

Legal aspects of integrated and sustainable management of coastal zone



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INTRODUCTION

Concept of **coastal zone**

regulations and administrative activities for environmental protection

safety (in the dual meaning of safety and security)

the development of maritime traffic and related activities

unified discipline marine and land areas

NOTION OF ICZM (1)

Notion of **Integrated Coastal Zone Management (ICZM)**

- **Coastal Zone Management Act**
introduced in the United States as
early as 1972
- **U.N. Conference on Environment
and Development (1992 Rio de Janeiro)**
Agenda 21, Chapter 17



NOTION OF ICZM (2)

WHAT ABOUT ITALY?

difficulties to penetrate
in an organic national
legal system

Law No. 979 of 31
December 1982
(*Provisions for the
defence of the sea*)
National Coastal Plan,
unfortunately never
implemented

ICZM PROTOCOL (1)

International level

Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (1976 Barcelona Convention)

Protocol on Integrated Coastal Zone Management in the Mediterranean
(Madrid on 21 January 2008)

first legally binding international instrument for United Nations countries, although concerning a regional sea

ICZM PROTOCOL (2)

The Protocol offers a **definition of “coastal zone”** as:

“the geomorphologic area either side of the seashore in which the interaction between the marine and land parts occurs in the form of complex ecological and resource systems made up of biotic and abiotic components coexisting and interacting with human communities and relevant socioeconomic activities”.

ICZM PROTOCOL (3)

And it offers a **definition of “integrated coastal zone management”** as:

“a dynamic process for the sustainable management and use of coastal zones, taking into account at the same time the fragility of coastal ecosystems and landscapes, the diversity of activities and uses, their interactions, the maritime orientation of certain activities and uses and their impact on both the marine and land parts”.

ICZM PROTOCOL (4)

WHAT ABOUT ITALY?

ICZM Protocol was adopted in 2008 signed by Italy, but not yet ratified



Italy is neither formally nor directly bound

Decision 2010/631/EU on the ratification of the ICZM Protocol, entered into force and binding on the Union itself



Italy cannot implement acts in conflict with it

RECOMMENDATION 2002/413/EC (1)

Integrated coastal zone management a priority for EU

ICZM protocol ratified by the EU in
2010

Until 2010, only non-binding soft-law
measures in EU



Recommendation of the European
Parliament and of the Council of 30 May
2002 – implementation of ICZM

RECOMMENDATION 2002/413/EC (2)

The **Recommendation** clearly states in its preamble at point 9:

“It is essential to implement an environmentally sustainable, economically equitable, socially responsible, and culturally sensitive management of coastal zones, which maintains the integrity of this important resource while considering local traditional activities and customs that do not present a threat to sensitive natural areas and to the maintenance status of the wild species of the coastal fauna and flora”.

RECOMMENDATION 2002/413/EC (3)

EU Communications (COM/2000/0547 def.): **strategic, coordinated and concerted action** at local and regional level, guided and supported by an appropriate framework at national level.

Recommendation 2002/413/EC: Member States should formulate **national strategies**

"each Member State, in partnership with the regional authorities and inter-regional organisations, as appropriate, should develop a national strategy or, where appropriate, several strategies, to implement the principles for integrated management of the coastal zone"

RECOMMENDATION 2002/413/EC (4)

WHAT ABOUT ITALY?

About implementation of 2002 EU Recommendation on ICZM

Italy has not developed a national ICZM strategy

Italy has adopted only fragmentary coastal instruments

- lack of activation of ICZM actions at a central level
- positive examples of ICZM at a regional and local level

CRITICAL ISSUES

Critical issues of ICZM system in Italy

lack of ratification to date of the ICZM Protocol, so as to make it fully effective and binding in domestic law

lack of a national coastal strategy or plan

Why could a national coastal plan be so important?

MARITIME SPATIAL PLANNING (1)

Italy has not yet complied with **Legislative Decree No. 201 of 17 October 2016** to implement maritime spatial plans by the deadline set by **Directive 2014/89/EU**

According to the same directive, “**maritime spatial planning**” means:

“process by which the relevant Member State authorities analyse and organise human activities in marine areas with a view to achieving ecological, economic and social objectives”

MARITIME SPATIAL PLANNING (2)

Implementation of maritime spatial planning

development of management plans, for the three maritime areas identified by Italy

spatial and temporal distribution of present and future relevant activities and uses of marine waters

These management plans are currently still at the approval stage.

MARITIME SPATIAL PLANNING (3)

In the maritime planning process essential elements are:

land-sea interactions

- very important to ensure full coherence between maritime and land strategies and plans.
- clear links and interactions between marine and terrestrial areas, and their activities fall within the scope of integrated coastal zone management.

ecosystem approach

- taking into account the specificities of marine regions and their effects on the environment and natural resources.
- a strategy that promotes the conservation and sustainable and equitable use of land, water and living resources through their integrated management.

MARITIME SPATIAL PLANNING (4)

In the **EU vision** maritime planning should aim to ensure:

potential negative impacts on the natural environment identified and prevented at a much earlier stage in the planning process

national maritime spatial management plans are consistent with existing national plans, e.g. for energy, climate

Important to promote national planning that is integrated

MARITIME SPATIAL PLANNING (5)

In the **EU vision**, the maritime spatial planning must also presuppose the concept of a “**sea system**”

as an organic governance of needs with a view to sustainable development

- adequate governance,
- effective coordination through systemic, unified and structured action,
- sustainable economic, social and environmental development (Europe 2020 Strategy and Agenda 2030).

CONCLUSIONS (1)

WHAT ABOUT ITALY?

Some small steps in this direction:

Ministry for Civil Protection and Sea Policies - a role in guiding and coordinating all sea-related activities

Inter-Ministerial Committee for Sea Policies (CIPOM) – a role in coordinating and defining the strategic directions of sea policies

CONCLUSIONS (2)

For the future:

- identification at national level of a planned, integrated and coordinated maritime policy,
- overall vision of national maritime interests.

Sea Plan (published in October 2023),
a strategic political document, which addresses various issues related to the
sea resource.

a new awareness and attention to the sea issues

Thank you!

