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MEDITERRANEAN ACTION PLAN

Second Meeting of the Working Group on the Integrated
Coastal Zone Management (ICZM) Protocol

Loutraki, Greece, 6-9 September 2006

REPORT

**OF THE SECOND MEETING OF THE WORKING GROUP
OF EXPERTS DESIGNATED BY THE CONTRACTING PARTIES
ON THE DRAFT PROTOCOL ON INTEGRATED COASTAL ZONE
MANAGEMENT (ICZM) IN THE MEDITERRANEAN**

Introduction

1. Pursuant to the decision of the 14th Ordinary Meeting of the Contracting Parties to the Barcelona Convention and its Protocols, held in Portoroz, Slovenia, 8-11 November 2005, the second meeting of the Working Group of legal and technical experts designated by the Contracting Parties was held, at the Club Hotel Loutraki, Loutraki, Greece, 6-9 September 2006, to continue discussing a draft text of a protocol on integrated coastal zone management (ICZM), with a view to its consideration and possible approval by the 15th Ordinary Meeting of the Contracting Parties to the Barcelona Convention and its Protocols, to be held in November 2007.

2. The purpose of the meeting was to continue the review of the text of the draft Protocol proposed by the Secretariat, resuming discussion initiated at the first meeting of the Working Group, held in Split, Croatia, 27-29 April 2006.

Attendance

3. The meeting was attended by experts designated by the following Contracting Parties to the Barcelona Convention: Albania, Croatia, Cyprus, European Community, Egypt, France, Greece, Israel, Italy, Libyan Arab Jamahiriya, Malta, Spain, Syrian Arab Republic, Tunisia and Turkey.

4. The Priority Actions Programme Regional Activity Centre was represented. The following nongovernmental organizations were also represented as observers: CIDCE, Mouvement Écologique Algérien (MEA), MEDASSET, Mediterranean SOS Network and Mediterranean Information Office for Environment, Culture and Sustainable Development (MIO-ECSDE), RAED.

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

Agenda item 1: Opening of the meeting

6. The meeting was opened by Mr Paul Mifsud, MAP Coordinator. He recalled the long process that had led to the current draft of the Protocol, including a feasibility study, and various consultations which had culminated in the draft Protocol that had been submitted for consideration to the Contracting Parties at their 14th Ordinary Meeting. He noted the broad support for the Protocol and said that he looked forward to constructive deliberations at the current meeting, with a view to attaining the deadline of November 2007 for submission of the final draft of the Protocol to the Contracting Parties.

Agenda item 2: Election of officers

7. The meeting elected its officers as follows:

Chairperson:	Ms Athina Mourmouris	(Greece)
Vice-Chairpersons:	Mr. Oliviero Montanaro	(Italy)
	Mr. Ali Deeb	(Syrian Arab Republic)
	Mr. Hedi Amamou	(Tunisia)
Rapporteur:	Mr Mustafa Aydin	(Turkey)

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

8. The meeting adopted the agenda contained in document UNEP(DEPI)/MED WG.298/1. The agenda is attached as Annex II to this report. It was agreed that the discussion would resume at Article 5 of the draft Protocol, which had not been concluded at the first meeting. An open-ended drafting group was established to revise the articles on the basis of comments made.

Agenda item 4: Review of the proposed draft text of the Protocol on integrated coastal zone management in the Mediterranean

9. The Chairperson, speaking in her capacity as representative of Greece, said that as her country had not been represented at the previous meeting, she wished to make some general comments reserving also the right to submit comments on previously discussed articles. She suggested that, while building on past experience in ICZM, emphasis should be put on ensuring implementability of the Protocol. She said that the institutional and ecological differences among the Mediterranean countries and among their coastal zones pointed to the need for flexibility in the Protocol. Countries with very long coastlines, such as her own, and those countries that were also members of the European Union, had specific imperatives, which would have to be accommodated. Attention should also be paid to the tone of the document: some provisions in the draft were prescriptive and rigid, while others were of a more philosophical and guiding nature; the final Protocol should be clear, operational and implementable. The ecosystems approach, the integration of sectoral policies and the appropriate governance should be the linking elements throughout. It would be important to demonstrate the 'added value' of the Protocol in comparison with other instruments.

Part II

Principles and elements of integrated coastal zone management

Article 5 (Objectives of integrated management), Article 5bis (General principles of integrated coastal zone management) and Article 5ter (Information policy on principles and objectives)

10. Mr Michel Prieur, Legal Consultant, referring to the explanatory document UNEP(DEPI)/MED WG.287/Inf.3, highlighted the amendments that had been introduced into Article 5 in response to comments made during the first meeting of the Working Group. He noted that, although an attempt had been made to separate principles from objectives, some were indistinguishable logically and semantically.

11. The ensuing interventions reflected different opinions about the specificity of the provisions of the Protocol. The representative of Albania suggested that the principles contained in Article 5bis should be more general and should precede the objectives, which should be more specific. The representative of the European Community proposed that Article 5 include mention of the prevention of risk and preparedness for the effects of global climate change.

12. The Chairperson, speaking in her capacity as the representative of Greece, said that the general objectives and principles given in Articles 5 and 5bis, after amendment of the text, should be reflected in the articles that follow, which should indicate how the objectives were to be realized concretely. In her opinion, Article 5ter – if not merged with Article 12 or 13 – would be useful only if expanded, to include criteria, actions and guidance, while at the same time allowing countries to make their own arrangements. As the Protocol would be a legally binding instrument, clear objectives and actions should be outlined, allowing for implementation by the Parties.

13. A number of suggestions were made regarding the position of articles 5 and 5bis, many considering that they should appear earlier in the Protocol, perhaps as Article 2, as they provided guidance for interpretation and implementation. Another suggestion was to integrate Article 5ter into Article 13.

14. At a later session, the Working Group considered revised versions of Article 5 and Article 5bis, which included comments made in the previous discussion.

15. The representatives of the European Community and of Italy expressed reservations regarding the wording of the two articles, which they would wish to reconsider after all the other articles in the Protocol had been examined. The Chairperson suggested and it was convened that the content of these two articles as well as the order of all articles would be revisited and finalised after having completed discussion on all articles of the Protocol.

