



Bridging the Legal-Institutional Gap in Mediterranean Coastline Management

Report of Kickoff Meeting

MARE NOSTRUM, BRIDGING THE IMPLEMENTATION GAP IN MEDITERRANEAN COASTLINE MANAGEMENT

March 2-6, the Technion, Haifa, Israel

Sunday, March 3

Meeting participants participated in a field trip along Israel's coastline from north to south, providing an overview of Israeli law, spatial planning and regulation for coastal management. Of Israel's 200 km coastline, 150 km have already been developed or are planned for development. Close to three quarters of the population lives in urban areas along the coast. The field trip began in Rosh HaNikra, on the Lebanese border, with several stops made along the way:

- Rosh HaNikra – the group met with the sea and west Galilee ranger Mr Eyal Miller of the Nature and Parks Authority. He spoke about current and proposed regulations for protected areas as well as sectoral conflicts, such as the implications for marine flora and fauna of military activities and the recent discoveries of natural gas deposits.
- Betzet Beach – Nir Papai from the Society for the Protection of Nature in Israel discussed the public campaign against development of the area and construction of a resort complex, and recent successes in rolling back the development plans.
- Haifa – The group met with Dov Frohlinger, COO of the Israel Ports Company, and then with Sharon Nissim, director of the Kishon Stream Authority, and other officials. The presentations that each gave displayed the conflicts between the two organizations, such as the conflict over expansion of the port, and use of land bordering the Kishon stream beyond the legally protected twenty five meter strip. The port's management wants to use the land (which it holds under 99 year lease) for storage of shipping containers, while the Stream Authority strongly advocates using the area as part of the Kishon stream recreation area. These issues are now under discussion by the national planning authorities. Ella Alexandri of SPNI discussed some of the environmental issues and conflicts along the city's coastline from the perspective of a leading NGO, including a conflict over plans to electrify the train. The tracks divide the city from the seafront therefore activists have proposed an alternative plan to move the train underground.
- Netanya – Paul Vital, the city's chief planner, led the group on a bus tour of the city. He emphasized the city's efforts to clean up a polluting landfill located on the coastline and replace it with public green spaces and limited development.
- Herzliya – Rachele Alterman explained the history of the marina and approval given in the 1990s for vacation apartments, a quasi-legal designation invented to soften the prohibition

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on building apartments adjacent to the coastline, and ensuing conflicts over development versus conservation and public use of the coastline.

Monday, March 4

The first session of the meeting opened on Monday morning at 9.30. Welcomes were given by:

Prof Yehuda Kalay, Dean, Faculty of Architecture, the Technion

Prof Shamai Assif, Chair, Center of Urban and Regional Studies, Technion - formerly the head of the Interior Ministry's Planning Administration during which time the Law for Coastline Preservation came into force.

Mr. Alex Gordon, Manager, Liaison Office of the Technion, discussed the work of this unit of the Technion in promoting Israeli research.

Ms. Alexandra Meir, Scientific Section, Policy Officer, European Commission, Delegation of the EU to Israel. She noted that as the EU has ratified the ICZM protocol of the Barcelona Convention, it is binding on all its Member States (relevant for the Mediterranean member states) on account of its integration into EU law rather than by application of international law.

Presentations:

Ms Zeljka Skaricic, Director PAP/RAC (Priority Action Plan, Regional Activity Center), UNEP/MAP (Mediterranean Action Plan).

The ICZM Protocol to the Barcelona Convention (1975) entered into force in 2011. Its adoption was a major breakthrough for coastal zone management as it was, among others, a legally binding agreement oriented towards implementation. Zeljka emphasized that the most effective ICZM takes place at the local level. She discussed the Pegaso project promoting ICZM comprised of scientists, users and policy decision-makers, to facilitate the application of the ecosystem approach to the Mediterranean and Black Sea coasts. The governance structure will support the implementation of the ICZM Protocol by linking the scientific knowledge and information required for the sustainable management of both coastal land and marine waters. She invited Mare Nostrum to seek synergies with the Pegaso project to promote more effective implementation. Zeljka noted that Med Coast Day will be held on 25 September.

Prof Gerold Janssen, Senior Researcher at the Leibniz Institute for Ecological Urban and Regional Development

"EU law and policy in coastline management"- An EU recommendation for ICZM was issued in 2002; however, EU policy context has changed significantly since then with, among others, the adoption of the Marine Strategy Framework Directive from 2008. The aim of the Directive is to protect the marine environment across Europe. It aims to achieve good environmental status of the EU's marine waters by 2020 and to protect the resource base upon which marine-related economic and social activities depend. The marine strategies that each Member State is required to prepare entails a detailed assessment of the state of the environment, a definition of "good environmental status" at the regional level, and the establishment of clear environmental targets and monitoring programs. The Directive also recognises the need to integrate adaptation to risks and climate change in these strategies.

