





## **Table of Contents**

Report

Annex I List of Participants

Annex II Agenda

Annexe III Draft Protocol on Integrated Coastal Zone Management in the  
Mediterranean



## **Introduction**

1. Pursuant to the decision of the 14<sup>th</sup> Ordinary Meeting of the Contracting Parties to the Barcelona Convention and its Protocols, held in Portoroz, Slovenia, from 8 to 11 November 2005, the fourth meeting of the Working Group of legal and technical experts designated by the Contracting Parties was held at the Le Meridien Lav hotel in Split, Croatia, from 13 to 16 June 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 15<sup>th</sup> 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 previous three meetings of the Working Group, held respectively in Split, Croatia, from 27 to 29 April 2006, Loutraki, Greece, from 6 to 9 September 2006, and again in Loutraki, Greece, from 12 to 15 February 2007.

## **Attendance**

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

4. The following United Nations specialized agencies and non-governmental organizations were also represented as observers: Arab Network for the Environment and Development (RAED), International Centre for Environmental Law (CIDCE), MAREVIVO, Mediterranean Information Office for Environment, Culture and Sustainable Development (MIO-ECSDE), and Turkish Marine Research Foundation.

5. The complete list of participants is given in Annex I to this report.

## **Agenda item 1:      Opening of the meeting**

6. The meeting was opened by Mr. Paul Mifsud, MAP Co-ordinator, who welcomed participants to Split at this fourth meeting of the WG to discuss and negotiate the draft protocol. He thanked the county of Split-Dalmatia and the Croatian authorities for hosting the meeting in the town of Split, a town which was of a particular significance for MAP because of the PAP/RAC, which was celebrating this year its 30<sup>th</sup> anniversary. He was very satisfied with the progress made so far with regard to the text of the protocol, and expressed the hope that this work would continue in the same spirit of co-operation, a readiness to compromise and camaraderie.

7. Mr. Bozidar Capalija, the Deputy Mayor of Split, welcomed the participants on behalf of the city of Split. He stressed the importance of the protocol for the Mediterranean coastal states and expressed the hope that the document would contribute to the improvement of the state of coastal zones. He wished the participants success in their work, and hoped that they would have time to visit the 1700 year-old city of Split.

8. Mr. Luka Brcic addressed the participants on behalf of the Prefect of the County of Split-Dalmatia, which is the largest Croatian county. He congratulated the PAP/RAC on its 30 years of existence and confirmed the readiness of the County of Split-Dalmatia to contribute fully to the ICZM process.

**Agenda item 2: Election of officers**

9. The meeting elected its officers as follows:

Chairperson: Ms Marijana Mance (Croatia)  
Vice-chairpersons: Mr. Mohamed Salem Hamouda (Libyan Arab Jamahiriya)  
Mr. Khaled Graba (Algeria)  
Ms Birgit Snoeren (European Community)  
Rapporteur: Ms Michelle Borg (Malta)

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

10. The Chairperson drew the participants' attention to the provisional agenda (UNEP(DEPI)/MED WG.318.1) and the annotated provisional agenda (UNEP(DEPI)/MED WG 318.2). The Secretariat suggested that the meeting first discuss articles 18, 19, 19ter, 25 and 28 that had been revised after the last meeting, then article 2 which had not been discussed at all and, finally, the parts in brackets. That approach was endorsed by the participants. The agenda as adopted is reproduced in Annex II to this report.

**Agenda item 4: Review of the proposed draft text of the Protocol on Integrated Coastal Zone Management (ICZM)**

*Article 18: Land policy*

11. The meeting considered the revised text of Article 18, which was introduced by Professor Prieur, Legal Consultant.

12. Having examined the new text of this article, Italy withdrew the study reservation made at the third meeting of the Working Group. Although some participants expressed the view that the articles agreed at the last meeting should not be re-discussed, the participants felt the need to clarify some formulations, such as whether it was necessary to say "future planning" as it implied that planning was only for the future, and wondered what kind of planning was meant by the wording, and agreed that planning is not a land policy instrument. It was proposed to merge the two paragraphs of the article in a single paragraph so to give more flexibility for the countries. With some slight changes in the wording the participants adopted the revised text of the article. The French wording was also improved so as to avoid the repetition of the term "public domain".

*Article 19: Economic and financial instruments*

13. Article 19 as revised on the basis of the discussions of the third meeting was introduced by the Legal Consultant.

14. The proposal made by France to change the title of this article to include the word “fiscal” contained in the text was supported by all the participants.

15. There was however no consensus on whether to employ “may” or “shall” in the first paragraph, and whether to delete paragraphs a) and b). While Italy and Turkey announced their intention to enter study reservations in the event of the word “shall” being retained, several countries considered “shall” to be more appropriate given that the provision as it stood was rather flexible and did not specify the instruments to be adopted. Mr. Evangelos Raftopoulos, MAP Legal Advisor, noted that in legal terminology “shall” implied a requirement whereas “may” implied discretion to do something.

16. Other formulations gave rise to discussion - such as whether to replace the words “information” by “education”, “installations” by “constructions”, and “restoration” by “rehabilitation”, as well as whether it was appropriate to retain the word “may” in paragraphs (b) and (c) if “shall” were to be adopted in paragraph (a). At that stage, the proposal to delete paragraphs (b) and (c) was accepted by all the participants and a minor change of wording was proposed in paragraph (a) only.

