. The meeting considered the draft text of Article 14, as amended at previous meetings, in conjunction with a proposal for further amendments by Italy. The representative of Italy stressed the importance of ensuring that any new monitoring and observation mechanism worked in coordination with, and complemented, existing mechanisms. Conscious that many countries already had such mechanisms in place, several representatives said that it would be more effective to concentrate on boosting existing mechanisms rather than setting up new ones. That could be done at a later stage, if necessary, or where no such mechanisms existed.

31. Several representatives considered the inclusion of an example of a monitoring and observation mechanism – in this case ‘observatories’ – unnecessary, as there were many other methods of monitoring and observation that might be employed. The concept of ‘permanent’ observation posed a problem to certain representatives who said that it would require substantial human and financial resources. It was suggested that ‘regular’

observation would be a more realistic undertaking. Furthermore, one representative said that inventories of economic installations only would be too limiting and that future economic prospects should also be addressed.

32. A reordering of Articles 14, 15 and 16 was proposed, as it seemed more logical to deal first with a Mediterranean strategy for ICZM, then with national strategies and finally with monitoring and observation.

33. The establishment of a 'coastal zone data network' was discussed. Several representatives requested clarification as to what that would entail. One representative proposed creating data-exchange networks among the competent authorities on the one hand and among scientists on the other. Another paragraph could be added that referred explicitly to the exchange of scientific experience, not only the sharing of data. It was stressed, however, that it was not desirable for countries to share all their data, for a variety of reasons, including the risk of land speculation. Another representative highlighted the costs involved in collecting and exchanging information, and that substantial technical and financial support would be required.

34. The representative of Italy proposed additional text inspired by the Aarhus Convention, obliging Parties to guarantee public access to information generated by the above-mentioned mechanisms. Several representatives considered that it would be better placed elsewhere in the Protocol, such as in Article 13 (Awareness-raising, training education and research), or paragraph 2 of Article 12 (Participation). The latter was deemed inappropriate as that provision referred to the obligation of authorities to provide the information and the idea behind Italy's proposal was the right of the public to request that information. It was suggested, however, that new paragraph would be redundant if the provision was already contained in the Aarhus Convention and in several European Union directives. It was pointed out that not all Parties to the Barcelona Convention were party to the Aarhus Convention.

35. The representative of Israel stated that he reserved the right to reopen discussion of the wording of Article 14 at a later date.

36. At a later session, the Working Group considered a new version of the Article revised on the basis of proposals by the representatives of Greece and Italy, and taking into account the comments made earlier in the meeting. Regarding the final paragraph dealing with public access to information, the representative of Italy was concerned that the information contained in reports transmitted to the Organization by the Parties might be too general and summarized.

37. There was general agreement that the paragraph could be deleted given that provisions relating to public right of access to information appeared elsewhere in the Protocol, in Article 12 (Participation) and Article 15 of the Barcelona Convention for example. The representative of Italy, however, expressed his disappointment at the suggestion, as he considered it a backward step. The Working Group therefore agreed to leave the paragraph in square brackets and to note the study reservation on the paragraph entered by Italy.

38. The representative of Israel pointed out that the reservation he had entered on the whole Article was also a study reservation, which would enable him to examine the latest round of amendments with the relevant authorities in his country; it was not a serious reservation on the substance of the Article. Mr Raftopoulos, MAP Legal Adviser, acknowledged that the European Union differentiated between the two types of reservation by employing the term 'study reservation', but explained that no such distinction was in general made in international law.

Article 15 (Mediterranean strategy for integrated coastal zone management)

39. The representative of Italy proposed a number of further amendments with a view to strengthening Article 15, which, in his view, had a crucial bearing on a number of other articles. He suggested giving more prominence to the link between the Mediterranean Strategy for Sustainable Development (MSSD) and countries' national strategies and considered the Operational Strategic Action Plan for Integrated Coastal Area Management (OSAP ICAM) to be an even better framework for developing an ICZM strategy. Despite its 12 strategic objectives, however, it contained no operational tools for implementing the strategy or monitoring its implementation; neither did it refer to any time frames for so doing. The representative of Italy therefore proposed including such elements in the present Article.

40. In response to his suggestions, several representatives expressed concern that such substantial modifications changed the whole philosophy of an Article that had already been discussed at a previous meeting, and on which consensus had almost been reached. The formulation, as it stood, had been the fruit of considerable compromise. Certain representatives had subsequently had to explain to their ministries the reasoning behind the first round of changes to the Article and could not entertain the idea of agreeing to a complete reorientation. It was therefore suggested that minor amendments to previously discussed articles be permitted, to improve them in the light of subsequent discussions, but that a complete change of orientation was out of the question.

41. Regarding the substance of Italy's proposals, it was reiterated that the MSSD contained 40 references to ICZM and that they could be considered as the basis for an ICZM strategy. Furthermore, ICZM was a continuous and constant process, and to restrict it to specific time frames might hinder rather than help its implementation. It was also suggested that referring to the OSAP ICAM, which was a fixed plan that had been created prior to the drafting of the present Protocol, might also impose constraints on ICZM implementation. The national action plans were a better medium as they were more flexible and could be updated as necessary, with specific time frames and timetables.

42. Further clarification was sought as to what the 'operational instruments' contained in the Article might be and how they would be reviewed. It was also suggested that explicit reference be made to the support offered by the Organization and the Centre to Parties in implementing the ICZM objectives of the MSSD.

