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Extraordinary Meeting of the Contracting Parties
to the Convention for the protection of the
Mediterranean Sea against pollution

Geneva, 29 March - 1 April 1982

DRAFT PROTOCOL CONCERNING MEDITERRANEAN SPECIALLY PROTECTED AREAS

Introduction

1. The second meeting of the Contracting Parties, having examined the draft protocol on Mediterranean Specially Protected Areas 1/ and the report of the group of legal experts 2/ decided to maintain the draft as a protocol to the framework Convention, on the understanding that wetlands and coastal areas should form the subject of a special optional provision.
2. The meeting, therefore, decided that the draft protocol should be submitted to the next intergovernmental meeting, to be immediately followed by a Diplomatic Conference for the signature of the protocol.
3. In order to facilitate the final negotiations, the secretariat has convened a group of legal experts to review the drafts from the point of view of conformity of texts in the four official languages. The group met at Geneva on 15-16 December 1981. It was composed of Mr. D. Alhéritière (FAO), Mr. R.C. Béraud (EEC), Mr. V. Blanco-Gaspar (Spain), Mr. K. El Hafdhî (Tunisia), Mr. T. Halkiopoulos (Greece) and Mr. M. Surbiguet (France). Mr. Surbiguet chaired the meeting.
4. The final draft text of the protocol is hereby submitted for review and adoption.

1/ Document UNEP/IG.20/5

2/ Document UNEP/IG.23/10

DRAFT PROTOCOL CONCERNING SPECIALLY PROTECTED AREAS (*)

PREAMBLE(**)

The Contracting Parties to the present Protocol,

Being Parties to the Convention for the Protection of the Mediterranean Sea against Pollution, adopted at Barcelona on 16 February 1976,

Conscious of the danger threatening the environment of the Mediterranean Sea Area as a whole in view of the increasing human activities in the region,

Taking into account the special hydrographic and ecological characteristics of the Mediterranean Sea Area,

Stressing the importance of protecting and, as appropriate, improving the state of natural resources of the Mediterranean Sea, as well as of their cultural heritage in the region, among other means by the establishment of specially protected areas including marine areas and their environment,

Desirous of establishing close co-operation among themselves in order to achieve that objective,

Have agreed as follows:

ARTICLE ONE - GENERAL UNDERTAKING (**)

The Contracting Parties to this protocol (hereinafter referred to as "the Parties") shall take all appropriate measures with a view to protecting those marine areas which are important for the safeguard of the natural resources and sites of Mediterranean Sea Area, as well as for the safeguard of their cultural heritage in the region.

(*) The Intergovernmental meeting (UNEP/IG.20/5) wished to draw the special attention of delegates who were invited to resume the negotiations embarked upon during the present Meeting to paragraphs 6, 8, 10, and 11.2 of the report, which were of considerable concern to certain delegations.

(**) The titles of the Articles of the present Protocol have been retained in order to assist with the understanding of the text. They will not appear in the final text of the Protocol.

ARTICLE 2 - GEOGRAPHICAL COVERAGE (**)

The area to which this Protocol applies shall be the Mediterranean Sea Area as defined in article 1 of the Convention for the Protection of the Mediterranean Sea against Pollution (hereinafter referred to as "the Convention"); it being understood that, for the purposes of the present Protocol it also includes areas on the landward side of the baselines from which the breadth of the territorial sea is measured including wetlands and coastal areas and estuaries subject to the influence of the marine environment. 1/

ARTICLE 3 - ESTABLISHMENT OF SPECIALLY PROTECTED AREAS (**)

1. The Parties shall, wherever possible, establish protected areas and shall make every effort to carry out the work necessary to protect those areas and, as appropriate, to restore them, as rapidly as possible.
2. Such areas shall be established in order to safeguard in particular:
 - (a) sites of biological and ecological value, the genetic diversity of species as well as satisfactory population levels, their breeding grounds and habitats, representative samples of ecosystems, as well as ecological processes;
 - (b) sites of particular importance because of their scientific aesthetic, historical, archaeological, cultural or educational interest.
3. To that end, the Parties shall take into account the guidelines and general criteria listed in annex I when establishing, separately, or, where possible, by common consent, such protected areas.

ARTICLE 4 - BUFFER AREAS (**)

The Parties may strengthen the protection of an area by establishing one or several buffer areas in which activities are less severely restricted while remaining compatible with the purposes of the protected area.