17. After a lengthy discussion concerning the above points as well as the explicit mention in paragraph (a) of all three levels of authority (local, regional and national), the participants were unable to reach consensus. Most representatives supported a more binding formulation and the mention of all three levels of administration, noting that the proposed wording afforded the countries sufficient discretion when it came to implementing economic instruments. However, Italy, Turkey and Greece shared the view that such wording would be too restrictive as it would create budgetary obligations for their countries. That might create problems when it came to signing the Protocol since their respective budgetary departments might raise objections. They would need some more time for consultation with the relevant authorities and would keep in close contact with the Secretariat on the issue. They accordingly entered reservations on the word ‘shall’, which was placed in brackets, leaving the final decision for the negotiation meeting before the signing ceremony. Several countries unsuccessfully tried to reach a consensus by proposing alternative texts. In addition, it was suggested that the Secretariat prepare a technical note on the meaning of the article in order to assist national consultations.

#### **PART IV: NATURAL RISKS**

##### Article 19ter: Natural hazards

18. Under Part IV, several participants expressed concerns about the terminology used in article 19ter, especially with regard to the difference between natural and human-induced risks, as well as about the exact meaning of terms such as risks, hazards, disasters and vulnerability. The need was stressed to define those terms precisely in order to avoid misunderstandings and contradictory usages. Confusion was also noted between the causes and the effects of natural disasters. To that end, it was recommended that internationally accepted terminology should be followed.

19. Several participants stressed that the article dealt with the mechanisms to mitigate risks and not with the risks themselves, and that it should not address technological risks as those were already covered by other protocols.

20. The inclusion of climate change in that context was also questioned since climate change was not a risk but a long-term consequence of human activities. Other participants insisted on

focusing on that issue whose consequences were certain, as distinct from risks such as volcanic eruptions, whose occurrence could not be predicted with certainty.

21. As there was no agreement on the article, it was proposed by Algeria, and accepted, to set up a small working group to redraft the text.

22. The re-drafted text of the reordered articles 19bis and 19quater was introduced by the Legal Consultant. The new version reopened a discussion concerning the importance of defining natural disasters and their causes. Several participants stressed the importance of climate change and considered that the phenomenon merited a separate chapter. There was no consensus as to whether to refer to the causes of climate change: the Spanish delegate insisted on specifying them, while delegates from several other countries considered that the emphasis must be on the negative effects, the causes being a secondary concern.

23. After reformulating Article 19bis with the title "Climate change", several participants suggested that the title be changed to "Natural hazards", as climate change was not the only natural hazard that might affect the coastal zone. At the suggestion of France it was decided to change the wording at the end of the paragraph so as to read 'effects of natural disasters, in particular of climate change'.

24. The title of a new Article 19quater "Prevention of and response to natural disasters" was changed to "Response to natural disasters". Paragraphs 2 and 3 were accepted, with the addition of a reference to regional authorities in paragraph 3. Some participants felt that a reference to international co-operation should be included in paragraph 1. Secretariat was therefore asked to suggest new wording for paragraph 1.

25. The Secretariat presented a re-worded version of paragraph 1, which was accepted with a minor linguistic modification.

#### Article 25: Transboundary impact studies and strategic environmental assessment

26. While several delegates considered the article too detailed as initially presented by the Secretariat, others argued its importance for the implementation of the ICZM process. A redrafted and much abbreviated version of the article, re-entitled "Transboundary environmental assessment", was presented by the Legal Adviser, consisting of a general clause together with a paragraph on the guidelines, omitting the earlier reference to procedures to be followed.

27. Several delegates suggested merging or reordering the two constituent paragraphs of the text. In paragraph 1, a number of delegates proposed the deletion of "significant" before "adverse effects". Others strongly defended its retention, noting that the term was employed in the Convention itself and pointing out that its omission would make the Protocol difficult to implement if it sought to encompass all adverse effects, as distinct from the most important ones. It was agreed that the term significant should be retained and that a more precise definition might be included in the relevant guidelines.

28. Following detailed discussion of a proposal by Italy to replace "sovereignty" by "jurisdiction" in paragraph 1, it was decided on the Legal Advisor's advice to retain the term "sovereignty" but to consider appending a reference to "jurisdiction" to cover adverse effects in coastal zones outside a country's sovereignty but within its jurisdiction. It was agreed that account could be taken within the guidelines of a suggestion to add the qualification "within reasonable time" after "consultation" in paragraph 1.

29. However, a new text with the addition of a new paragraph 3 was not seen to have solved all the issues previously raised by the participants. In particular, the representative of Italy considered that the new text did not satisfy Italy's interests and wished to see the inclusion of a reference to sovereignty or jurisdiction. However, the Legal Adviser's explanation that the Protocol applied within territorial waters and not beyond was accepted. Another question related to the role of civil society, but it was pointed out by the Secretariat that that was already covered in the Convention and in Article 12 of the Protocol. Several States noted the reference to Article 17 in this article and called for a stronger link to be established between the two articles, so as to ensure a better balance in the level of the Parties' obligations. Some delegations regarded the wording in Article 17 as weaker and suggested the deletion of any reference to that article. The Legal Adviser suggested replacing 'in accordance with Article 17' by 'taking into account Article 17'. In addition, the text could be strengthened by including a reference to Article 4.3 c) of the Barcelona Convention, which already contained such an obligation. Finally, in response to the question of whether notification should only take place before the authorization or approval of projects, the Legal Adviser suggested that a reference to "all stages in this process" be included at the end of paragraph 2.