43. The Working Group later discussed a considerably revised version of the article. The representative of France stressed that the proposed common regional framework should take into account the MSSD, but that further action should be taken only where it was considered necessary. The representative of Italy said that, in his opinion, it was essential to have a strong regional framework for activities related to the Protocol, closely linked to the MSSD, on which the various national strategies would be based. The Protocol must make it clear that action going beyond the provisions of the MSSD was required.

44. One representative pointed out that the new version assigned specific duties to the Centre, although there was a separate article, namely Article 28, dealing with the duties of that institution. There was thus a danger of duplication. The representative of the European Commission entered a study reservation on the whole of Article 15.

Article 16 (National coastal strategies plans and programmes)

45. The representative of Italy proposed adding a fourth paragraph to the Article which stipulated that national coastal strategies should take into account the existing regional plans and programmes established within the framework of the Land-based Sources (LBS) and Specially Protected Areas (SPA) Protocols, given their close relation to the present Protocol.

46. Several representatives said that they considered the link between the Protocols to be obvious and thus any mention of it redundant. The need for coherence between the ICZM Protocol, the Barcelona Convention and its other Protocols was referred to in the preamble and was therefore valid for all articles of the Protocol. From a legal point of view, explicit mention of the link in certain articles and not in others might imply that coherence was a consideration only in certain circumstances, which was not the case. Furthermore, the two other Protocols were not the only instruments that should be taken into account in the development and implementation of national coastal strategies.

47. One representative said that not all Parties would need to formulate a national strategy; some had already done so. Those countries should therefore concentrate on strengthening their existing strategy. Other suggestions for modifications to the Article included: designating a coordination mechanism for national strategies; following the ecosystem approach; and developing indicators for evaluating the effectiveness of the ICZM strategies.

48. The representative of Spain proposed additional text requesting Parties to establish indicators to evaluate progress and outcomes in coastal zone management. Although it was agreed that mention of indicators would be useful, a discussion ensued about its proper placement, different representatives considering that indicators should be inserted in Article 14 (Observatories, inventories and networks), Article 5bis (General principles of integrated coastal zone management), the present Article or Article 22 (Exchange of information and demonstration projects). There was a further suggestion that the term be defined in Article 2 (Definitions).

49. Several representatives pointed out that indicators could be used for various purposes, so that the wording should be more general than that proposed. One representative recalled that indicators for ICZM were clearly described in the MSSD, and reference could be made to that document.

50. The Working Group later considered a revised version of Article 16. The phrase ‘institutional instruments and’ was inserted before ‘legal and financial means’ in paragraph 2, the phrase being understood to refer to institutions at local, regional or national level such as coordination committees. Concern was expressed that the Article duplicated Article 6, which dealt with institutional coordination. One representative said that national partners might be confused and demoralized by the suggestion that they would be expected to work with the large number of supranational bodies referred to in the Protocol.

Article 17 (Environmental assessment)

51. Several suggestions were made for amendments that would serve to differentiate environmental impact assessment, of which environmental impact studies were a part, from strategic environmental assessment. A previous suggestion that the two terms be defined in Article 2 was, however, contested by a number of representatives, on the grounds that the terms were clearly defined in numerous other documents.

52. A discussion ensued about inclusion of the phrase ‘a carrying-capacity evaluation’. Several representatives said that its inclusion in Article 17 was superfluous, as carrying capacity would be evaluated as part of an impact assessment. Furthermore, it was not yet fully developed as a tool for environmental impact assessment and should not be made a requirement for Parties. The representative of the European Commission said that she would express reservations about the Article if the requirement was maintained to perform a separate carrying-capacity evaluation as part of an EIA. A suggestion that the term be defined in Article 2 was rejected on the grounds that that section would become overly cumbersome if all terms were defined therein. It was pointed out that the term was mentioned in Article 8, and it was agreed that that mention should be retained. Other

representatives said that the phrase 'analysis of cumulative impacts' was not synonymous with 'a carrying-capacity evaluation'.

53. Correct use of the terms 'works', 'activities' and 'projects', should be ensured in line with the usage in the Barcelona Convention.

54. A number of representatives proposed that 'marine and land areas' in paragraph 1 be changed to 'marine and land ecosystems'.

55. A suggestion by one representative that the word 'significant' in paragraph 1 might imply that the Article did not apply to adverse impacts that were not significant was countered by the representative of the European Commission, who said that the word was essential in order to avoid unnecessary burden on small projects and to ensure consistency with other legal instruments that deal with EIA already.

56. Several representatives noted that the purpose of environmental impact assessments was to indicate possible measures for mitigation of any effects seen. It was suggested that the words 'and to propose solutions in order to limit any negative effects' be added at the end of the Article.

57. The Working Group later discussed a revised version of the Article, with the result that paragraphs 1 and 3 were further amended in the light of comments made. Concerning paragraph 3, from which reference to a carrying-capacity evaluation had been removed on the basis of a Greek redrafting proposal, the representative of Italy said that he wished to place on record that his country laid great emphasis on the use of carrying-capacity evaluation in the assessment of coastal zone management. The representative of Greece explained that her amendment was designed to facilitate matters by including only a general reference to carrying capacity, thereby avoiding the creation of a new obligation in connection with a tool that was not yet fully operational in the context of environmental impact assessment.

Article 18 (Land ownership)

58. It was decided to bring the English title into line with the French, which better reflected the content of the Article.

