Analysis of the Croatian legal framework in relation to the provisions of the Protocol on ICZM in the Mediterranean

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CBD	Convention on Biological Diversity
CEA	Croatian Environment Agency
COP	Conference of Parties
EcAp	Ecosystem Approach
ECHR	European Court of Human Rights
EIA	Environmental Impact Assessment
EPA	Environmental Protection Act
IDDRI	Institute for Sustainable Development and International Relations
ICZM	Integrated Coastal Zone Management
IOC	Intergovernmental Oceanographic Commission
MEPPPC	Ministry of Environmental Protection, Physical Planning and Construction
MFA	Marine Fisheries Act
MPS	Marine Protection Strategy
NGO	Non Governmental Organisation
NPA	Nature Protection Act
NPIS	Nature Protection Information System
OECD	Organisation for Economic Co-operation and Development
PCA	Protected Coastal Area
PMD	Public Maritime Domain
PAP/RAC	Priority Actions Programme Regional Activity Centre
PPBA	Physical Planning and Building Act
SEA	Strategic Environmental Assessment
SINP	State Institute for Nature Protection
SSD	Strategy for Sustainable Development
UNEP/MAP	United Nations Environment Programme / Mediterranean Action Plan
UNESCO	United Nations Education, Science and Culture Organisation
UNFCCC	United Nations Framework Convention for Climate Change
UNDO	United Nations Development Programme
WMO	World Meteorological Organisation

1. Context of the Protogizc Project

This report is part of the project on "Challenges and opportunities for implementing the Protocol on ICZM in the Mediterranean" (*Protogizc*), led by the Institute for Sustainable Development and International Relations (IDDRI) and co-funded by the French Ministry of Ecology (*Programme Liteau*) and the UNEP/Mediterranean Action Plan's (MAP) Priority Actions Programme Regional Activity Centre (PAP/RAC). Adopted in January 2008 by the Contracting Parties to the Barcelona Convention, and entered into force in March 2011, the Protocol on Integrated Coastal Zone Management in the Mediterranean (the ICZM Protocol) is the first supra-State legal instrument aimed specifically at management of coastal zones. Prior to that, coastal zones were governed in a fragmented way by international law, while the rare instruments aimed at transcending sectoral policies and guiding national systems towards integrated coastal zone management were confined to the realm of soft law, such as in the case of the EU Recommendation on ICZM. As Mediterranean coastal zones have been on an unsustainable development path for the last few decades, the application of this new legal tool is of vital importance for the future of the Mediterranean Basin. The Protogizc project is, therefore, devoted to the specific issues, both theoretical and operational, raised by the entry into force of the Protocol. Making a detailed analysis of the Protocol's provisions – their contents, their normative scope, etc. – the aim of the research is to study the perspectives for implementing the text, focusing particularly on four case studies (Croatia, France, Italy and Lebanon) whose comparison is interesting on several counts. The goal of this project is to make it easier to gradually create the conditions for implementing the Protocol, in various fields ranging from the legal framework to capacity building (administrative and legal staff, etc.), the use of regional planning documents (cadastres, land-use plans, etc.) and the integration of climate change issues into planning and ecosystem protection decisions.

2. Aim of the report

In 2010 and 2011, IDDRI conducted an analysis of the Mediterranean ICZM Protocol, which will be soon published by PAP/RAC as "An introduction to legal and technical aspects of the Mediterranean ICZM Protocol". While that document helps to "decipher" the Protocol, it is by no means the substitute for a precise study of the methods for implementing the text according to each national legal system. The aim of the present report is, thus, to analyse to what extent the Croatian legal system complies with the provisions of the Protocol and thereby enables the Croatian authorities to identify the legal changes needed, after the ratification of the Protocol, in order to comply with the Protocol's legal requirements.

3. Context of the ICZM in Croatia

The Adriatic Region of Croatia with its coastal mainland and islands, almost 6,000 kilometres long, is among the most valuable parts of its national territory. At the same time, it counts among the most sensitive natural systems of Croatia. The processes in that area are characterised by intensive interaction between the sea and the land, while development pressures and the resulting negative impacts on coastal natural systems are more pronounced than those inland. The Adriatic Sea region is a unique and very sensitive marine ecosystem, especially because of the wealth of its biological life, clarity, transparency and landscape and, appropriately, it has gained the status of a special Mediterranean sub region. The Adriatic coastal zone is also characterised by a high level of biological

diversity, including many endemic species, especially sensitive habitats and ecosystems. The region is also important for its economy, and rich cultural and social life. In that sense, the use and preservation of the Adriatic Sea and its coastal region in Croatia should get special attention.

In the Croatian coastal zone there are 790 settlements (with around 1,050,000 inhabitants, 370,000 apartments and 190,000 secondary homes), around one hundred spatially separate tourist zones (with about 430,000 beds), a few dozen industrial zones and about one hundred big harbours and marinas (with about 17,000 berths). Cities, settlements and other urbanized areas, according to the data from the year 2000, occupy about 850 linear km, or 15% of the total coastline. However, according to the spatial plans that were in force until 2004 (when the Regulation on Management and Protection of the Protected Coastal Area was adopted requiring the adaptation of spatial plans), additional 800 km had been planned for future expansion of the cities and settlements along the coastline. If these plans had materialised, the coastal urbanisation would have expanded to about 1,650 linear kilometres, i.e. to about 28% of the total Croatian coastline length. Having in mind that most of that expansion occurred during the last 50 years, one can only conclude that the present coastal urbanisation trend in Croatia is largely unsustainable.

In the Croatian legislation the issue of sea and coast was mentioned for the first time in the Physical Planning and Use of Development Land Act in 1973. It states that sea and coast are especially valuable parts of human environment and are under special protection. This phrase continued to be present in almost every spatial law adopted during the following two decades. However, the Physical Planning Act, adopted in 1994, was more precise. It stated that the coast cannot be occupied, or enclosed by development, and that free and public access to and use of the coast has to be secured, but it did not specifically mention that the coast of Croatia is one of the most vulnerable parts of Croatia. Only a few years later, the Spatial Planning Strategy of Croatia (1997) and the Spatial Planning Programme (1999) mentioned that the coastal area is a priority in terms of management, as well as that it is a problem area. Both documents proposed a set of measures for coastal area management. However, these two documents did not have the full legal strength of the law.

During the period since Croatia gained its independence the development pressures on the coast have grown to considerable proportions, and there was a real threat that the coastal area could be irrecoverably destroyed, in spite of the fact that it could still count among relatively well-preserved parts of the European continent. Having that in mind, the Croatian Government took the position that time has come to exert stricter control over coastal development. Subsequently, the Regulation on Management and Protection of the Protected Coastal Area was adopted in 2004. The protected coastal zone was established and it was defined as an area of 1,000 metres from the coastline landwards and 300 metres from the coastline seawards, including all islands. Consequently, the new Physical Planning and Building Act (PPBA), in force since October 2007, incorporated most of the provisions of the above-mentioned Regulation.

It is important to mention that there is no specific legal framework regulating coastal zone management in Croatia, with the exception of the previously mentioned Regulation and subsequently adopted Act into which the Regulation has been almost fully integrated. Still, there are several laws and regulations that sectorally deal with coastal zone management, i.e. with specific issues of coastal zones. These are: the Nature Protection Act, the Environmental Protection Act, the Maritime Domain and Seaports Act, the Islands Act, and the Regional Development Act. When it comes to strategies, besides the Spatial Planning Strategy and the Programme, other important development documents include the National Programme for Island Development, the National Strategy for Environmental Protection, the National Environmental Action Plan, the Strategy for Sustainable Development of Croatia, the Strategy and Action

Plan for the Protection of Biological and Landscape Diversity of the Republic of Croatia and the Strategy for Regional Development of Croatia 2011-2013. Finally, based on the Environmental Protection Act and the Regulation establishing a framework for action of the Republic of Croatia in the field of marine environment protection, (Marine Strategy Regulation) by which the Marine Strategy Framework Directive has been transposed into national legislation, the Marine Protection Strategy, based on ecosystem approach, is currently under preparation.

4. Preliminary remark: a purely legal study

The study conducted here is predominantly an examination of the compatibility between the Croatian ICZM relevant legislation and the Protocol. It is mostly based on the Croatian legislation translated into English language; therefore, it is not an in-depth analysis of all Croatian laws. However, in certain fields, it may be particularly difficult to assess the implementation of the provisions of the legal text solely through a legal analysis. Indeed, although knowledge of the domestic legal system is a key prerequisite for analysing any ICZM mechanism, it surely is not enough. Issues such as sectoral policy coherence, land-sea integration or institutional co-ordination require a functional analysis of the management system. Likewise, only an analysis of that kind will make it possible to determine the full extent of a certain management system – the result of all interventions in coastal areas – and reflect a real application of the law and of its intentions. There may in fact be a considerable discrepancy between the existence of a legal standard and its actual implementation. On the other hand, we should not underestimate the possibility that some problems or challenges relating to integration may be given proper attention by the actors concerned without any formal legal instruments. Consequently, it is important to underline that this report is solely a legal analysis, while the implementation of the Protocol is not a legal issue only. That is dealt with in other outputs of the Protogizc project (Marcone, 2011).

5. Methodology and status of the report

This report has been elaborated in several steps. First, a field mission was undertaken in Croatia so that the authors could meet Croatian stakeholders (civil servants from different ministries, members of non-governmental organisations, academics, etc.) and become familiar with the Croatian administrative framework and legal system.

During the second step, an in-depth analysis of the Croatian legal framework was conducted in order to analyse to what extent the Croatian ICZM relevant legal system complies with the provisions of the Protocol. A first draft of the report was presented and discussed at a meeting of Mediterranean experts held in Split, on 18-19 May 2011, as well as at a meeting with the representatives of Croatian administrations held in Zagreb, on 10 October 2011.

Within the actual, third step, the report was amended to include the recommendations of the two meetings and take into consideration the recent changes in the Croatian legal system, in particular those related to the physical planning and construction as well as the management and protection of marine environment. This amended but still draft version will be submitted to Croatian administrations for examination and validation, and then presented at a Mediterranean workshop to be organised within the UNEP/MAP/GEF MedPartnership project in Zagreb, on 4-5 December 2012.

It should be stated that this analysis of the compliance of the Croatian ICZM relevant legal system with the provisions of the Protocol is not conducted article by article, but rather according to the analytical reconstruction of the text proposed by Rochette *et al.* (2012) for the entire Protogizc project.

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SECTION I:
ADAPTING COAST-RELATED SECTORAL POLICIES AND REGULATING COASTAL ACTIVITIES

The Protocol defines ICZM 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[1]”. Integrated coastal management therefore particularly implies taking into account the interrelationships that exist between uses of the sea and the land and the environment that these uses potentially affect. In this sense, ICZM aims to address the “implications of development, conflicting uses, and interrelationships between physical processes and human activities” (Cicin-Sain and Knecht, 1998). From the methodological viewpoint, the aim is thus to go beyond the sectoral approach and to make coastal management coherent by striving to achieve an articulated approach to all of its components: this is one of the fundamental dimensions of integration, a term stemming from the Latin *integrare*, which means “to reinstate something” or “to make something whole”.

This does not however imply abandoning sectoral policies, since ICZM is intended to bring them into line rather than to replace them (Cicin-Sain and Knecht, 1998), which would not be possible anyway since policies are, and will remain, largely sectoral. Thus, integrated management "...is not a substitute for sectoral planning, but focuses on the linkages between sectoral activities to achieve more comprehensive goals..." (UNEP, 1995). In this respect and in order to make the integrated approach to coastal management coherent, it is particularly important to strengthen and adapt environmental and risk management policies to the specific nature of coastal zones, as well as to regulate sectoral activities having an influence on the evolution of coastal zones.

[1] Article 2f.

1.1. General principles

1.1.1 Preserving coastal ecosystems

Following on from its preamble, which recognises that Mediterranean coastal zones are "common natural and cultural heritage (…) and that they should be preserved", the ICZM Protocol includes several provisions on the preservation of marine and coastal ecosystems.

Preserving coastal ecosystems and resources (5b, 5c, 5d, 8-1, 8-3c)

"The objectives of integrated coastal zone management are to (…) preserve coastal zones for the benefit of current and future generations" (5b) and to "ensure preservation of the integrity of coastal ecosystems" (5d).
"The objectives of integrated coastal zone management are to (…) ensure the sustainable use of natural resources, particularly with regard to water use" (5c).
"The Parties shall endeavour to ensure the sustainable use and management of coastal zones in order to preserve the coastal natural habitats, landscapes, natural resources and ecosystems" (8-1).
"The Parties shall also endeavour to ensure that their national legal instruments include criteria for sustainable use of the coastal zone. Such criteria, taking into account specific local conditions, shall include, inter alia, the following: (…) ensuring that environmental concerns are integrated into the rules for the management and use of the public maritime domain" (8-3c).

In general, nature protection requirements are currently well integrated into the Croatian legal system.

First, nature conservation is ranked amongst the "highest values of the constitutional order". Article 3 of the Constitution of 22 December 1990 provides that: "Freedom, equal rights, national equality and equality of genders, love of peace, social justice, respect for human rights, inviolability of ownership, conservation of nature and the environment, the rule of law, and a democratic multiparty system are the highest values of the constitutional order of the Republic of Croatia and the ground for interpretation of the Constitution". As a "highest value", nature and environmental conservation is thus part of a type of constitutional public order that justifies, alongside State security or public health concerns, restrictions on entrepreneurial freedom and the right to property (Article 50). Second, the Environmental Protection Act (EPA) of 3 October 2007 states that the "protection of flora and fauna, biological and landscape diversity and preservation of ecological stability" are included in the "environmental protection goals" (Article 6). To meet this objective, the principle of integrating environmental considerations into public policies is recognised by law. Thus, according to Article 8-2 of the EPA, "the environmental protection requirements (…) must be included in the preparation and implementation of established starting points and activities in all areas of economic and social development". Article 13-2 adds that "requirements for a high level of environmental protection and for improvement of environmental quality are a mandatory component of all starting points whose goal is balanced economic development and shall be ensured in accordance with the principle of sustainable development". Thus, environmental protection is an integral part of the Croatian legal system.

The Croatian law also gives special attention to coastal biodiversity. Adopted on 20 February 2009, the Strategy for Sustainable Development of the Republic of Croatia (SSD) focuses specifically on the protection of the Adriatic Sea, coastal area and islands, highlighting the need to "reduce the loss of marine and coastal biodiversity". At the legal level, this goal is reflected in the creation by the Physical Planning and Building Act (PPBA) of 6 July 2007 (last amendment in 2012) of a "Protected coastal area".

This area, “encompassing all islands, the continental belt 1,000 m in width from the coastline and the sea belt 300 m in width from the coastline” (Article 49), benefits from a specific legal mechanism aimed at ensuring its preservation. Thus, in addition to a general principle of environmental protection, the Croatian law also acknowledges the specificity of the coastal environment, by requiring respect for “natural, cultural, historical and traditional values” (Article 49).

The Nature Protection Act (NPA) is the key legal document regulating the protection of biological and landscape diversity. Particularly relevant are the articles 122 and 123 that relate to the introduction of nature protection measures into spatial plans as well as natural resources’ management plans. The protection of marine habitats from marine and underwater activities is emphasised in Article 52 of the NPA. Also, at the international level, Croatia is a Party to the Convention on Biological Diversity (CBD) and has committed to create a functional ecological network – a system of protected areas and corridors of marine and coastal habitats.

The preservation of coastal ecosystems, as required by the ICZM Protocol, is in line with the requirements of the Regulation establishing a framework for action of the Republic of Croatia in the field of marine environment protection (2011). Although the regulation is more oriented towards marine ecosystems, it recognises the need for management measures that need to take place on the land part as well.