30. The reformulated text of that Article was presented. Considerable discussion took place with regard to the location of the projects for which a transboundary environmental assessment should be prepared. Two different views were expressed: firstly, that this Protocol dealt only with the projects within the territorial coverage of the Protocol and that the projects outside the coastal zone were subject to other international conventions, and the second view that all projects that could affect the coastal zone should be subject to environmental assessment. It was finally decided to delete 'concerning their coastal zone' and to put 'In the framework of this Protocol' at the beginning of paragraph 1.

31. Italy expressed its concerns related to the effectiveness of this Article due to the fact that the guidelines mentioned in paragraph 2 for the implementation of the provisions of this Article would be prepared at later stages. In this context, the Legal Adviser explained that the wording of paragraph 2 was a standard formulation for such guidelines and reflected the procedure set out in Article 16 of the Convention.

*Article 28: Institutional co-ordination*

32. The Secretariat proposed an alternative version of the text, defining the role of the Organization in the implementation of this Protocol, and co-operation with NGOs. The discussion focused on co-ordination with NGOs and the respective roles of the Organization and the Centre in that context. Some participants felt that co-operation with NGOs should not be placed on the same level as co-ordination with States and that co-operation with NGOs should be listed as one of the functions in the paragraphs following the chapeau. It was suggested by some participants that co-operation should be restricted to international NGOs as otherwise there might be some duplication of the work of national NGOs, with which national authorities already co-operated. It was not clear whether co-operation with NGOs was a function of the Organization or should be carried out in conjunction with States. Some representatives suggested including the chapeau in the Definitions in Article 2 and pointed out that co-operation with NGOs had been already dealt with in another article. The Legal Adviser explained that the wording of the chapeau was similar to the wording in other MAP protocols, that this obligation existed in the Convention itself (Article 17), that there were already MAP recommendations on co-operation with NGOs, and that the Organization retained its overall authority and could delegate this role to the Centre. What was important was to specify the functions of the Organization.

33. The redrafted version placed co-operation with NGOs in sub-paragraph (e). Italy insisted that co-operation with NGOs should be done only if co-ordinated with the relevant State Parties in order to ensure joint work and to exclude overlapping. This position was supported by Algeria, Turkey and Lebanon. However, most of the States and NGOs opposed this, as in the implementation of the Protocol there was a risk that that clause might be interpreted negatively so as to restrict the activity of the NGOs. However, it was pointed out that there were plenty of opportunities for the co-operation of the Centre with NGOs to be assessed by the State Parties, for example, through their Focal Point meetings, the meetings of the Contracting Parties, and, furthermore, I MAP had a very good record of co-operation with NGOs. A proposal to delete this sub-paragraph was made but it was felt by most of the participants that that would send a negative message and that co-operation with NGOs should find a place in this Article.

34. A new version of the text was submitted by the Secretariat, which was found acceptable by all.

### *Article 3: Geographical coverage*

35. Italy submitted a proposed amendment to Article 3, as previously introduced by the Legal Consultant, aimed at removing the term “administrative” in subparagraph (b) so as to permit a more flexible definition of the competent coastal units, at highlighting the specific situation of small islands and at taking into consideration the negative effects of climate change.

36. A majority of countries were against the proposed removal of the term “administrative” or its replacement by “local” or “territorial” since it would create uncertainty regarding competencies. On the other hand, several participants objected to maintaining the term on the grounds that it might compromise interaction with catchment areas, and suggested leaving it to the countries concerned to decide the appropriate terminology having regard to the institutional, geomorphologic, ecological and other characteristics of their coastal zones. The Legal Consultant underlined the legal importance of this article, which should be as precise as possible. He referred to a recent document on good practices in ICZM, which showed that most countries favoured recourse to administrative limits since they facilitated co-ordination, integration and other ICZM components.

37. The delegate of Italy entered a study reservation – pending consultation with his national legal authorities - concerning retention of the term “administrative”, which would pose serious problems of implementation in his country having regard to national territorial arrangements. He was reminded by some delegates that paragraph 2(b) would in practice offer a solution insofar as Italy had a problem with the formulation in paragraph 1(b).

38. Concerning a proposal by Italy to include a reference to small islands in article 3.1(b), several participants considered it to be unnecessary since all islands deserved attention, irrespective of size. Others contended that, while the same principles applied to both mainland and islands, the latter were isolated systems requiring specific approaches. In that connection, a suggestion was made to strengthen the emphasis on their specificity in the preamble to the Protocol. As there was continued disagreement on the question, and with Turkey maintaining its overall opposition to a special reference to small islands in the Protocol, it was decided to keep the phrase “including small islands” within brackets.

39. Finally, the proposal to include a reference to climate change in paragraph 2b was accepted.

40. The new text of article 3 prepared by the Secretariat was discussed. The Greek delegate objected to the footnote, which did not reflect his position, while Italy and Turkey maintained their reservations. Italy also insisted on including the reference to climate change, as had been agreed.

*Article 7: Protection and sustainable use of the coastal zone*

41. The idea of establishing a non-construction zone was seen as a necessity and was supported by all the participants. However, consensus could not be reached on the extent of the zone because, according to some participants, there was no scientific basis for the figure stipulated in paragraph 2(a). Many countries supported the proposed set-back limit since it already existed in their national legislation, although some of them admitted that it could cause problems in practice and that derogations were often approved to avoid conflicts. Several countries stated that they would have a problem signing the Protocol if the limit of 100 metres was to be retained, either because of less restrictive existing national legislation or because of the geomorphologic characteristics of their coastal zone. They therefore suggested allowing each country to fix its own limits. It was noted in that connection that paragraph 2(b) made ample provision for possible exemptions.

