



BARCELONA CONVENTION: IN A SEARCH OF A GREEN TRANSITION FOR THE MEDITERRANEAN

SANTIAGO M. ÁLVAREZ CARREÑO
CATEDRÁTICO DE DERECHO ADMINISTRATIVO
UNIVERSIDAD DE MURCIA
ESPAÑA

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BARCELONA CONVENTION + PROTOCOLS: UNIQUE AND ADVANCED MULTILATERAL LEGAL FRAMEWORK FOR THE PROTECTION OF THE MARINE AND COASTAL ENVIRONMENT AND SUSTAINABLE USE OF THEIR RESOURCES IN THE MEDITERRANEAN
([HTTPS://EUR-LEX.EUROPA.EU/ES/LEGAL-CONTENT/SUMMARY/BARCELONA-CONVENTION-FOR-THE-PROTECTION-OF-THE-MEDITERRANEAN.HTML](https://eur-lex.europa.eu/es/legal-content/summary/barcelona-convention-for-the-protection-of-the-mediterranean.html))

- Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention) -principal multilateral environmental agreement (MEA) dedicated to the Protection of Marine and Coastal Ecosystems and the promotion of Sustainable Development):
 - Adopted 1976
 - Amended In 1995
- Today contracting Parties: 21 Mediterranean countries and the European Union.
- Developed in the framework of the Mediterranean Action Plan of the United Nations Environment Programme (UNEP/MAP)
 - first of its kind to be launched within the UNEP Regional Seas Programme (today: more than 18 Actions Plans and Conventions).
- UNEP/MAP: regional cooperation platform (established 1975) -first regional action plan under the UNEP Regional Seas Programme.
 - model for other UNEP-administered Regional Seas Action Plans around the world.
- instrumental in the negotiation and adoption of the Convention for the Protection of the Marine Environment and Coastal Region of the Mediterranean (Barcelona Convention) and its Protocols.
- The Regional Seas Programme (1974): coordinates activities aimed at the protection of the marine environment through a regional approach.

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UNEP/MAP-Barcelona Convention system:

- Comprehensive institutional, legal and implementation framework that the Contracting Parties have adopted for concerted action to fulfill the vision of a healthy Mediterranean Sea and Coast that underpin sustainable development in the region.
- Over the last four decades, the UNEP/MAP—Barcelona Convention system has responded to evolving environmental challenges and bolstered a growing body of knowledge on marine and coastal ecosystems and of interactions between development and environment in the Mediterranean region.

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TIMELINE

- 1974: UNEP launches the Regional Seas Programme
- 1975: Mediterranean countries + European Community approve the Mediterranean Action Plan (MAP) -institutional framework for cooperation in addressing common challenges of marine environmental degradation
- 1976: Mediterranean governments + European Community adopt the Convention for the Protection of the Mediterranean Sea Against Pollution in February 1976 + two Protocols (prevention of pollution by dumping from ships and aircraft + cooperation in combating pollution in cases of emergency)
- 1979: establishment of the Mediterranean Regional Trust Fund for the protection of the Mediterranean Sea against pollution
- 1995: UNEP/MAP Phase II is relaunched as: "Action Plan for the Protection of the Marine Environment and the Sustainable Development of the Coastal Areas of the Mediterranean" (substantive amendments to the Barcelona Convention encompassing the key principles adopted at the landmark 1992 Rio Conference -sustainable use of marine and coastal resources and sustainable development)
- 1996: establishment of the Mediterranean Commission on Sustainable Development (MCSD) -Art. 4 of the Barcelona Convention (advisory body to the Contracting Parties)
 - MCSD notably coordinates the preparation of the Mediterranean Strategy on Sustainable Development (MSSD), as a strategic framework document for all stakeholders and partners to translate the 2030 Agenda and its Sustainable Development Goals (SDGs) at regional, sub-regional, national and local levels
- 2008: The MAP-Barcelona Convention system commits to the Ecosystem Approach (overarching principle): Good Environmental Status (GES) in the Mediterranean.
 - - The MAP—Barcelona Convention Compliance Procedures and Mechanism are established. The Compliance Committee provides advice and support to the Contracting Parties in their efforts to honor their obligations under the Barcelona Convention and its Protocols while promoting compliance
- 2015: first six-year MAP Medium-Term Strategy (MTS 2016-2021) and the Mediterranean Strategy for Sustainable Development (MSSD) 2016-2025, are adopted
- 2019: COP 21 Barcelona Convention adopts the Naples Ministerial Declaration, which describes 2020 as a "critical turning point for the conservation and sustainable management of the Mediterranean Sea and coast" and underscores the "need for a systemic change supported by forward-looking and innovative strategies, policies, and behaviors"