As far as water use is concerned, Article 24-3 of the EPA lays down the general principle of the “sustainable management of coastal resources”. More specifically, where water is concerned, the provisions of the Water Act adopted on 11 December 2009 (amended in 2011) mostly apply to coastal waters. Furthermore, the specific status of the Protected Coastal Area (PCA) requires compliance, through planning documents, with numerous rules on the management of water resources. For example, “within the PCA, planning and implementation of spatial plans shall be used: (…) to establish environmental protection measures on land and at sea and especially to protect drinking water resources” (Article 49-2). Likewise, “detached building areas outside the settlement and surfaces within the settlement which are intended for hospitality and catering and tourism purposes, may be planned in areas of lesser natural and landscape value so that: (…) collected waste water is discharged through a closed sewage system with purification mechanisms” (Article 52-1). At the regional level, “spatial plans for counties establish in particular: (...) basis for economically and environmentally sustainable transportation, public and other infrastructure and services, especially sustainable use of water and raw materials” (Article 71-1). Finally, at the local level, “the spatial development plan of a major city, town or municipality shall establish in particular: (…) a basis with a presentation of agricultural and forest land, water sources and water management systems (…)” (Article 74).

The Law on maritime domain and sea ports (last amended in 2009) sets rules for the management and use of the maritime domain. In many of its provisions it emphasises the importance of integrating the environmental concerns into the management and use of the maritime domain.

In light of these observations, it seems that the Croatian legal system provides for the obligation to preserve biodiversity as laid down in Articles 5b, 5c, 5d, 8-1 and 8-3c of the ICZM Protocol.

Application of the ecosystem approach (6c)

“The ecosystems approach to coastal planning and management shall be applied so as to ensure the sustainable development of coastal zones” (6c).

The Marine Strategy Regulation defines the ecosystem approach (Article 5.13) and by Article 13.3 states that “for achieving the good environmental status, the adjustable management based on ecosystem

approach shall be applied, including the integrated coastal zone management". In addition, the NPA and EPA contain several provisions related to this concept (NPA, Articles 3, 4, 5; EPA, Articles 6, 13, etc.).

Preventing damage to the environment and restoration (6j)

"The Parties shall be guided by the following principles of integrated coastal zone management: (…) Damage to the coastal environment shall be prevented and, where it occurs, appropriate restoration shall be effected" (6j).

Preventing environmental damage is an obligation under Article 9-1 of the EPA. Indeed, "in the use of the environment, its components must be used sparingly and in their management, possibilities for the reuse of natural and material assets must be taken into account, as well as preventing environmental pollution, possible occurrence of environmental damage (…)". This text also includes a number of provisions on restoration (Articles 3-46, 20, 156, 164 et seq.), while the Nature Protection Act (NPA) of 20 May 2005 (last amendment in 2011) stresses that "nature protection is the responsibility of any natural and legal person, and to this end he/she must cooperate in order to avoid and prevent hazardous actions and damage, eliminate and remedy the consequences of any damage incurred and restore the natural conditions prevailing prior to the occurrence of such damage" (Article 4).

Prevention and appropriate restoration measures for the marine and coastal ecosystems are required by Articles 3 and 19 of the Marine Strategy Regulation.

The Croatian legal framework therefore provides the basis needed for the implementation of Article 6j of the ICZM Protocol, with its dual goals of preventing damage to the environment and environmental restoration.

1.1.2 Preserving cultural heritage

The provisions set out in Article 13 are inspired by the UNESCO Convention on the Protection of the Underwater Cultural Heritage (Scovazzi, 2010), which particularly invites the States to co-operate at the regional level[2], to foster *in situ* conservation[3] and to prohibit the commercial exploitation of underwater cultural heritage[4].

Preserving cultural heritage (13-1)

"The Parties shall adopt, individually or collectively, all appropriate measures to preserve and protect the cultural, in particular archaeological and historical, heritage of coastal zones, including the underwater cultural heritage, in conformity with the applicable national and international instruments" (13-1).

In situ conservation (13-2)

"The Parties shall ensure that the preservation in situ of the cultural heritage of coastal zones is considered as the first option before any intervention directed at this heritage" (13-2).

[2] Article 6.

[3] Article 2-5.

[4] Article 2-7 of the Convention thus provides that "underwater cultural heritage shall not be commercially exploited".

Conserving underwater cultural heritage (13-3)

"The Parties shall ensure in particular that elements of the underwater cultural heritage of coastal zones removed from the marine environment are conserved and managed in a manner safeguarding their long-term preservation and are not traded, sold, bought or bartered as commercial goods" (13-3).

Generally speaking, the cultural heritage, which includes also the archaeological heritage, is given special protection through the Act on the Protection and Preservation of Cultural Goods, adopted in 1999 and finally amended in 2012. In particular, the text creates a Register of Cultural Goods of the Republic of Croatia, maintained by the Ministry of Culture.

Furthermore, the protection of cultural heritage is also a key part of the legal framework for regional planning. First, the definition of the environment as well as landscapes – categories protected by Croatian law, as shown in the analysis made in Section I, 1.1.1 – includes a cultural dimension. The environment is thus defined as "the natural surroundings of organisms and their communities including man, which enables their existence and their further development: the air, water, soil, lithosphere, energy and material assets and cultural heritage as part of man-made surroundings, in their diversity and totality of mutual interaction" (EPA, Article 2-22). Similarly, a landscape is understood as a "certain area as perceived by the human eye, whose character is the result of the interaction of natural and human factors and which represents an essential component of the human environment, an expression of the diversity of common cultural and natural assets and which constitutes the basis of the area's identity" (EPA, Article 2-9). Environmental protection objectives therefore naturally cover the "protection and restoration of cultural and aesthetic landscape values" (EPA, Article 6-1). Consequently, regional planning documents must take into account the cultural dimension of the area. In general, Article 13-3 of the EPA therefore provides that "in developing and adopting physical planning documents special account shall be taken of the (…) cultural heritage (…)". For coastal areas in particular, the PPBA requires that "within the PCA, planning and implementation of spatial plans shall be used: to preserve and restore (…) cultural, historical and traditional values of the coastal landscape (…)" (Article 49-2).

Regarding underwater cultural heritage, consideration for its protection began in the 1960s. Many regulations have already been adopted on that issue and particular attention has been given to the most threatened sites, protected *in situ*[5]. Moreover, in 2004 Croatia ratified the UNESCO Convention on the Protection of the Underwater Cultural Heritage. Regulation on archaeological research (from 2010) covers the issue of underwater archaeological researches as well.

The Croatian law therefore complies with the provisions of Article 13 of the Protocol.

1.1.3 Preserving landscapes

The provisions of the Protocol that concern landscapes are largely in line with the European Landscape Convention, signed in Florence on 20 October 2000, and ratified by Croatia in 2000.

ICZM and landscapes (2f)

"Integrated coastal zone management means 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" (2f).

[5] Information available on the web site of the International Center for Underwater Archaeology: http://www.icua.hr/

The definition of ICZM proposed by the Protocol largely follows in the footsteps of research already conducted on this concept for many years: classically, it underlines the general objective of sustainable development, the dynamic nature of the coastal processes and the diversity of economic activities and uses linked to coastal areas. On the other hand, the reference to landscapes is more original and, to our knowledge, is only found elsewhere in the Model Law on Sustainable Management of Coastal Zones proposed by the Council of Europe in 1999[6]. This reference to landscapes first refers to the Barcelona Convention, which mentions the protection of areas of landscape interest as one element of the promotion of integrated management[7]. In the same way, the EPA proposes a definition of ICZM that includes landscape protection issues: according to its Article 3-10, ICZM is "the dynamic process of sustainable management and use of coastal zones, simultaneously taking into account the frailty of coastal ecosystems and the landscape, the diversity of activities and use, their interaction, the maritime orientation of certain activities and uses and their impact on marine and terrestrial components". The Marine Strategy Regulation includes the same definition.

Preserving coastal landscapes (5d, 8-1)

"The objectives of integrated coastal zone management are to (…) ensure preservation of the integrity of coastal ecosystems, landscapes and geomorphology" (5d).
"(…) the Parties shall endeavour to ensure the sustainable use and management of coastal zones in order to preserve (…) landscapes (…)" (8-1).

Since it ratified the European Landscape Convention in 2000, Croatia has established several legal provisions on landscape protection. First, the EPA includes the protection of landscape diversity in the broader scope of environmental and nature protection objectives. Its Article 6 thus states that "environmental protection goals in creating the conditions for sustainable development are as follows: (…) landscape diversity (…)", while its Article 25 stresses that "nature protection refers to the preservation of biological and landscape diversity and protection of natural values". Similarly, the NPA asserts that "nature protection goals and tasks are: to conserve and restore the present biological and landscape diversity in the state of natural equilibrium and interactions harmonized with human activities" (Article 3). It's Articles 83 and 84 require the protection of important and key characteristics of the landscapes in spatial planning and utilisation of nature resources. Landscape protection is thus at the heart of the legal framework for environment and nature. More specifically for coastal landscapes, the EPA proposes a definition of ICZM that also includes landscape protection issues.

By including several provisions on landscape protection, especially in coastal areas, the Croatian law therefore appears to comply with Articles 5-d and 8-1 of the ICZM Protocol.

Adopting specific instruments (11-1)

"The Parties (…) shall adopt measures to ensure the protection of coastal landscapes through legislation, planning and management" (11-1).

As previously mentioned, a number of legal texts require the protection of coastal landscapes. This requirement is reflected in the provisions aimed at regulating planning. Generally speaking, "in developing and adopting physical planning documents special account shall be taken of the vulnerability of the environment at the specific location, the relation towards landscape balance and values (…)" (EPA, Article 13-3). More specifically for coastal areas, the PPBA provides that "within the PCA, planning and implementation of spatial plans shall be used: to preserve and restore endangered areas of natural,

[6] Article 1.
[7] Article 4-3e.

cultural, historical and traditional values of the coastal landscape and the landscape of the area further from the coast and stimulate natural regeneration of forests and indigenous vegetation, (…) to condition the development of public infrastructure upon the protection and conservation of landscape values" (Article 49-2). It is important to note that the landscape element must also be taken into account by Environmental Impact Assessments (EIAs), which must identify, describe and assess "in an appropriate manner the impact of the project (…) on the environment, by establishing the possible direct and indirect effects of the project on the soil, water, sea, air, forest, climate, human beings, flora and fauna, landscape, material assets, cultural heritage, taking into account their mutual interrelations" (EPA, Article 69-2).

It therefore seems that the Croatian system is in line with the obligations under Article 11-1 of the Protocol.

1.2. Preserving specific vulnerable ecosystems

1.2.1 Ecosystems covered by the Protocol

In addition to the general principles on the preservation of natural, cultural and landscape heritage, the Protocol also includes several provisions on the protection of specific coastal ecosystems. The grounds for this special protection granted to certain habitats are based on different criteria: (i) geographical, linked to the proximity to the sea (marine habitats, estuaries), (ii) environmental, for vulnerable habitats that are not necessarily immediately adjacent to the coast (forests, wetlands), and (iii) cultural, economic, geographical and environmental in the case of islands.

Preserving wetlands and estuaries (10-1)

"(…) The Parties shall: (a) take into account in national coastal strategies and coastal plans and programmes and when issuing authorizations, the environmental, economic and social function of wetlands and estuaries; (b) take the necessary measures to regulate or, if necessary, prohibit activities that may have adverse effects on wetlands and estuaries; (c) undertake, to the extent possible, the restoration of degraded coastal wetlands with a view to reactivating their positive role in coastal environmental processes" (10-1).

Estuaries and wetlands are protected under the NPA (Articles 50 and 51) and the Ordinance on Amendments to the Ordinance on Habitat Types, Habitat Map, Threatened and Rare Habitat Types and Measures for Conserving Habitat Types (amended in 2009). Croatia is also Party to the Ramsar Convention. Therefore, it seems that the Croatian legal framework is compliant with Article 10-1 of the ICZM Protocol.

Adopting measures for the preservation of marine species and habitats (10-2a)

"The Parties (…) adopt measures to ensure the protection and conservation, through legislation, planning and management of marine and coastal areas, in particular of those hosting habitats and species of high conservation value" (10-2a).

In general, all the areas with high conservation value (in particular if they are under degradation threat), including marine and coastal areas, are under Croatian legislation proposed to be protected areas or parts of the ecological network. Details of procedure for establishing the protected area and ecological network are given in Articles 21 – 30 and Article 58 of the NPA.

Where the protection of wild species is concerned, Section 2 of the NPA is devoted to "protected taxa". Thus, a strictly protected taxon is defined as a "wild taxon in danger of extinction on the territory of the

Republic of Croatia; endemic species with a small natural range; wild taxon protected by virtue of an international treaty to which the Republic of Croatia is a signatory and which is in force, having been ratified by the Republic of Croatia" (Article 19-2). A protected taxon is defined as an "indigenous wild taxon that is vulnerable or rare and is not threatened by extinction on the territory of the Republic of Croatia; wild taxon that is not endangered, but due to its appearance is likely to be confused with endangered wild taxon; wild taxon protected by virtue of an international treaty to which the Republic of Croatia is a signatory and which is in force" (Article 19-3). The Ordinance on the Proclamation of Protected and Strictly Protected Wild Taxa, which entered into force in July 2009, specifically concerns several marine species and sets rules to ensure their protection.

As regards marine habitats, Article 52 of the NPA provides that "the activities at sea and in its subsoil must not endanger, degrade nor destroy marine habitats". Pursuant to Article 57-2, habitat types are threatened if they are not in a favourable state and/or if there is a danger that they may disappear. A habitat type is in a favourable state if its natural distribution area and the area it covers are stable or increasing and it is likely in the near future that it will retain the specific structure and function necessary for its long-term survival and if the favourable state of the significant biological species within is ensured. The list of rare and threatened habitat types is given in Annex II of the Ordinance on Amendments to the Ordinance on Habitat Types, Habitat Map, Threatened and Rare Habitat Types and Measures for Conserving Habitat Types that was adopted in September 2009.

Furthermore, the preparation and implementation of the Marine Protection Strategy (based on the related Regulation) requires the protection of marine and coastal ecosystems.

Consequently, it seems that the Croatian law provides the rules needed to ensure the protection of "habitats and species of high conservation value" (10-2a).

Adopting measures for the preservation of coastal forests and woods (10-3)

"The Parties shall adopt measures intended to preserve or develop coastal forests and woods located, in particular, outside specially protected areas" (10-3).

Management of forest areas in Croatia has been defined by the Forest Act adopted in November 2005 (last amendment in 2012). By forest areas, the law considers all the land, covered with forest trees, larger than 0, 1 ha, i.e. it relates to the forests and woods as specified by the Protocol. In addition, the NPA includes several articles on forest protection, and provisions apply across the whole country (Articles 41-45). For coastal areas, the PPBA also provides that "within the PCA, planning and implementation of spatial plans shall be used: (...) to encourage natural rehabilitation of forests and autochthonic vegetation; (...) to restrict interconnection and expansion of existing building areas along the coast and to plan new building areas outside forest areas" (Article 49-2). Furthermore, Article 55-1 of the NPA specifies that "for the sake of conservation of biological and landscape diversity, valuable and endangered peripheral habitats (…isolated trees, and groups of trees […]) should be conserved by arable land planning".

We can therefore consider that the Croatian law complies with the provisions of Article 10-3.

Preserving and rehabilitating dunes (10-4)

"The Parties undertake to preserve and, where possible, rehabilitate in a sustainable manner dunes and bars" (10-4).

"Areas of sandy beaches covered with halophytic vegetation" are protected under the Ordinance on Amendments to the Ordinance on Habitat Types, Habitat Map, Threatened and Rare Habitat Types and

Measures for Conserving Habitat Types. Similarly, this document lays down the principle of preserving coastal dunes, under which "sediments from coastal dunes shall not be exploited".

The Croatian law therefore seems to comply with the provisions of Article 10-4 of the Protocol.