42. The other topic of discussion concerned the suggested addition of the phrase “outside built-up areas” in the same paragraph, since it was not clear to some delegates whether that implied that new construction was allowed in existing built-up areas.

43. Responding to a new version of the article proposed by the Secretariat, the Tunisian delegate underlined his opposition to specifying a set-back limit of 100 metres, saying that a restriction on new construction would cause problems for his country in built-up areas. The Legal Consultant pointed out that paragraph 2(b) provided for public-interest exemptions, that the provision was not retrospective, and that it would not in practice override domestic urban planning policy. Other delegates supported this view, noting that paragraph 2(b) effectively gave primacy to national legislation in the matter. While several delegates had doubts about the advisability of laying down a specific set-back limit, and while there was some discussion as to the need to qualify the exemptions with reference to the “public interest”, a majority of delegates accepted the text proposed by the Secretariat in the interest of consensus. Tunisia, however, was not persuaded by the arguments adduced and entered a reservation to the provision, together with Greece, which reaffirmed its reservation.

*Article 14 Monitoring and observation mechanisms and networks*

44. Israel withdrew its reservation to the article as a whole. France proposed changing the wording of paragraph 4 so as to emphasise that the Parties should take all necessary measures to facilitate public access to information relating to observation mechanisms and networks. All the participants accepted the new wording proposed by France.

*Article 15 Mediterranean strategy for integrated coastal zone management*

45. Many participants did not wish to reopen the question, which had already been the subject of much discussion. The European Community withdrew its reservation; and Israel, which had proposed the deletion of the whole article since it appeared to duplicate Article 1 of the Protocol and Article 4 of the Convention, also withdrew its reservation in the interest of consensus. The text of the article was accordingly approved.

*Article 20 Training and research*

46. The participants agreed with the new wording of paragraphs 1 and 2 provided by the Secretariat. It was suggested that paragraph 3, which was contained in the new paragraph 2, should be deleted.

*Article 21 Scientific and technical assistance*

*Article 22 Exchange of information and activities of common interest*

*Article 24 Transboundary cooperation*

47. The participants agreed with the new wording of articles 21, 22 and 24 provided by the Secretariat.

*Article 4: Reservation of rights*

48. While some delegates saw paragraph 4 of this Article as essential, others called for its deletion on the grounds that it went beyond the provisions of the Barcelona Convention with regard to national defence activities and thus lay outside the purview of the Protocol. The Legal Consultant provided a justification for its inclusion by explaining that Article 3 of the Convention referred only to the marine part of the coastal zone while the proposed text also took in the coastal part. It was argued that the Protocol by its very nature went beyond the Convention while remaining consistent with its principles.

49. A number of delegates voiced concern about a perceived contradiction between the two elements in paragraph 4. The provision could in practice serve to subordinate the purposes of the Protocol to the interests of national defence. The Protocol should not single out national defense activities - which might in any case be better termed military activities. Other speakers agreed with the Legal Consultant, who described the paragraph as a balanced text - reflecting similar provisions in numerous international instruments - that sought to secure political commitments rather than impose legal requirements. Following unsuccessful attempts by France and Italy to achieve a compromise, it was decided to set up a drafting group to work further on the text.

50. The Legal Adviser explained that the modifications in the new version of the article, prepared by the Secretariat, were in conformity with the standard wording in the Law of the Sea Convention and were aimed at attenuating the article as requested by several countries. The Moroccan delegate, accepting the new version, thanked the Secretariat for its efforts to accommodate the wishes of all countries with respect to a particularly delicate article.

*Article 5: Objectives of integrated management*

51. Several minor proposed amendments were accepted by the participants, namely to introduce in subparagraph(c) a reference to cultural - as well as natural - resources and to reformulate subparagraph (d) by appending to it the words "in their entirety".

52. Discussion of subparagraph (e) turned on the appropriateness of the terms "prevent", "mitigate" and "reduce" as applied to the risks associated with climate change. A proposal to include a cross-reference to Article 19bis, specifically concerned with risks affecting the coastal zone, was rejected on the grounds that it would logically entail making other cross-references. The Spanish delegate proposed introducing in this subparagraph the distinction between natural and man-induced disasters, which would enable him to withdraw his reservation to article 19bis.

53. The new text submitted by the Secretariat was adopted with minor editorial changes, such as the use of “climate change” in plural in the French version.

*Article 5bis: General principles of integrated coastal zone management, paragraph b) and h)*

54. A lengthy discussion took place concerning the meaning of ‘concentration’ and ‘sprawl’ in sub-paragraph (h). It was finally decided to reword the subparagraph in accordance with a proposal made by the French representative, so as to read “and avoid concentration of activities and urban sprawl”.

55. Several objections were made to a new version of this paragraph submitted by the Secretariat, which was said to be somewhat at variance with the conclusions of the previous discussions. It had in fact been decided to retain the words “of the coastal zone” in subparagraph (b) and to remove the word “unnecessary” in subparagraph (h). Several delegates preferred to retain the word “unnecessary” since the concentration of activities in some parts of the coastal zone could be positive. It was finally decided to accept “unnecessary” and to rephrase subparagraph (e) to bring it into line with the structure of the rest of the article.