59. In addition, it was proposed that the words 'and management' be added after the word 'acquisition' in the second sentence. Discussion whether acquisition and management are two different goals, or the acquisition has for goal to allow for management which can be either public or private.

60. Several suggestions were made to change the word 'may' in the second sentence to 'should'. Most representatives would have preferred that the word be 'shall' but recognized that their governments would have difficulty in accepting such interference in their national policies regarding land ownership.

61. The Working Group later considered a revised version of the Article. It was generally agreed that the phrase 'environmentally sound' was redundant and could be deleted. Following a discussion on the subject of public ownership of land, the view emerged that the Article should also include provision for private ownership on the ground that it would otherwise be too limiting.

62. On the basis of the comments made, a further revised version of the Article was circulated for consideration by the Working Group. As explained by Mr Prieur, the new draft now comprised a first paragraph setting forth the general objectives sought and a second paragraph indicating measures designed to ensure the sustainable management of both

public and private land. Some representatives considered the reference to future planning in paragraph 1 to be redundant, whereas the representative of Greece in particular stressed the importance of its inclusion in order to cover situations such as the purchase of land with a view to sustainable management that was intended but not yet finalized.

63. Taking into account the views expressed, the representative of France proposed further new wording for paragraph 2. The representative of Italy requested advice from the legal experts concerning the legal implications of the word 'may' in that paragraph and entered a study reservation to the Article pending that advice. The representatives of Greece and Turkey similarly entered study reservations to the Article. At the suggestion of the MAP Coordinator, it was agreed to incorporate into the revised version of the Article the new wording proposed by the representative of France and to place the Article between square brackets with a view to its further consideration at a future meeting.

Article 19 (Economic and financial instruments)

64. Concerning subparagraph (a), the inclusion of a reference to synergy with existing financial mechanisms suggested by one representative was deemed unnecessary; such a reference could be more fittingly incorporated under Article 29 (Meetings of the Parties). As for a proposal from the representative of France to change the word 'shall' to 'may' in order to leave room for States Parties to act in accordance with their individual circumstances, the Working Group decided to include both words in square brackets.

65. Concerning subparagraph (b), it was agreed to include appropriate references to installations and public information and awareness-raising. The representative of Italy said that, in the Italian context, damaging activities would be construed to mean illegal activities. It was therefore decided to replace the word 'damaging' with 'adversely affecting', followed by 'or liable to adversely affect'.

66. Concerning subparagraph (c), a proposal from the representative of Algeria to make additional provision for the relocation of existing infrastructures and constructions was discussed and agreed. The representative of Greece reiterated a Cypriot proposal made during the previous meeting to include transfer of development rights as an economic incentive with the aim of counterbalancing any depreciation of land values resulting from implementation of the Protocol. Several representatives stressed the fact that the Protocol was not retroactive, in which case her concern to offset losses to landowners in areas affected by its implementation was unwarranted. They also advised caution in introducing into the text any such element as the transfer of development rights; the issue was extremely complex and it was preferable to avoid making detailed provisions, which would simply hamper progress. One representative also commented that land values could never be guaranteed under any circumstances. The representative of Greece said that she would withdraw her proposal in the interest of cooperation but emphasized the importance of mutual understanding and recognition of the implications of implementation of the Protocol in individual countries, bearing in mind the possible influence of such implications on signature of the Protocol.

Part IV. International cooperation

67. Introducing Part IV, Mr Prieur said that it covered aspects of cooperation among the signatories to the Barcelona Convention that would assist them in implementing ICZM. The articles in Part IV of the Protocol reflected similar requirements in other conventions, including the Barcelona Convention.

68. The representative of France entered a reservation concerning the articles in which only PAP/RAC, which was referred to as 'the Centre', was mentioned, as other MAP centres

might have competences with regard to certain provisions. The Secretariat explained that the words 'the Organization' had been added to cover just that contingency. It was decided to place the phrase 'the Organization, the Centre' in square brackets in Articles 20, 21, 22 and 24.

Article 20 (Training and research)

69. A number of representatives called for clarification of the term 'international' in the context of the Protocol. It was agreed that addition of or substitution by the word 'regional' would create confusion, as regions could be internal to a country, whereas the intent of Part IV was to cover cooperation among Contracting Parties to the Convention.

70. In response to comments that the words 'identifying and' were unnecessary in subparagraph 1 (a), Mr Prieur said that the phrase had been introduced to avoid duplication of existing work, and the representative of France emphasized the importance of basing capacity strengthening on prior evaluation of the existing situation.

71. Several representatives said that the word 'undertake' in paragraph 1 should be changed to 'work towards'. Furthermore, it was suggested that assistance from the Centre or the international organizations concerned should be provided only on request from countries. The representative of France pointed out that 'work towards' was not a legal term, and linguistic coherence with the Barcelona Convention should be maintained.

72. A number of interventions were made about whether to include, in Articles 20 to 24, references to other regional activity centres that were competent in specific aspects of ICZM. Mr Trumbić said that wording would be found to ensure that their input was acknowledged, without naming particular centres.

73. Mr Prieur suggested that paragraph 2 of Article 14 be moved under Article 20, as the establishment of a network for data sharing represented international cooperation. It was agreed that a decision on the placement of the paragraph be deferred until Article 14 had been discussed.