16. A number of interventions were made regarding inclusion of the term 'integrity' in respect of the objective of preservation of coastal ecosystems, landscapes and geomorphology, some considering that the goal was not achievable and others regarding "preservation of the integrity" as an overall objective of the Protocol. The word was placed in square brackets for discussion at a future meeting.

17. Further discussion centred on the objective of preventing the risks associated with climate change. The representative of the European Community, supported by Mr Ivica Trumbić, Director of PAP/RAC, said that the risks associated with climate change should be taken into consideration in long-term integrated coastal zone management and planning. It was decided to place the subsection in square brackets and to decide at a later date where the provision should appear.

18. With regard to the principles of ICZM listed in Article 5bis, the representative of the European Community recommended caution in defining the zones on and near the coast that could be occupied. The proposed wording could result in adverse effects by creating urban sprawl towards the hinterland and thus also impact negatively on the landscape which the Protocol is trying to preserve. The representative of Italy proposed that the subsection referring to the transitional zone near the coastline be reworded to ensure that the allocation of uses throughout the coastal zone was balanced.

19. In response to a query from the representative of Tunisia regarding evaluations of risk and of impact, Mr Trumbić said that both were important. Risk assessment was not yet mandatory but should be encouraged.

20. The Working Group decided to place the subsection outlining the principle of intersectoral policies for coastal land use planning, urban development and social and economic strategies, plans and programmes in square brackets, pending further discussion on the formulation and on where it should appear.

Article 6 (Institutional coordination)

21. Introducing the article, Mr Prieur stated that institutional coordination was an essential element of ICZM, but it posed a major difficulty given the multitude of entities involved. It was necessary to ensure coordination between marine and land authorities and among institutions at all levels. It is an introductory text with a very general content; its object is to list all the levels where consultation should be carried out. He indicated that on this point, a 1997 Recommendation of the Mediterranean Commission on Sustainable Development provides for setting up and reinforcing mechanisms of institutional cooperation.

22. It was suggested that any reference to coordination between local and regional bodies or levels in Article 6 should also mention 'national' bodies and levels. Representatives of nongovernmental organizations emphasized the need to include civil society and nongovernmental organizations in the coordination process.

23. The need for flexibility was reiterated, as language that was too prescriptive might deter Parties from ratifying the Protocol. Several ways to increase the flexibility of Article 6 were proposed. The representative of Israel proposed that reference be made to appropriate 'mechanisms' as well as bodies. The representative of Egypt suggested that appropriate coordination be ensured within each country's national jurisdiction.

24. The representatives of Cyprus and Greece pointed out that countries might not need to establish new coordination bodies. It was suggested that Parties should first take stock of existing coordination bodies and mechanisms and establish new ones only if needed. The Protocol should provide guidance on achieving such coordination; each country should be required to develop its own ICZM strategy.

25. The representative of the European Community pointed out that some provisions referred to States Parties, whereas others referred to Parties only. Consistent use of one term or the other throughout the Protocol would be inappropriate as only certain provisions would be applicable to the European Union. In the case of Article 6.1(a), she suggested that the term 'Parties' could be retained in the indent addressing intersectorial coordination, but that other indents was a matter of State Parties. Alternatively, at the time of signing or ratifying the instrument, her Party reserved the right to make a declaration to the effect that it had no role in coordination at local and national level. The Secretariat agreed to review with the European Community the best legal formulation for the distinction between Parties and State Parties throughout the Protocol, and such before the next meeting.

26. At a later session, the Working Group discussed a revised version of Article 6, which reflected the previous discussion. In response to a query from RAED about inclusion of nongovernmental organizations in institutional coordination, the Chairperson clarified that Article 6 specifically concerned coordination at various governmental levels and that participation of nongovernmental organizations was covered in Article 12 (Participation).

Article 7 (Protection and use of the coastal zone)

27. Mr Prieur introduced the article which, he said, outlined the minimum rules for States Parties in ensuring ICZM. Specific reference was made to the coastal fringe, given its particular vulnerability.

28. Mr Evangelos Raftopoulos, MAP Legal Adviser, said that the critical, interrelated elements of ICZM were integration, context, interdisciplinary action and process. Integration implied a problem-oriented approach that took all possible elements into account.

29. The prescriptive nature of the wording of the English version of Article 7 was commented on by several representatives, and it was agreed that the English version would be aligned on the French.

30. There was general agreement that some limit, agreeable to all, for the width of the land strip on which building was not permitted was required in subparagraph (a); however, no consensus was reached on the figure. The representatives of Italy and Greece suggested that criteria for establishing the distance on a country-by-country basis be elaborated and perhaps presented in an annex or reflect the possibility in a paragraph. The Rapporteur,

speaking in his capacity as representative of Turkey, suggested that exceptions to any limit that was agreed upon could be made on the basis of special surveys, and other representatives took up that proposal. The representative of Israel suggested that the width of the strip both inland and out to sea be specified.

31. The representatives of Israel and Egypt stressed that pedestrians should have freedom of access to the sea along the length of the coast and not merely at a single point. The wording of the relevant section was subsequently amended to include various categories of users.

32. With regard to subparagraph 7(b), the representative of Israel, supported by the representative of Tunisia, suggested that 'natural areas' be changed to 'open areas' so as not to restrict the scope of application of the provision. He also suggested that railways be taken into consideration in subparagraph 7(d) as they posed similar problems to roads. Certain representatives questioned how the provisions in Article 7 might be applied to existing buildings and roads that had already been built close to the shore. It was pointed out that certain infrastructure, such as that of ports, could not be built elsewhere.

33. In response to comments that protection through planning was not mentioned in this article, Mr Prieur pointed out that Article 16 covered that aspect, and Article 5, subparagraph (a), and Article 5bis, subparagraph (e), also mentioned planning.

34. The representative of Malta considered that the Protocol had too much of an environmental bent with regard to the issue of sustainable development. That was to the detriment of economic considerations, which might be equally important in developing countries. She saw the Protocol as a catalyst to help Parties adopt ICZM practices, and the text should suggest mechanisms for achieving that goal.

