

Limoges, October 2005,

**Note to present the Draft Protocol on the  
Integrated Management of  
Mediterranean Coastal Zones.**

**O**.I.N.G  
(Association  
scientifique régie par la  
loi du 1<sup>er</sup> juillet 1901 et  
créée en 1982)

**M**embre  
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**S**tatut  
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CONSEIL DE L'EUROPE  
(2001)



**O**bservateur  
auprès de la  
CONVENTION DE  
BARCELONE (PNUE -  
2001) et de la  
CONVENTION D'ESPOO  
(Commission  
économique pour  
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Unies - 2004)



**A**ccréditée auprès  
de la Commission du  
Développement durable  
des NATIONS UNIES (Rio  
1992 et Johannesburg  
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**A**ccréditée auprès  
de la Conférence des  
Parties de la  
Convention des Nations  
Unies sur la lutte contre  
la désertification

The International Centre for Comparative Environmental Law (CIDCE) is an IUCN member and has a NGO observer status to the Barcelona Convention. It established this note to inform other NGOs so that they may take action and support this draft as a starting point for future international negotiation.

I. Grounds for the protocol:

- in relation to the environment:

All the most recent scientific findings show a greater and alarming degradation of coastal zones resulting in increasing erosion and desertification, water pollution, waste growth, decline of natural resources, elimination of wetlands, landscape devastation. Causes are well known: population growth, intensive agriculture, tourism, land pressure and any kind of phenomena worsened by the lack or non implementation of regulations.

News risks should be added such as the rise of sea level, floodings, tornados, and tidal waves like tsunami.

Efforts have been made since 1995 within the framework of the Mediterranean Action Plan and the Barcelona Convention, with many studies, recommendations and white papers. But coastal States remain largely powerless in the face of the ongoing evolution.

We need to get through a new stage by strengthening regional cooperation and by setting up a legally binding framework allowing States to put in place policies and instruments leading to an integrated coastal zone management.

- in relation to international law:

Since Chapter 17 of the Rio Agenda 21, coastal zones have become an integral part of Sea law, and practical experience as well as Conventions have developed the concept of “Integrated Coastal Zone Management” as a new strategy of coastal sustainable development. Even the Convention on Climate Change of 1992 imposes on States, plans for coastal zone management.

- in relation to European law:

The European Union and several of its member States parties to the Barcelona Convention and protocols, all agreed to give concrete expression to coastal zone integration within the Barcelona system, by ratifying amendments of 1995 to the Barcelona Convention. Integrated Coastal Zone Management is part of the 6<sup>th</sup> European Environment Action Programme. Therefore the European Parliament and the Council adopted a Recommendation concerning the implementation of Integrated Coastal Zone Management in Europe on 30<sup>th</sup> May 2002. A regional protocol in the Mediterranean will strengthen and implement this strategy.

- in relation to the Barcelona Convention

The Barcelona Convention took into account the role of coastal zones thanks to the amendments of 1995 which widen the field of implementation of the Convention to marine and coastal zones, regarded as inseparable. Therefore States have undertaken at article 4 of the Convention, to “promote the integrated management of coastal zones”; the draft protocol implements this commitment specifying the concept and means of integrated coastal zone management.

## II. Preparation of the draft protocol:

At the 12<sup>th</sup> Conference of Parties (COP) to the Barcelona Convention and Protocols in Monaco in November 2001, the Secretariat was invited to prepare a study of feasibility regarding a legal regional instrument on sustainable management of coastal zones.

The feasibility study completed in September 2003 was submitted to the 13<sup>th</sup> COP in Catania. It sets out different reasons linked with the state of the coastal environment, which justify a protocol, and the legal international and regional context. The different feasible legal instruments are considered and three options are explained: ambitious protocol, very general protocol, and intermediate protocol. Parties decided that the Secretariat will work out a draft of a regional protocol on integrated coastal management on the basis of a wide consultation process of experts and other stakeholders.

The draft protocol was elaborated in 2004-2005 by a group of experts. It was presented to the joint meeting of focal points in Nice in May 2005, conveyed to Parties and made accessible to stakeholders.

It will be submitted for consideration of the 14<sup>th</sup> COP in November 2005 which will have to decide to open the diplomatic negotiation process on the Protocol for an adoption in 2006.

### III. Contents of the draft protocol:

The content of the draft protocol can be presented and summarized as follows :

The draft is original as there is no precedent on the subject. Actually, it is the first international binding text covering coastal zones at the level of regional seas. Thus, the Mediterranean Sea reinforces its pioneer character in the field of regional sea law.

The draft is flexible in view of the complexity of the problems to be solved, due to possible geographical differences and the diversity of implemented national law in the field of coastal zones.

The draft is nevertheless precise enough to allow Parties to set up a real new policy on coastal zones based on common principles to Mediterranean States compelling to the various uses of the coastal zone.

The draft defines coastal zone (article 2-e) and above all delimits its geographical coverage. The protocol applies to territorial waters on the maritime part, and to the local authorities territory on the land part. But, States can decide on a narrower limit than the territorial waters and a wider or narrower than the territory of coastal local administrative authorities. (article 3).

The draft aims at taking into account at the same time, both land and maritime aspects of the problems in order to ensure a territorial integration of the coastal zone. The diversity and specificity of islands are taken into account in the preamble and in article 9-5.