74. At a later session, the Working Group considered a revised version of Article 20, which included comments made in the previous discussion. There was some discussion about use of the term 'agree to' in paragraph 4, some representatives considering that it was too binding. The representative of Greece pointed out that removal of the words 'data and' meant that Parties were agreeing simply to exchange information and not data sets.

75. The representatives of Croatia and Israel entered reservations to inclusion of the phrase 'agree to'.

Article 21 (Scientific and technical assistance)

76. Mr Prieur, introducing the Article, said that it was based on Article 13 of the Convention, and the concept was reflected in several other protocols. The term 'environmentally sound technology' was used in the Convention. Nevertheless, a number of representatives proposed alternative wording for that phrase.

Article 22 (Exchange of information and demonstration projects)

77. Several representatives suggested that existing coastal indicators be mentioned in subparagraph 2 (a). Much work had been done on identifying indicators, which were the core of coastal management. It was further proposed that indicators should not only be defined but also monitored and that the term 'coastal' should be more closely defined. An observer

said that indicators were an instrument for evaluating the effectiveness of ICZM and should therefore be covered in Part III of the Protocol.

78. Another representative, with reference to subparagraph 2 (b), suggested that assessments should be not only established and maintained but also followed up. Subparagraph 2 (c) should instruct Parties to participate in demonstration projects, and not necessarily to carry them out. An observer proposed insertion of a new subparagraph 2 (d) stating that Parties would undertake to act on the information provided by the indicators.

79. The Working Group subsequently considered a revised version of Article 22, which was deemed acceptable.

Article 23 (Natural disasters)

80. Introducing the Article, Mr Prieur said that it set forth a variety of measures aimed at reducing the negative effects of natural disasters, in which context he emphasized that some 20 such disasters had occurred in the Mediterranean area since 2001.

81. Several representatives suggested that the Article should also provide for technical disasters, given their potential impact on marine environments. They further suggested that the list of natural phenomena contained in paragraph 1 should include other natural risks or should be excluded altogether on the ground that it was too restricting.

82. Several representatives stressed the importance of a clear definition of the term ‘natural disaster’, based on effects and not causes. It was pointed out, however, that any definition would require careful reflection, bearing in mind the work already under way or completed in the area of risk terminology.

83. One representative suggested that a new paragraph 1 should be drafted to reflect the fact that not all Parties yet had means of detection, warning and communication at their disposal. Others suggested that paragraph 1 should be deleted entirely in order to avoid overlap, insofar as some Parties were already obliged under existing instruments to organize coordination, or that it should redrafted to reflect that reality and also make provision for those Parties that were not yet so obliged. One representative commented in response that the legal experts should first give further consideration to the question of existing instruments and whether they applied to all Parties.

84. With further reference to paragraph 1, it was pointed out that relevant information exchange had already begun among some Parties. As for paragraph 2, a proposal was made to redraft it to include other measures for coping with the impact of natural disasters, including the dissemination of appropriate information to vulnerable populations.

85. It was widely felt that the Article should focus much more strongly on measures designed to minimize the impact of natural disasters, including the use of humanitarian and technical assistance to reduce vulnerability through, for instance, the establishment of detection and warning systems. In that connection, Mr Trumbić said that the active participation of MAP and PAP/RAC in work of the Intergovernmental Coordination Group on the North-Eastern Atlantic, the Mediterranean and Connected Seas Tsunami Warning and Mitigation System should be reflected. A further comment was that the Protocol should include guidelines on types of action to be supported by countries in the Mediterranean region.

86. In terms of both human and financial resources, the implications of such preventive measures and assistance were highlighted as a major concern, although one representative felt that the mood suggested a preference for deletion of the reference in paragraph 3 to humanitarian assistance.

87. A number of representatives emphasized that the reference to Article 13 of the Prevention and Emergency Protocol in paragraph 4 was irrelevant in view of its subject matter. Some therefore supported its deletion, while others suggested that the method of reimbursement could be set out more explicitly in order to avoid any possibility of confusion on such a key point.

88. The representative of Greece suggested that paragraphs 1 and 4, both of which related to international cooperation, should be retained under Article 23 and that paragraphs 2 and 3, which related to activities at the national level, should be appropriately redrafted under another article on the subject of risk prevention and contingency planning, for instance. The representative of Israel said that to remove paragraphs 2 and 3 would be to remove the crucial foundation for international cooperation that they each provided.

89. Responding to the comments made, Mr Prieur said that technical disasters did not merit specific inclusion in the Protocol because, unlike tsunamis, for instance, they did not exclusively affect coastal zones. Moreover, under Article 5 (5) of the LBS Protocol, the Parties were required to take preventive measures to reduce to the minimum the risk of pollution caused by accidents. As for early-warning systems, a series of initiatives were already under way in different geographical areas, and any system created for the Mediterranean area should be linked to the Protocol, in which context it was essential to mention cooperation for the benefit of member States who were not yet part of such initiatives and in order to coordinate national emergency plans.

90. Concerning paragraph 4, he said that Article 13 of the LBS Protocol provided a cost-sharing model that could be applied mutatis mutandis to critical situations such as those produced by natural disasters. Mr Raftopoulos agreed, further adding that careful drafting of the Protocol was essential, not least because prevention, mitigation and adaptation measures in the context of natural disaster were in constant development and a subject of ongoing discussion in a variety of for a, e.g. the Ramsar Convention.