A new proposal for a directive on Maritime Spatial Planning and Integrated Coastal Zone Management (MSP and CM 2012) is now under review, recognizing the need for a new and revised instrument for coastal management.

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Prof Rachelle Alterman, Coordinator and Project head, Faculty of Architecture and Town Planning, Technion, "The rationale for Mare Nostrum: Bridging the implementation gap"

The implementation gap is legal-institutional; in reality there is almost no relationship between constitutional rights and civil rights on the ground. Therefore, there may be no relationship between ratification of the ICZM Protocol and actual implementation in the country Parties.

Intervention is what begins to change reality and outputs can be seen as actual actions that are related to a policy.

Public Policy:

- Intervention begins to change reality;
- Outputs are actual actions that are related to a policy;
- Outcomes are related to goals: we need to ask if the outcomes fulfil the goals;
- Impacts (intended or unintended) must be considered;
- Monitoring - policy science research shows that rarely is there monitoring of public policy.

Coastline preservation policy is particularly difficult to implement due to the fragile environment, where risk management is necessary and it is difficult to coordinate all relevant stakeholders. Thus the enactment of statutory plans is extremely challenging, and in Israel, coastal issues have been successfully promoted largely through the NGOs rather than the government.

The Mare Nostrum project is different from other ICZM projects in that it focuses on what needs to be done to improve conservation and management and **how** to carry this out. Our project will provide alternative tools for incremental improvement of implementation measures from bottom-up, with emphasis on action at the local level. Each local government faces its own particular obstacles and impediments; therefore we will identify a minimum baseline and work up from there.

Prof Fatma Unsal, Department of City and Regional Planning, Mimar Sinan University, Istanbul
"An overview of Turkish coastline policy and implementation"

About 50% of the population in Turkey lives along the coast. In 1982 there was a constitutional change leading to new coastal legislation. Among other issues, the coastal law was enacted to ensure the protection, public benefit of, and free access to the coastlines. Almost 30% of unpermitted development constructed before the law has been legalized. Real estate development dominates despite the protective laws and regulations, and ecological concerns are not embraced. The system is fragmented and the structure lacks coordination. It is essential to incorporate ICZM into planning legislation.

Prof. Francesco Lo Piccolo, University of Palermo

"An overview of Italian coastline policy and implementation"

The planning and management for the coastline are divided among different levels (state, regional, municipal) or sectors (environment, infrastructure, urban planning). Inefficiencies in the planning system (laws, plans, policies) effects the ability to protect the coastline (in Sicily there is an absolute constraint regarding building permits within 150 meters from the shoreline). Data until 1976 show a wide phenomenon of illegal urbanization along the coastline.

An extreme example of this phenomenon and of the implementation gap can be found in Triscina, where there is a large amount of illegal development of "second homes" unconnected to infrastructure. There are several examples of building rights on the coast and only a few exceptions where development has been stopped and structures demolished.

The overview posed some open questions such as: how to deal with illegal buildings – demolition or requalification; what kind of planning laws and policies can be expected to be implemented; how to deal with the phenomenon of illegality from a social point of view?

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WPs 1, 2, and 3 (respectively, "Management and coordination", "Communication", "Capitalisation of the results")

Mr Simon van Dam, administrative manager of the project, presented organizational issues and discussed Work Package 1 and the project's governance structure.

Mr Dan Gerstenfeld, CEO, Interteam Ltd Project partner 10, presented the project's website and discussed other media and communication issues regarding WP 2, "Communications". The third WP was discussed generally by all participants.

Tuesday, March 5

The second day of the meeting opened with the continuation of country presentations.

Prof Konstantinos (Kostas) Lalenis, University of Thessaly (UTH)

Coastline policies – **Greece**

Approximately two thirds of the population live 45 minutes from the coastal zone; 35% of agricultural land lies within the coastal zone. As of 2001 the beach zone is 50 meters while recent trends are turning coastal management into a profit making economic sector. Kostas presented the serious problem of illegal building along the coast in Greece. He gave a relevant example for our project of the Evros river that flows between Greece and Turkey causing environmental problems with the collection of sand in one of the harbors, while a nearby tourist area has very little sand for recreation. He emphasized that the most problematic activities constituting a threat to coastal areas is the illegal construction.