*Article 8: Economic activities, paragraph g)*

56. The discussion on the issue of shipping focused on two main points, namely whether to cover that topic by listing the relevant Conventions in paragraph 7 of the Preamble, as proposed by France, or keep it as a separate paragraph in Article 8, but to extend the scope of the paragraph to include other maritime activities. Most of the participants accepted Morocco’s proposal to delete the last part of the paragraph after “conventions”, but a consensus could not be reached and France maintained its reservation on this paragraph.

57. A new version of this article was presented by the Secretariat. France maintained its reservation.

*Article 9: Specific coastal ecosystems*

58. After a short discussion, paragraph 4 on dunes was adopted with minor adjustments. The new text prepared by the Secretariat was adopted unanimously

*Article 9bis: Coastal landscapes*

59. Several participants expressed concern about a form of words that appeared to commit Parties to the implementation of joint actions relating to transboundary coastal landscapes. Following a lengthy discussion, the wording was altered to make it clear that the relevant undertaking concerned promoting implementation of such actions.

60. The new version of this article was adopted on the understanding that the verb “implement” would be replaced by “the implementation of”.

*Article 11: Cultural heritage*

61. A proposal to add a text to Article 11, designed to ensure that elements of the underwater cultural heritage were not traded, sold, bought or bartered as commercial goods, gave rise to a protracted discussion. The proposal to create a new subparagraph to that effect was opposed on the grounds that it gave excessive prominence to the provision. The Legal

Consultant argued strongly against the suggestion that the provision might be applied to the coastal cultural heritage as a whole, on the grounds that it would have far-reaching legal consequences and would be inapplicable in practice. The Spanish delegate drew a distinction between the heritage in public and private ownership. The Greek delegate said that his country could not accept the article even if it applied solely to the underwater heritage. The provision was thought by some delegates to be too constraining, and the delegate of Morocco insisted on the primacy of national legislation in matters relating to the disposal of all forms of the coastal cultural heritage.

62. A proposed rewording of the paragraph so as to enable countries to define the elements of the cultural heritage to be protected from commercial use failed to secure agreement. The Spanish delegate insisted on inclusion of the distinction between the public and private domains.

63. A new paragraph 4 again did not command assent, the addition of some new concepts, such as a reference to archeological elements, proving unsatisfactory to certain participants. Spain entered a reservation in respect of this article.

*Article 19 bis: Coastal erosion*

64. Italy withdrew its objection to the inclusion of “any” and the existing text was approved.

*Article 2: Definitions*

65. Some new definitions suggested by the European Community (EC) and the Secretariat were circulated to the participants. The new definition of “Party” and “State Party” presented by the EC was accepted, with a slight change in the wording suggested by the Legal Adviser. Existing paragraphs (a), (b) and (c) were accepted without discussion. In the definition of coastal zone in paragraph (d) the word ‘maritime’ was replaced by ‘marine’ and ‘and resources’ was added so as to read ‘complex ecological and resource systems’. In addition, the last part of the definition was expanded so that the coexistence and interaction of abiotic components and human communities was underlined, and a reference was made to the relevant socio-economic activities.

66. In the course of a lengthy discussion on paragraph (e) relating to the definition of integrated coastal zone management, some of the participants wished to include references to various additional aspects, such as planning, ecosystem approach, local and regional development, quality of life for the populations, solving the conflicts between different uses, etc. However, most of the participants agreed that the existing definition was quite complex enough and should not be expanded. The only change that it was decided to make in the existing text was to replace ‘maritime’ by ‘marine’ in the last line.

67. Although some of the participants suggested expanding or amending the definition of the coastal ecosystem in paragraph f), it was finally decided to delete it entirely. The opinion of the Legal Adviser and of some of the participants was that a definition was already contained in another MAP Protocol and that its meaning was generally well understood.

68. The EC’s proposal for the new wording of paragraph (g) was supported by several participants as it provided a broader and more general definition, which suited the purposes of the Protocol. However, some other participants were of the opinion that there was a distinction between coastal plans and programmes, on the one hand, and plans and programmes in general, on the other, and suggested retaining the original paragraph (g). Some proposals were

made to improve that text, but the Legal Adviser explained that there was no difference between plans for different areas, but that the difference related to various levels of management. He also said that the guidelines to be prepared at a later stage would define which plans and programmes would be subject to environmental assessment. In view of the fact that there were references to plans and programmes in many articles in the Protocol, in particular in Articles 16 and 19, where definitions could be found, the participants accepted the proposal to delete the paragraph.

69. A new version of the text of the article was proposed by the Secretariat. After the explanation that the definition of the terms “risk”, “hazard”, “disaster”, vulnerability”, “carrying capacity” were presented only for information, the meeting agreed to adopt this article in the proposed form.

#### *Preamble*

70. Before proceeding to the next agenda item, the Greek delegate requested the meeting to consider a slight amendment to the preamble, namely to replace the word “specificity” by “needs” with regard to islands.

#### **Agenda item 5 :      Next steps**

71. The Legal Adviser explained the steps to be taken after this meeting. The text as adopted by the meeting would be submitted to the MAP National Focal Points at their meeting in October that year. After that, the Contracting Parties would be expected to examine, discuss and adopt the text as a whole, without reopening the discussion on individual articles or the substance of the reservations. They would also ask for a diplomatic conference to adopt the text. Any State that wished to withdraw reservations would be able to do so at any time before the diplomatic conference, whereas reservations could be entered only during official meetings, provided that the content of the reservation was submitted in written.