91. In the light of the conclusions of an informal drafting committee set up to consider Article 23, the Secretariat proposed a new Part, provisionally numbered IIIbis and entitled ‘Natural risks’, bringing together Articles 10 and 23 of the draft. The former Article 10 (Coastal erosion) became a new article, provisionally numbered 19bis, the text of which was already discussed at the 2nd Meeting of the Working Group. The former Article 23 became a new article, provisionally numbered 19ter, with one part addressing national action at times of natural disaster and a second part addressing international action. After a discussion of the desirability of including the term ‘climate change’, which some representatives considered to be primarily an anthropogenic phenomenon, the phrase ‘which can be induced by human or natural activities’ was included in square brackets at the end of paragraph 1.

Article 24 (Transboundary cooperation)

92. Mr Prieur said that the article was intended to encourage Parties to coordinate their activities in coastal zone management and to involve local and regional administrative bodies in such coordination.

93. Following proposals by several representatives, Mr Raftopoulos suggested that the first paragraph should be reworded to indicate that States Parties should act bilaterally or multilaterally, as appropriate, to coordinate their national coastal strategies, plans and programmes. One representative said that, in some countries, it might not be possible formally to involve local and regional administrative bodies in such coordination.

94. The Working Group subsequently considered a revised version of Article 24. A discussion ensued as to whether the word ‘administrative’ also covered elected officials. The representative of Tunisia raised a point of order, recalling that the task of the session was to

verify that the amendments that had been proposed had indeed been incorporated in the text of the articles and to approve them. The intention was not to reopen discussion on the articles that had already been reviewed.

Article 25 (Transboundary impact studies and strategic assessment)

95. Mr Prieur said that Article 25 encouraged Parties to cooperate in the preparation of environmental impact studies by notifying States liable to be affected by their activities in the coastal zone, by exchanges of information and by consultation with the States concerned and with civil society.

96. Several representatives emphasized the political sensitivity of the issue. The representative of Israel drew attention to the danger that one State might veto or delay a project planned by another State, while another said that the results of a consultation must carry some weight or they would simply be ignored. An observer noted the difficulty of consulting all actors who might potentially be affected. A further suggestion was that impact assessments should be carried out only for selected projects, in view of the burden of work involved.

97. Responding to comments by several representatives, Mr Prieur said that the first paragraph of the article laid down basic principles for cooperation in the assessment of environmental impacts. If Parties wished to take that cooperation further, they could conclude a bilateral or multilateral agreement, as provided for in the second paragraph. One representative noted the possibility, still enclosed in square brackets in the draft, that the Organization should also be notified of projects with potential adverse effects. While desirable, such a course would have resource implications.

98. Following discussion of the terns used, it was agreed that the Article should be entitled ‘Transboundary strategic environmental assessment and environmental impact assessment’ and the word ‘projects’ should be replaced by ‘activities’. One representative suggested that a definition of ‘strategic environmental assessment’ should be included in Article 2. The representative of Greece noted that Article 3 defined the geographical coverage of the Protocol in terms of the Party’s territorial waters. If that definition was retained, it would be necessary to refer to the Party’s ‘sovereignty’ rather than its ‘jurisdiction’ over its coastal zone.

99. It was noted that the measures described in Article 25 would also serve as follow-up to the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 1991 – the Espoo (EIA) Convention) and its Protocol on Strategic Environmental Assessment (Kiev, 2003 – the SEA Protocol). Those instruments should be cited in the preamble to the present Protocol. After discussion, the revised version of Article 25, prepared by the Secretariat, was left for the consideration of the next meeting of the Working Group.

Part V. Institutional provisions

100. Mr Raftopoulos, introducing Part V, said that some of the protocols to the Barcelona Convention that were of a distinctive managerial nature, such as the draft Protocol under consideration and the SPA Protocol, had a deeper institutional structure for their governance than others, to include coordination between the MAP Secretariat and the responsible Regional Activity Centre and detailed provisions for meetings of the Contracting Parties signatory to the relevant protocol.

Article 26 (Focal points)

101. One representative commented that information should be disseminated in each country at national, regional and local levels of administration. Other representatives questioned the feasibility for focal points of disseminating information on technical and scientific aspects. That function was covered by articles of the Protocol that dealt with cooperation. The representative of SPA/RAC said that focal points should not only disseminate information from the Centre but should also ensure that information from countries was sent to the Centre. Another representative said that the Article should indicate that disseminating information was only one of the numerous tasks of focal points.

Article 27 (Reports)

102. Mr Raftopoulos said that the chapeau of Article 27 repeated wording that was already in Article 26 of the Barcelona Convention that applies to the Convention and its Protocols. He stressed that its formulation is justified if it had an added value, and he proposed deletion of the phrase 'in such form and at such intervals as these Meetings may determine'. The representative of Greece, however, called for its retention, as the reporting interval might differ according to the activity.

103. Several representatives considered that subparagraphs (a) and (b) were unhelpful, as they were not specific enough. They did not cover the entire process of implementation, which comprised four steps: monitoring, use of indicators, measures taken and evaluation of their effectiveness.

104. In response to a suggestion that subparagraph (c) in Article 28 be moved to Article 27, it was pointed out that Article 27 addressed the tasks of the Parties, while Article 28 referred to the tasks of the Centre. One representative suggested that the subparagraph be amended to indicate that the Centre would draw up a coordinated report based on national reports.