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THE REGULATORY DIMENSION OF THE UNEP /MAP- BARCELONA CONVENTION SYSTEM

- Legally binding provisions of the Convention and its seven Protocols and the measures introduced to facilitate their implementation, including [strategies and action plans](#) on biodiversity conservation and protection, marine litter, sustainable consumption and production and circularity, and several other themes.
- The Barcelona Convention comprises 35 articles capturing the Contracting Parties' commitment to "individually or jointly take all appropriate measures in accordance with the provisions of the Convention and the Protocols in force to which they are party to prevent, abate, combat and to the fullest possible extent eliminate pollution of the Mediterranean Sea Area and to protect and enhance the marine environment in that Area so as to contribute towards its sustainable development (UNEP 2019).
- They cooperate in the formulation and adoption of Protocols, prescribing agreed measures, procedures and standards for the implementation of this Convention."
- The regulatory framework comprising the Barcelona Convention and its Protocols continues to evolve as new challenges emerge in the Mediterranean region.

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THE CONVENTION IS COMPLEMENTED BY SEVEN PROTOCOLS... BRINGING AN ADDITIONAL SET OF OBLIGATIONS ON SPECIFIC THEMES:

- Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft (Dumping Protocol)
- Protocol Concerning Cooperation in Combating Pollution of the Mediterranean Sea by Oil and other Harmful Substances in Case of Emergency (Prevention and Emergency Protocol)
- Protocol for the Protection of the Mediterranean Sea Against Pollution from Land-Based Sources (Land-Based Sources Protocol)
- Protocol Concerning Mediterranean Specially Protected Areas (Specially Protected Areas and Biological Diversity Protocol)
- Protocol for the Protection of the Mediterranean Sea against Pollution Resulting from the Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil (Offshore Protocol)
- Protocol on the Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and their Disposal (Hazardous Wastes Protocol)
- Protocol on Integrated Coastal Zone Management in the Mediterranean (ICZM Protocol)

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RELEVANT OBLIGATIONS UNDER THE BARCELONA CONVENTION AND ITS PROTOCOLS

Industry and chemicals:

- Prevention and Emergency Protocol - Articles 4 and 14
- ICZM Protocol, Article 9
- Regional Plan on Marine Litter Management in the Mediterranean⁷
- Regional Action Plan on Sustainable Consumption and Production

Climate change adaptation:

- ICZM Protocol, Articles 5, 8, 22 and 23
- Prevention and Emergency Protocol, Articles 4 and 14

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RELEVANT OBLIGATIONS UNDER THE BARCELONA CONVENTION AND ITS PROTOCOLS

Energy and renewables:

- Prevention and Emergency Protocol – Article 14
- ICZM Protocol, Article 9
- Offshore Protocol

Agriculture, food systems and fisheries:

- Regional Action Plan on Sustainable Consumption and Production
- ICZM Protocol, Articles 9 and 12

Marine litter, waste management, the reduction of waste, tackling plastic pollution:

- Regional Plan on Marine Litter Management in the Mediterranean¹⁰
- Regional Action Plan on Sustainable Consumption and Production
- ICZM Protocol, Articles 9 and 12
- Prevention and Emergency Protocol, Articles 4 and 14
- Offshore Protocol, Articles 12 and 13
- Regional Measures (Decision IG 25/18)

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RELEVANT OBLIGATIONS UNDER THE BARCELONA CONVENTION AND ITS PROTOCOLS

Prevention of pollution of the marine and coastal environment, wastewater management and sanitation:

- ICZM Protocol, Article 9
- Prevention and Emergency Protocol, Articles 4, 6, 8, 11, 12 and 14
- Offshore Protocol, Articles 12, 13, 16 and 17

Mining and construction materials:

- ICZM Protocol, Article 9

Territorial development, Land-use, coastal zone management, urban planning, sustainable cities:

- ICZM Protocol, in particular Article 8
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Multimodal transport, low-emission maritime transport, safe shipping:

- ICZM Protocol, Articles 8 and 12
- Prevention and Emergency Protocol, Articles 4 and 14