Preserving the island environment (12)

"The Parties undertake to accord special protection to islands, including small islands, and for this purpose to: promote environmentally friendly activities in such areas" (12a).
"The Parties undertake to accord special protection to islands, including small islands, and for this purpose to (…) take into account the specific characteristics of the island environment and the necessity to ensure interaction among islands in national coastal strategies, plans and programmes and management instruments, particularly in the fields of transport, tourism, fishing, waste and water" (12b).

In Croatia, islands have been given special attention since the mid-1990s. In 1997, the National Island Development Programme was established, underlining the fact that island areas had reached a turning point and must now take the path of sustainable development. To this end, in 1999 the Island Act was adopted, particularly providing for the creation of a Sustainable Island Development Programme for each island or group of islands. The text also provides for 19 State programmes on water management, solid waste and the preservation of natural heritage. These island programmes, along with those developed by the State, thus enable Croatia to give special attention to its islands and to thereby comply with the provisions of Article 12 of the ICZM Protocol. It should also be noted that Article 49-2 of the PPBA provides for the conservation of "uninhabited islands and islets primarily for agricultural use, recreation, organised visits and exploration and without building areas".

The Croatian law therefore appears to comply with the provisions of Article 12 of the Protocol.

1.2.2 Protection "outside specially protected areas"

According to the Protocol, where wetlands, estuaries, marine habitats and coastal forests and woods are concerned, the Protocol provides for protection whether or not they are classed as specially protected areas. As previously mentioned, Croatia provides effective protection for these ecosystems outside the protected area system.

1.3. Knowledge of coastal zones

Since furthering knowledge of coastal systems is a key condition for the development of management policies, the Protocol includes an article on monitoring and observation mechanisms and networks.

Mechanisms for monitoring and observation (16-1)

"The Parties shall use and strengthen existing appropriate mechanisms for monitoring and observation, or create new ones if necessary" (16-1).

At the institutional level, "activities of collecting and integrating collected environmental data and information for the purpose of ensuring and monitoring the implementation of the environmental protection and sustainable development policy shall be performed by the Croatian Environment Agency (…)" (EPA, Article 37-1). The "quality of air, water, sea, soil, flora and fauna, as well as exploitation of raw minerals" are covered by this environmental monitoring (EPA, Article 120-2). Article 66 of the NPA also calls upon the State Institute for Nature Protection to "monitor and organize monitoring of the nature conservation status", which particularly implies "monitoring and evaluation of the state of

biological taxa, their habitats, habitat types, ecologically important areas, ecosystems, ecological network, and landscape types, monitoring the transformation of geological features (phenomena of landslides, caves, new springs, etc.), which also entails drawing up special geological maps as a basis for further exploration and monitoring, monitoring the state of protected natural assets".

In view of these elements, it seems that Croatia has the legal framework needed to implement Article 16-1 of the Protocol.

Preparing and updating inventories (16-1, 16-3)

"The Parties shall (…) prepare and regularly update national inventories of coastal zones which should cover, to the extent possible, information on resources and activities, as well as on institutions, legislation and planning that may influence coastal zones" (16-1).
"With a view to facilitating the regular observation of the state and evolution of coastal zones, the Parties shall set out an agreed reference format and process to collect appropriate data in national inventories" (16-3).

Croatian Environment Agency (CEA) is an independent public institution established by a decision of the government of the Republic of Croatia to collect, integrate, and process environmental data. Besides providing the information necessary to implement the environmental policy to the state administration, the Government and the Parliament, the agency takes a part in planning and development of new environmental protection forms and follow-up of the environmental action plans and projects. The need to establish the CEA as a focal institution into which all relevant environmental data are channelled has been defined in the Environmental Protection Strategy of the Republic of Croatia, which dedicates a separate section to the need for establishment of an independent and specialised Agency and its objectives, defining it as a central professional body and a potential promoter of sustainable development; by the Implementation Plan for the Stabilisation and Association Agreement between the European Community and its Member States and the Republic of Croatia (Article 81 on establishment of the CEA); by the need to upgrade the infrastructure necessary for the efficient enforcement of the environmental policy; and through harmonisation of the Croatian legal and institutional environmental protection framework with that of the European Union. CEA is also the national focal point for collaboration with the European Environment Agency included in the European Environment Information and Observation Network.

The basic activities of the State Institute for Nature Protection are aimed at organising and co-ordinating inventories and monitoring of the state of biodiversity. Within this framework, the Institute collects, processes and compiles data on the state of nature, drafts reports, keeps databases and prepares expert bases for the protection of individual components of biological and landscape diversity. In order to ensure that the compiled and organised data serve as a joint foundation for the creation, organisation and planning of nature conservation tasks, since 2004, the State Institute for Nature Protection has carried out a series of activities within its regular tasks and international projects in order to establish a single nature protection information system. The obligation to create such a system is laid down in the NPA (Article 68), under which "the Institute keeps the Nature Protection Information System (NPIS) as part of a single information system of the Ministry, according to internationally accepted standards and obligations". Over the years, the Institute has taken over the regular maintenance of certain databases owned by the ministry responsible for nature protection[8] and has co-ordinated the creation of several thematic databases pertaining to nature protection (Natura 2000 database, Protected Area

[8] Currently (as of end of 2011), this is the portfolio of the Ministry of Environmental and Nature Protection. Previously, it was under the Ministry of Culture.

Management System, Habitat map, Map of Wetlands Habitats, Emerald Network, National Ecological Network Database, Red list of plants and animals).

Furthermore, it should be pointed out that numerous sectoral legal documents require monitoring and observation mechanisms for the particular fields.

In view of these elements, we can consider that the Croatian law complies with the provisions of Articles 16-1 and 16-3 of the ICZM Protocol.

Participating in a Mediterranean coastal zone network (16-2)

"In order to promote exchange of scientific experience, data and good practices, the Parties shall participate, at the appropriate administrative and scientific level, in a Mediterranean coastal zone network, in cooperation with the Organization" (16-2).

As far as we know, the Mediterranean Coastal Zone Network has not yet been established.

1.4. Land management

The Protocol urges the Parties to use land policy instruments in the protection of coastal ecosystems.

Formulating land policy (20-1)

"Parties shall adopt appropriate land policy instruments and measures, including the process of planning" (20-1).

The PPBA includes a number of provisions for regional planning. We can therefore consider that the Croatian law complies with the provisions of Article 20-1 of the Protocol.

Using tools such as protection agencies (20-2)

"Parties may inter alia adopt mechanisms for the acquisition, cession, donation or transfer of land to the public domain and institute easements on properties" (20-2).

To our knowledge, there is no tool for the acquisition, cession, donation or transfer of land to the public domain. Besides, it seems that the Croatian legal system does not provide for easements on properties for sustainable management of public and private land. The Croatian legal system is therefore not compliant with Article 20-2.

Due to the sensitive and specific nature of the issue, kind assistance of the competent Croatian authorities is needed to confirm whether the Croatian legal texts comply with Article 20-2 of the ICZM Protocol.

2.1. Integrating the "risk" dimension in coastal policies

Reference to the risks facing coastal zones first appears in the preamble to the Protocol, with the Parties declaring themselves "worried by the risks threatening coastal zones due to climate change, which is likely to result, *inter alia*, in a rise in sea level, and aware of the need to adopt sustainable measures to reduce the negative impact of natural phenomena". In this regard, it is important to recall that Article 4-1e of the United Nations Framework Convention on Climate Change (UNFCCC) urges States to "co-operate in preparing for adaptation to the impacts of climate change; develop and elaborate appropriate and integrated plans for coastal zone management".

Taking risk into account in the implementation of ICZM (5e)

"The objectives of integrated coastal zone management are to: (…) prevent and/or reduce the effects of natural hazards and in particular of climate change, which can be induced by natural or human activities" (5e).

The definition of ICZM proposed by Article 3-10 of the EPA – "the dynamic process of sustainable management and use of coastal zones, simultaneously taking into account the fragility of coastal ecosystems and the landscape, the diversity of activities and use, their interaction, the maritime orientation of certain activities and uses and their impact on marine and terrestrial components" – does not include the "natural hazards" element. Similarly, the section on the Protection of the Adriatic Sea, Coastal Area and Islands of the SSD makes no connection between coastal zone management and the prevention of natural hazards. The authorities must therefore strive to include this element in coastal policies.

However, where physical planning is concerned, legal provisions of this kind have been established by the PPBA. Thus, the objective of physical planning is to "ensure the quality of the living and working environment (…) on the basis of monitoring, analysis and evaluation of the development of individual activities and spatial sensitivity[9]", with the "spatial sensitivity" being understood as "the possible transformation of space as a result of economic and social processes, natural hazards (floods, earthquakes, erosion etc.)[10]". More specifically, Article 7-1 makes "protection against natural and other hazards" one of the objectives of physical planning.

Moreover, the Protection and Rescue Act adopted on 26 November 2004 regulates the system of protection and rescue in disasters and major accidents, including natural ones (Article 3). Regulations about the methodology and the contents of plans relating to protection and rescue are unfortunately not available in English version.

The Croatian legal framework therefore seems to be compliant with Article 5-e of the Protocol. Nevertheless, it should be checked if the Regulations aforementioned include specific provisions for coastal zones.

[9] Article 9.

[10] Article 3-17.

Integrating a "risk" element in national strategy for ICZM (22)

"Within the framework of national strategies for integrated coastal zone management, the Parties shall develop policies for the prevention of natural hazards" (22).

The national ICZM Strategy (see Section 3. 1.1) needs to include a section on natural hazards.

2.2. Tools for integrating risks in coastal-related sectoral policies

Establishing a coastal setback zone (8-2)

"(...) The Parties:
a) Shall establish in coastal zones, as from the highest winter waterline, a zone where construction is not allowed. Taking into account, inter alia, the areas directly and negatively affected by climate change and natural risks, this zone may not be less than 100 meters in width, subject to the provisions of subparagraph (b) below. Stricter national measures determining this width shall continue to apply.
b) May adapt, in a manner consistent with the objectives and principles of this Protocol, the provisions mentioned above: 1) for projects of public interest; 2) in areas having particular geographical or other local constraints, especially related to population density or social needs, where individual housing, urbanisation or development are provided for by national legal instruments" (8-2).

Looking into the basic provisions of the PPBA, it could be concluded that it is the legal document, which in its provisions is the closest to the provisions stipulated by Article 8-2 of the Protocol. As mentioned previously in this document, PPBA defines a Protected Coastal Area (Article 49) as the coastal zone including all the islands, the coastal strip with a width of 1,000 metres from the coastline, and the sea with a width of 300 metres from the coastline. The PCA boundaries are shown on the Croatian Basic Map complemented with the orthophoto maps. Declaration of the PCA evokes specific planning (and building) requirements in the narrow coastal strip. However, these requirements are not unified throughout the entire 1,000-metre zone.

Among others, it is worth mentioning the following:

- the new buildable land detached from settlements, if it will be used for production purposes, can be planned only outside the area of 1,000 metres from the coastline, unless it is for those activities that, by their nature, require immediate proximity to the shore (shipyard, ports and so on);
- the buildable lands detached from settlements that are within the zone of 100 metres from the coastline cannot be expanded nor could the new ones be planned.

These provisions of the PPBA are in full conformity with the provisions of Article 8-2 a) of the Protocol.

Looking into the additional provisions of the PPBA, in particular the provisions of Articles 51-2 and 51-3 of the PPBA it is determined that:

- In the buildable area of a settlement within the zone of 100 metres from the coastline, construction of individual or more buildings is possible if more than 50% of the existing buildings are being used by individuals who permanently reside in that settlement,
- In the buildable area of a settlement (and its detached parts) where less than 50% of the existing buildings are being used by individuals who permanently reside in that settlement, construction of individual or more buildings is possible only in the zone beyond 70 metres from the coastline,
- Building of communal infrastructure and underground energy lines, tourism-supporting facilities (except for accommodation units), buildings which require proximity to the coastline by the

nature of their use (shipyards, harbours, etc.), and public spaces is possible within the 100-metre zone in already existing buildable areas,

- Building is allowed on a building plot with a surface larger than 3 ha with the ground floor construction surface of up to 400 square metres, the height of up to 5 metres and/or total basement of up to 1,000 square metres of the gross construction surface, and not less than 50 metres from the coastline on the islands for the needs of a registered (family) agricultural business (for providing catering and tourism services).

Using the possibility of adjustment (exception) from the coastal setback (less than 100 metres), or the possibility of adaptations (8-2b)**,** it is estimated that the provisions of Article 51, paragraph 3 of the PPBA allowing construction of one or more buildings in the buildable area of settlements (including the buildable area detached from settlements) within the zone of 100 metres from the coastline (when more than 50% of the existing buildings are being used by permanent residents) or in the zone beyond 70 metres from the coastline (when less than 50% of the existing buildings are being used by permanent residents) would be acceptable (taking in consideration the provisions of the Protocol related to the protection of coastal ecosystems and landscapes, avoidance of natural risks and environmental impact assessment). In addition, building the communal infrastructure and underground energy lines as well as tourism-supporting facilities and public spaces in already existing buildable areas within the 100 metre-zone, could also be considered as an adaptation.

However, two recent changes in the spatial planning legal framework could be considered as being against the spirit of Article 8 of the Protocol. The first one is amendment of the PPBA in which it allows issuing a location permit or decision on construction for the needs of registered (family) agricultural business (for providing rural tourism services), on a plot with a surface of at least 3 ha, located not less than 50 meters from the coastline on the islands. In addition, regarding the surface area, it increased maximum allowed ground floor surface to 400 square metres. Therefore, it will be necessary to change that provision and prohibit new construction of the above-mentioned buildings within the zone of at least 100 metres from the coastline.

Second, the Act on Dealing with Illegally Constructed Buildings (from July 2012) allows the legalization of illegally constructed buildings (according to, but also against the provisions of the spatial plan) inside the 100-metre setback zone (except those in the public maritime domain). It is also important to note that the legalisation could be effectuated only for the buildings that were built until 21 June 2011, when aerial photo of the entire Croatian territory was taken. In essence, it is considered that the implementation of this law could practically terminate the illegal urbanisation in Croatia. Having in mind the size of the problem (nearly 35,000 illegal buildings), one of the possibilities to be considered is to treat the legalisation of these buildings as an adaptation, but such conduct could be considered as being in certain conflict with the spirit of the Protocol. However, the sheer size of the problem makes it impossible to ignore, and it will be necessary to find, through the implementation of the Protocol, some acceptable solution, in order to minimise damages if the problem is kept ignored.

It can be concluded that, while majority of the provisions of the PPBA are in line with Article 8-2 of the Protocol, the two recent changes in the spatial planning legal framework are against its spirit and it will be necessary to implement respective changes, in particular to change the provision in the PPBA which allows construction of specific buildings respecting only the 50-metre setback zone, and re-impose the old provision which prohibits new construction within the zone of at least 100 metres from the coastline.

Currently, the new Ministry of Construction and Physical Planning is preparing the new law on physical planning. It would be important that that law also recognises the importance of the coastal zone, taking into consideration the requirements of the ICZM Protocol, in particular the provisions of Article 8.

Vulnerability and hazard assessments (22)

"The Parties (…) shall undertake vulnerability and hazard assessments of coastal zones"

Although the notions of risk, hazard, vulnerability, etc. are subject to heated debates among specialists and disciplines (Magnan, 2009), it is often admitted that hazard assessments evaluate the potential extreme event *per se*, whereas vulnerability assessments combine the hazard assessment with an evaluation of its impacts on a given territory.

Due to the sensitive and specific nature of the issue, kind assistance of the competent Croatian authorities is needed to conclude whether the Regulations about the methodology and the contents of plans relating to protection and rescue and other relevant Croatian legal texts comply with Article 22 of the ICZM Protocol.

Adopting prevention, mitigation and adaptation measures (22, 23-1)

"The Parties shall (...) take prevention, mitigation and adaptation measures to address the effects of natural disasters, in particular of climate change" (22).
"In conformity with the objectives and principles set out in Articles 5 and 6 of this Protocol, the Parties, with a view to preventing and mitigating the negative impact of coastal erosion more effectively, undertake to adopt the necessary measures to maintain or restore the natural capacity of the coast to adapt to changes, including those caused by the rise in sea levels" (23-1).