105. Mr Trumbić, responding to comments, noted that subparagraph (a) was not concerned with the reporting on the state of coastal zones but with the implementation of ICZM and related indicators to measure their management. Performance indicators would be developed once the Protocol had been adopted.

106. The Working Group subsequently considered a revised version of the Article. Several representatives pointed out that the aim of the reports in question was to give information on progress made in implementing the entire Protocol; it might be counter-productive to single out particular articles or elements. The Article was therefore redrafted into a simpler form, to better reflect the universality of reporting. Such reporting should refer to three steps: the measures taken, their effectiveness and the problems encountered in their implementation.

Article 28 (Institutional arrangements)

107. In a discussion on the title of the Article, it was suggested that it should be changed to reflect the supporting or coordinating role of the Organization and the Centre. One representative said that States Parties should be distinguished from non-governmental organizations in the chapeau. It was generally agreed that no decision could be reached on the wording of Article 28 until the articles to which it referred had been adopted.

108. Concern was expressed that the Protocol made too many demands on the Centre, which would be unable to respond owing to insufficient human and financial resources. Mr Trumbić said that the Centre was already carrying out most of the tasks listed under

subparagraph (a), which referred to assistance to Parties. The representative of Algeria said that the Centre played a vital role in assisting countries in implementing ICZM.

109. The representative of Greece expressed reservations regarding the wording of the Article, as, in her view, it attributed to the Centre actions that were the sovereign prerogatives of the Parties. She therefore suggested that the term 'assisting' in subparagraph (a) be clarified. With regard to subparagraph (b), the word 'formulating' should be replaced by words that indicated that a Mediterranean strategy for ICZM would in fact be a compilation of steps relevant to ICZM from the MSSD. One representative added that mention should be made in the Article of indicators.

110. An observer proposed that cooperation with regional non-governmental organizations should be included in the preparation and implementation of national strategies for ICZM. One representative countered that cooperation should not be limited to regional organizations but that each State should decide which other non-governmental organizations should be involved.

111. Mr Raftopoulos said that the type of 'assistance' to be given by a RAC was specified in the SPA Protocol; therefore, clarification would not be required in the present Protocol. The list of types of assistance to be given to Parties by the Centre was only indicative, as subparagraph (g) stated that the Organization could entrust the Centre with 'any other function assigned to it by the Parties'.

112. The Working Group agreed to place the Article in square brackets until the other articles of the Protocol had been finalized.

Article 29 (Meetings of the Parties)

113. In response to a suggestion that paragraph 2 repeated the content of Article 27, it was pointed out that Article 27 referred to reporting, while paragraph 2 of Article 29 addressed evaluation.

114. The representative of France said that subparagraphs (a), (c) and (d) were too vague and asked why reference was made to Article 27 in subparagraph (g). He requested that subparagraph (e) be placed in square brackets, pending the outcome of negotiations on the modalities of implementation of the Protocol.

Part VI. Final provisions

115. Introducing the final three articles of the draft Protocol, Mr Raftopoulos explained that their role was to ensure the smooth, effective operation of the Protocol. The phrasing was standard for such provisions. Procedures for amendment of the Protocol, settlement of disputes, withdrawal, status of annexes, and responsibilities of the Depositary did not appear as articles in the draft Protocol, but were governed by the relevant provisions of the Barcelona Convention.

Article 30 (Relationship with the Convention)

116. No amendment was made to the Article.

Article 31 (Relations with third parties)

117. Introducing article 31, Mr Raftopoulos explained that this article contained the obligation of the Contracting Parties vis-à-vis third Parties on the one hand to invite them to cooperate and on the other hand to adopt appropriate measures consistent with international

law that no state or other entity acts contrary to the Protocol. In a discussion of the definition of 'third party', several representatives said they were unsure whether it referred only to Parties to the Protocol or whether it also included States that were not party and any external players, such as shipping corporations. It was pointed out that the right of 'innocent passage' applied to both State-owned and private vessels and that the actions of such third parties passing through the waters of the Mediterranean could have an impact on Parties' efforts to protect spaces and species. It was therefore an important provision. Paragraph 2 employed the term 'no one', as opposed to 'State', to allow for as broad an interpretation as possible.

118. Concerns were expressed about how easily such a provision could be implemented and whether it might impinge on the sovereignty of a third-party State. It was also unclear whether the provision related to the individual or to the collective efforts of Parties.

119. One representative stressed the need for a consistent approach to implementation of the Protocol and warned against Parties taking a stricter approach to the actions of third parties than to their own actions. Mr Raftpoulos explained that IMO conventions worked on the principle that application of such instruments would not give more favourable treatment to third parties. The purpose of the provision was to confirm that Parties would make an effort to ensure effective implementation of the Protocol.

120. The Secretariat recalled that the same provision, expressed in the same manner, could be found in Article 28 of the SPA Protocol. The meeting therefore agreed to maintain Article 31 as originally worded.

Article 32 (Final provisions)

121. Mr Raftopoulos proposed to split article 32 into several articles to deal separately with signature, ratification, acceptance or approval, accession, enter into force and he suggested the inclusion of an additional article concerning authentic text. Although some representatives expressed concern about the potential lack of balance if certain articles were much shorter than others, the majority accepted the proposal to split Article 32 into several smaller articles and the additional new article.

122. Following discussion of the best way to group the ideas, the meeting agreed to redraft the text into: signature; ratification, acceptance and approval; accession; entry into force; and the equal authenticity of the Arabic, English, French and Spanish versions of the Protocol.