1/ See also the text proposed in document (UNEP/IG.23/10, p.4) and reproduced below as amended by the drafting group of legal experts:

"For the purposes of the designation of specially protected areas (hereinafter referred to as "protected area"), the area to which this Protocol applies shall be the Mediterranean Sea Area /...../; it being understood that, for the purposes of the present Protocol, it also includes waters on the landward side of the baselines from which the breadth of the territorial sea is measured and extending, in the case of watercourses, up to the freshwater limit. It may also include wetlands or coastal areas designated by each of the Parties".

ARTICLE 5 - FRONTIER PROTECTED AREA (**)

1. Where a Party intends to establish a protected area contiguous to the frontier or to the limits of the jurisdiction of another Party, the competent authorities of the two Parties shall endeavour to consult each other with a view to reaching agreement on the measures to be taken and shall inter alia examine the possibility of the creation, by the other Party, of a corresponding protected area or the adoption of any other appropriate measures.
2. Where a Party intends to establish a protected area contiguous to the frontier or to the limits of jurisdiction of a State which is not a Party to this Protocol, the Party shall endeavour to work together with the competent authorities of the latter with a view to holding consultations as envisaged in the preceding paragraph.
3. Where contiguous protected areas are established by two Parties, or by one Party and by a State which is not a Party to this Protocol, special agreements may provide for the modalities of the consultation or of the collaboration respectively covered by paragraphs 1 and 2 above.
4. If a State which is not a Party to this Protocol intends to establish a protected area contiguous to the frontier or to the limits of the jurisdiction of a Party to this Protocol, the latter shall endeavour to work together with the State concerned with a view to holding consultations, and possibly concluding an agreement, as envisaged above.

ARTICLE 6 - PROTECTION MEASURES (**)

Parties shall take, with due regard to the objectives pursued in the establishment of the areas, the measures required, notably:

- (a) the organization of a planning and management system;
- (b) the prohibition of the dumping or discharge of wastes or other matter which may impair the protected area;
- (c) the regulation of the passage of ships and the prohibition of any stopping or anchoring except where these are rendered necessary by force majeure or distress or for the purpose of avoiding serious risk to persons, ships or aircraft in danger or distress;
- (d) the regulation or prohibition of fishing, hunting, harvesting and destruction of plant life or any part thereof, and of capture or destruction of animals or any part thereof;
- (e) the regulation or prohibition of any act likely to harm or disturb the fauna or flora, including introduction of zoological or botanical species, whether indigenous or imported;
- (f) the regulation or prohibition of any activity involving the exploration or exploitation of the sea-bed or its subsoil or the modifications of the sea-bed profile;

- (g) the regulation or prohibition of any activity involving the modification of the profile of the soil or the exploitation of the subsoil of the land part of a marine protected area;
- (h) the regulation or prohibition of any archaeological activity and the removal of any object which may be considered as an archaeological object;
- (i) the regulation of the trading, importing and exporting of animals or any part thereof, of plant life or any part thereof, and of archaeological objects subject to measures of protection;
- (j) any other measure aimed at safeguarding ecological and biological processes essential to the functioning of these areas.

ARTICLE 7 - PUBLICITY AND NOTIFICATION OF LIMITS AND PROTECTIVE MEASURES (**)

1. The Parties shall give appropriate publicity to the establishment of protected areas, as well as of areas provided for in article 4, their markings and the regulations applying thereto.
2. The information referred to in the preceding paragraph must be transmitted to the Organization which shall compile and keep up-to-date a directory of protected areas in the area covered by this Protocol. The Parties shall supply the Organization with all the information necessary for that purpose in accordance with annex II to this Protocol.

ARTICLE 8 - RESERVATION OF THE RIGHTS OF LOCAL POPULATIONS (**)

1. Each Party shall take into account in the protective measures to be established the traditional rights of local populations. Waivers thus accorded shall, as far as possible, be such as:
 - (a) to endanger neither the maintenance of ecosystems protected under the terms of the present Protocol nor biological processes contributing to the maintenance of these ecosystems;
 - (b) to cause neither the extinction of, nor any substantial reduction in, the number of individuals making up species or the animal and plant populations within the protected ecosystems, or any ecologically connected species or populations, particularly migratory species and rare, endangered or endemic species.
2. Parties which waive or ease protective measures shall, accordingly, inform the Organization designated in article 13 of the Convention (hereinafter referred to as "the Organization").

ARTICLE 9 - SCIENTIFIC RESEARCH (**)

The Parties shall encourage and develop scientific and technical research on protected areas, the ecosystems that they are established to protect and the archaeological heritage contained therein.

