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.

  ➢ Initial focus: marine pollution control
  ➢ Gradual shift: to include integrated coastal zone planning and management.
II. The legal framework

1. The Barcelona Convention

     (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-bases sources and activities** (LBS)


  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**

  - 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