Agenda item 5: Any other business

123. No other issues were raised.

Agenda item 6: Approval of the reviewed articles of the Protocol

124. The Working Group approved the wording of articles 16, 17, 26, 27 and 29 to 36 inclusive of the draft Protocol, as amended.

Agenda item 7: Closure of the meeting

125. The MAP Coordinator informed participants that the report of the meeting would be forwarded to them by electronic means for their comments. Another meeting would be necessary in order to conclude discussions on the articles not yet approved and to finalize the text of the Protocol. That meeting was provisionally scheduled for June 2007, at a venue to be decided.

126. After the customary exchange of courtesies, the Chairperson declared the meeting closed at 17:45 hours on 15 February 2007.

ANNEX I

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ANNEX II

PROVISIONAL AGENDA

1. Opening of the meeting
2. Election of Officers
3. Adoption of the Provisional Agenda and organization of work
4. Review of the proposed draft text of the Protocol on the Integrated Coastal Zone Management (ICZM)
5. Any other business
6. Adoption of the draft report of the meeting
7. Closure of the meeting

ANNEX III

DRAFT PROTOCOL ON INTEGRATED COASTAL ZONE MANAGEMENT IN THE MEDITERRANEAN

(Articles 7, 8, 14, 15, 16, 17, 18, 19, 19ter 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36)

PART II

PRINCIPLES AND ELEMENTS OF INTEGRATED COASTAL ZONE MANAGEMENT

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.

[1]2. For this purpose, the [States] Parties

   (a) shall establish, as from the highest winter waterline, a land strip **[outside built-up areas]** 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 include**, *inter alia*, the following:

   a. Identifying and delimiting, outside protected areas, open areas in which urban development and other activities are restricted or, where necessary, 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 or, where necessary, prohibiting the movement and parking of land vehicles, as well as the movement and anchoring of marine vessels, in fragile natural areas on land or at sea, including beaches and dunes.

[1] Reservation by Greece on paragraph 2

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

(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 reduce pressures that exceed carrying capacity

(f) promote codes of good practice among public authorities, economic actors and NGOs.

2. **In addition, 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

(i) to take into account the need to protect fishing areas in development projects

(ii) 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 and shellfish 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, **cultural heritage** 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, 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 or prohibit the extraction of sand, including on the seabed, 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 and structures

to subject such infrastructure, facilities, works and structures to authorization so that their negative impact on coastal ecosystems, landscapes and geomorphology is minimized or, where appropriate, compensated by non-financial measures.

[(g) Shipping

to conduct shipping activities in such a manner as to ensure the preservation of coastal ecosystems in conformity with the rules, standards and procedures of the relevant international conventions, and with the aim to promote a common and integrated approach for the effective implementation of this Protocol.]

PART III

INSTRUMENTS FOR INTEGRATED COASTAL ZONE MANAGEMENT

Article 14[2]

Monitoring and observation mechanisms and networks

1. The Parties shall use and strengthen existing appropriate mechanisms for monitoring and observation, or create new ones **if necessary**. They shall also prepare and regularly update national inventories of coastal zones **which should cover, to the extent possible**, information on resources and activities, as well as on institutions, legislation and planning that **may** influence **coastal zones.**

2. **In order to promote** exchange of scientific experience, **data** and good practices, the Parties shall participate, **at the** appropriate administrative and scientific level, in a Mediterranean coastal zone network, in cooperation with the **Organization.**

3. With a view to **facilitating** the regular observation of the state and evolution of coastal zones, the Parties shall set out an agreed reference format and process to collect appropriate data in national inventories.

[3 [4. **The Parties shall provide for** appropriate public access to the information **transmitted to the Organization through the reporting system.]**

[2] Reservation by Israel on Article 14
[3] Reservation by Italy on paragraph 4

Article 15[4]

Mediterranean strategy for integrated coastal zone management

The Parties undertake to cooperate for the promotion of sustainable development and integrated management of coastal zones, taking into account the **Mediterranean Strategy for Sustainable Development (MSSD)** and complementing it **where necessary.** To this end, the Parties **shall define, with the assistance of the Centre**, a common regional framework for integrated coastal zone management in the Mediterranean to be implemented by means of appropriate **regional** action plans and other operational instruments, **as well as through their national strategies.**

Article 16

National coastal strategies, plans and programmes

1. Each State Party shall **further strengthen or formulate** a national strategy for integrated coastal zone management and coastal implementation plans and programmes **consistent with the common regional framework and** in conformity with the integrated management objectives and principles of this Protocol **and shall inform the Organization about the coordination mechanism in place for this strategy.**

2. The national strategy, based on an analysis of the existing situation shall set objectives, determine priorities with an indication of the reasons, identify **coastal ecosystems needing management, as well as** all relevant actors and processes, enumerate the measures to be taken and their cost as well as the **institutional instruments and** 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* **and where appropriate**, the carrying capacities and conditions for the allocation and use of the **respective** marine and land parts of coastal zones.

4. **The Parties shall define appropriate indicators in order to evaluate the effectiveness of integrated coastal zone management (ICZM) strategies, plans and programmes, as well as the progress of implementation of the Protocol.**

[4] Reservations by European Community and Israel

Article 17

Environmental assessment

1. Taking into account the fragility of coastal zones, the Parties shall ensure that the **process and related studies of** environmental impact **assessment** for public and private **projects likely to have significant environmental effects on the coastal zones, and in particular on their ecosystems,** take into consideration the specific sensitivity of **the** environment and the inter-relationship between the marine and **terrestrial parts of the coastal zone**.