Policy on mitigation to climate changes is regulated by the Air Protection Act, adopted on 3 December 2004 and amended in 2008. Croatia is also Party to the United Nations Framework Convention on Climate Change and Kyoto Protocol.

Due to the sensitive and specific nature of the issue, kind assistance of the competent Croatian authorities is needed to conclude if the Croatian legal texts framework complies with the provisions dealing with adaptation to climate change provided by Articles 22 and 23-1 of the ICZM Protocol.

Respecting carrying capacity as a tool for preventing risks (6b)

"All elements relating to hydrological, geomorphological, climatic, ecological, socio-economic and cultural systems shall be taken into account in an integrated manner, so as not to exceed the carrying capacity of the coastal zone and to prevent the negative effects of natural disasters and of development" (6b).

Even if it is not defined by law, the concept of carrying capacity is not inexistent in Croatia, in particular in relation to some strategic documents related to tourism development.

Preliminary assessments (6i, 23-2)

"Preliminary assessments shall be made of the risks associated with the various human activities and infrastructure so as to prevent and reduce their negative impact on coastal zones" (6i).
"The Parties, when considering new activities and works located in the coastal zone including marine structures and coastal defence works, shall take particular account of their negative effects on coastal erosion and the direct and indirect costs that may result" (23-2).

These provisions echo Article 19 of the Protocol, providing for the use of environmental assessments, and invite the States to make preliminary assessments of risks in the development of coastal activities,

infrastructure and works. Provisions on EIA and SEA in respective legislation provides for the above issues.

Anticipating coastal erosion (23-3)

"The Parties shall endeavour to anticipate the impacts of coastal erosion through the integrated management of activities, including adoption of special measures for coastal sediments and coastal works" (23-3).

There are no specific legal provisions dealing with coastal erosion. However, PPBA gives special attention to the "spatial sensitivity" in physical planning and preparation of spatial plans that, among others, may include coastal erosion (e.g. Art . 2-17, 8-2, 10-3). In addition, the SEA and EIA regulation, well developed in Croatia, will provide for the issue of coastal erosion. It also has to be stated that due to the coastal geomorphology, coastal erosion is not a major issue in Croatia.

3.1. Reconciling coastal activities and preservation of ecosystems

3.1.1 General principles applicable to all coastal activities

Mediterranean coastal zones are particularly threatened by the diversity and intensity of uses they endure, both on land and at sea. Coastal development is seen not only in the high concentration of populations, both permanent and seasonal, in coastal zones, but also in the considerable growth in economic and recreational activities in these areas. This phenomenon is clearly not without consequences for coastal ecosystems and the ICZM Protocol therefore calls for regulation of these many activities by subjecting their development to certain general principles.

Respecting the principle of balance (5a, 6h)

"The objectives of integrated coastal zone management are to (…) facilitate, through the rational planning of activities, the sustainable development of coastal zones by ensuring that the environment and landscapes are taken into account in harmony with economic, social and cultural development" (5a).
"The Parties shall be guided by the following principles of integrated coastal zone management: (…) the allocation of uses throughout the entire coastal zone should be balanced, and unnecessary concentration and urban sprawl should be avoided" (6h).

Several legal provisions advise the competent authorities for spatial planning to adopt the principle of balance in regional planning. First, Article 2-24 of the PPBA defines spatial planning as "an institutional and technical form of management of the spatial dimension of sustainability, which based on an assessment of development possibilities while retaining the identity of the space, requires spatial protection and preservation of environmental quality and defines the purpose of spaces/areas, the requirements for development of activities and their distribution in space, the requirements for the improvement and urban regeneration of built-up areas and the requirements for realising planned projects". This definition therefore requires the use of multi-criteria assessments for physical planning, integrating the idea – set out in Article 5a of the Protocol – of rational planning by reconciling environmental and landscape protection with socio-economic development. This analysis is backed up by Article 7-1 of the same text, which requires planning documents to pursue several goals, from the "mutually harmonised and complementary distribution of various human activities in space, for the purpose of functional and harmonious development of the community" to the "preservation of biological diversity", "favourable business conditions for economic development" and "protection against natural and other hazards". Integrating these different criteria into regional planning thus makes it possible to strive towards the principle of balance, as set out in Articles 5a and 6j.

The PPBA also provides that "within the PCA, planning and implementation of spatial plans shall be used: to restrict interconnection and linear coastal expansion of existing building areas" (Article 49), which aims at avoiding the "unnecessary concentration" mentioned in the Protocol.

The principle of balance is emphasised as one of the key goals in the Marine Strategy Regulation, under Article 3, asking for the "protection, improvement and re-establishment of the balance between human activities and natural resources in the sea and on the coastal area."

The Croatian law therefore seems to meet the requirements of Articles 5a and 6h of the Protocol.

Providing for freedom of access to the sea and along the shore (8-3d)

"The Parties shall also endeavour to ensure that their national legal instruments include criteria for sustainable use of the coastal zone. Such criteria, taking into account specific local conditions, shall include, inter alia, the following: (…) providing for freedom of access by the public to the sea and along the shore" (8-3d).

Pursuant to the provisions of Article 8-3d of the Protocol, the Croatian law provides that "within the PCA, planning and implementation of spatial plans shall be used: (…) to ensure free access to the coast, passage along the coast and to ensure public interest in use, especially of the maritime domain" (PPBA, Article 49-2).

Addressing activities that require immediate proximity to the sea (9-1a)

"The Parties shall (…) accord specific attention to economic activities that require immediate proximity to the sea" (9-1a).

The Croatian law gives special attention to activities requiring immediate proximity to the sea, in particular in the articles dealing with the planning and building requirements within PCA, stating that "a new detached building area outside the settlement, which is intended to be used for manufacturing purposes, may be planned only outside the 1,000 m wide belt, except for those activities which by nature require to be situated on the coast (shipyards, ports, etc.)" (Article 50-3 of the PPBA). The same exception is applied in the provisions dealing with the construction within the buildable area of the settlements (Article 51-3 of the PPBA).

The national regulations therefore seem to comply with the provisions of Article 9-1 of the Protocol.

Careful management of natural resources (9-1b)

"The Parties shall (…) ensure that the various economic activities minimize the use of natural resources and take into account the needs of future generations" (9-1b).

As previously mentioned in the analysis conducted in Section I, 1.1.1, the principle of integrating environmental considerations into public policies is laid down in national law, thereby helping to minimise the use of natural resources as provided for by Article 9-1b of the Protocol. In a complementary way, the NPA states that in principle "it shall be prohibited to use natural resources in a manner that causes: lasting degradation of soil and loss of its natural fertility; lasting degradation of surface or underground geo-morphological values; lasting impoverishment of the natural plant, fungus and animal life; lasting reduction of biological and landscape diversity; pollution of water and threat to its usability" (Article 122). Furthermore, the NPA contains provisions on the assessment of the acceptability of the plan programmes and projects for ecological network (Articles 35-37) and determining the nature protection requirements in the procedures for the issuance of building permits and construction works (Article 38). Also, under Article 123 of the NPA, all natural resources' management plans shall contain the terms and nature protection measures; if under the scope of the plan there is an area protected under the NPA, or if a significant impact on the conservation objectives of the ecological network could be expected, the Plan itself shall be subject to the approval of the ministry responsible for nature protection.

Similarly, the Marine Strategy Regulation (under the Annex II, part A.3) requires that "all the human activities shall be undertaken in line with the obligation to conserve and protect marine environment and the principle of sustainable use of marine resources and service for the present and future generations". These provisions therefore appear to comply with the requirements of the Protocol.

Managing water resources and waste (9-1c)

"The Parties shall (…) ensure respect for integrated water resources management and environmentally sound waste management" (9-1c).

In the analysis of Article 5c (see Section I, 1.1.1), it has been noted that the Croatian law contains a number of provisions aimed at ensuring the sustainable management of water resources; the key provisions are contained in the Water Act. In the same way, waste management, understood as "measures for preventing waste generation and reducing waste quantities, without using procedures and/or methods which might damage the environment and measures for preventing the adverse effects of waste on human health and the environment" (EPA, Article 32), is an obligation under different legal texts, foremost of which is the Waste Act. In coastal areas in particular, the PPBA states that it is forbidden "to plan or to issue a location permit or a decision on construction requirements for construction works within the PCA which are intended for: (…) storage, treatment and landfilling of waste, except if needed due to natural conditions and terrain configuration" (PPBA, Article 51).

It therefore seems that the Croatian law meets the objectives set by Article 9-1c of the Protocol.

Adapting the coastal economy (9-1d)

"The Parties shall (…) ensure that the coastal and maritime economy is adapted to the fragile nature of coastal zones and that resources of the sea are protected from pollution" (9-1d).

The key legal act regulating maritime activities is the Maritime Law from 2004 (last amendment in May 2011) that, among others, requires "…protection and preservation of the natural marine resources and marine environment…" (Article 1 of the Maritime Law). Since nature conservation is ranked amongst the "highest values of the constitutional order" by Article 3 of the Constitution, the principle of integrating environmental considerations into public policies is recognised by the EPA and that the reduction of pollution of the resources of the sea and coast is required by Article 3 of the Marine Strategy Regulation we can consider that the Croatian legal framework offers the legal basis to achieve the objective mentioned by Article 9-1b.

3.1.2 Specific tools to be used

In addition to the aforementioned general principles, the Protocol provides for the implementation of specific tools, aimed at reconciling the development of coastal activities and the preservation of ecosystems.

Defining indicators of the development of economic activities (9-1e)

"The Parties shall (…) define indicators of the development of economic activities to ensure sustainable use of coastal zones and reduce pressures that exceed their carrying capacity" (9-1e).

Many sectors of economic activities are regularly assessed (tourism, fisheries sector, etc.) and a National list of indicators is regularly updated by the Croatian Environment Agency (EPA, Article 37-2). Nevertheless, it is not possible to check if the use of these indicators helps "to ensure sustainable use of coastal zones and reduce pressures that exceed their carrying capacity". In addition, as part of the process of preparation of the Marine Protection Strategy, socio-economic indicators should be defined. This article of the Protocol is therefore not specific enough for compliance to be assessed.

Taking into account the carrying capacity of coastal zones (6b)

"The Parties shall be guided by the following principles of integrated coastal zone management: (…) All elements relating to hydrological, geomorphological, climatic, ecological, socio-economic and cultural systems shall be taken into account in an integrated manner, so as not to exceed the carrying capacity of the coastal zone and to prevent the negative effects of natural disasters and of development" (6b).

Although there is still no legal definition of the concept of carrying capacity in the Croatian law, it is strategically embedded in the practice of spatial planning in Croatia. The Spatial Planning Strategy includes, among baseline principles of physical planning, "ecological characteristics of carrying capacity and sustainability of space". Furthermore, "…adjustment of the economy (especially tourism) to the conditions and characteristics of the area, especially from the point of view of the carrying capacity of the area…", is considered as one of the priorities in spatial planning and management. The Strategy also requires defining tourism carrying capacity thresholds in the spatial planning documents and requires considering "carrying capacity of marine and coastal environment when discussing physical planning instruments and implementation measures for the coastal area". It should be mentioned, however, that PPBA in its Article 7, comes close by mentioning the "capacity of space" as a guide for spatial planning. Equally so, the environmental assessment should be guided by the concept of carrying capacity, as defined by the EPA in Article 69-3. Finally, it should be mentioned that the assessment of the (tourism) carrying capacity is largely based on the methodology developed by PAP/RAC and a number of studies have been prepared by now (e.g. for the Island of Vis, Brijuni National Park, Crikvenica, Baška Voda, etc.).

Promoting codes of good practice (9-1f)

"The Parties shall (…) promote codes of good practice among public authorities, economic actors and non-governmental organizations" (9-1f).

Codes of good practice are promoted by the Croatian State, in particular in the agriculture sector. However, this article of the Protocol is quite vague, and direct reference to Croatian practice is hard to establish.

Taking into account the sensitivity of the environment in studies of environmental impact assessment for projects (19-1)

"Taking into account the fragility of coastal zones, the Parties shall ensure that the process and related studies of environmental impact assessment for public and private projects likely to have significant environmental effects on the coastal zones, and in particular on their ecosystems, take into consideration the specific sensitivity of the environment and the inter-relationships between the marine and terrestrial parts of the coastal zone".

Article 69 and those that follow of Section 3 of the EPA make numerous references to Environmental Impact Assessments (EIAs), defining the concept, specifying its purpose and establishing the procedures required for its implementation. Several regulatory texts have also been adopted in this field. Adopted in May 2008, the Regulation on Environmental Impact Assessment particularly specifies the projects for which EIA is mandatory (Annex I), and those subject to evaluation by the national administration (Annex II) or the regional administration (Annex III). Among the projects mentioned, some concern more specifically the coastal zone, as is the case for installations for production and processing of oil and natural gas, exploitation of mineral resources, exploitation of gravel and sand from renewable sources, fish farms in the protected coastal area (Annex I), fish farms outside the PCA up to a distance of 1 NM and annual production exceeding 700 t, fish farms outside the PCA, with a distance of more than 1 NM

from the coast of islands or mainland and annual production exceeding 3,500 t, coastal works (dykes, moles, jetties and other sea constructions) and all projects including silting of sea coast, deepening or desiccation of sea-bed (Annex II). The mechanism is largely compliant with the provisions of Article 19-1 of the Protocol.

Using strategic environmental assessment of coastal plans and programmes (19-2)

"In accordance with the same criteria, the Parties shall formulate, as appropriate, a strategic environmental assessment of plans and programmes affecting the coastal zone".

The Strategic Environmental Assessment (SEA) is defined by the EPA as "a procedure for the assessment of likely significant impacts on the environment which may occur due to the implementation of a plan or programme" (Article 55-1). The aim of using these SEAs is to foster "sustainable development through integration of environmental protection requirements in the plans and programmes for specific sectors". Conducting an SEA is not compulsory for the elaboration of a coastal plan or programme. However, if a national or local plan or programme is aimed at "agriculture, forestry, fisheries, energy, mining, transport, tourism, telecommunications, waste management and water management" (Article 56 of the EPA), this assessment is obligatory[11]. The fact that plans and programmes pertaining to fisheries, mining, tourism or waste management are specifically targeted leads us to think that major plans and programmes that have the coast as their field of application will require compulsory assessment. Surprisingly, due to the specific nature of the coastal zone and to the PCA regime, not all plans and programmes established in this area are subject to an SEA. But, Article 58 of the PPBA requires that SEA be prepared for spatial plans when required by specific regulation. PCA in Articles 35, 37d and 37e stipulates the obligation of undertaking the acceptability of the plan or programme for the ecological network for any plan or programme that can have a significant impact on the conservation objectives and integrity of the ecological network. (Appropriate Assessment). If a plan or programme already required a Strategic Environmental Assessment, the Appropriate Assessment shall be carried out within the SEA, and its results are binding. Therefore, since Article 19-2 of the Protocol uses the term "as appropriate", the legal mechanism appears to be in line with the provisions established by the text.

Environmental assessment and carrying capacity (19-3)

"The environmental assessments should take into consideration the cumulative impacts on the coastal zones, paying due attention, inter alia, to their carrying capacities" (19-3).

The legal system gives special attention to the cumulative impacts on the environment. Thus, pursuant to Article 36-1 of the NPA, "for the planned intervention in the ecological network, which by itself or with other interventions can have a significant impact on the conservation objectives and integrity of the ecological network, acceptability for the ecological network shall be assessed, in accordance with this Act".".

3.2. Regulating specific activities

Some coastal activities are covered by specific provisions with a view to achieving better management and more systematic reconciliation with requirements for preserving ecosystems.

[11] The Regulation on Strategic Environmental Assessment of Plans and Programmes, adopted on 29 May 2008, sets out the mechanism for implementing SEAs.