ARTICLE 10 - PUBLIC INFORMATION AND EDUCATION (**)

The Parties shall endeavour to inform the public, as widely as possible, on the significance and interest of the protected areas and the scientific knowledge which may be gained from them from the point of view of both nature conservation and archaeology. Such information should be given adequate coverage in education programmes concerning the environment and history. The Parties should also endeavour to promote the participation of the public and of nature conservation organizations within the jurisdiction of Parties concerned in necessary and appropriate measures for the protection of the areas concerned.

ARTICLE 11 - INTERNATIONAL COOPERATION (**)

1. The Parties, if possible, shall co-operate to co-ordinate the establishment, planning, management and conservation of protected areas, with a view to creating a network of reserves in the Mediterranean region, taking fully into account existing regional programmes such as the Biosphere Reserve network in the Mediterranean. There shall be regular exchanges of information concerning the characteristics of the protected areas, experience acquired and problems encountered.

2. The Parties shall jointly examine the possibility of establishing, through international agreements, protected open sea zones, with due regard to the criteria referred to in article 5, paragraph 3.

ARTICLE 12 - SCIENTIFIC CO-OPERATION

Parties shall exchange, in accordance with procedures set forth in article 13, scientific and technical information concerning current or planned research and the results expected. Parties shall, to the greatest extent possible, co-ordinate their research. They shall, moreover, endeavour to define jointly or to standardize the scientific methods to be applied in the selection, management and monitoring of protected areas.

ARTICLE 13 - PROCEDURE FOR CO-OPERATION (**)

1. In applying the principles of co-operation set forth in articles 11 and 12 above, the Parties shall forward to the Organization, or to a body designated by the Parties:

- (a) comparable information for monitoring the biological development of the Mediterranean environment;
- (b) reports, publications and information of a scientific, administrative and legal nature, and in particular:
 - full information on the measures taken by the Parties for the protection of the protected areas in pursuance of the Protocol;
 - full information on the species present in the areas in accordance with annex 11 to this Protocol;
 - full information on any threats to those areas, especially from sources of pollution outside their control.

2. The Parties shall designate authorities responsible for protected areas. Those officials shall meet at least every two years to discuss matters of joint interest and especially to propose recommendations concerning scientific, administrative and legal information as well as the standardization and processing of data.

ARTICLE 14 - TRAINING AND ASSISTANCE (**)

1. The Parties shall, directly or with the assistance of competent regional or other international organizations or bilaterally, co-operate with a view to formulating and, as far as possible, implementing programmes of mutual assistance and of assistance to developing countries in the field of selecting, establishing and managing protected areas.

2. Technical assistance would include, in particular, the training of scientific and technical personnel, scientific research, as well as the acquisition, utilization and production by those countries of appropriate equipment on advantageous terms to be agreed upon among the Parties concerned.

ARTICLE 15 - ALTERATION OF THE LIMITS OF OR WITHDRAWAL OF PROTECTION FROM PROTECTED AREAS (**)

The amendment of the provisions concerning a protected area or the full or partial declassification of such an area may be undertaken only by application of a procedure as strict as that followed for the original classification.

ARTICLE 16 - MEETINGS OF THE PARTIES (**)

1. The ordinary meetings of the Parties shall be held in conjunction with the ordinary meetings of the Contracting Parties to the Convention held pursuant to article 14 of the Convention. The Parties may also hold extraordinary meetings in conformity with article 14 of the Convention.

2. It shall be the function of the meetings of the Parties to this Protocol, in particular:

- (a) to keep under review the implementation of the Protocol, and to consider the efficacy of the measures adopted and the need for other measures, in particular, in the form of annexes;
- (b) to review and amend as required any annex to the Protocol;
- (c) to make, when appropriate, recommendations concerning protected areas envisaged in article 11, paragraph 2;
- (d) to monitor the establishment and development of the system of protected areas provided by article 11, paragraph 1 above, and to adopt guidelines to facilitate the establishment and development of that system and to increase co-operation among the Parties;

- (e) to consider the recommendations made by the meetings of the authorities responsible for the protected areas, as provided by article 13, paragraph 2 above;
- (f) to consider reports submitted by the Parties to the Organization under article 20 of the Convention and any other information which the Parties may submit to the Organization, or to the meeting of the Parties.

ARTICLE 1/ - FINAL CLAUSES (**)

1. The provisions of the Convention relating to any protocol shall apply with respect to the present Protocol.
2. The rules of procedure and the financial rules adopted pursuant to article 18 of the Convention shall apply with respect to this Protocol, unless the Parties agree otherwise.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Protocol.