35. Mr Trumbić said that each country would draw up its own plans and legislation for implementing the provisions of the Protocol. The articles should therefore not contain too much detail. The representative of Tunisia, supported by several other representatives, said that each Contracting Party should promulgate the necessary laws to ensure implementation of every provision of the Protocol. The representative of Italy stressed, however, the need to ensure that the Protocol be implemented in compliance with existing international and national legal instruments.

36. During a later discussion of a revised draft of Article 7, which reflected the results of the previous discussion, the representative of the Libyan Arab Jamahiriya proposed that movement and parking of vehicles should be regulated not only for beaches and dunes but also for 'other sensitive habitats and areas', such as salt marshes and wetlands.

37. A discussion ensued about which subsections in Article 7 should be subject to exemptions. It was agreed that the provision to 'ensure that environmental concerns are integrated into the rules for the management and use of the public maritime domain' should not be subject to exemptions. The representative of CIDCE said he considered that the phrase 'provided that no other feasible solution is available' allowed far too much flexibility. A number of participants pointed out that an exemption could be applied only to prescriptive clauses, and not to guidelines, for the implementation of which the Parties have the flexibility to take measures as appropriate. The representative of Israel, supported by the representative of Malta, said, however, that exemptions consistent with the spirit of the Protocol should be allowed to all the provisions of Article 7, as the Article would be acceptable to the Contracting Parties only if it included such flexibility.

38. A later, revised version of the Article, providing for exemptions in certain cases and a later proposal from Italy, were discussed by the Working Group. The text of the Article was left in abeyance on the understanding that revised texts would be forwarded shortly to participants by electronic means.

Article 8 (Economic activities)

39. Mr Prieur, introducing the discussion on Article 8, pointed out that the chapeau mentioned 'a coastal and maritime economy'. The Protocol therefore took cognizance of the economic realities of the Mediterranean coast while aiming at its protection.

40. There was general agreement that it was necessary to restructure Article 8. The representative of the European Community said that, although the chapeau to the Article spoke positively of the 'promotion' of a coastal and maritime economy adapted to the specific features of coastal zones, the ensuing provisions were rather negatively presented as restrictions and prohibitions. She expressed a reserve on the level of detail developed for each sector or activity which distracts from the essence of ICZM which the Protocol should capture.

41. There was consensus that the Article would also be reworked to include a general paragraph containing general provisions and orientations pertaining to all the economic activities listed, including the need to establish regulations and codes of good practice for all sectors. Several representatives expressed their support for the inclusion of indicators that could assist implementation.

42. The Chairperson, speaking on behalf of Greece, suggested that the provisions of Article 8 be presented in a more logical order. Parties should first ascertain which ecosystems were vulnerable, then by which economic activities they were affected, and then how to protect them, for example by means of programmes, plans and legislation. That would ensure that the focus remained on protection of coastal zones with a parallel good management of economic activities. She also pointed out that some measures mentioned, like authorisations, indicators and codes of good practice apply to almost all activities and not to only one. Other representatives proposed further amendments that stressed the importance of conserving vulnerable habitats and ecosystems. In the same vein, the representative of Italy proposed inclusion of a provision to minimize use of natural resources in economic activities.

43. Focusing on the people living in coastal zones, rather than ecosystems, the representative of RAED proposed a provision to safeguard the livelihoods of coastal communities, and the representative of CIDCE stressed the need to respect local traditions in the development of tourism. It was suggested, however, that the latter point might be better placed under Article 11 (Cultural heritage).

44. The representative of the European Community and other representatives expressed dissatisfaction with the phrase 'guaranteeing the highest level of protection of the environment' (subparagraph 1), considering it far too ambitious an aim. She also expressed concern about the provisions relating to aquaculture, which were much stricter than European Union legislation. She further expressed a reservation regarding subparagraph 4(a), querying whether the use of seawater could be subject to prior authorization. She, along with the Chairperson, speaking on behalf of Greece, also questioned whether port activities and infrastructure would ever be anything but prejudicial to coastal ecosystems. The subparagraph under discussion, 6(a), should rather deal with how to mitigate the impact of such activities on the environment. The representative of France stressed the need to keep in Article 8, paragraph 2, a specific subparagraph on fisheries, but that on the other

hand there was no point in a general reference to the conservation of fishing resources as such, because of possible contradictions between provisions regulating this sector and those of other international legal instruments.

45. The Working Group later considered a revised and restructured version of Article 8, which, in paragraph 1, presented general concepts that related to all economic activities, and, in paragraph 2, referred to specific types of economic activity.

46. The representative of Italy proposed inclusion of a reference to the principles of waste disposal in the provision relating to integrated water resources management.

47. There was discussion of whether Parties should 'accord specific attention' or 'give priority' to economic activities that required immediate proximity to the sea. Several representatives considered that a hierarchical approach should be taken; others said that they wished to avoid the implication that action on less pressing concerns might fall by the wayside. The Working Group decided to place those phrases in square brackets.

48. It was suggested that the provision in paragraph 1 that related to formulation of codes of good practice by public authorities, economic actors and nongovernmental organizations was redundant, given the existence of Article 12 (Participation). Several representatives pointed out, however, that codes of good practice were a much wider concept than that covered by Article 12. Such codes could have a bearing on how economic activities were conducted, not only decision-making processes.

49. The representative of Italy introduced the concept of preserving fish stocks into the provision of paragraph 2 relating to 'shellfish production and fishing'. Several representatives pointed out the wider implications of such an addition, including compatibility with the existing body of law governing fisheries. Furthermore, there was no consensus on whether the provision on regulation of aquaculture should be combined with the provision on shellfish production and fishing, or whether all three concepts should be integrated in a more general way into the provision in paragraph 1 pertaining to products of the sea. The Group decided to leave the subparagraphs in square brackets and also reconsider where they should be placed.

50. In its discussion of tourism, the Working Group agreed that the aim of the provision contained in paragraph 2 was to ensure promotion of the sustainability of tourism, not promotion of tourism itself. Discussions touched on whether ecotourism, as a particular kind of tourism to be favoured, deserved special mention in the Article and whether respect for the traditions of local populations concerned by tourism was covered by the concept of 'sustainable tourism' or whether it should be singled out as a specific priority. The Group decided to leave the second indent in square brackets.