Subjecting activities to authorisation (9-2e, 9-2f)

"The Parties agree (…) to subject to prior authorization the excavation and extraction of minerals, including the use of seawater in desalination plants and stone exploitation" (9-2ei).
"Infrastructure, energy facilities, ports and maritime works and structures: to subject such infrastructure, facilities, works and structures to authorization so that their negative impact on coastal ecosystems, landscapes and geomorphology is minimized or, where appropriate, compensated by non-financial measures" (9-2f).

The Croatian law goes further than Articles 9-2e and 9-2f by subjecting the extraction of minerals not only to prior authorisation, but to an EIA (2008 Regulation on EIA, Annex I). Although desalination is not specifically mentioned, the exploitation of "all types of salts and salt waters" must be subject to an EIA (2008 Regulation on EIA, Annex I). The Croatian legal system is therefore in line with the provisions of Article 9-2ei.

The implantation of energy facilities (2008 Regulation on EIA, Annex I and II), the construction of sea ports (2008 Regulation on EIA, Annexes I and II), the construction of sea defences (2008 Regulation on EIA, Annex III) and, more generally speaking, "coastal works (dykes, moles, jetties and other sea constructions) and all projects including silting of sea coast, deepening or desiccation of sea-bed (Annex II)" are also subject to EIA. The Croatian legal system therefore seems to comply with the provisions of Article 9-2f.

Regulating, restricting and prohibiting activities (8-3a, 8-3e, 9-2)

"Limiting the linear extension of urban development and the creation of new transport infrastructure along the coast" (8-3a).
"Restricting or, where necessary, prohibiting the movement and parking of land vehicles, as well as the movement and anchoring of marine vessels, in fragile natural areas on land or at sea, including beaches and dunes" (8-3e).
"The Parties agree (…) to regulate aquaculture by controlling the use of inputs and waste treatment" (9-2cii).
"The Parties agree (…) to regulate the extraction of sand, including on the seabed and river sediments or prohibit it where it is likely to adversely affect the equilibrium of coastal ecosystems" (9-2eii).
"The Parties agree (…) to regulate or, where necessary, prohibit the practice of various sporting and recreational activities, including recreational fishing and shellfish extraction" (9-2diii).

As requested by Article 8-3a of the Protocol, the Croatian law aims at limiting the linear extension of urban development along the coast: indeed, Article 49-2 of the PPBA states that "within the PCA planning and implementation of spatial plans shall be used (…) to restrict interconnection and expansion of existing building areas along the coast".

The movement and parking of motor vehicles are governed by Article 32-1 of the NPA, which provides that "in order to organize driving and parking of motor vehicles (test driving, cross-country driving, off-road driving, sport, races and promotional driving, etc.) in areas outside any kind of road, on country roads and improved paths, it shall be necessary to secure a permission from the Ministry subject to approval of a central state administration body competent for agriculture and forestry".

Anchoring in fragile areas is regulated by NPA and its bylaws, e.g. Rulebooks on internal organization of National parks.

With regard to aquaculture, the regulatory framework covers related issues, as follows: the Marine Fisheries Act (MFA) covers mariculture, the Freshwater Fisheries Act covers freshwater aquaculture and the Act on structural support and market organization in fisheries horizontally covers the entire sector regarding structural measures and market organisation, including mariculture and aquaculture in that

respect. Article 6 of the MFA stipulates that fish and other organisms are renewable assets of interests for the Republic of Croatia thus enjoying special protection in accordance with the provisions of the MFA, without prejudice to the provisions to the environment and nature protection legislation. Article 20 of the MFA lays down the principle of forbidding the release of any matter that "can in any way be harmful to fish or other marine organisms, limit their habitats and harm the biological terms of their survival and development". The methods for applying this principle are specified in different regulations. A specific regulation governs the maximum input of fish feed into marine aquaculture installations, thus further contributing to the release of the material into the sea.

As previously analysed in Section I, 2.1.2, sand extraction is governed by the Regulation on Environmental Impact Assessment.

Sports and recreational fishing is governed by the Marine Fisheries Act, which particularly subjects the activity to the issue of a licence (Article 43) and limits the maximum catch to 5 kilos per day (Article 49). Adopted in 2011, a Regulation on sports and recreational fishing on the sea completes the system.

Provisions regulating shellfish extraction are contained in MFA and relevant ordinances governing commercial fisheries at sea and in other relevant legislations that covers sanitary, hygiene and veterinarian aspects of shellfish extraction and production. Commercial extraction of shellfish is subject to a number of management measures, and the MFA provides for the possibility to revoke or limit any activity related to commercial fishing at sea. Shellfish extraction in terms of marine aquaculture is also regulated by the MFA and subordinate legislation.

Guaranteeing accounting between the development of activities and the preservation of natural, cultural and landscape heritage (9-2)

"The Parties agree (…) to guarantee a high level of protection of the environment in the location and operation of agricultural and industrial activities so as to preserve coastal ecosystems and landscapes and prevent pollution of the sea, water, air and soil" (9-2a).
"The Parties agree (…) to take into account the need to protect fishing areas in development projects" (9-2bi).
"The Parties agree (…) to encourage sustainable coastal tourism that preserves coastal ecosystems, natural resources, cultural heritage and landscapes" (9-2di).
"The Parties agree (…) to promote specific forms of coastal tourism, including cultural, rural and ecotourism, while respecting the traditions of local populations" (9-2dii).
"The Parties agree (…) to conduct maritime activities in such a manner as to ensure the preservation of coastal ecosystems in conformity with the rules, standards and procedures of the relevant international conventions" (9-2g).

These provisions of the Protocol – obligations of conduct – seem extremely broad, and it is therefore difficult to determine whether they have been implemented in national law. We will thus examine certain indicators here that will enable us to conclude as to whether or not these obligations are part of the Croatian legal system.

Where tourism is concerned, the PPBA particularly provides that "detached building areas outside the settlement and surfaces within the settlement which are intended for hospitality and catering and tourism purposes, may be planned in areas of lesser natural and landscape value (…)" (Article 51-1).

Moreover, Croatia is party to a considerable number of international conventions (MEPPPC, 2011).

Managing maritime activities, in line with the environmental principles, is required by the Marine Strategy Regulation.

More broadly, in terms of reconciling agriculture, industrial activities and the preservation of coastal ecosystems, the legal recognition of the principle of integrating environmental considerations into policies (EPA, Article 8-2) lead us to believe that the Croatian framework provides the legal basis to be compliant with Article 9-2.

Security and defence (4-4)

"Nothing in this Protocol shall prejudice national security and defence activities and facilities; however, each Party agrees that such activities and facilities should be operated or established, so far as is reasonable and practicable, in a manner consistent with this Protocol" (4-4).

As far as we know, no provisions of the Croatian law correspond to Article 4-4 of the Protocol.

SECTION II:
CHANGES
IN COASTAL ZONES GOVERNANCE

Academic literature and international organisations documents (such as Agenda 21, Chapter 17) have always stressed the importance of institutional and organisational arrangements and processes in the implementation of ICZM. The ICZM Protocol therefore includes several provisions on governance methods for coastal zones, aimed at (1) consolidating integration mechanisms, (2) ensuring information and public / stakeholder participation, and (3) rethinking the foundations of public decision-making.

Throughout the Protocol, we find the five dimensions of integration identified by Cicin-Sain and Knecht in 1998: spatial integration (1.1), intersectoral integration (1.2), intergovernmental integration (1.3), science-management integration (1.4) and international integration (1.5). Before conducting the legal analysis, it must be stressed that it is particularly difficult to assess the legal compliance of national law in a subject which by essence is not mainly a legal issue. Legal provisions may be necessary to allow good governance processes, but compliance with the Protocol depends at least as much on informal mechanisms such as interministerial *ad hoc* meetings at the working level. Consequently, we will focus on several "indicators" enabling us to assess whether the law facilitates, or at least does not prevent, the implementation of these different dimensions of integration.

1.1. Spatial integration

Historically, terrestrial and marine areas have been approached as separate entities. However, "the coastline does not separate two foreign worlds, the land and the sea, but unites two environments that interact at the physical level and, increasingly, at the economic level" (Bonnot, Y., 1995). Spatial integration therefore implies going beyond this restrictive approach in order to reconstitute the unity of the land-sea ecosystem. Consequently, it is necessary to determine an appropriate field of intervention, transcending the traditional administrative units, which are unsuited to geographical realities, in order to take into account the interrelationships between land and marine habitats and activities. The concept of the homogeneous functional zone (Council of Europe, 1999), or the coherent management unit (IOC/UNESCO, 1997), is useful to this approach: it serves to extend the coastal zone according to environmental criteria (the influence of drainage basins, the existence of sources of pollution in hinterland areas, etc.) but also to socio-economic criteria (development projects, living and employment areas that benefit from the influence of the sea, etc.). The definition of the coastal zone put forward by the European Union in 1996 – "the coastal zone is defined as a strip of land and sea of varying width depending on the nature of the environment and management needs" – perfectly reflects this approach. The ICZM Protocol therefore calls for the unity of the land-sea ecosystem to be taken into account.

Taking into account the unity of the land-sea ecosystem (2e, 2f, 6a, 7-1b)

"Coastal zone" means the geomorphologic area either side of the seashore in which the interaction between the marine and land parts occurs (…)" (2e).
"Integrated coastal zone management" means a dynamic process for the sustainable management and use of coastal zones, taking into account (…) the maritime orientation of certain activities and uses and their impact on both the marine and land" (2f)".
"(…) the Parties shall be guided by the following principles of integrated coastal zone management: the biological wealth and the natural dynamics and functioning of the intertidal area and the complementary and interdependent nature of the marine part and the land part forming a single entity shall be taken particularly into account" (6a)"
"(…) the Parties shall: organize appropriate coordination between the various authorities competent for both the marine and the land parts of coastal zones in the different administrative services, at the national, regional and local levels" (7-1b)".

On many aspects, the Croatian legal and governmental framework takes into account the "complementary and interdependent nature of the marine part and the land part".

First, the idea of spatial integration clearly appears in the SSD, where "the area of the Adriatic Sea, its coast and islands" is identified as a single challenge for preservation and sustainable use. This area is

considered as the one "where the processes activated by the interaction between the sea and the mainland take place, and where the development pressures and negative impacts on natural systems are most pronounced[12]". Land-sea spatial integration is also the core of the marine protection issues addressed by the EPA. Indeed, its Article 24-1 states that "marine protection includes measures for the protection of the sea including the marine ecosystem and coastal zones as an indivisible whole". The NPA follows the same idea. The protected areas – strict nature reserve, national park, special nature reserve, nature park, regional park – can cover both land and sea areas[13] and National Ecological Network. In addition, the Croatian legal framework contains two legal categories dedicated to coastal zone management which encompass both land and marine parts of the coastal zone: the public maritime domain and the protected coastal area.

Thus, we can consider that the Croatian law includes the elements needed to work towards taking account the unity of the land-sea ecosystem.

1.2. Intersectoral integration

As the coastal zone is the hub of many different activities and the meeting point of several jurisdictions, the co-ordination of public decision-making processes and bodies is a major challenge highlighted in the ICZM Protocol.

Ensuring intersectoral coordination (5f, 7-2)

"The objectives of integrated coastal zone management are to: (…) achieve coherence between public and private initiatives and between all decisions by the public authorities, at the national, regional and local levels, which affect the use of the coastal zone" (5f).
"Competent national, regional and local coastal zone authorities shall, insofar as practicable, work together to strengthen the coherence and effectiveness of the coastal strategies, plans and programmes established" (7-2).

Since "everyone shall be bound, within their powers and activities, to pay special attention to the protection of public health, nature and environment[14]", the idea of the active involvement of and co-operation between all relevant actors in environmental protection and sustainable development finds a constitutional basis in Croatia. The commitment of the Republic of Croatia towards intersectoral co-ordination is also expressly affirmed by the SSD. The text indeed calls for co-operation between public bodies – State, regional and local self-government units –, all considered as "important stakeholders[15]".

[12] The Ministry of Environmental Protection, Physical Planning and Construction, Strategy for Sustainable Development for the Republic of Croatia, p.36.

[13] Articles 11 to 14.

[14] Croatian Constitution, Article 63-3. See also Article 33 of the EPA.

[15] "The Strategy for Sustainable Development of the Republic of Croatia presumes a process of deliberation and negotiation (…). This process includes all relevant stakeholders for the purpose of shaping the most realistic vision of sustainable development of the Republic of Croatia in this Strategy. In addition to the Croatian Parliament and the Government of the Republic of Croatia, important stakeholders also include local and regional self-government bodies such as counties, the City of Zagreb, major cities, cities and municipalities which, each within their respective scope, must promote sustainable development through co-operation and joint actions (…).The Ministry of Environmental Protection, Physical Planning and Construction, is responsible for co-ordination and drafting of the Strategy which is, at its proposal, considered by the Government and adopted by the Parliament thus providing the Strategy with all the necessary institutional support" (EPA, Articles 8 and 14).

One of the key principles of the physical planning is the vertical integration principle requiring "co-operation in the process of spatial planning, protection of space, architectural and urban renewal and performing other activities in meeting the physical planning obligations", as defined with the Article 11 of the PPBA.

Moreover, the Croatian legal framework takes into account other kinds of stakeholders that may be not public, but private bodies. Article 14 of the EPA provides for a "principle of co-operation", according to which "sustainable development (…) shall be achieved through the co-operation and joint action of the Croatian Parliament, the Government, counties, the City of Zagreb, major cities, cities and municipalities and all other stakeholders, with the aim of environmental protection, each within their respective scope and responsibilities". Thus, no category of actors is excluded in order to achieve coherence between the different decisions affecting the coastal zones.

It can therefore be said that the Croatian system has the legal basis needed to achieve coherence between public and private initiatives in coastal zones.

1.3 Intragovernmental integration

In addition to intersectoral co-ordination, the authors of the ICZM Protocol found it necessary to give special attention to intragovernmental integration, since "all the international and national documents and reports, as well as the various experiments in integrated coastal zone management, emphasize the difficulties which arise out of the dispersion of responsibilities for the coastal zone between a multitude of services and administrative units" (MAP/UNEP, 2005). Thus, the Protocol invites the States to ensure intragovernmental co-ordination between the competent authorities in the coastal zone and to strengthen links between the competent administrative departments in coastal and marine areas.

Ensuring intragovernmental coordination (6e, 7-1a, 7-1b, 7-1c)

"(e) Cross-sectorally organized institutional coordination of the various administrative services and regional and local authorities competent in coastal zones shall be required" (6e).
"The Parties shall (…) ensure institutional coordination, where necessary through appropriate bodies or mechanisms, in order to avoid sectoral approaches and facilitate comprehensive approaches" (7-1a).
"The Parties shall (…) organize appropriate coordination between the various authorities competent for both the marine and the land parts of coastal zones in the different administrative services, at the national, regional and local levels" (7-1b).
"The Parties shall (…) organize close coordination between national authorities and regional and local bodies in the field of coastal strategies, plans and programmes and in relation to the various authorizations for activities that may be achieved through joint consultative bodies or joint decision-making procedures" (7-1c).

At government level, coastal matters are widely spread between several different ministries and departments. Nature protection, for example, is the responsibility of the Ministry of Environmental and Nature Protection, while the Ministry of Agriculture is responsible for agriculture (rural development), waters, fisheries and forestry, the Ministry of Regional Development and EU funds for regional development, including island and coastal development, the Ministry of Construction and Physical Planning for physical planning, the Ministry of Tourism for coastal tourism and the Ministry of the Maritime Affairs, Transport and Infrastructure for the public maritime domain. Co-ordination difficulties may occur, as admitted by many of the civil servants interviewed. Co-ordination between these different administrations should therefore be consolidated. However, a goal of this kind does not necessarily imply the creation of an authority specifically tasked with coastal zone management, but could, on the contrary, be conducted under the law as it stands using existing formal or informal

authorities and processes. This institutional organisation is not, therefore, incompatible with Articles 7-1a and 7-1b of the Protocol.