DONE At Geneva on this third day of April one thousand nine hundred and eighty two in a single copy in the Arabic, English, French and Spanish languages, the four texts being equally authoritative.

Annex I

DRAFT

CRITERIA AND GUIDELINES FOR THE SELECTION, ESTABLISHMENT AND MANAGEMENT OF PROTECTED AREAS

The following criteria and guidelines could be used by Mediterranean Coastal States in selecting, establishing and managing protected areas.

A. CRITERIA AND GUIDELINES FOR THE SELECTION OF PROTECTED AREAS

It is suggested to take into consideration the following steps to select high quality representative areas for protection:

1. Identification of critical areas

This involves the collection and synthesis of the following information:

- (a) biologically-significant habitats, in particular those important to the survival of species e.g. as breeding, feeding or courtship areas, or as sites along migration routes;
- (b) support systems and ecological processes which are important to the survival of species of biological, ecological or economic value;
- (c) socio-economic factors affecting the biology or ecology of rare or economically-important species.

2. Selection of areas to be protected

In order to determine the areas to be protected from the critical areas identified under A.1 (above), special attention should be given in particular to the following criteria, in no order of priority and according to circumstances:

(a) Practical criteria:

- (i) Urgency: the degree to which immediate action must be taken, lest important natural values be altered or lost.
- (ii) Opportunism: the degree to which existing conditions or actions already underway may facilitate further action.
- (iii) Ease of protection: the degree to which an area can be effectively safeguarded without difficulty.
- (iv) Defensibility: the degree to which an area can be protected by regulation or contractual agreement.

(v) Accessibility: the degree to which the area is accessible to those managing it.

(vi) Restorability: the degree to which the area may be returned to its natural state.

(b) Ecological criteria:

(i) Dependency: the degree to which a species or an ecological process depends on an area.

(ii) Naturalness: the degree to which an area is unaffected by human activities.

(iii) Representativeness: the degree to which an area is representative of a habitat type, ecological process, biological community, physiographic feature or other natural characteristic.

(iv) Uniqueness: the degree to which an area is "one-of-a-kind".

(v) Diversity: the degree of ecosystem, community and species variety or richness.

(vi) Autonomy: the degree to which an area functions as a self-sustaining ecological entity.

(vii) Productivity: the degree to which production processes of the area contribute to human welfare or species survival.

(c) Research, educational and training criteria:

(i) Accessibility: the degree to which an area is accessible for research, education and training.

(ii) Benchmark: the degree to which an area may serve as a benchmark to measure changes occurring elsewhere.

(iii) Demonstration: the degree to which an area can exemplify scientific techniques or methods.

(iv) Scientific interest: the degree to which an area represents ecological characteristics suitable for research and study.

(d) Social and economic benefit criteria:

(i) Economic benefit: the degree to which protection will benefit the local economy in the long term.

(ii) Social acceptability: the degree to which support of local people is facilitated by practice, tradition and custom.

(iii) Public health: the degree to which protection of an area serve to diminish pollution or disease agents that contribute to public health problems.

(iv) Recreation: the degree to which an area provides the local population with the opportunity to use it, enjoy it and learn about it.

(v) Tourism: the degree to which an area may lend itself to forms of tourism which are compatible with conservation aims.

(e) Landscape and cultural criteria:

(i) Landscape: the degree to which a natural area contains features of outstanding natural beauty.

(ii) Cultural: the degree to which a natural area contains important cultural, artistic or historic features.

(f) Regional Criteria:

(i) Representativity: the degree to which an area is characteristic of the Mediterranean Region, or of significant parts of it.

(ii) Awareness: the degree to which an area can serve for monitoring, research, education, or training and can contribute to knowledge and appreciation of regional natural values.

(iii) Demonstration of compatibility: the degree to which an area can be used to show how conflicts between natural resource values and human activities could be resolved and compatibilities between them enhanced.

B. GUIDELINES FOR THE ESTABLISHMENT OF PROTECTED AREAS

The establishment of individual protected areas may involve the following steps:

1. Collection of information about the area, the resources it contains, the human activities affecting it, etc.;
2. Determination of the objectives for the area, and the selection of type of protected area. (Protected areas may be of two main types: those in which the objectives are principally nature conservation, education and recreation and those in which multiple resource use, habitat restoration and environmental research and monitoring are the main objectives);
3. Delineation of boundaries and of any core or buffer areas;
4. Creation of the necessary legal and institutional framework to ensure that the protected area can be established and managed effectively;
5. Definition of the management intentions for the area;
6. Consideration of the possible relationship of the area to existing international programmes.