51. In considering the need to regulate sports and recreational activities in coastal zones, the Group proposed that, although regulation might not be required for all such activities, overall control of the way in which they interacted and their combined effect on the coast would be advantageous.

52. When discussing use of specific natural resources, the representatives of Italy and the European Community drew attention to the need to regulate, not always prohibit, the extraction of sand and river sediments where that activity was likely to affect the equilibrium of coastal ecosystems adversely.

53. The representative of Italy proposed an additional provision on shipping, to be added to the Article. The representatives of France, the European Community, Cyprus and Greece

said that they had not been prepared to discuss an item on the subject and expressed reservations regarding the wording. The representative of Malta said that the topic was already covered by international legislation and conventions, of which his country was a signatory. He could therefore not accept such a provision. Mr Raftopoulos suggested that the relevant IMO Conventions in combination with the Prevention and Emergency Protocol, 2002, should be consulted. The Working Group decided to place the subparagraph in square brackets.

54. The text of Article 8 was left in abeyance, on the understanding that a revised text would be forwarded shortly to participants by electronic means.

Article 9 (Specific coastal ecosystems)

55. Mr Prieur explained the background to Article 9, which was based on the Barcelona Convention and various other international treaties, notably the European Landscape Convention.

56. In the ensuing discussion, it was agreed that the subsections on landscapes and on islands and small islands would be addressed in separate articles. There were various suggestions for making the wording of the article more flexible.

57. Mr Trumbić commented that landscapes were one of the basic natural and aesthetic attractions of the Mediterranean, and their protection and planning should be enshrined in national legislation.

58. The question of the rehabilitation of dune hills and bars gave rise to further discussion. The representatives of Egypt and Israel raised the issue of the movement of dunes, which was a natural process but which could damage the coastal environment and could also represent a hazard to human life and property; they thought that the issue should be mentioned in the Protocol. It was agreed to add a subparagraph in square brackets "pour memoire" in order to consider at a future meeting on where to place a reference to natural hazards on coastal areas, including dunes, floods, sea level rise etc.

59. The representative of Italy said that most wetlands had greater intrinsic value than estuaries, so that the provisions for the protection of wetlands might have to be more stringent than those for estuaries. He stressed the importance of maintaining a strong emphasis on protection of fragile ecosystems in the face of economic interests. He also suggested addition of mention of marine habitats.

60. The Working Group later discussed revised versions of Article 9, which incorporated the comments made during previous discussions.

61. Mr Prieur explained that the Barcelona Convention stipulated that Contracting Parties should adopt the laws and regulations necessary for implementation of the Convention and its Protocols. Other means, such as strategies, plans and programmes, could be used to implement the provisions of certain articles.

62. The representative of Italy said that the phrase 'high conservation value' was defined in the Barcelona Convention and in European Union legislation.

63. The Chairperson pointed out that articles 7 and 9 were related and might be placed closer together, perhaps with 9 preceding 7.

64. In the revised version of Article 9, 'coastal landscapes' now appeared as the topic of Article 9bis and 'islands' as that of Article 9ter. The former made mention of 'common regulations' for transboundary coastal landscapes. In the ensuing discussion, it was agreed that the paragraph be incorporated into Article 24, on transboundary cooperation. Interconnection among islands and with the continent was mentioned as an important consideration.

Article 10 (Coastal erosion)

65. Mr Prieur, introducing the discussion, said that coastal erosion was the subject of several international conventions. It would be important to maintain a balance between articles 8 and 10.

66. Responding to a question from the representative of Cyprus, the representative of Israel said that, although the rest of the Protocol applied to new activities, Article 10 was an exception, as it also applied to existing infrastructure. A chapeau should be added, indicating that the Article should be in conformity with Article 5bis, to ensure that any action taken to implement Article 10 did not prejudice the goals of other articles in the Protocol.

67. The representative of France, commenting that the aims of Article 10 were ambitious, said that it should call for cooperative research and data-sharing, to build up the currently inadequate knowledge base on halting or reversing coastal erosion.

68. The Chairperson, speaking on behalf of Greece, stressed the need to mention in paragraph 3 that measures to be taken should follow an integrated approach.

69. At a later session, the Working Group took up a revised version of Article 10, which incorporated the comments made during the initial discussion. Several representatives said that the wording was still too weak and should be strengthened. The representative of the European Community said, however, that it would be unrealistic to give firm directions to Contracting Parties regarding the mitigation of coastal erosion, given its extent. Nevertheless, it was considered important to send a political message to Contracting Parties that efforts must be made to halt further degradation.

70. In paragraph 2, clarification was sought of the term 'activities'; it was decided to add mention of 'works' with respect to new activities and 'structures' with respect to existing activities. The word "any" was put in square brackets, since it was considered by several representatives as unrealistic.

Article 11 (Cultural heritage)

71. Mr Prieur introduced the discussion, summarizing the explanatory notes contained in document UNEP(DEPI)/MED WG.287/Inf.3.

72. After interventions by the representatives of Malta, Italy and Egypt, it was agreed that commercial exploitation would be defined as in the UNESCO Convention on the Protection of the Underwater Cultural Heritage. Mr Raftopoulos explained the treatment of this issue in the UNESCO Convention and he suggested that, for reasons of clarity, the relevant formulation of Rule 2 of the Annex to this Convention should be appropriately incorporated in this Article. It was also suggested that the Article should refer to cultural heritage in general and not in specific subsections to underwater sites, although particular attention would be drawn to those elements, in view of their importance in the Mediterranean. The definition of 'cultural heritage' in national legislation might differ from one country to another.

73. In its consideration of subsequent revised versions of Article 11, the Working Group had an animated discussion about whether the underwater cultural heritage should be singled out for specific action. In support of that position, several representatives emphasized the particular fragility of objects from the bottom of the sea that were exposed to the air. The representative of France stressed the specificity of underwater cultural heritage and the need to introduce in the Protocol a minimum set of rules to ban its commercialisation in order to ensure a higher degree of protection for it. The representative of Italy considered that the entire cultural heritage of the Mediterranean, both marine and terrestrial, should be covered by the Article. The Chairperson recalled that competent authorities should be consulted by all representatives on this issue. It was decided to place the word "underwater" in paragraphs 3a and 3b, in square brackets.