Moreover, the Croatian environmental planning and regional development system is based on a top-down approach that may facilitate the implementation of institutional co-ordination. First, where the environment is concerned, the more general document[16], the SSD, is adopted by the State. The Environmental Protection Plan for the Republic of Croatia "establishes the priority environmental protection goals in the State" in conformity with the Strategy and is implemented by the State[17]. On this basis, the "Environmental Protection Programmes" are documents adopted by regional and local units and approved by the State after a conformity check with the provisions of the Plan. The plans are closely related to specific features of the area they cover. This kind of top-down approach is also seen in the Croatian legal framework for physical planning and building. The Spatial Planning Strategy is indeed adopted by the State. The Spatial Planning Programme refers to the Strategy. At the regional and local levels, the physical plans must be in conformity with these documents and are submitted for inspection by the upper administrative level, sometimes directly by the State. This is the case for "all spatial plans within the Protected Coastal Area and spatial plans whose parts are located inside that area" as provided for by Article 97 of the PPBA. Enacted by regional or local authorities, these plans are submitted to the approval of the Ministry. The elaboration of plans is governed by two main principles: (i) the "principle of vertical integration and harmonisation of interests" (Article 11 of the PPBA), according to which the different levels of intervention are "required to mutually co-operate (…) for the purpose of realising the objectives of physical planning"[18]; and (ii) the principle of horizontal integration, which is a principle of balance between the different environmental, economic, social and individual interests involved in the activity of physical planning (Article 10 of the PPBA). A national level Physical Planning Council (Article 27 of the PPBA), draws up criteria and guidelines for local plans in order to improve the homogeneity of regional and local physical and spatial plans. According to the current PPBA, it is envisaged to establish a National Institute for Spatial Development (Article 30) with the main tasks to prepare "the data, information, and other documents ensuring spatial development of the Country and to carry out the measures for the spatial preservation"; however, it has not yet been established. Until now, only the National Institute for Physical Planning exists. It is also possible to establish joint physical plans (Article 57 of the PPBA) and to create networks of Physical Planning Institutes at the local level. This possibility is affirmed for islands (Article 57-2 of the PPBA). The task of drawing up the county physical plan is assigned to the County Physical Planning Institutes (Article 38 of the PPBA). At the regional level, two or more counties and the City of Zagreb have the possibility to "jointly establish a physical planning institute" (Article 38 of the PPBA). Thus, in view of this analysis of environmental planning and regional development, it seems that institutional organisation and the obligations under national legislation enable, or at least do not prevent, institutional co-ordination.

Finally, in terms of the management of the public maritime domain, it is important to underline that the regime for granting maritime concessions (and concession licences) is decentralised. Depending on a purpose/duration-based classification[19], the typology of the concessions is complex. Competent authorities are either the County (with the possibility of delegating this competence to a municipality or a town), the State or the Municipality/Town for the objects of local importance. Concession licence for the activities on the maritime domain is given by the council nominated by the Municipality/Town Council. The management of the public maritime domain also depends on physical planning decisions

[16] Article 43 of the EPA.

[17] Article 45 of the EPA.

[18] See also MEPPPC, Physical Planning System, 2006, p.10.

[19] Articles 16 to 39 of the Maritime Domain and Seaports Act.

and other specific administrative requirements. All those different fields interact and sometimes co-ordination difficulties can occur. For instance, as noted in 2005 by the Directorate for Fisheries, from the licensing procedure to the inspection and surveillance of activities, there is an overall lack of communication and coordination among the different administrative bodies. Given that several different bodies govern marine aquaculture, the implementation of a large number of acts is cumbersome and difficult. The situation is further aggravated by the fact that the acts are not integrated. This will result in certain loopholes, as well as difficulties in starting up the production. With the problems of overlapping regulations on the one hand, and gaps in regulations on the other, there are difficulties in inspecting activities and implementing regulations. Environmental inspections determine whether investors can make decisions on interventions and location permits, and whether or not they conduct monitoring according to the requirements of the EIA (if there is an EIA). When there is no EIA obligation, the inspection checks whether investors have location permits as well as the status of the environment. In such cases there is no monitoring. Nature inspections monitor the terms of nature protection in protected areas or in Ecological Network, fisheries and commercial inspections check licences and production levels, and veterinary inspections check veterinary quality. And still, with all these inspections, problems occur and integration is difficult (Directorate of Fisheries, 2005). Different meetings with the Croatian institutions confirmed that this problem persists today.

1.4. Science-management integration

Adopting science-based decisions (15-3)

"The Parties shall provide for interdisciplinary scientific research on integrated coastal zone management and on the interaction between activities and their impacts on coastal zones (…). The purpose of this research is, in particular, to further knowledge of integrated coastal zone management (…) and to facilitate public and private decision-making".

The Croatian Constitution provides that "the State shall stimulate and assist the development of science, culture and the arts" (Article 68 al. 2). Furthermore, the guidelines drawn up by the SSD regarding the Protection of the Adriatic Sea, Coastal Areas and Islands tend to stimulate the participation of agencies, institutes and universities in the promotion of their sustainable development. Several institutions already have an important role to play in order to "provide for interdisciplinary scientific research on integrated coastal zone management and on the interaction between activities and their impacts on coastal zones" (MEPPPC, 2009). In addition, in the field of physical planning, a special institution is dedicated to the dissemination of research on planning activities: the Physical Planning Council, provided for by Article 27 of the PPBA, is established by the government in order "to ensure the conditions for a uniform spatial development of the State and to provide technical and scientific foundations for both physical planning and other documents in the field of physical planning". The same idea guides the general environmental legislation whereby "environmental protection is based on the observance of generally accepted environmental protection principles, compliance with principles of international environmental law and acknowledgement of scientific achievements[20]". The monitoring of scientific progress is the responsibility of the Environmental Protection and Sustainable Development Council, established by Article 36 of the EPA "for the purpose of accomplishing co-ordinated and harmonised economic development in connection to environmental protection and ensuring conditions for sustainable development as well as for continually ensuring professional and scientific bases for regulating specific issues in the area of environmental protection and sustainable development".

[20] Article 7 of the EPA.

MFA stipulates that the goal of sustainable management of marine living resources is to achieve responsible and sustainable use in an environmentally balanced and economically and socially justifiable way through measures for protection, preservation and restoration of resources and eco-systems. Conservation and management measures must be based on best available scientific knowledge and provide both long-term sustainability of fishery resources and fishing activities.

The promotion of scientific research and the integration of its findings into the decision-making process are therefore issues that are taken into consideration by the Croatian law.

1.5. International integration

See Part IV.

For many, the intrinsic nature of integrated management demands the active participation of stakeholders (UNEP/MAP, 1995; Council of the European Union, 2002; OECD, 1993). The idea of citizen participation in public affairs – *res publica* – refers to the Rousseauist theory of direct democracy. Representative democracy was in fact set up for practical reasons while the ideal of direct citizen participation persisted. In this sense, the right of citizens to environmental information recently emerged, recognised by international law[21] and increasingly associated with a real right to participate. In this regards, the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters, adopted in June 1998 in the framework of the United Nations Economic Commission for Europe, is considered as a key reference in terms of environmental democracy. Article 15 of the Barcelona Convention already sets out certain provisions on information and participation, which are supplemented here by the ICZM Protocol. In this matter, the Protocol is not very precise regarding the mechanisms and procedures for ensuring the application of the information, participation and access to justice. For more precision and possible options, Parties can refer to the Aarhus Convention and its implementation guide[22]. Besides, it is crucial to recall that the Protocol's provisions must be implemented in conformity with the Decision IG.19/6 "MAP/Civil society co-operation and partnership" adopted during the 16th Meeting of the Contracting Parties to the Barcelona Convention, held in Marrakesh, in November 2009, and which recognises the active and constructive role of NGOs. This Decision and the related Code of conduct for MAP Partners gives rights and responsibilities to NGOs, including in terms of information and participation.

2.1. Information

Access to information in Croatia has been defined with the Act on the Right of Access to Information (last amendment in 2011). Through the EPA, the NPA and the PPBA, the Croatian legislation formally grants the public considerable rights of access to information related to environment and physical planning.

The EPA has a chapter on the "Principle of Information Access and Public Participation", granting the public a "right of access to environmental information held by public authorities, persons supervised by public authorities and persons holding information for public authorities". Its Articles 131 et seq. provide "public information, participation of the public concerned and access to justice in relation to environmental matters". The Nature Protection Act also states that "nature protection shall particularly be implemented through: "(…) informing the public about the state of nature and public participation in decision-making". Access to information and public participation in nature protection is broadly regulated by Articles 163 et seq. Every public body must organise a "timely and truthful, written and registered, publicity of data regarding the state of nature and its conservation". Last, according to Article 12 of the PPBA, "(…) the State and bodies of local and regional self-government units are required to regularly inform the public of the situation in space, enable and promote the public's participation by developing social cohesion and strengthening awareness of the need for spatial protection and

[21] From Principle 10 of the Rio Declaration to EU law (Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC, OJEC L-041 of 14 February 2003 p.26), the right to environmental information is now largely recognised in international law.

[22] This document is available at: http://live.unece.org/fileadmin/DAM/env/pp/acig.pdf

managing participation (collecting and organising proposals, obtaining expert opinions on public attitudes, media intermediation etc.". Moreover, "the public has the right of access to spatial information and data held by the Ministry, competent bodies, bodies and persons designated by special regulations and legal persons who hold data on behalf of those bodies".

It thus clearly appears that the public is granted a general right of information on matters directly regarding the coastal zone management and that the Croatian legislation is in conformity with the ICZM Protocol.

2.1.1 Beneficiaries of information

As seen above, the public is the main beneficiary of information. Environmental rights are granted to the public, considered as the citizens. Article 3-13 of the EPA defines the public as "one or more natural legal persons, their groups, associations and organisations in accordance with special regulations and practice". A narrower notion of the "public concerned" is used to define a smaller community of persons whose interests are localised in the zone concerned by a decision or a project affecting the environment[23]. Article 3-60 defines it as "the public which is affected by environmental decision-making and which lives or works in an area where adverse environmental effects are possible or likely to occur. Civil society organisations which are active in the field of environmental protection" can also be deemed to be part of this public. The notion of public found in the NPA and the PPBA has a broad meaning and can be regarded as a synonym for citizens.

2.1.2 Scope of information

Providing information on the Protocol (3-3)

"Each Party shall adopt or promote at the appropriate institutional level adequate actions to inform populations and any relevant actor of the geographical coverage of the present Protocol" (3-3).

There is currently no official information for the public regarding the ICZM Protocol. Such a process will need to be organised when the Protocol comes into force in Croatia.

Providing information on strategies, plans and programmes (14-2)

"With a view to ensuring such participation, the Parties shall provide information in an adequate, timely and effective manner" (14-2).

As previously analysed (see 2.1), the Croatian legal framework adopted measures complying with the principles of public information on plans and programmes regarding coastal zones.

Regarding strategies, Article 49-5 of the EPA provides that "prior to its adoption, the Marine Protection Strategy shall be published on the web site of the Ministry". The Marine Protection Strategy (MPS) is thus subject to a notice procedure, and public has been widely invited to give their comments during the preparation process, but the law does not appear to provide for any further regulation including keeping a record of comments made by the public.

[23] Article 140 et seq.

Providing information based on education and awareness-raising (15-1, 15-2)

"The Parties undertake to carry out, at the national, regional or local level, awareness-raising activities on integrated coastal zone management and to develop educational programmes, training and public education on this subject. 2. The Parties shall organize, directly, multilaterally or bilaterally, or with the assistance of the Organization, the Centre or the international organizations concerned, educational programmes, training and public education on integrated management of coastal zones with a view to ensuring their sustainable development" (15-1, 15-2).

In Croatia, a framework exists for raising awareness in the field of sustainable development, nature and environmental protection. This issue can be related to Articles 68 and 69 of the Constitution. The SSD also considers a knowledge-based society and education on sustainable development to be a "precondition" for achieving sustainable development in the Republic of Croatia. Along with the United Nations and the European Union, Croatia shares the challenge of integrating "sustainable development, its values, its practices in all forms of education and learning" (MEPPPC, 2009). The EPA follows the "promotion principle" and provides that "the Government, counties, the City of Zagreb, major cities, cities, municipalities and legal persons with public authorities in the area of environmental protection shall promote public information and education on environmental protection and sustainable development and shall work on developing environmental awareness as a whole" (Article 17-2). In the same way, the NPA gives the State the responsibility of providing "the conditions for promoting education on nature protection" (Article 169). The major national and local public bodies "must stimulate informing the public on nature protection and conservation" and a Nature Protection Day is to be celebrated every 22 May (Article 170).

Therefore, Croatian legislation provides the necessary possibilities for information based on education and awareness-raising regarding coastal zones and integrated coastal zone management.

Providing information on research (16-4)

"The Parties shall take all necessary means to ensure public access to the information derived from monitoring and observation mechanisms and networks" (16-4).

The data related to physical planning follow a public information regime. A physical planning information system is created for the purpose of permanent monitoring in the field of physical planning and developing reports on the situation in space (Article 41 of the PPBA). All these "spatial data shall be public unless confidential in nature (and) anyone has the right to inspect or obtain data" from the physical planning information system created by the PPBA (Article 45). Moreover, the information derived from environmental monitoring is centralised in the environmental protection information system provided for by Articles 126 et seq. of the EPA. A right of access to these data and information is granted by Article 132 and, more broadly, there is a legal "obligation to publish environmental information" (Article 133). Last, regarding nature protection, the National Institute for Nature Protection holds and manages the data on natural assets, which "shall be public, unless proclaimed confidential owing to protection of wild taxa or habitats" (Article 66 al. 3).

The Croatian legal system is therefore in conformity with Article 16-4 of the ICZM Protocol.

2.2. Participation

2.2.1 Principle of participation

Declaration of the principle of participation (6d, 14-1)

"Appropriate governance allowing adequate and timely participation in a transparent decision-making process by local populations and stakeholders in civil society concerned with coastal zones shall be ensured" (6d).
"With a view to ensuring efficient governance throughout the process of the integrated management of coastal zones, the Parties shall take the necessary measures to ensure the appropriate involvement (…) of the various stakeholders" (14-1).

In Croatia, the principle of participation is recognised as a corollary of the principle of public information. The EPA, NPA and PPBA are the main sources of the right to participate in issues affecting coastal zones through the general provisions regarding public participation.

First, "the public has the right to participate in the procedures for: identifying starting points, developing and adopting strategies, plans and programmes and in developing and adopting regulations and general acts pertaining to environmental protection" (Article 16 al. 3 of the EPA). The public also has the "right to participate in procedures being carried out at the request of the project holder, operator and company" (Article 16 al. 4). The public must in particular participate "in the procedure of preparing implementing regulation and other generally applicable legally binding rules under their competence, that could have a significant impact on the environment, including the procedures for preparing their amendment" (Article 141). The strategic assessment of plans and programmes set out in the EPA also organises public participation (Article 60). A strategic assessment with public participation is mandatory for a national or regional plan or programme in the sectors of "agriculture, forestry, fisheries, energy, industry, mining, transport, telecommunications, tourism, waste management and water management" (Article 56). The same principle of participation applies to environmental impact assessments of projects (Article 69). Furthermore, according to the NPA, "the public is entitled to (…) participate in nature-related decision making" (Article 4). The public participates, for example, in the establishment of landscape types and particularly valuable landscapes as protected natural assets (Article 84 al. 3) and is involved in "drafting the legislation or acts on designating the protected natural assets, administration plans for protected areas and plans of using natural resources as well as the generally applicable and legally binding regulations and documents in the field of nature protection" (Article 166). The violation of this right is punishable by a fine of between HRK 15,000 and 25,000 (Article 196). Last, the PPBA also grants the public "the right to participate in the procedures for the development and adoption of physical planning documents" (Article 12-1). "Anyone may submit a proposal for the development of a spatial plan at the local level" (Article 81), and "a public debate shall be held on the proposal of spatial plans" (Article 85). "Public inspection into a proposal of a spatial plan of a county or of the City of Zagreb shall last for sixty days, while public inspection of proposals of other spatial plans shall last thirty days" (Article 88).