The draft points out a fundamental requirement for coastal zone management, namely the concept of the carrying capacity of the environment which is a limit to the uncontrolled and unsustainable development. This concept is implicit in (2) preamble, and articles 7 and 10. It is explicit in articles 5-1-a, 8-3, 17-1 and 25-1-b.

The draft avoids systematically duplications with protocols already existing. Thus, article 9 on specific coastal ecosystems applies outside specially protected areas so as not to interfere with the Protocol concerning Specially Protected Areas and Biological Diversity. Moreover, the protocol does not repeat the principles and general provisions appearing in the Convention itself which apply automatically to Protocols.

In view of its specific importance in the Mediterranean, erosion is specially taken into account in articles 8-6-b and 10, even if remedies are more technical than legal.

The Protocol is organized around 4 themes:

#### 1. Principles and aims of integrated management:

The protocol is based on integrated coastal zone management as a dynamic process for sustainable management, integrating both territories (maritime and land) and actors of development (public and private). Article 5 lists ten general principles. Compliance with these principles is a key to the success of integrated coastal zone management. We must especially underline: the coordination of decision level, the balance between resource protection and development, the compatibility of uses and the priority given to activities linked to the sea, the fact of systematically taking into account the effects of climate change and natural disasters, the preservation of coastal ecosystems integrity, the participation of local populations.

## 2. Conditions of integrated management:

There are many conditions:

- a) institutional coordination at local and central levels, between national authorities and local authorities and between maritime and land authorities (art.6)
- b) protection of coastal fringe by a strict regulation of its use ( land fringe where building is not permitted, limitation of the linear extension of urban development, freedom of access of pedestrians to the sea and the shore without charge, protection of beaches and dunes) (article 7)
- c) control of economic activities, particularly: agriculture and industry, shellfish production, aquaculture and fishing, tourism, use of natural resources, energy, ports and maritime infrastructure and works (article 8)
- d) protection of specific coastal ecosystems particularly landscapes, wetlands and estuaries, coastal forests and woods, dunes, islands and small islands (article 9)
- e) fight against coastal erosion (article 10)
- f) preservation of cultural underwater and coastal heritage (article 11)
- g) participation of different stakeholders and awareness-raising, training, education and research on integrated coastal zones management (article 12 and 13)

## 3. Instruments for integrated coastal zone management.

The draft protocol identifies six different instruments:

- a) establishment of observatories, inventories and networks to better understand the state of coastal zones and their evolution (article14)
- b) the formulation at Mediterranean level of a common strategy to Parties to guide States and harmonize undertaken actions (article15)
- c) the formulation at national level of a national strategy and coastal plans and programmes, which depending on the choice of each State, could be specific to coastal zones or integrated in more general planning or urban plans (article16)
- d) environmental impact studies for works and strategic environmental assessment should especially take into account the sensitivity of coastal

- zones, its carrying capacity and the inter-relationship between maritime and land areas. (article 17)
- e) landownership policy adapted to the pressure on coastal zones should be put in place according to modalities decided by States (article18)
  - f) particular economic and financial instruments are also suggested to States (article19)

#### 4. International Cooperation

Integrated coastal zone management of the Mediterranean must be a common enterprise in which States help one another, exchange their research and experience with the specific support of the Priority Actions Programme Regional Activity Centre (PAP/RAC)

This will imply (article 20 and following)

- the formulation of the Mediterranean strategy
- the implementation of a coastal zone network
- the definition of coastal indicators
- the realization of demonstrative projects
- regular reports on the state and evolution of the coastal zone in the States and at the Mediterranean level
- meetings of national focal points

Three actions require careful attention:

- a) prevention and fight against natural disasters: to face tsunamis and others natural disasters, States must undertake the transmission of information and alarm networks, prepare contingency plans, and help each others (article 23)
- b) trans-boundary cooperation must allow to coordinate national measures between neighbour States by involving local authorities (article 24)
- c) activities, plans and programmes undertaken by a State and which are likely to cause a significant adverse effect on coastal zones or the marine environment will be subjected to an appropriate environmental impact assessment and concerted between Parties, with the help of the Secretariat of the Convention and the Centre PAP/RAC (article 25)

Conclusion:

The draft protocol is an essential contribution to the future of the Mediterranean . This text clarifies the aims and means of an integrated coastal zone management and will constitute an important support for States and coastal local authorities concerned with the sustainable development of this fragile and coveted zone. Its quick adoption should allow us to stop the damage often irreversible done to a common natural and cultural heritage of the peoples of the Mediterranean.

It seems that some parties to the Barcelona Convention regard this draft as too binding and too detailed and would like the Secretariat to present a new text in November that will be less ambitious. On the contrary the draft must be regarded as a minimum, even if it must be adapted and improved later. What is at stake for the future of the Mediterranean is fundamental. Therefore it is urgent that NGOs show their support to this draft as it is,

leaving further adjustments to later official negotiation. If the draft is reduced today, the discussion will only be on a document too toned down and the protocol will only be a formal text without innovating content.

Therefore, the CIDCE invites NGO observers to the Barcelona Convention to work actively with their governments so that they may decide during the 14<sup>th</sup> COP in November 2005, to take note of this draft proposal as it has been circulated since April 2005 and start from 2006 diplomatic negotiations with a view to signing the protocol during an extraordinary COP at the end of 2006.