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.

3. The environmental assessments should take into consideration the cumulative impacts on the coastal zones, paying due attention, *inter alia,* to their carrying capacities.

[Article 18

Land policy

1. With a view to promoting integrated coastal zone management, **including future planning,** reducing economic pressure, maintaining open areas and allowing public access to and along the sea and the shore, **States** Parties **shall** adopt **appropriate land policy instruments.**

2. **In order to ensure the sustainable management of public and private land, States Parties may inter alia adopt** mechanisms for the acquisition, cession to the public domain**, donation or transfer of land to public ownership** and **institute** easements on properties.**]**

[Article 19

Economic and financial instruments

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

a) **[**shall**] [may]** adopt relevant financial, **fiscal** 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 **and installations adversely affecting or liable to affect adversely** the coastal zone, the product of which shall be assigned to **purposes such as** the maintenance, sustainable management and restoration of coastal areas **and public information and awareness-raising**. 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 **or relocation** 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 III bis

NATURAL RISKS

Article 19 *bis*[5]

Coastal erosion

[Article 19 *ter*[5]

Natural hazards

1. Within the framework of national ICZM strategies, the Parties shall formulate policies, undertake hazard and vulnerability assessments of coastal zones, and take prevention, mitigation and adaptation measures to address the effects of natural disaster**s including floods, climate change and sea-level rise [which can be induced by natural or human activities] .**

2. The Parties undertake to promote cooperation among central and local authorities, non-governmental organizations and other competent organizations for the provision on an urgent basis of humanitarian assistance in response to a natural disaster affecting the coastal zones of the Mediterranean Sea.

3. The Parties undertake to coordinate the use of the means of detection, warning and communication at their disposal, also making use of other existing mechanisms and initiatives, to ensure the transmission as rapidly as possible of urgent information concerning **major natural disasters, such as** earthquake**s**, volcanic eruption**s** or tsunami**s** affecting the coastal zones of the Mediterranean Sea. **The Parties shall inform the Organization about the national authorities competent to issue and receive such information in the context of relevant international mechanisms. In the framework of this cooperation, the Parties undertake to show mutual solidarity in response to the effects of natural disasters.]**

[5] The former articles 10 and 23 became new articles provisionally numbered 19 bis and 19ter. The text of article 19 bis was not re discussed.

PART IV

INTERNATIONAL COOPERATION

Article 20

Training and research

1. The Parties undertake, directly or with the assistance of **[the Organization**, the Centre**]**[6] or the competent international organizations, 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 competent international organizations, 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 **on themes of common interest.**

3. The Parties **[**agree to**]**[7] exchange scientific and technical information for the coordination of their research programmes.

Article 21

Scientific and technical assistance

For the purposes of integrated coastal zone management, the Parties undertake, directly or with the assistance of [the Organization, the Centre]* or the competent international organizations 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.

[6] Reservation by France on “the Organization, the Centre"
[7] Reservations by Israel and Croatia on “agree to”

Article 22

Exchange of information and activities of common interest

1. The Parties undertake, directly or with the assistance of **[**the Organization, the Centre**]**[8] or the competent international organizations, 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 **management** indicators, **taking into account existing ones, and cooperate in the use of such indicators;**
(b) establish and maintain up-to-date assessments of the use and management of coastal zones;
(c) carry out **activities of common interest, such as** demonstration projects of integrated coastal zone management.

Article 24

Transboundary cooperation

States Parties shall endeavour, directly or with the assistance of **[**the Organization and the Centre**]**[8] or the competent international organizations, **bilaterally or multilaterally,** to coordinate, **where appropriate,** their national coastal strategies, plans and programmes **related to** contiguous coastal zones. **Relevant domestic** administrative bodies shall be associated with such coordination.

[8] Reservation by France

[Article 25

Transboundary impact studies and strategic environmental assessment

1. The Parties shall cooperate, by means of notification, exchange of information and consultation, to assess the environmental **effects** of **projects**, plans and programmes concerning the coastal zone **within their sovereignty** 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 **projects** or approving such plans or programmes, notification shall be made to States liable to be affected. The notification shall include:

- information on the proposed **project, plan or programme** and its potential transboundary impact;
- an indication of a reasonable time and of the national authority competent for the receipt of comments 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 **environmental** 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 **strategic environmental 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 **environmental** 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 **project, plan or programme** and appropriate measures to reduce or eliminate this impact.

[(e) The Party of origin shall inform the Parties liable to be affected of the content of the decision taken on implementing the project, plan or programme and the main reasons for the decisions taken.]

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 **on the technical and scientific aspects of the implementation** of this Protocol and to disseminate information **at the national, regional and local level**. 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, including the measures taken, their effectiveness and the problems encountered in their implementation

[Article 28

Institutional coordination

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 19 ter
- 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 19ter

(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:

(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 **of the Convention;**

(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 procedure 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

Signature

This Protocol shall be open for signature at ……on…… and in Madrid from…….to…… by any Contracting Party to the Convention.

Article 33

Ratification, acceptance or approval

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.

Article 34

Accession

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

Article 35

Entry into force

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.

Article 36

Authentic texts

The original of this Protocol, of which the Arabic, English, French and Spanish texts are equally authentic, shall be deposited with the Depositary.