For these reasons, it seems obvious that the Croatian legal framework is in conformity with Articles 6-d and 14-1 of the ICZM Protocol.

2.2.2 Beneficiaries of participation

The beneficiaries of participation in matters regarding coastal zones (environmental, nature and physical planning documents or decisions) are not distinguished from the beneficiaries of the information (see above).

2.2.3 Scope of participation

Ensuring participation in the formulation and implementation of coastal strategies, plans and programmes (14-1)

"With a view to ensuring efficient governance throughout the process of the integrated management of coastal zones, the Parties shall take the necessary measures to ensure the appropriate involvement in the phases of the formulation and implementation of coastal and marine strategies, plans and programmes or projects, as well as the issuing of the various authorizations, of the various stakeholders (…)" (14-1).

Most of the strategies, plans and programmes regarding coastal zones in Croatia are not specifically coastal or marine. Until the national ICZM Strategy is enacted, the only purely marine document is the Marine Protection Strategy. By now, only the initial assessment of the Strategy has been developed and adopted in September 2012.. The "appropriate involvement of the various stakeholders in the phases of formulation and implementation of strategies, plans and programmes regarding coastal zones as well as in the issuing of various authorizations", is required by the Croatian legislation. As seen in Section 2.2.1, participation is ensured in the early stages of the different procedures affecting coastal zones. However, the conditions for participation in the elaboration of the Marine Protection Strategy are yet to be defined. Under Article 16-2 on strategy, a right of participation should be granted to the public, but this document seems to follow only a regime of information. Prior to its adoption, the initial assessment of the Marine Protection Strategy was published on the website of the Ministry of Environmental and Nature Protection (previously named the Ministry of Environmental Protection, Physical Planning and Construction; according to the Article 49 al. 5), through which various stakeholders were enabled to comment on and react to the draft proposal. However, the full impact of such involvement is difficult to assess at this stage. During the process of elaboration and implementation of the national ICZM Strategy, the attention should be paid to give the full meaning to the very vague concept of "appropriate involvement" of stakeholders.

2.3. The right to legal recourse

Recognising and providing for a right to legal recourse (14-3)

"Mediation or conciliation procedures and a right of administrative or legal recourse should be available to any stakeholder challenging decisions, acts or omissions, subject to the participation provisions established by the Parties with respect to plans, programmes or projects concerning the coastal zone" (14-3).

In terms of environment, the principle of the right of access to justice on environmental matters is laid down in the EPA: indeed, according to Article 18-2, "for the purpose of protecting the right to a healthy life and healthy environment, a person (citizen or other natural or legal person, their groups, associations and organisations) who proves the legitimacy of his legal interest and a person who due to the location of the project and/or due to the nature and/or impact of the project can prove in accordance with the law that his rights have been permanently violated, shall have the right to contest the procedural and substantive legality of decisions, acts or oversights of public authorities before the competent body and/or competent court, in accordance with the law". This principle is detailed in the same text, which provides for legal action in case of violation of environmental rights (Articles 144 et seq.). The aim of this legal action, which is protected from abusive use by the engagement of the petitioner's liability (Article 148), is to allow the re-examination of the procedural and substantive legality of the decisions that are covered by a "right to participation". In order to ensure this action is

effective, the court holds considerable powers to take every measure necessary for a return to legality and the recovery of rights. The action must be instigated quickly (30 days from the issuing of the decision; 15 days from the deadline to perform an act or issue a decision). Three conditions are required in order to instigate this action. First, the action must be related to procedures concerned by a right to participate. It must be a specific action regarding the right to participate in decision-making affecting environmental issues, pursuant to the EPA. Second, the action must be open to persons that can prove a justifiable legal interest. A presumption is established in favour of persons "which can, in conformity with the law, prove a permanent violation of a right, due to the location of the project and/or the nature and impact of the project" and, under conditions of statutory requirements, in favour of a "civil society organisation which promotes environmental protection" (Article 144-2). Third, these persons must have participated as part of the "public concerned" in a procedure regulated under the EPA (strategic assessment of a plan or programme, environmental impact assessment procedure or procedure for determining integrated environmental protection requirements for a company installation – see Article 143-1).The action concerning violation of environmental rights has certain aspects of an emergency procedure. Indeed, two elements call for an accelerated ruling. The judge has the power to suspend the activities authorised by the administrative act (Article 147), and Article 149 provides that "the court proceedings on all legal actions instigated in the field of environmental protection shall be deemed urgent". The legal framework related to environmental protection is therefore in conformity with the right to legal recourse under the Protocol.

It is not so clear where physical planning is concerned. There is indeed considerable protection for physical plans against legal recourse. As it is indicated in the Physical Planning System document (2006), "only the Constitutional Court of the Republic of Croatia can repeal a physical planning document against the will of the representative body that adopted it, if it contravenes the Constitution and Law" (MEPPPC, 2006). An individual can only appeal against a decision enacted on the basis of a physical plan via an administrative procedure. Against the location permit issued by the regional or local administrative body, a "right of appeal may be filed with the Ministry (PPBA, Article 117 al. 1). Against the location permit issued by the Ministry, only "an administrative dispute may be initiated" (Article 117 al. 2). Therefore, legal recourse against a physical plan is mainly an administrative recourse. This does not necessarily mean it does not comply with the right to legal recourse under the ICZM Protocol – all the more so given that Article 14-3 is a soft law provision – but recourse in relation to physical plans themselves could have a broader scope.

It is also important to underline that, like many others States that submit to the jurisdiction of the European Court of Human Rights (ECHR), the Republic of Croatia encounters difficulties in complying with the right to legal recourse, especially regarding the judgement deadline[24].

[24] See ECHR, 16/03/2010, Orsus vs. Croatia.

SECTION III:
USE OF STRATEGIC PLANNING IN COASTAL ZONES

Theoretically, it might be feared that the Parties will opt for a series of *ad hoc* amendments to their domestic laws for the application of the ICZM Protocol, without any guarantee of coherence in the approach to coastal issues. Since the deployment of strategic action conducted at the State level is the best safeguard against this, the Protocol imposes several obligations on States in this matter. This is an important acknowledgement of the position of States in the implementation of ICZM and of the role of planning in this process. Thus, "while bottom-up participation is an important component of successful coastal zone management, national policies guide the development of sectoral objectives as well as plans and investment strategies associated with the use of coastal areas and their natural resources" (Commission of the European Communities, 1999).

1. National ICZM strategy

1.1. General objective: formulating or strengthening national ICZM strategy

Formulating or strengthening a national strategy for ICZM (18-1)

"Each Party shall further strengthen or formulate a national strategy for integrated coastal zone management (…) in conformity with the integrated management objectives and principles of this Protocol" (18-1).

Provided for by Article 44 of the EPA with a view to "direct long term goals relating to economic and social development towards sustainable development of the State" (MEPPPC, 2009), the SSD gives considerable attention to the "Protection of the Adriatic Sea, Coastal Area and Islands" and particularly calls for the elaboration of an "Integrated Coastal Management Strategy" (MEPPPC, 2009). It is this document that should therefore constitute the "national strategy for ICZM" as required in Article 18-1 of the ICZM Protocol.

At the same time, Article 49 of the EPA stipulates the elaboration of a "Marine Protection Strategy", setting out "(…) the fundamental basis for directing and harmonising economic, technical, scientific, educational, organisational and other measures as well as measures for implementing international obligations, with the aim of protecting the marine environment and shall contain in particular: (…) integrated coastal zone management". This Strategy is requested by the European Union Marine Strategy Framework Directive.

Although it may seem difficult and too complex, it would be relevant to link these two strategies and even present them in one document, which could become a comprehensive "Integrated Strategy for the Adriatic Sea and Coast" that can be cost-effective and help avoiding further complexity of the administrative and governance system. Furthermore, this has already been proposed in the consultations for the preparation of the new EPA. At this stage it is difficult to fully elaborate how this connection can be done but some questions needing special consideration can already be pointed out, such as:

- How will this approach contribute to the efficient management of the Adriatic region of Croatia?
- What will be the territorial coverage of such a strategy? The Marine Strategy, based upon the EU Marine Strategy, generally covers the territory of the sea, while it reflects very little on spatial arrangements on the land, i.e. only as far as the management of land-based sources of

pollution is concerned. On the other hand, according to the ICZM Protocol, the territorial coverage of an ICZM strategy encompasses both the marine (territorial waters) and land territory.

- How to harmonise and integrate the work on the Ecosystem Approach (EcAp) that is now being carried out by UNEP/MAP and endorsed by the Mediterranean countries? While it is an approach whose use has been promoted by EU in development of the Marine Strategy, it is also deeply rooted in the ICZM approach.

In any case, it seems that this issue of linkages between the two documents will need to be addressed by the competent departments. At the very least, we believe it is necessary to prevent potential contradictions, extensive overlaps and duplications between the two documents.

To conclude, the implementation of the ICZM Protocol requires the elaboration of a national ICZM strategy. Although this is currently planned as an independent document, it could nevertheless be integrated with some other strategic document, which would then have broader goals, reduced costs as well as more harmonised and integrated approach.

Formulating or strengthening a national strategy for ICZM consistent with the Mediterranean Strategy for ICZM (17, 18-1)

"The Parties undertake to cooperate for the promotion of sustainable development and integrated management of coastal zones, taking into account the Mediterranean Strategy for Sustainable Development and complementing it where necessary. To this end, the Parties shall define, with the assistance of the Centre, a common regional framework for integrated coastal zone management in the Mediterranean to be implemented by means of appropriate regional action plans and other operational instruments, as well as through their national strategies" (17).
"Each Party shall further strengthen or formulate a national strategy for integrated coastal zone management and coastal implementation plans and programmes consistent with the common regional framework" (18-1).

The Mediterranean Strategy for ICZM has not yet been elaborated. However, on the practical level, this should not exempt the States from developing their own national ICZM strategy, there being a particularly low risk of national guidelines being incompatible with the developments – which will undoubtedly be very general – that should be included in the Mediterranean Strategy.

1.2. Contents of the national strategy

Formulating or strengthening a national strategy for ICZM including certain elements (10-1a, 12b, 18-2, 22)

"The national strategy, based on an analysis of the existing situation, shall set objectives, determine priorities with an indication of the reasons, identify coastal ecosystems needing management, as well as all relevant actors and processes, enumerate the measures to be taken and their cost as well as the institutional instruments and legal and financial means available, and set an implementation schedule" (18-2).
"The Parties shall take into account in national coastal strategies (…) the environmental, economic and social function of wetlands and estuaries" (10-1a).
"The Parties undertake to (…) take into account the specific characteristics of the island environment and the necessity to ensure interaction among islands in national coastal strategies (…)" (12b).
"Within the framework of national strategies for integrated coastal zone management, the Parties shall develop policies for the prevention of natural hazards" (22).

The ICZM Protocol imposes a minimum contents of the national ICZM Strategy that Croatia must take into account during its elaboration. The SSD section on the Protection of the Adriatic Sea, Coastal Areas and Islands could provide inspiration for the national authorities during the preparation of this instrument, but cannot be used as it is given that certain elements, provided for in the ICZM Protocol, are not included in it. Also, having in mind that the process for the preparation of the Marine Protection Strategy has begun, its specific requirements should be taken into consideration when preparing the ICZM Strategy in order to avoid overlapping and ensure appropriate integration, as stated in chapter 1.1. referring to the national ICZM Strategy.

Defining indicators for the implementation of national coastal strategy, plans and programmes (18-4)

"The Parties shall define appropriate indicators in order to evaluate the effectiveness of integrated coastal zone management strategies, plans and programmes, as well as the progress of implementation of the Protocol" (18-4).

Pursuant to Article 44-2 of the EPA, the SSD defines indicators aimed at assessing the implementation of its guidelines, especially in the field of the Protection of the Adriatic Sea, Coastal Areas and Islands. This document could therefore inspire the definition of indicators aimed at evaluating "the effectiveness of integrated coastal zone management strategies, plans and programmes". However, the authorities will have to develop these indicators in order to ensure they accurately correspond to the obligations under the ICZM Protocol.

1.3. Formulation procedure

Participating in the formulation and implementation of national coastal strategy, plans and programmes (14-1)

"(…) the Parties shall take the necessary measures to ensure the appropriate involvement in the phases of the formulation and implementation of coastal and marine strategies, plans and programmes (…) of the various stakeholders, including: the territorial communities and public entities concerned; economic operators; non-governmental organizations; social actors; the public concerned. Such participation shall involve inter alia consultative bodies, inquiries or public hearings, and may extend to partnerships" (14-1).

The elaboration of the national ICZM Strategy will require the "appropriate involvement" of different actors, including "the territorial communities and public entities concerned; economic operators; non-governmental organizations; social actors; the public concerned". The use of the term "appropriate involvement", as well as the proposal of non-mandatory options for meeting this objective, leave national authorities significant room for manoeuvre in deciding on the methods and scope of stakeholder participation in the formulation and implementation of marine and coastal strategies.

Transboundary cooperation for the coordination of national coastal strategy, plans and programmes (28)

"The Parties shall endeavour (…) to coordinate, where appropriate, their national coastal strategies, plans and programmes related to contiguous coastal zones. Relevant domestic administrative bodies shall be associated with such coordination" (28).

In terms of the national ICZM Strategy, transboundary co-operation could be based on the relations established with neighbouring countries, especially through activities launched under the PAP/RAC. More specifically concerning coastal plans and programmes, transboundary co-operation could be based

on the legal framework for environmental impact assessment in a transboundary context (see analysis of Article 29 in Section IV, 2.1.). In addition, the Marine Strategy Regulation (Articles 7 and 9) requires collaboration with the neighbouring countries in order to achieve integration and harmonisation of measures within the national Strategies; however, these do not relate to the specific ICZM Strategies. Therefore, the Croatian legal system is currently not compliant with Article 28 of the ICZM Protocol because of a lack of implementation in the specific field of the ICZM Strategy, but the legal framework to do so exists.

2.1. Form of coastal plans and programmes

"Coastal plans and programmes" are established as instruments for implementing the national strategy.

Formulating or strengthening coastal plans and programmes (18-1)

"Each Party shall further strengthen or formulate a national strategy for integrated coastal zone management and coastal implementation plans and programmes consistent with the common regional framework and in conformity with the integrated management objectives and principles of this Protocol" (18-1).

Formulating or strengthening coastal plans and programmes to implement the national strategy (18-3)

"Coastal plans and programmes, which may be self-standing or integrated in other plans and programmes, shall specify the orientations of the national strategy and implement it at an appropriate territorial level, determining, inter alia and where appropriate, the carrying capacities and conditions for the allocation and use of the respective marine and land parts of coastal zones" (18-3).

Since the national ICZM Strategy has not been adopted, it is not relevant here to study the plans and programmes aimed at implementing this document. However, it is worth mentioning that the national Spatial Planning Strategy (from 1996) envisages preparation of the integrated management plan for the coastal zone, according to the requirement of the Barcelona Convention and the MAP.

It is important to remember that these plans and programmes may be "self-standing or integrated". Thus, these documents "may be conceived specially for integrated coastal zone management and be set out in a specific document, or they may be conceived and integrated into strategies, plans and programmes of which the objectives or coverage are broader than mere coastal matters. In this latter case, they would be integrated into an overall environmental strategy or a land-use or urban plan" (MAP/UNEP, 2005). In other words, these coastal plans and programmes may take the form of (i) a document specific to coastal zones, setting out methods for implementing the national ICZM strategy at an appropriate territorial level, or (ii) a section on coastal zone management within an existing document. Given the mechanism currently in place in Croatia, it seems preferable that the application of the national ICZM Strategy be based on the existing regional planning documents rather than on documents specific to coastal zones that could add an unnecessary level to the planning system. The national ICZM Strategy could therefore specifically target regional planning instruments as an implementation tool and propose guidelines for the implementation of the Protocol with these; in this respect, the national Strategy could be useful in clarifying the concept of carrying capacity and formulating perspectives for its implementation through planning documents.