72. Several questions were raised concerning the above procedure: What was the situation regarding the current reservations? When would a final copy of the text adopted at the meeting be distributed? Who was going to submit the text of the Protocol to the Ministries of Foreign Affairs?

73. It was explained by the Secretariat that the final text was to be distributed at the end of the meeting and that it was the responsibility of each country to submit it to the relevant national authorities.

74. Concerning the possibility of re-opening the discussion on the existing text and reservations, it was explained that MAP NFPs did not have the authority to change the text, which lay with the working group. The only possibility was accordingly to organize a one-day meeting before the MAP NFPs meeting. Meanwhile, MAP would adopt a proactive approach and try to negotiate the withdrawal of the reservations in direct consultation with the countries concerned.

75. Several delegates asked to receive an official document describing the procedure to be followed. One country asked for an explanation about the time frame for the signature of the Protocol. It should be signed within one year of the approval of the text by the Diplomatic

Conference. After that, the countries could adopt a different procedure for direct accession to the Protocol.

**Agenda item 6:**      **Any other business**

76. The Algerian delegate asked for the operational help of PAP/RAC in the implementation of ICZM, especially if the Protocol were adopted.

**Agenda item 7:**      **Review of the final structure of the draft Protocol**

77. The meeting reviewed the final structure of the draft Protocol and just minor grammatical and stylistic changes were made in some of the Articles. The final draft, with the re-numerated Articles, is attached to this report as Annex III.

**Agenda item 8:**      **Closure of the meeting**

78. After the customary exchange of courtesies, the meeting rose at 19:15 on Saturday, 16 June 2007.

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## **ANNEX II**

### **AGENDA**

1. Opening of the meeting
2. Rules and Procedures and 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. Next steps
6. Any other business
7. Adoption of the draft report of the meeting
8. Closure of the meeting



**Draft Decision on the Draft Protocol  
on Integrated Coastal Zone Management**

The 15<sup>th</sup> Meeting of the Contracting Parties,

*Recalling* the obligations set out in Article 4, paragraphs 3(e) and 5, of the Barcelona Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean, done at Barcelona in 1976, as amended in June 1995,

*Desirous* of implementing the recommendations of the Meetings of the Contracting Parties held in Tunis in 1997, Monaco in 2001, Catania in 2003, the Mediterranean Strategy for Sustainable Development adopted in Portoroz in 2005, and in particular the recommendation adopted by the 14<sup>th</sup> Meeting of the Contracting Parties, Portoroz in 2005, on the development of a draft Protocol on Integrated Coastal Zone Management,

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

*Noting* with appreciation the work undertaken by the Working Group of Legal and Technical Experts designated by the Contracting parties to develop a draft text Protocol on ICZM

***Decides*** to approve the draft text of the Protocol on Integrated Coastal Zone Management, as contained in the Annex to this decision,

***Recommends*** to the Conference of the Plenipotentiaries the adoption of the Protocol on Integrated Coastal Zone Management as contained in the Annex to this draft decision.



## **DRAFT PROTOCOL ON INTEGRATED COASTAL ZONE MANAGEMENT IN THE MEDITERRANEAN**

The Contracting Parties to the present Protocol,

*Being Parties* to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean, adopted at Barcelona on 16 February 1976, and amended on 10 June 1995,

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

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

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

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

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

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

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

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

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

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

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

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

Have agreed as follows:

## **PART I GENERAL PROVISIONS**

### **Article 1 General obligations**

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

### **Article 2 Definitions**

For the purposes of this Protocol:

- (a) "Parties" means the Contracting Parties to this Protocol.
- (b) "States Parties" means the States that are party to this Protocol.
- (c) "Convention" means the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean, done at Barcelona on 16 February 1976, as amended on 10 June 1995.
- (d) "Organization" means the body referred to in Article 17 of the Convention.
- (e) "Centre" means the Priority Actions Programme Regional Activity Centre.
- (f) "Coastal zone" means the geomorphologic area either side of the seashore in which the interaction between the marine and land parts occurs in the form of complex ecological and resource systems made up of biotic and abiotic components coexisting and interacting with human communities and relevant socio-economic activities.
- (g) "Integrated coastal zone management" means a dynamic process for the sustainable management and use of coastal zones, taking into account at the same time the fragility of coastal ecosystems and landscapes, the diversity of activities and uses, their interactions, the maritime orientation of certain activities and uses and their impact on both the marine and land parts.

### **Article 3 Geographical coverage**

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

- (a) the seaward limit of the coastal zone, which shall be the external limit of the territorial sea of States Parties; and
  - (b) the landward limit of the coastal zone, which shall be the limit of the competent coastal administrative<sup>1</sup> units.
2. If, within the limits of its sovereignty, a State Party establishes limits different from those envisaged in paragraph 1 of this Article, it shall communicate a declaration to the Depositary at the time of the deposit of its instrument of ratification, acceptance, approval of, or accession to this Protocol, or at any other subsequent time, in so far as:
  - (a) the seaward limit is less than the external limit of the territorial sea;
  - (b) the landward limit is different, either more or less, from the limits of the territory of coastal administrative units, in order to apply, *inter alia*, the ecosystem approach and economic and social criteria and to consider the specific situation of islands<sup>2</sup> and to take into account the negative effects of climate change.
3. Each State Party shall adopt or promote at the appropriate institutional level adequate actions to inform populations and any relevant actor of the geographical coverage of the Protocol.

