

Managing water in the frame of a regional legal framework: the Barcelona Convention and related protocols

Water law in a regional context: Europe and the Mediterranean

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Outline

I. Background

I. The legal framework

I. Conclusions



I. Background

- 1975 : Adoption of MAP (16 Mediterranean countries and the European Community)
➔ *the first-ever plan adopted as a Regional Seas Programme under UNEP's umbrella.*
- 1995 : MAP Phase II Action Plan for the Protection of the Marine Environment and the Sustainable Development of the Coastal Areas of the Mediterranean (21 Med countries & EU).
 - Initial focus : marine pollution control
 - Gradual shift: to include integrated coastal zone planning and management.

II. The legal framework

1. The Barcelona Convention

- *Convention for the Protection of the Mediterranean Sea against Pollution* (adopted in 1976, in force in 1978).
- Amended in 1995 : *Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean* (in force 9 July 2004)

(22 Contracting Parties)



II. The legal framework

With the extension of MAP to ICZM:

Barcelona Convention:

- **Geographical coverage:**

the Mediterranean Sea

➤ Possible extension to the coastal areas « *as defined by each Contracting Party within its own territory* ».

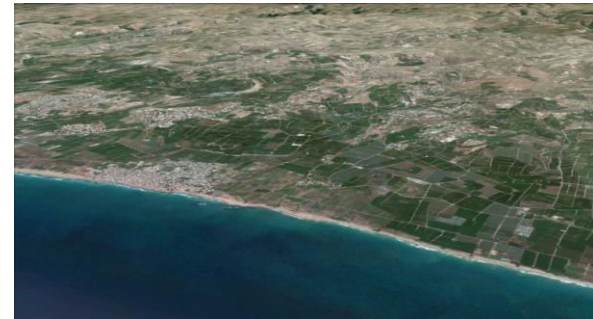
→ same for all Protocols



II. The legal framework

Obligations under the Convention

- to promote the integrated management of the coastal zones, taking into account the protection of areas of ecological and landscape interest and the rational use of *natural resources*.



II. The legal framework



- Pollution from LBS:

Obligation to the Contracting Parties to prevent, and, eliminate pollution of the Mediterranean Sea Area from land-based sources originating within the territories of the Parties, and reaching the sea:

« – *indirectly through rivers, canals or other watercourses, including underground watercourses, or through run-off* »;

II. The legal framework

- Seven protocols

- ✧ Dumping Protocol (from ships and aircraft)
- ✧ Prevention and Emergency Protocol (pollution from ships and emergency situations)
- ✧ *Land-based Sources and Activities Protocol*
- ✧ *Specially Protected Areas and Biological Diversity Protocol*
- ✧ Offshore Protocol (pollution from exploration and exploitation)
- ✧ Hazardous Wastes Protocol
- ✧ *Integrated Coastal Zone Management (ICZM)*

II. The legal framework

➤ Protocol for the protection of the Mediterranean Sea against pollution from land-based sources and activities (LBS)

Adopted 7 March 1996, in force 11 May 2008 .

Covers the Mediterranean Sea, its hydrologic basin, coastal waters *including* GW communicating with the Med. Sea

Applies to discharges originating from land-based point *including GW flow*

II. The legal framework

General obligations:

- to eliminate pollution deriving from land-based sources and activities
- Authorization/regulation for any discharge into water that reaches and may affect the Mediterranean Area,
- In case of flow from a transboundary watercourse likely to cause pollution of the marine environment, the Parties in question, are called upon to cooperate with a view to ensuring full application of the provisions of the Protocol.



II. The legal framework

➤ SPA and Biodiversity Protocol

Adopted 10 June 1995, in force 12 Dec 1999.

- Covers the Mediterranean Sea, the seabed and its subsoil, the coastal areas, including wetlands.
- Obligations : protect, preserve and manage in a sustainable way areas of particular values by the establishment of SPA.

☞ Indirect application to water

II. The legal framework

➤ Protocol on the Integrated Management of Coastal Zones

Adopted in 2008, entered into force in 2011 (Albania, Croatia, EU, France, Israel, Montenegro, Morocco, Slovenia, Spain, Syria)

- Objective:

➤ To allow the countries to better manage their coastal zones and to deal with the emerging coastal environmental challenges, such as the climate change.



II. The legal framework

General obligations:

- Sustainable use of natural resources (water)
- Preservation of coastal ecosystems
- Integration in CZM of all elements relating to hydrological, geomorphological, climatic, ecological, socio-economic and cultural systems

II. The legal framework

- IWRM
- Monitoring of coastal aquifers as they may be affected by the extraction of water and by discharges
- Protection of specific coastal ecosystems such as wetlands



IV. Conclusion

Extension of MAP & its legal framework to the coastal zone:

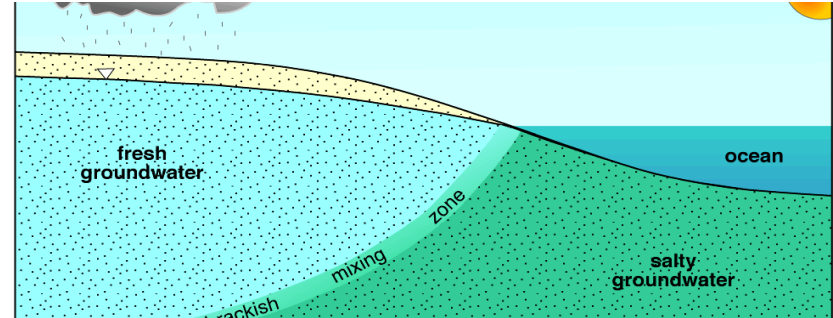
→ consideration of coastal water resources

Extension of a regional framework intended originally to protect a marine body to cover natural resources including water

IV. Conclusion

Specific characteristics of water in the coastal zone:

☞ Interaction with the sea (groundwater)



Consideration is still not enough in view of the important interactions of these bodies with the sea.

Thank you for your attention