RELEVANT OBLIGATIONS UNDER THE BARCELONA CONVENTION AND ITS PROTOCOLS

Fishing and aquaculture:

- ICZM Protocol, Articles 9 and 12
- SPA/BD Protocol, including:
 - Annex II "List of endangered or threatened species"
 - Annex III "List of species whose exploitation is regulated."
- Post-2020 Strategic Action Programme for the Conservation of Biodiversity and Sustainable Management of Natural Resources in the Mediterranean Region (Post-2020 SAPBIO)

Tourism:

- ICZM Protocol, Articles 9 and 12
- Regional Action Plan on Sustainable Consumption and Production

Infrastructure:

- ICZM Protocol, Articles 6 and 9
- Prevention and Emergency Protocol, Article 14

RELEVANT OBLIGATIONS UNDER THE BARCELONA CONVENTION AND ITS PROTOCOLS

Marine and coastal Biodiversity conservation and natural resources management:

- SPA/BD Protocol and associated strategies and action plans, including:
- The Post-2020 SAPBIO
- Action Plan for the conservation of cartilaginous fishes (Chondrichthyans) in the Mediterranean Sea; Action Plan for the conservation of cetaceans in the Mediterranean Sea; Action plan for the management of the Mediterranean Monk Seal (*Monachus monachus*) ; Action Plan for the conservation of marine turtles in the Mediterranean; Action Plan for the conservation of marine and coastal bird species listed in Annex II of the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean; Action Plan concerning Species Introductions and Invasive Species in the Mediterranean Sea; Action Plan for the conservation of habitats and species associated with seamounts, underwater caves and canyons, aphotic hard beds and chemo-synthetic phenomena in the Mediterranean Sea; Action Plan for the conservation of marine vegetation in the Mediterranean Sea; Action Plan for the conservation of the Coralligenous and other Calcareous Bio-concretions in the Mediterranean Sea; Regional Strategy for the conservation of Monk Seal in the Mediterranean
- ICZM Protocol, Articles 5, 8, 10, 11 and 12 (referring specifically to islands)
- Prevention and Emergency Protocol, Article 4

Designation of marine and coastal protected areas and area-based protection and management measures:

- SPA/BD Protocol, including:
- Annex I "Common criteria for the choice of protected marine and coastal areas that could be included in the SPAMI List"
- Annex II "List of endangered or threatened species"
- Annex III "List of species whose exploitation is regulated."
- Post-2020 Regional Strategy for Marine and Coastal Protected Areas (MCPAs) and Other Effective Area-based Conservation Measures (OECMs) in the Mediterranean

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ELEMENTS OF THE MANDATORY IMPLEMENTATION REPORTS UNDER THE BARCELONA CONVENTION:

- Environmental Impact Assessment (EIA) when undertaken for proposed activities that are likely to cause a significant adverse effect on the marine and coastal environment
- Application of the Precautionary and Polluter Pays Principles
- The establishment of a system to monitor the pollution of the marine environment and its coastal areas
- Measures taken to ensure public access to information on the state of the marine environment and its coastal areas, and on activities carried out and/or measures taken to implement the Barcelona Convention and its Protocols.
- Measures taken to ensure public participation and consultation in decision-making processes related to:
 - the development of gender-responsive policies and legislation for the protection of the marine environment and its coastal area
 - the authorization of proposed activities likely to cause damage to the marine environment and its coastal areas.
- Measures introduced for the promotion of sustainable development and the integration of environmental protection in development policies, such as:
 - Domestic strategies for sustainable development and other relevant sectoral development policies that include the protection of the marine environment and its coastal areas, particularly from land-based sources of pollution and activities, pollution from ships, and the Protection and conservation of marine and coastal biodiversity, taking into consideration the priority objectives, actions and targets of the relevant Regional Strategies adopted in the framework of UNEP/MAP.
- Physical plans of the coastal zone(s) that give due regard to the protection of the marine environment and its coastal zone through the use of Integrated Coastal Zone Management and related methodological tools.
- Economic instruments, such as taxes, fees, funds and charges, that have been established to promote the protection of the marine environment and its coastal areas and conserve their biodiversity
- Bilateral or multilateral agreements that the Contracting Parties enter into, including at the regional or sub-regional level, for the promotion of sustainable development, the protection of the environment, the conservation and preservation of natural resources in the Mediterranean Sea Area, consistent with the Convention and Protocols and international law

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BARCELONA CONVENTION, ARTICLE 15 - PUBLIC INFORMATION AND PARTICIPATION

"1. The Contracting Parties shall ensure that their competent authorities shall give to the public appropriate access to information on the environmental state in the field of application of the Convention and the Protocols, on activities or measures adversely affecting or likely to affect it and on activities carried out or measures taken in accordance with the Convention and the Protocols.