Article 12 (Participation)

74. In introducing Article 12, Mr Prieur recalled that Article 15 of the Barcelona Convention provided for public participation in decision-making processes relevant to the field of application of the Convention and its Protocols. That provision was therefore applicable to the new Protocol on ICZM. Nevertheless, given the importance of the participation of all stakeholders for the success of ICZM, a specific article on the issue had been included in the new instrument. The content had been partly inspired by the Aarhus Convention and the Maputo Protocol.

75. There was general consensus that an article on participation was crucial to the Protocol. It was necessary to ensure that all stakeholders were adequately involved in planning and implementation, and that - where appropriate - they could enter into partnership with the authorities for the purposes of ICZM. In order to maximize the effectiveness of such an approach, stakeholders should be given adequate information in an effective and timely manner in line with the spirit of the Aarhus Convention.

76. Several representatives, including those of Albania and the European Community, said that they were wary of prescribing methods of participation that might not be suitable for all Parties. The inclusion of examples was, however, deemed useful.

77. In its consideration of a revised version of Article 12, which was based on previous discussions, the Working Group entered into a debate about the definitions of the words 'stakeholders' and 'public'. Opinions differed regarding who and what was encompassed by each term. The Group asked the Secretariat to look more closely at the definitions of the words in order to ensure common understanding and interpretation of the proposed Article, and to report back at a future meeting.

78. In response to proposals to change to the wording of paragraph 2, Mr Raftopoulos said that the references to means of recourse had been carefully worded to show the availability of a mix of political and legal methods. It would be detrimental to make the Article more general by removing one or more of those elements.

79. The Article was subsequently redrafted on the basis of the discussion and the proposals by the representatives of France, the European Community and Tunisia to reflect the ideas in an integrated and effective manner.

80. Following discussion of whether the term 'partnership' should appear in the title of the Article, it was decided that the concept was covered by the word 'participation'.

81. The representative of the European Community said that she wished to record a reservation on the Article, pending examination of its compatibility with the wording of the Aarhus Convention.

Article 13 (Awareness-raising, training, education and research)

82. Mr Prieur explained that, as ICZM was a complex, long-term activity, substantial work would be needed in the fields of raising the awareness of, educating and training populations, officials and the various other actors associated with the process, as outlined in Article 12 (Participation).

83. Mr Raftopoulos recalled that the provisions of the Barcelona Convention that dealt with research did not govern Protocols to the Convention. The new ICZM Protocol should therefore include specific provisions on research. He emphasized the need to encourage a perception of ICZM as a field of knowledge, and to ensure the conduct of both inter- and multidisciplinary research activities. The representative of the European Community stressed the importance of broadening the research agenda.

84. It was proposed by Greece that Article 13 be moved to Part III (Instruments for integrated coastal zone management) as it pertained to means and methods rather than principles, which was the subject of Part II. Placing it before the article dealing with networks would facilitate the flow of ideas.

85. Several representatives, including those of the European Community, Greece and RAED, pointed out that specialized research centres already existed, and every Party would not need to establish a new centre. They suggested that the existing centres first be strengthened and then new ones created where necessary. They also stressed the need for cooperation and experience-sharing at regional, not only at national and local, level. It was pointed out that Part IV of the Protocol dealt with international cooperation.

86. The representative of Italy suggested that the provision was too impersonal as it stood and that the beneficiaries of the training, educational and research activities be mentioned explicitly. He also considered that the term 'specialized research centres' was too narrow and proposed instead that reference be made to specialized 'technical' centres.

87. The representative of Tunisia, commenting that the provision under discussion would be one of the most difficult to implement, called for more flexibility. He suggested that the provisions could be implemented individually or jointly, according to the needs and capacities of each Party.

88. In consideration of a revised version of Article 13, the representative of Italy warned against being too prescriptive about achieving awareness-raising and education and being too narrow with regard to the purpose of research activities. It was generally agreed, however, that examples provided useful guidance to Parties.

89. Given the inclusion of the concepts of 'regional' and multilateral activities in the Article, questions were raised as to whether some of the provisions of Article 13, and in particular paragraph 2, overlapped with those of Part IV on international cooperation. It was agreed that the Working Group would revisit the issue at a future meeting when Part IV was considered.

Part III Instruments for integrated coastal zone management

Article 14 (Observatories, inventories and networks)

90. Mr Prieur introduced Article 14, which referred to instruments for ascertaining the state of the coastal zone to enable Parties to react accordingly.

91. Following interventions by the representatives of Italy, Israel and Greece, it became clear that, although information exchange among Parties was essential for successful ICZM, the type of data and the extent to which it should be shared were points of contention. It was not desirable for countries to share all data – for reasons of national security on the one hand, and to avoid difficulties such as too great an administrative burden or speculation on land on the other. It was essential that the data collected be comparable, although the methods for gathering such data did not necessarily have to be uniform. It would not be possible for certain countries immediately to prepare inventories of all the data specified in Article 14, as those data might not yet be available. Outside the provisions of the Protocol, Parties would have to agree on the minimum data that every Party would be able to provide and the format that the data reporting would take. The Rapporteur, speaking on behalf of Turkey, said that inspiration could be drawn from the reporting format already used by the Black Sea Commission on ICZM.

92. Several representatives considered that observatories were too specific a mechanism and not appropriate for all countries, although they were not against retaining it as an example of an appropriate body or mechanism. The representatives of Tunisia and the European Community pointed out that certain Parties had already established observation and monitoring mechanisms and that they would not need to set up further structures. Parties should work with, and strengthen, existing bodies and mechanisms and establish new ones only when necessary.

93. The concept of 'permanent' monitoring (in paragraph 2) posed a problem for some representatives, who stated that the administrative burden would be too great, especially for countries with long coastlines. Samplings or follow-up of some indicators might be sufficient and satisfactory in several cases.

94. The Chairperson, speaking on behalf of Greece, said also that the definition of the term 'network' was unclear both in Article 14 and in the other articles in which it appeared. Sometimes it was understood to mean information exchange, and on other occasions a network of people.

95. The representative of Italy stressed the importance of agreeing on a format for reporting and setting timeframes for establishment of the mechanisms and instruments outlined in Article 14 and the rest of Part III.