Dr Ellik Adler, former Coordinator of COBSEA, UNEP Regional Seas Program for the East Asian Seas; "Governance and challenges in implementing regional coastal projects – lessons from Southeast Asia"

Ellik noted that the highest level for coastal management is regional, but without binding commitment for member countries, programs will continue to be weak. Financial contributions are low and projects can often only be implemented on the local level. The COBSEA program identified capacity building needs and the results show that it is critical to train the planners, government authorities, and practitioners – train the trainers! He emphasized that coastal and marine spatial planning cannot be separated. He also stressed the importance of international conventions as binding commitments that countries are expected to implement.

Mr Pablo Gorostiza Fryeiro, Foundation Port Institute of Studies and Cooperation of the Valencian Community (FEPORTS), Coastline policies – **Spain**

The comprehensive coastal law was presented describing how the concept of coastal public property has evolved throughout the years. The 1978 Spanish constitution defined the right to a healthy environment as well as the rational use of natural resources, and the regulation of public property. The coastal law from 1988 declared that privatization and accelerated development threaten the coastal zone and consequently changed past policies. The law divides the coastline into a public domain and a protection zone, where construction is forbidden. Pablo explained the demolition policy of Spain regarding illegal building in the coastal area.

Mr Mansour Abu Rashid, Chairman, Amman Center for Peace and Development
Red Sea coastline policies - **Jordan**

Coastline access conditions have changed a number of times in recent history following the agreement with Israel and that with Saudi Arabia.

In the 1990s the Aqaba Special Economic Zone (ASEZA) was established as an initiative by the government of Jordan to ensure that Aqaba develops as a regional hub for trade, tourism, and culture. A masterplan for the region was developed in 2002 to preserve natural resources, among others. Mansour also discussed the cooperative working relation between Aqaba and the Israeli city Eilat on the other side of the Red Sea, over their shared natural resources.

WP6, Design and Application of the PPGIS Instrument for Public Participation

The group participated in an exercise led by Anna to demonstrate Work Package 6, PPGIS. IRMCo, the coordinator of the WP, began conducting stakeholder workshops ten years ago and has gained a great deal of experience from many countries, mainly in water topics. PPGIS is a visualization tool that taps local knowledge through "perception mapping." It helps identify and understand issues of spatial relationships by opening doors to active participation of stakeholders and local communities, while raising socioeconomic and cultural questions in a local context.

Ms Anna Spiteri, Managing Director, Integrated Resources Management Company (IRMCo)
Coastal policies – **Malta**

Malta joined the EU in 2004 and during the past decade has transposed many EU Directives into national legislation. It is a small archipelago in the Mediterranean with the highest population density in the EU. Malta has experience with ICZM, as it was one of the first countries to complete a CAMP project (Coastal Area Management Project) under the auspices of the PAP/RAC Centre. However, this project was implemented in rural areas with natural beaches, whereas the case study for Mare Nostrum will be focused on the highly urbanized harbor area where rapid development is changing the historic heritage of the area. Moreover, the recent rapid tourist development of new marinas and increased facilities for cruise liners is being carried out without consulting the local residents who are losing their recreational spaces.

WP6, Design and Application of the PPGIS Instrument for Public Participation

Anna, the work package leader of WP6, introduced IRMCo's experience of the last 10 years in conducting stakeholder workshops in several countries, mainly on water related topics. She explained the concept of PPGIS practice as would be applied in the project, mainly as a visualization tool that taps local knowledge through "perception mapping." It helps to identify, understand and address issues of spatial relationships of land and coastal ownership on the ground and provides a different perspective for approaching spatial conflicts through the active participation of stakeholders in local communities. There was a demonstration of PPGIS through an exercise in which the whole group participated.

IRMCo will be working on a webGIS to make the created perception maps and the existing maps of the case study area (base maps and maps representing legal-institutional, environmental, and socio-economic data) accessible online.

Wednesday, March 6

Continuation of country presentations and work packages

Ms Ruth Schwartz, Society for the Protection of Nature in Israel

Ruth discussed Israel's legislation for coastal conservation as well as the conflicts amongst various sectors and stakeholders. Israel's law for the Protection of the Coastal Environment entered into force in 2004. Under the National Planning Council in the Ministry of Interior, the new law set up a regulatory committee for the protection of the coastal environment that

approves plans for the entire coastal environment. In Israel most of the land is publicly owned. The 197 km coastline has unique and rich biodiversity under threat by intense development; there is only about 2.5 cm available per person. (Rachelle Alterman suggested that we calculate cm per person for all Mediterranean countries.) Violations of the planning law are criminal offences. Ruthie gave examples of conflicts concerning, among others, development versus conservation.