#### **Article 4** **Preservation of rights**

1. Nothing in this Protocol nor any act adopted on the basis of this Protocol shall prejudice the rights, the present and future claims or legal views of any Party relating to the Law of the Sea, in particular the nature and the extent of marine areas, the delimitation of marine areas between States with opposite or adjacent coasts, the right and modalities of passage through straits used for international navigation and the right of innocent passage in territorial seas, as well as the nature and extent of the jurisdiction of the coastal State, the flag State or the port State.
2. No act or activity undertaken on the basis of this Protocol shall constitute grounds for claiming, contending or disputing any claim to national sovereignty or jurisdiction.
3. The provisions of this Protocol shall be without prejudice to stricter provisions respecting the protection and management of the coastal zone contained in other existing or future national or international instruments or programmes.
4. Nothing in this Protocol shall prejudice national security and defence activities and facilities; however, each State Party agrees that such activities and facilities should be operated or established, so far as is reasonable and practicable, in a manner consistent with this Protocol.

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<sup>1</sup> Reservation by Italy on the word “administrative”

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

## **Article 5**

### **Objectives of integrated management**

The objectives of integrated coastal zone management are to:

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

## **Article 6**

### **General principles of integrated coastal zone management**

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

- (a) The biological wealth and the natural dynamics and functioning of the intertidal area and the complementary and interdependent nature of the marine part and the land part forming a single entity shall be taken particularly into account.
- (b) All elements relating to hydrological, geomorphological, climatic, ecological, socio-economic and cultural systems shall be taken into account in an integrated manner, so as not to exceed the carrying capacity of the coastal zone and to prevent the negative effects of natural disasters and of development.
- (c) The ecosystems approach to coastal planning and management shall be applied so as to ensure the sustainable development of coastal zones.
- (d) Appropriate governance allowing adequate and timely participation in a transparent decision-making process by local populations and stakeholders in civil society concerned with coastal zones shall be ensured.
- (e) Cross-sectorally organized institutional coordination of the various administrative services and regional and local authorities competent in coastal zones shall be required.
- (f) The formulation of land use strategies, plans and programmes covering urban development and socio-economic activities, as well as other relevant sectoral policies, shall be required.
- (g) The multiplicity and diversity of activities in coastal zones shall be taken into account, and priority shall be given, where necessary, to public services and activities requiring, in terms of use and location, the immediate proximity of the sea.

- (h) The allocation of uses throughout the entire coastal zone should be balanced, and unnecessary concentration and urban sprawl should be avoided.
- (i) Preliminary assessments shall be made of the risks associated with the various human activities and infrastructure so as to prevent and reduce their negative impact on coastal zones.
- (j) Damage to the coastal environment shall be prevented and, where it occurs, appropriate restoration shall be effected.

### **Article 7 Coordination**

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

## **PART II ELEMENTS OF INTEGRATED COASTAL ZONE MANAGEMENT**

### **Article 8 Protection and sustainable use of the coastal zone**

1. In conformity with the objectives and principles set out in Articles 5 and 6 of this Protocol, the Parties shall endeavour to ensure the sustainable use and management of coastal zones in order to preserve the coastal natural habitats, landscapes, natural resources and ecosystems, in compliance with international and regional legal instruments.

- 2.<sup>3</sup> For this purpose, the States Parties
- (a)<sup>4</sup> shall establish, as from the highest winter waterline, a setback, taking into account, *inter alia*, the areas directly and negatively affected by climate change and which may not be less than 100 metres; stricter national measures determining this width shall continue to apply;
- (b) may grant exemptions to the above measure for 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 the sea and along 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.

## **Article 9**

### **Economic activities**

1. In conformity with the objectives and principles set forth in Articles 5 and 6 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 their carrying capacity;
  - (f) promote codes of good practice among public authorities, economic actors and non-governmental organizations.

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<sup>3</sup> Reservation by Greece on paragraph 2

<sup>4</sup> Reservation by Tunisia on paragraph 2(a)

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 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 the extraction of sand, including on the seabed and river sediments or prohibit it 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) Maritime activities<sup>5</sup>,
    - to conduct maritime 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.

## **Article 10**

### **Specific coastal ecosystems**

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

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<sup>5</sup> Reservation by France on paragraph 2(g)

#### 1. Wetlands and estuaries

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

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

#### 2. Marine habitats

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

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

#### 3. Coastal forests and woods

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

#### 4. Dunes

The Parties undertake to preserve and, where possible, rehabilitate in a sustainable manner dunes and bars.

### **Article 11 Coastal landscapes**

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

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

## **Article 12 Islands**

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

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

## **Article 13 Cultural heritage**

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

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

3.<sup>6</sup> The States Parties shall ensure, as appropriate, that archeological and historical elements of the cultural heritage of coastal zones, as defined by their national legislation, are not traded, sold, bought or bartered as commercial goods.

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

## **Article 14 Participation**

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

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

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<sup>6</sup> Reservation by Spain on paragraph 3

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

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

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

### **Article 15**

#### **Awareness-raising, training, education and research**

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

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

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

## **PART III**

### **INSTRUMENTS FOR INTEGRATED COASTAL ZONE MANAGEMENT**

#### **Article 16**

##### **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.

4. The Parties shall take all necessary means to ensure public access to the information derived from monitoring and observation mechanisms and networks.

#### **Article 17** **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 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 18** **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 strategies, plans and programmes, as well as the progress of implementation of the Protocol.