Article 15 (Mediterranean Strategy for Integrated Coastal Zone Management)

96. Mr Prieur introduced Article 15, which provided for formulation of a Mediterranean Strategy for ICZM, with a view to establishing a common framework for ICZM, in accordance with Article 1. The Mediterranean Strategy would serve as a guide to countries for preparation of their national strategies and policies.

97. Mr Trumbić stated that one of the aims of the Mediterranean Strategy for ICZM was to facilitate implementation of the Protocol, but that was not its only purpose. The idea was to create a framework that ensured a common vision for the Mediterranean coast.

98. The representatives of France, the European Community and Greece expressed strong doubts as to the need to formulate a Mediterranean Strategy for ICZM. The representative of France stressed that, in addition to the fact that such a strategy would generate a lot of extra work, it would lack any added value and was likely to overlap with the MSSD already in place; the latter, Mr Prieur pointed out, contained some 40 detailed references to ICZM; he highlighted the substantial content of the MSSD which in his view was, for the time being, adequate for orientation and implementation of a Mediterranean strategy for Integrated Coastal Zones Management. The representative of France noted that to impose on a Contracting Party which has several maritime fronts the formulation of a national strategy which concerned only one – the Mediterranean – was totally incoherent and useless. A Mediterranean Strategy for ICZM could lead to duplication of the work carried out under the umbrella of the MSSD. Furthermore, it could entail additional financial and administrative burdens for Parties, which would already have the new reporting requirements of the Protocol to comply with. On the contrary, a manual on ways of and tools for implementation would be very helpful.

99. A number of representatives, including the three mentioned in the previous paragraph, pointed out that, given the lengthy process of developing the MSSD, it could be highly detrimental for coastal zones requiring urgent action if countries had to wait until completion of a Mediterranean Strategy for ICZM before starting work on their national strategies. It was also difficult for countries with non-Mediterranean coastal zones to contemplate developing a national strategy on the basis of Mediterranean-oriented practices only. It was suggested that the principles and objectives of the Protocol, which would be a legally binding instrument, already constituted a general strategy for ICZM. The idea that some kind of document would be prepared providing Parties with guidance on implementation of the Protocol was, however, welcomed.

100. Mr Prieur presented three options: to create a formal Mediterranean Strategy for ICZM; to use the existing MSSD; or to complement the MSSD with a document on ICZM, the format of which would have to be decided by the Parties.

101. In the event that a Mediterranean Strategy for ICZM was agreed to, the representative of Italy stressed the importance of ensuring that it conformed to all other relevant plans and programmes, not only the MSSD.

102. The representative of the European Community drew attention to the link between policy orientations mentioned in Article 15 and Articles 5 (Objectives of integrated management) and 5bis (General principles of integrated coastal zone management) and suggested that Parties focus on work facilitating the implementation

Article 16 (National coastal strategies, plans and programmes)

103. Mr Prieur said that national plans would have to be based on the principles and objectives stated in articles 5 and 5bis and also on the results obtained after implementation of Article 14, taking into account national particularities. National coastal plans could be integrated into either environmental strategies or development plans. They should represent a balance between carrying capacity, development and use of coastal zones.

104. The representative of Tunisia, supported by the representative of the European Community, concurred with Mr Prieur in considering Article 16 as the core of the Protocol. Any national strategy should be integrated into national policy. It should cover all the elements of ICZM, including awareness-raising, training and participation. To emphasise the strategic nature of ICZM, placing the article earlier in the Protocol would need to be considered.

105. Responding to queries from the representatives of France, Italy and Greece about the meaning of the term 'carrying capacity' in the context of Article 16, Mr Prieur noted that the term was mentioned in several articles and suggested that a definition be provided in Article 2. Mr Trumbić added that 'carrying capacity' was a complex notion. The term had originated from agricultural use, in which it was defined as the number of persons who could be sustained by a certain area. The term had also been used in environmental management and particularly with regard to tourism. The concept of environmental carrying capacity could be envisaged for defined coastal zones and needs. The Chairperson replied that the methods for calculating carrying capacity with regard to tourism were not yet fully reliable and that "determine the carrying capacity" for all coastal plans and programmes, as mentioned in paragraph 3 of the draft, would be far more difficult. She expressed the view that experimental calculations and methods should not become compulsory in the Protocol.

106. The representative of Italy said that national strategies should also include identification of economic actors and the costs of the measures proposed to attain the objectives.

107. In response to a question from the representative of Tunisia concerning the timing of the process, Mr Prieur stressed that States should not wait until the Protocol came into force or until a Mediterranean Strategy for ICZM had been drawn up before formulating their national strategies. The draft Protocol could be used as inspiration for national strategies, plans and programmes. Any national legislation that had been promulgated in the meantime could subsequently be adapted to meet the State Party's obligations under the Protocol.

108. Mr Trumbić said that subsection 3 was innovative, in that it introduced the notion of coastal planning as an integrated activity, covering both marine and terrestrial planning. Currently, physical and spatial planning covered terrestrial areas almost exclusively. Integrated coastal planning could form the basis for expanded national legislation. The representative of the European Community agreed that the concept of integrated planning was key to ICZM and would need to be promoted. This would involve beyond spatial planning also integration of policies and a coherent use of various instruments to implement policies, plans and programmes. She added that the Protocol should not simply impose coastal plans and programmes everywhere, but leave flexibility to State Parties to determine priorities in timing and choice of areas and means.

109. The representative of Italy questioned use of the idea of allocating zones; however, Mr Trumbić and the Chairperson explained that governments did indeed allocate areas for tourism or industry, for example.

110. The Chairperson, speaking in her capacity as representative of Greece, proposed an amended version of subsection 3 that specified the use of integrated planning, which would be implemented by the tools described in the subsequent articles.

111. The representative of MEDASSET said that, in view of the complexity of coastal zones, planning and management should be done at the local level, to take into account local specificities. The Rapporteur, speaking in his capacity as representative of Turkey, replied that, in his country, local planning would be unsuitable, as local authorities might be subject to undue influence by local interest groups. Furthermore, local administrations had no experience in planning; nevertheless, national plans had to be based on local experience. In Spain, the centralized legislation on coasts has been an effective tool to implement minimum criteria of coastal protection in local and/or regional planning. The representative of Croatia added that, in her country, local plans had to be approved regionally; thus, specific mention of local planning was unnecessary. The representatives of Italy and Cyprus also

said that local planning of coastal strategies would be unrealistic; the former proposed that the phrase 'to be implemented at the appropriate level' be used.