Dr Rachel Adam, Project Manager (academic)

Presentation of work packages 4 ("**Base research and inventory**") and WP7 ("**Development of a Toolkit of Alternative Instruments for Implementing ICZM**"), and a general overview of the project based on its work packages. WPs 4 and 5 will be carried out in 2013, WPs 6 and 7 in 2014, and WP 8 (pilot implementation projects) will take place throughout 2015. While each WP has one partner as a coordinator, all partners contribute to each WP as the project is a collective effort of all partners for Mediterranean ICZM. Thus regarding WP4 – Technion is the coordinator for the academic research but any country-level research (academic or not) that might be relevant is welcome. WP5 – Analysis of case studies – will build on WP4 which will provide the basic research and legal-institutional inventory. WP7 – the Technion is also the coordinator but again, every partner feeds into it. Toolkits are to be proactive and include pre-emptive measures. A think-tank conference with all partners will be held in July 2014 (Valetta, Malta), based on local workshops.

The guiding questions are what works, what doesn't work, what went wrong, why did it go wrong, how can we do better?

The group's next meeting will take place in Volos, Greece, July 2013, organized by UTH. It will discuss the first report, an output of WP4, its findings, and their implications for the following WPs and WP5 in particular, focusing on the methodology for the case studies.

Mr Ioannis Papatheocharis, University of Thessaly

Presentation of WP5 – **Existing Practices and Impediments to Implementation - Municipal/Regional Case Studies, Overview and Clarifications**

Ioannis presented WP5 which UTH is coordinating. He discussed the survey of baseline knowledge, tools needed such as the templates and survey methods developed in WP4, and cooperation with the Technion and DUTH. He also spoke about the use of surveys, and interviews with decision-makers concerning their views on ICZM, and existing legal and institutional mechanisms. He noted that each case study requires a list of local activists and decision-makers. Discussing the first workshop in Volos in July, Ioannis talked about the need to coordinate the "deliverables" of Workshop 1: templates of methodology for data collection, an inventory of relevant conditions at local study sites through on-site visits, and a database of spatial information to IRMCo. Rachelle Alterman noted that regarding the academic report of Work Package 4, not to use the term "baseline" which should only be used in fieldwork of WP5 and WP4 regarding existing knowledge.

Prof. Georgios Sylaios, of Democritus University of Thrace

WP8 Pilot Implementation – **TOOLKIT and PPGIS as Combined Decision-Support Tools**

Georgios discussed WP 8 for which DUTH is the coordinator. He presented several examples of projects working with PPGIS and showed how processes and results were mapped visually, noting that PPGIS has never been used before in the Mediterranean region as a tool for coastal planning. He also discussed an example of a coastal development conflict in the Kavala region: coastal fisheries located close to oil drilling rigs and pesticide industry facilities there have led to pollutants being absorbed by seafood and eutrophication. He also noted that some 30% of

atmospheric pollutants also end up being absorbed, directly or indirectly, in the sea. He described a conflict between the potential for Kavala port expansion and the municipality. The Coastal Zone Observatory, he said, would serve as a useful tool for Kavala for years to come, as a department within the municipality of Kavala, with permanent staff. He also noted the basic functions of the Observatory: monitoring land uses and development pressures, assessing environmental impacts, continuing the work of analyzing legal and administrative impediments, using PPGIS to provide information to and engage the public in planning, involving local and regional stakeholders, propose policy actions based on the Toolkit. He also gave an example of how the Observatory would work to identify an environmental problem (coastal erosion), identify its causes, incentivize stakeholders and put into place a municipal policy framework for combating the problem.

Closing discussion and remarks

The meeting participants raised their concerns regarding a clear definition of their contribution to the project. The discussion that followed the presentation of the work packages addressed the role of each partner as detailed in each WP, while emphasizing that the project required integrated and collective action. Within the context of the detailed project description, there is of course a need for flexibility and common sense. The partners noted that until the next meeting in Volos in July, their work would focus on a survey and review of their own countries' legal-institutional structure, as the contribution of each partner to WP4 under the coordination of the Technion. The meeting participants expressed their thanks to the Technion team for a successful kick-off meeting, looking forward to meeting again in July.