C. GUIDELINES FOR THE MANAGEMENT OF PROTECTED AREAS

The management of a protected area could include the following elements:

1. The legal basis for the existence of the protected area, and the extent of the designated area;
2. the objectives for which the area is being protected;
3. the natural resources and ecological processes which the area is intended to protect;
4. the resources which should be deployed in protecting the area, as well as an explanation of the administrative structure and field staff to be provided;
5. constraints to management, such as activities or uses which are likely to conflict with the basic purposes of protection, which must however be accepted in the protected area, at least for a transitional period;
6. the measures which are planned to gain the support of local population and visitors for the protection of the area and its resources;
7. the activities which are to be permitted, controlled or prohibited in the area, along with related regulations;
8. the relationship of the protected area to other protected areas particularly those which share natural resources, are dependent upon similar ecological processes, or are in other ways interdependent;
9. phasing for the introduction of the various measures needed to achieve protection of the area.

Annex 11 *

The Parties shall supply the organization with the following information on each protected area:

1. Name

Name in the language of the respective country

2. Postal Address of the managing authority

Full postal address in one or several of the United Nations languages, including PÜB, telephone, and telex numbers and telegram abbreviations.

3. Executive Officer

Full name and title of the executive officer (director, manager, etc.)

4. Operational responsibility

Structure (government, ministry, province, community, corporation, etc.) Sponsoring the national park or protected area or person responsible for its operation and management.

5. Classification

The type of protected area according to one of the following categories:

Scientific Reserve/Strict Nature Reserve

National Park

National Monument/National Landmark

Nature Conservation Reserve/Managed Nature Reserve/Wildlife Sanctuary

Cultural Landscape/Heritage Landscape

Resource Reserve

National Biotic Area/Anthropological Reserve

Multiple Use Management Area/Managed Resource Area

Biosphere Reserve

World Heritage Site (Natural)

6. Legal protection

The nature and extent of the legal protection.

7. Date of establishment

Date of establishment with full reference to the legal document establishing the area as permanently protected and providing sufficiently strict safeguards to achieve the objectives of conservation.

8. Location

The geographic location descriptively and in terms of the extreme geographic co-ordinates with a precision of 1'.

9. Surface and altitude/depth

The surface in ha and the extreme altitudes or depth (in the case of marine parks) in m.

10. Land tenure

The type of ownership (government, state, communal, private, corporate, etc. property).

11. Physical features

Description of physical features, including geographic and geological characteristics.

12. Climate or hydrographic conditions

General characteristics of the climate, seasonal differences and extremes. In addition, for marine parks, wetlands and rivers, the prevailing hydrographic conditions and their seasonal variations.

Annual rainfall at alt. of M.

13. Flora

The most important floristic elements, using their scientific names. Endangered, rare or endemic species specifically mentioned.

14. Fauna

The most important faunistic elements, using their scientific names. Endangered, rare or endemic species specifically mentioned.

15. Biotic provinces

Characteristic biocenoses using standard terminology and reference to biotic provinces, when applicable:

- Atlantic 2.9.5
- Mediterranean sclerophyll 2.17.7
- Balkan highlands 2.33.12
- Iberian highlands 2.16.6
- Atlas stepe 2.28.11
- Coastal European highlands 2.32.12
- Arabian desert 2.19.7
- Sahara 2.18.7
- West Anatolian 2.15.5

16. Ecological disturbances or deficiencies

Forest fires, overgrazing, overfishing, tourism, etc.

17. Relevance to tourism or education

Number of visitors annually; recreational or education facilities (hotels, public roads, camping sites, picnic areas, zoos, aquaria, permanent exhibitions, etc.). Period of maximum visitation/spring, summer, winter and autumn.

18. Management

Description of management practices, in particular the management of natural resources. Management plan exists/management plan does not exist; comment.

19. Staff: Professionals ----- mid level -----
 Guards ----- labourers -----

20. Budget:

21. Diagnosis: Are the budgets and staff resources adequate to achieve management objectives at:

- (1) high level
- (2) moderate level
- (3) low level

22. Scientific Research

type of research carried out in the national park or protected area, results obtained, research facilities in the national park or protected area.

23. Publications

List of general publications describing the national park or protected area (author, title, publisher, year of publication, language of publication and of scientific publications resulting from research listed under 22).