112. Mr Trumbić said that ICZM was a local affair within a national context. Implementation had to be carried out locally, with central financial, legal and institutional support. The Protocol as a whole would help resolve the basic conflict between long-term sustainable use and quick profits. Efficient multi-level planning at national level was a safeguard for local authorities, which were assured of a legal instrument to support their actions.

Article 17 (Environmental assessment)

113. Mr Prieur recalled that the general obligations stipulated in the Barcelona Convention included the need for environmental impact assessments and described their content in detail. The content of such assessments in the context of coastal zones was therefore not repeated in Article 17, which only mentioned the specific characteristics of the fragility and carrying capacity of the zones.

114. The representative of the European Community said that the wording of the Barcelona Convention should be used in Article 17, indicating that environmental impact studies should be carried out only for '...works and activities which might *significantly and adversely* affect the environment of the coastal zone....'

115. The Rapporteur, speaking in his capacity as representative of Turkey, and supported by the representative of France, said that Parties should not be constrained to carry out strategic environmental assessments, and that the word 'shall' in subsection 2 should therefore be changed to 'should'. The Chairperson commented that the phrase 'as appropriate' in that subsection meant 'in the appropriate manner'. The representative of Italy, supported by the representative of Albania, stressed that strategic environmental assessments should be promoted, even if countries differed in their capacity to perform them.

116. The representative of Albania proposed that the content of subsection 2 be inserted before mention of environmental impact assessments in subsection 1 and that Article 19 should follow immediately after Article 17.

117. The representative of France, supported by the representative of Italy, said that the content of environmental impact studies should not be 'reinforced' but rather adapted to the specific sensitivity of the coastal environment. On the other hand, with reference to paragraph 2, he wondered whether it was useful to preserve the optional character of a strategic environmental assessment of the various plans and programmes concerning the coastal zone. The representative of Cyprus, while agreeing with the former speaker, suggested that the remainder of the sentence be deleted. The representatives of Italy and Greece agreed that mention of carrying capacity could be deleted. The former stressed that calculation of carrying capacity was a technique for evaluation within environmental impact assessment. In the next phrase, 'maritime' should be changed to 'marine'. The representative of CIDCE said that mention of carrying capacity was useful, to take into account the seasonal variation in tourism. Mr Trumbić said that carrying capacity was a necessary element of environmental assessment. The representative of the Libyan Arab Jamahiriya suggested that the word 'sustainability' be used in place of 'carrying capacity', while the representative of the European Community suggested to use the term 'cumulative effect of projects' to replace carrying capacity.

118. The representative of Tunisia said that a strategic environmental assessment would be necessary only if more than one project were planned for the same coastal zone. She

therefore proposed that subsection 2 be amended to read 'affecting one coastal zone'. She further suggested that Article 14 be moved to just before Article 17 and that the latter start with the words 'On the basis of the observations, inventories and networks listed in Article 14....'

119. In answer to a comment by the representative of MEDASSET that mention should be made of evaluation and monitoring, Mr Trumbić countered that those aspects were already covered in the processes of environmental impact assessment and strategic environmental assessment. The Chairperson added that it was important to consider the environmental impact assessment as a broader process, the environmental impact study being only a part of it.

Article 18 (Land ownership)

120. Mr Prieur stated that minimum provisions on land ownership were required if public access to the coastal zone was to be assured. He acknowledged that conditions for land acquisition already existed in most countries.

121. The representative of Israel pointed out that acquisition of land was a tool generally used only in extreme circumstances, given its costly nature. Land in coastal zones was particularly desirable, which increased the level of compensation involved. He also asked for a definition of "public domain". The representative of France stressed the need to distinguish between the concept of policies affecting land ownership and that of land acquisition; in this connection, he drew attention to the costs incurred after acquisition of the land, even after compensation had been paid, as the new owner was responsible for restoration and maintenance. The importance of making coastal zones public domain was acknowledged, but it was agreed that Parties should be left to choose their own methods for achieving it. Mr Trumbić agreed that it was not easy to standardize the methods used, as each country had its own specific legal and cultural characteristics. The representative of Greece agreed that expropriation for land acquisition is costly and a socially sensitive issue and suggested to incorporate the idea in Article 19 using more general terms such as 'economic instruments', 'fiscal mechanisms' and 'land policies', mentioning among them the possibility of land acquisition if the Party considers it necessary, so as to ensuring flexibility and sustainability in future planning, which was crucial to ICZM.

122. Several representatives, including those of Croatia, Spain and Malta, outlined the specific provisions in their countries that ensured public access to the coastal zone, regulated urbanization and governed land acquisition. Unlike the others, the representative of Malta stated that the provisions in her country had been unsuccessful and suggested that public ownership of land was the best way to ensure public access to the coast. She emphasized the need to differentiate between urbanized and non-urbanized areas, the former requiring greater attention, and the possibility of regulating public access through privately owned property. She also proposed that criteria be developed for deciding which coastal areas should be under public ownership.

123. Given the importance of ensuring public access to coastal zones, several representatives, including those of Israel and Italy, proposed that the concept of making those zones public domain be included either in the preamble, or in an earlier article, perhaps Article 5 or Article 7. That would render Article 18 unnecessary.

124. There was debate about whether 'the control of any new urban development' in the English version of the Article referred to the establishment of regulations or to limiting the rate of urbanization of coastal zones. It was concluded that both were desirable as part of ICZM. Given that private markets would also be affected by measures to control

urbanization, it was suggested that the concept be moved from Article 18 to Article 19 (Economic and financial instruments). In that way, Article 18 would deal solely with public land ownership.

125. The representative of Tunisia stressed that, in addition to being a means of ensuring public access to coastal zones, free and open areas were desirable *per se* in order to alleviate the pressure placed on coastal zones by urbanization. Other issues raised in relation to Article 18 included dealing with acquisition of land from owners who were not nationals of the country concerned and land acquisition as a way of addressing the issue of illegal buildings.