#### **Article 19** **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-relationships 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 20** **Land policy**

1. For the purpose of promoting integrated coastal zone management, reducing economic pressures, maintaining open areas and allowing public access to the sea and along the shore, States Parties shall adopt appropriate land policy instruments and measures, including the process of planning.

2. To this end, and in order to ensure the sustainable management of public and private land of the coastal zones, States Parties may *inter alia* adopt mechanisms for the acquisition, cession, donation or transfer of land to the public domain and institute easements on properties.

#### **Article 21** **Economic, financial and fiscal instruments**

For the implementation of national coastal strategies, plans and programmes, States Parties shall<sup>7</sup> take appropriate measures to adopt relevant economic, financial and/or fiscal instruments intended to support local, regional and national initiatives for the integrated management of coastal zones.

### **Part IV** **RISKS AFFECTING THE COASTAL ZONE**

#### **Article 22** **Natural hazards**

Within the framework of national strategies for integrated coastal zone management, the State Parties shall develop policies for the prevention of natural hazards. To this end, they shall undertake vulnerability and hazard assessments of coastal zones and take prevention, mitigation and adaptation measures to address the effects of natural disasters, in particular of climate change.

#### **Article 23** **Coastal erosion**

1. In conformity with the objectives and principles set out in Articles 5 and 6 of this Protocol, the Parties, with a view to preventing and mitigating the negative impact of coastal erosion more effectively, undertake to adopt the necessary measures to maintain or restore the natural capacity of the coast to adapt to changes, including those caused by the rise in sea levels.

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<sup>7</sup> Reservation by Greece on the word "shall"

2. The State Parties, when considering new activities and works located in the coastal zone including marine structures and coastal defence works, shall take particular account of their negative effects on coastal erosion and the direct and indirect costs that may result. In respect of existing activities and structures, the Parties should adopt measures to minimize their effects on coastal erosion.

3. The State Parties shall endeavour to anticipate the impacts of coastal erosion through the integrated management of activities, including adoption of special measures for coastal sediments and coastal works.

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

#### **Article 24** **Response to natural disasters**

1. The Parties undertake to promote international cooperation, to respond to natural disasters and to take all necessary measures to address in a timely manner their effects.

2. The Parties undertake to coordinate use of the equipment for detection, warning and communication at their disposal, making use of existing mechanisms and initiatives, to ensure the transmission as rapidly as possible of urgent information concerning major natural disasters. The Parties shall notify the Organization which national authorities are competent to issue and receive such information in the context of relevant international mechanisms.

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

### **PART V** **INTERNATIONAL COOPERATION**

#### **Article 25** **Training and research**

1. The Parties undertake, directly or with the assistance of the Organization 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 Organization 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.

#### **Article 26**

#### **Scientific and technical assistance**

For the purposes of integrated coastal zone management, the Parties undertake, directly or with the assistance of the Organization 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.

#### **Article 27**

#### **Exchange of information and activities of common interest**

1. The Parties undertake, directly or with the assistance of the Organization or the competent international organizations, to cooperate in the exchange of information on the use of the best environmental practices.
2. With the support of the Organization, 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 28**

#### **Transboundary cooperation**

The States Parties shall endeavour, directly or with the assistance of the Organization 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.

#### **Article 29**

#### **Transboundary environmental assessment**

1. Within the framework of this Protocol, the Parties shall, before authorizing or approving plans, programmes and projects that are likely to have a significant adverse effect on the coastal zones of other Parties, cooperate by means of notification, exchange of information and consultation in assessing the environmental impacts of such plans,

programmes and projects, taking into account Article 19 of this Protocol and Article 4, paragraph 3 (d) of the Convention.

2. To this end, the Parties undertake to cooperate in the formulation and adoption of appropriate guidelines for the determination of procedures for notification, exchange of information and consultation at all stages of the process.

3. The Parties may, where appropriate, enter into bilateral or multilateral agreements for the effective implementation of this Article.

## **PART VI INSTITUTIONAL PROVISIONS**

### **Article 30 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 31 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 32 Institutional coordination**

1. The Organization shall be responsible for coordinating the implementation of this Protocol. For this purpose, it shall receive the support of the Centre, to which it may entrust the following functions:

- (a) to assist the Parties to define a common regional framework for integrated coastal zone management in the Mediterranean pursuant to Article 17;
- (b) to prepare a regular report on the state and development of integrated coastal zone management in the Mediterranean Sea with a view to facilitating implementation of the Protocol;
- (c) to exchange information and carry out activities of common interest pursuant to Article 27;
- (d) upon request, to assist the Parties:

- to participate in a Mediterranean coastal zone network pursuant to Article 16;
  - to prepare and implement their national strategies for integrated coastal zone management pursuant to Article 18;
  - to cooperate in training activities and in scientific and technical research programmes pursuant to Article 25;
  - to coordinate, when appropriate, the management of transboundary coastal zones pursuant to Article 28;
- (e) to organize the meetings of the Focal Points pursuant to Article 30;
- (f) to carry out any other function assigned to it by the Parties.
2. For the purposes of implementing this Protocol, the Parties, the Organization and the Centre may jointly establish cooperation with non-governmental organizations the activities of which are related to the Protocol.

### **Article 33 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 30 of this Protocol;
  - (g) to consider reports transmitted by the Parties and making appropriate recommendations pursuant to Article 26 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 VII FINAL PROVISIONS**

### **Article 34 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 35 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 36 Signature**

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

### **Article 37 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 38 Accession**

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

**Article 39**  
**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 40**  
**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.