2. The Contracting Parties shall ensure that the opportunity is given to the public to participate in decision-making processes relevant to the field of application of the Convention and the Protocols, as appropriate.

3. The provision of paragraph 1 of this Article shall not prejudice the right of Contracting Parties to refuse, in accordance with their legal systems and applicable international regulations, to provide access to such information on the ground of confidentiality, public security or investigation proceedings, stating the reasons for such a refusal".

- Article 15 of the Barcelona Convention. Where applicable, they can advocate for accession to the Aarhus Convention. The Convention on Access to Information, Public Participation in Decision-making, and Access to Justice in Environmental Matters (Aarhus Convention) was adopted in 1998 in Aarhus, Denmark.
- The Aarhus Convention's objectives include increasing governments' accountability and transparency, with clear benefits for the implementation of all MEAs, including the Barcelona Convention and its Protocols.

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INDICADORES DEL CONVENIO DE BARCELONA PARA EL MEDITERRÁNEO

- La Estrategia Mediterránea para el Desarrollo Sostenible (SMDS), elaborada por la Comisión Mediterránea de Desarrollo Sostenible (CMDS) y aprobada por las Partes del Convenio de Barcelona y sus Protocolos, va acompañada de un cuadro de indicadores de seguimiento.
- En la 17.ª reunión de la CMDS, celebrada en Atenas en julio de 2017, se hizo una propuesta de 49 indicadores para el seguimiento de la SMDS 2016– 2025, como seguimiento del trabajo del Plan Azul.
- El seguimiento de la CMDS se basó en 34 indicadores desde 2005. De los 49 indicadores propuestos en 2017, es interesante destacar la presencia de siete indicadores jurídicos. Algunos son fácticos (número de áreas protegidas, número de especies amenazadas en los documentos jurídicos, número de ratificaciones); otros implican el uso de un conjunto de factores y datos que no están formulados (nivel de cumplimiento, mecanismos de participación pública).

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INDICADORES DEL CONVENIO DE BARCELONA PARA EL MEDITERRÁNEO

- texto del Convenio de Barcelona se ocupa especialmente del papel que debe desempeñar el derecho en su aplicación. Según su artículo 14- 1, "las Partes contratantes adoptarán leyes y reglamentos para aplicar el Convenio y los Protocolos". Según el artículo 26, los informes de las Partes contratantes se referirán tanto a las "medidas legales, administrativas o de otro tipo" adoptadas en aplicación del Convenio, de los Protocolos y de las recomendaciones adoptadas por las reuniones de las Partes, como a la eficacia de estas medidas y a los problemas encontrados en la aplicación de los instrumentos en cuestión.
- El objetivo es garantizar que se cumpla no solo la letra de los textos de aplicación, sino también que se cumplan las condiciones de aplicación, incluidas las jurídicas, institucionales, presupuestarias y materiales. Esta será la función del Comité de Cumplimiento creado, en virtud del artículo 27 del Convenio sobre el cumplimiento, por la Decisión IG 17/ 2 adoptada, el 18 de enero de 2008, en la 15.ª Conferencia de las Partes en Almería (España).
- En la 21.ª Conferencia de las Partes de la Convenio de Barcelona y sus Protocolos (Nápoles, 2– 5 de diciembre de 2019), por primera vez en el mundo, en el marco de una convención internacional sobre el medio ambiente, se solicitó oficialmente la consideración de indicadores jurídicos.

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INTERNATIONAL CENTER FOR COMPARATIVE ENVIRONMENTAL LAW (CIDCE) - [HTTPS://CIDCE.ORG/](https://cidce.org/)

- **Midiendo la efectividad del derecho ambiental.** Indicadores jurídicos para el desarrollo sostenible by Michel Prieur (Author) Christophe Bastin (Author) Ali Mekouar (Author) ©2021 Monographs, 274 Pages
<https://cidce.org/en/publications-3/>

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- Por su atención, muchas gracias
(santialv@um.es)