126. The representative of the European Community said that she insisted on use of the term 'States Parties' in Article 18.

127. The Chairperson suggested putting the entire article in square brackets for the moment being.

Article 19 (Economic and financial instruments)

128. Mr Prieur said that the Article was formulated in such a way as to give Parties flexibility in the ways in which they financed implementation of the Protocol.

129. The representative of Croatia said that creation of a special fund was an effective means of financing.

130. The representative of the Libyan Arab Jamahiriya suggested that subsection (a) be changed to read '...regional and international initiatives'

131. The representative of Italy proposed a complete rewording of the Article, which he submitted in writing, while the representative of France suggested that subsection (b) be deleted, with only a mention of taxes and charges in subsection (a). The Rapporteur, speaking in his capacity as representative of Turkey, disagreed, as he considered that subsection (b) gave a number of useful suggestions. A phrase could be added indicating that the list was not comprehensive. That view was supported by the representatives of RAED and MEDASSET.

132. The representative of Israel proposed addition of a mention of incentive and disincentive measures, such as dissuasive taxes on existing infrastructure to encourage their removal.

133. The representative of CIDCE, supported by the representative of RAED, suggested addition of the word 'sustainable' before 'maintenance and management' in subsection (b). The representative of MEDASSET suggested that 'restoration' be added after 'management', while the representative of the Libyan Arab Jamahiriya said that the word 'rehabilitation' could be used instead of 'restoration'.

134. Mr Trumbić said that the purpose of the Article was to stimulate countries to undertake ICZM and to find the necessary financial resources themselves, thus increasing their willingness to improve coastal zones. He welcomed the suggestion made by the representative of Italy. It was essential to ensure that the money raised by the various methods be spent on environmental protection and not disappear into the State coffers.

135. The representative of Cyprus proposed that transfer of development rights be included among possible incentive measures. Mr Trumbić welcomed that suggestion; it could be incorporated into either Article 18 or Article 19.

136. The representative of the European Community proposed inclusion of voluntary and contractual agreements as another economic incentive. Mr Raftopoulos concurred, pointing out that such agreements were being used as incentives for environmental protection in the agricultural sector in the European Union and he underlined the importance of considering the effective operation of the “provider gets principle” in this regard.

137. The Chairperson, reflecting the discussion, recalled that this article should be reformulated by the Secretariat merging the “chapeau” with subsection (a) as proposed by Italy, using the new text of France, adding the words “sustainable” and “rehabilitate”, incorporating the ideas of incentives for existing activities in order to leave, as well as of transfer of development rights and voluntary agreements, and considering if finally it is more appropriate to incorporate also elements of Article 18.

Agenda item 5: Any other business

138. No other issues were raised.

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

139. The meeting adopted articles 5, 6, 9, 10, 11, 12 and 13 of the draft Protocol, as amended, subject to further consideration of the parts left in square brackets.

Agenda item 7: Closure of the meeting

140. Mr Mifsud informed participants that the report of the meeting and revised versions of pending articles 7 and 8 would be forwarded to them by electronic means the following week for any comments. Part III would also be revised in accordance with points raised during the discussion and sent to all participants by electronic means in time for the next meeting of the Working Group. The constructive spirit prevailing at the meeting had enabled good progress to be made, indeed exceeding expectations, on reviewing the articles of the draft Protocol, and he thanked all concerned for their contributions. Another two meetings would certainly be required to complete the work, the first expected to be held in February 2007.

141. After the customary exchange of courtesies, the Chairperson closed the meeting at 17:30 hours on 9 September 2006.

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ANNEX II
PROVISIONAL AGENDA

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

ANNEX III

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

PART II
(Articles 5, 6, 9, 10, 11, 12 and 13)

Article 5

Objectives of integrated management

The objectives of integrated coastal zone management are to:

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

Article 5bis

General principles of integrated coastal zone management

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

- (a) the biological wealth **and the natural dynamics and functioning** of the intertidal area and the complementary and interdependent nature of the marine part and the land part forming a single entity shall be taken particularly into account;
- (b) all elements relating to hydrological, 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 []** and to prevent the negative effects of natural **disasters** and of development;
- (c) **the ecosystems approach to coastal planning and management shall be applied so as to ensure the sustainable development of coastal zones;**
- (d) appropriate governance allowing **adequate and timely** participation **in a transparent** decision-making **process** by local populations and stakeholders of civil society concerned with coastal zones shall be **ensured**;
- (e) **cross-sectorally** organized institutional coordination of the various administrative services and local and regional authorities competent in coastal zones shall be required;

- (f) **the formulation of land use strategies, plans and programmes covering urban development and socio-economic activities, as well as other relevant sectoral policies**, shall be required;
- (g) the multiplicity and diversity of activities in coastal zones shall be taken into account, and priority shall be given, where necessary, to public services and activities requiring, **in terms of use and location**, the immediate proximity of the sea;
- (h) **the allocation of uses throughout the entire coastal zone should be balanced [in order to avoid unnecessary concentration and sprawl]**;
- (i) **preliminary assessments shall be made of the risks associated with the various human activities and infrastructure so as to prevent and reduce their negative impact on coastal zones**;
- (j) damage to the coastal environment shall be prevented and, **where it occurs**, appropriate restoration shall be effected.

Article 6 Institutional coordination

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

Article 9

Specific coastal ecosystems

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

1. Wetlands and estuaries

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

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

2. Marine habitats

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

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

3. Coastal forests and woods

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

4. Dunes

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

Article 9 bis Coastal landscapes

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

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

Article 9 ter Islands

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

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

Article 10 Coastal erosion

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

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

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

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

Article 11

Cultural heritage

1. The **[States]** Parties shall adopt, individually or collectively, all appropriate measures to preserve and protect the cultural heritage of coastal 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. The **[States]** Parties shall ensure in particular that elements of the underwater cultural heritage of coastal zones removed from the marine environment are conserved and managed in a manner safeguarding their long-term preservation, [and are not traded, sold, bought or bartered as commercial goods].

Article 12

Participation

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

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

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

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

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

Article 13

Awareness-raising, training, education and research

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

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

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