2.2. Formulation procedure

Participating in the formulation and implementation of national coastal strategies, plans and programmes (14-1)

"(…) the Parties shall take the necessary measures to ensure the appropriate involvement in the phases of the formulation and implementation of coastal and marine strategies, plans and programmes (…) of the various stakeholders, including: the territorial communities and public entities concerned; economic operators; non-governmental organizations; social actors; the public concerned. Such participation shall involve inter alia consultative bodies, inquiries or public hearings, and may extend to partnerships" (14-1).

In the event that Croatia considers regional planning documents to be the "plans and programmes" mentioned in the ICZM Protocol, the implementation of Article 14-1 will be facilitated by the existence of numerous mechanisms for participating in their elaboration, as studied in Section II, 2.2.

Transboundary cooperation for the coordination of national coastal strategies, plans and programmes (28)

"The Parties shall endeavour (…) to coordinate, where appropriate, their national coastal strategies, plans and programmes related to contiguous coastal zones. Relevant domestic administrative bodies shall be associated with such coordination" (28).

To our knowledge, there is currently no procedure aimed at co-ordinating Croatian plans and programmes – understood here as regional planning documents – with those developed by neighbouring States. Nevertheless, such co-ordination could be based on the legal framework for environmental impact assessment in a transboundary context (see analysis of Article 29 in Section IV, 2.1.), as well as on the requirements of the Marine Strategy Regulation (Articles 7 and 9). Therefore, the Croatian legal system is currently not compliant with Article 28 of the ICZM Protocol because of a lack of implementation in the specific field of the ICZM plans and programmes, but the legal framework to do so exists.

Strategic environmental assessment of coastal plans and programmes, as appropriate (19-2)

(…) the Parties shall formulate, as appropriate, a strategic environmental assessment of plans and programmes affecting the coastal zone" (19-2).

See the analysis made in Section I, 3.1.2.

SECTION IV:
STRENGTHENING REGIONAL CO-OPERATION

The inter-State co-operation is a founding and fundamental principle of international environmental law, and is of particular importance where enclosed or semi-enclosed seas are concerned[25]. The ICZM Protocol therefore contains several provisions aimed at encouraging and strengthening the regional co-operation on ICZM.

Preliminary remark

Before any analysis, it is important to underline that the implementation of provisions on the strengthening of regional co-operation is first and foremost based on national initiatives rather than on patterns of the legal system. We will therefore attempt to determine the potential legal leverage available, while suggesting, as required, the initiatives that could be taken by the Croatian authorities.

[25] United Nations Convention on the Law of the Sea, Article 123.

1.1. Obligation to co-operate

The Barcelona Convention itself sets out this principle of co-operation by providing for the exchange of scientific data and information[26] as well as the transfer of technology[27]. The Convention also organises a system of assistance in the implementation of the legal obligations adopted: its Article 13-3 thus invites the Contracting Parties to "co-operate in the provision of technical and other possible assistance in fields relating to marine pollution (…)". Following on from these provisions, the ICZM Protocol establishes an obligation to co-operate, urging in particular to the development of transboundary co-operation.

Strengthening regional co-operation for ICZM (1)

"(…) the Parties shall establish a common framework for the integrated management of the Mediterranean coastal zone and shall take the necessary measures to strengthen regional co-operation for this purpose" (1).

The implementation of this obligation particularly depends on regular participation in the different events organised by the Mediterranean Action Plan in the field of ICZM. This will be facilitated by the existence of an identified Focal Point that is fully involved in regional coastal initiatives.

Transboundary cooperation (11-2, 28, 29-1, 29-2, 32-1d)

"The Parties undertake to promote regional and international cooperation in the field of landscape protection, and in particular, the implementation, where appropriate, of joint actions for transboundary coastal landscapes" (11-2)

"The Parties shall endeavour, directly or with the assistance of the Organization or the competent international organizations, bilaterally or multilaterally, to coordinate, where appropriate, their national coastal strategies, plans and programmes related to contiguous coastal zones. Relevant domestic administrative bodies shall be associated with such coordination" (28).

"Within the framework of this Protocol, the Parties shall, before authorizing or approving plans, programmes and projects that are likely to have a significant adverse effect on the coastal zones of other Parties, cooperate by means of notification, exchange of information and consultation in assessing the environmental impacts of such plans, programmes and projects, taking into account Article 19 of this Protocol and Article 4, paragraph 3 (d) of the Convention" (29-1).

"To this end, the Parties undertake to cooperate in the formulation and adoption of appropriate guidelines for the determination of procedures for notification, exchange of information and consultation at all stages of the process" (29-2).

In order to implement Article 11-2 of the ICZM Protocol, it would make sense to establish links between the PAP/RAC Focal Point and that of the European Landscape Convention so that potential joint initiatives can be identified.

As already mentioned in Section III, to our knowledge there is currently no procedure aimed at co-ordinating Croatian strategies, plans and programmes – understood here as regional planning documents – with those developed by neighbouring States.

Croatia is party to the Espoo Convention on Environmental Impact Assessment in a Transboundary Context. This Convention requires the use of an EIA for projects listed in Appendix I that that are likely to

[26] Article 13-1.

[27] Article 13-2.

cause a significant adverse transboundary impact[28], and encourages the Parties to "apply the principles of environmental impact assessment to policies, plans and programmes[29]". The ICZM Protocol adopts a broader approach by requiring, in Article 29, transboundary co-operation for projects and plans or programmes, using EIAs. This is also the approach adopted by Croatian law, in the Act on the ratification of the Convention on environmental impact assessment in a transboundary context, the section 7 of the NPA and the regulatory instruments adopted in May 2008 – the Regulation on Environmental Impact Assessment and the Regulation on Strategic Environmental Assessments of Plans and Programmes. Croatia therefore has the legal framework needed to implement the obligation under Article 29 of the ICZM Protocol.

1.2. Special instruments for co-operation

Exchange of information (23-4, 27)

"The Parties undertake to share scientific data that may improve knowledge on the state, development and impacts of coastal erosion" (23-4).
"The Parties undertake, directly or with the assistance of the Organization or the competent international organizations, to cooperate in the exchange of information on the use of the best environmental practices" (27-1).
"With the support of the Organization, the Parties shall in particular: (a) define coastal management indicators, taking into account existing ones, and cooperate in the use of such indicators; (b) establish and maintain up-to-date assessments of the use and management of coastal zones; (c) carry out activities of common interest, such as demonstration projects of integrated coastal zone management" (27-2).

Cooperation on training and research (25)

"The Parties undertake, directly or with the assistance of the Organization or the competent international organizations, to cooperate in the training of scientific, technical and administrative personnel in the field of integrated coastal zone management, particularly with a view to: (a) identifying and strengthening capacities; (b) developing scientific and technical research; (c) promoting centres specialized in integrated coastal zone management; (d) promoting training programmes for local professionals" (25-1).
"The Parties undertake, directly or with the assistance of the Organization or the competent international organizations, to promote scientific and technical research into integrated coastal zone management, particularly through the exchange of scientific and technical information and the coordination of their research programmes on themes of common interest" (25-2).

Scientific and technical assistance (26)

"For the purposes of integrated coastal zone management, the Parties undertake, directly or with the assistance of the Organization or the competent international organizations to cooperate for the provision of scientific and technical assistance, including access to environmentally sound technologies and their transfer, and other possible forms of assistance, to Parties requiring such assistance" (26).

The implementation of the provisions of Articles 23-4, 25, 26 and 27 implies at the very least that regular links be made with the PAP/RAC and that the national authorities respond to the invitations or requests made by this authority. Unilateral initiatives can still be considered, but it seems necessary to continue to entrust the PAP/RAC with co-ordinating regional co-operation in the fields covered by these different articles.

[28] Article 2-3.
[29] Article 2-7.

2.1. Co-operation on strategic planning in the region

Cooperation for the definition of a Mediterranean Strategy for ICZM (17)

"The Parties undertake to cooperate for the promotion of sustainable development and integrated management of coastal zones, taking into account the Mediterranean Strategy for Sustainable Development and complementing it where necessary. To this end, the Parties shall define, with the assistance of the Centre, a common regional framework for integrated coastal zone management in the Mediterranean to be implemented by means of appropriate regional action plans and other operational instruments, as well as through their national strategies" (17).

Work on the elaboration of a Mediterranean Strategy for ICZM has not yet begun. For the national authorities, the implementation of Article 17 will imply active participation in this work.

2.2. Co-operation in certain specific fields

The Protocol invites the Parties to initiate and develop regional co-operation in certain specific fields.

Cooperation for environmental education (15-2)

"The Parties shall organize, directly, multilaterally or bilaterally, or with the assistance of the Organization, the Centre or the international organizations concerned, educational programmes, training and public education on integrated management of coastal zones with a view to ensuring their sustainable development" (15-2).

To our knowledge, there are currently no collaborative educational programmes, training and public education on integrated management of coastal zones to which Croatia is participating.

Participating in a Mediterranean coastal zone network (16-2)

"In order to promote exchange of scientific experience, data and good practices, the Parties shall participate, at the appropriate administrative and scientific level, in a Mediterranean coastal zone network, in cooperation with the Organization" (16-2).

As far as we know, such a Mediterranean Coastal Zone Network has not yet been established.

Coordinating equipment for detection, warning and communication concerning major natural disasters (24-2)

"The Parties undertake to coordinate use of the equipment for detection, warning and communication at their disposal, making use of existing mechanisms and initiatives, to ensure the transmission as rapidly as possible of urgent information concerning major natural disasters. The Parties shall notify the Organization which national authorities are competent to issue and receive such information in the context of relevant international mechanisms" (24-2).

The Croatian National Protection and Rescue Directorate has established bilateral co-operation with Hungary, Slovenia, Bosnia and Herzegovina, the Slovak Republic, Austria, Poland, France and Montenegro (WMO-UNDP, 2010). Nevertheless, as far as we know, there is currently no specific regional mechanism dealing with detection, warming and communication concerning major natural disasters.

Landscapes (11-2)

"The Parties undertake to promote regional and international cooperation in the field of landscape protection, and in particular, the implementation, where appropriate, of joint actions for transboundary coastal landscapes" (11-2).

In order to implement Article 11-2 of the ICZM Protocol, it would make sense to establish links between the PAP/RAC Focal Point and that of the European Landscape Convention so that potential joint initiatives can be identified.

Marine habitats (10-2b)

"The Parties (…) undertake to promote regional and international cooperation for the implementation of common programmes on the protection of marine habitats" (10-2b).

To our knowledge, there is currently no collaborative regional and international co-operation for the implementation of common programmes on the protection of marine habitats to which Croatia is participating.

Promoting cooperation for disaster management (24)

"The Parties undertake to promote international cooperation to respond to natural disasters, and to take all necessary measures to address in a timely manner their effects" (24-1).
"The Parties undertake to promote mutual cooperation and cooperation among national, regional and local authorities, non-governmental organizations and other competent organizations for the provision on an urgent basis of humanitarian assistance in response to natural disasters affecting the coastal zones of the Mediterranean Sea" (24-3).

As far as we know, there is no specific regional initiative in the Mediterranean dealing with humanitarian assistance in response to natural disasters affecting coastal zones.

Four times, the ICZM Protocol provides an obligation of declaration. That is the case for the implementation of Article 3-2 relating to the geographical coverage, the national adaptations of the coastal setback zone width, the co-ordination mechanism in place for this national ICZM Strategy and the national authorities competent in terms of detection, warming and communication for natural disasters. Besides, like the other Mediterranean Protocols, Article 31 of the ICZM Protocol creates a system of reporting.

Geographical coverage of the Protocol (3-1, 3-2)

"The area to which the Protocol applies shall be the Mediterranean Sea area as defined in Article 1 of the Convention. The area is also defined by:
(a) the seaward limit of the coastal zone, which shall be the external limit of the territorial sea of Parties; and
(b) the landward limit of the coastal zone, which shall be the limit of the competent coastal units as defined by the Parties" (3-1).
"If, within the limits of its sovereignty, a Party establishes limits different from those envisaged in paragraph 1 of this Article, it shall communicate a declaration to the Depositary at the time of the deposit of its instrument of ratification, acceptance, approval of, or accession to this Protocol, or at any other subsequent time, in so far as:
(a) the seaward limit is less than the external limit of the territorial sea;
(b) the landward limit is different, either more or less, from the limits of the territory of coastal units as defined above , in order to apply, inter alia, the ecosystem approach and economic and social criteria and to consider the specific needs of islands related to geomorphological characteristics and to take into account the negative effects of climate change" (3-2).

Adaptation of the coastal setback zone width (8-2)

"(...) The Parties:
a) Shall establish in coastal zones, as from the highest winter waterline, a zone where construction is not allowed. Taking into account, inter alia, the areas directly and negatively affected by climate change and natural risks, this zone may not be less than 100 meters in width, subject to the provisions of subparagraph (b) below. Stricter national measures determining this width shall continue to apply.
b) May adapt, in a manner consistent with the objectives and principles of this Protocol, the provisions mentioned above: 1) for projects of public interest; 2) in areas having particular geographical or other local constraints, especially related to population density or social needs, where individual housing, urbanisation or development are provided for by national legal instruments"
(c) Shall notify to the Organization their national legal instruments providing for the above adaptations" (8-2).

Coordination mechanism for the implementation of the National ICZM Strategy (18-1)

"Each Party shall further strengthen or formulate a national strategy for integrated coastal zone management and coastal implementation plans and programmes consistent with the common regional framework and in conformity with the integrated management objectives and principles of this Protocol and shall inform the Organization about the coordination mechanism in place for this Strategy" (18-1).

Authorities competent in terms of detection, warming and communication for natural disasters (24-2)

"The Parties undertake to coordinate use of the equipment for detection, warning and communication at their disposal, making use of existing mechanisms and initiatives, to ensure the transmission as rapidly as possible of urgent information concerning major natural disasters. The Parties shall notify the Organization which national authorities are competent to issue and receive such information in the context of relevant international mechanisms" (24-2).

Reports (31)

"The Parties shall submit to the ordinary Meetings of the Contracting Parties, reports on the implementation of this Protocol, in such form and at such intervals as these Meetings may determine, including the measures taken, their effectiveness and the problems encountered in their implementation" (31).

The ICZM Protocol was ratified by the Croatian Parliament in October 2012. While declaration on provisions related to Articles 8-2, 18-1, 24-2 still needs to be implemented, geographical coverage of the Protocol, as required by Article 3, has been an integral part of the Act on Protocol ratification.

This report aimed at assessing to what extent the Croatian legal system complies with the provisions of the Mediterranean ICZM Protocol and thereby enabling the Croatian authorities to identify the legal reforms needed in order to comply with the Protocol requirements, if they ratify it. Key findings of this analysis include:

1. **Croatia has a well-developed national legal system:** Thanks to its recent developments in the framework of the accession to the EU, the Croatian environmental law is now very comprehensive, enabling the national legal framework to respond, to a large extent, to the provisions of the ICZM Protocol. The Nature Protection Act, the Environmental Protection Act and the Physical Planning and Building Act are the three pillars supporting the legal system for environmental protection. The adoption of these instruments has enabled Croatia to enhance its national law with "modern" principles and tools aimed at the preservation and sustainable use of natural resources.
2. **Croatia does not yet have the ICZM specific legislation:** There is no specific ICZM or coastal law in Croatia. However, Croatia's coastal area is subject to specific regulation, since 2004, adopted by the government in the form of the act, which was then integrated in 2007 in the Physical Planning and Building Act. The respective section of the PPBA is complex enough to cover most of relevant aspects of the coastal zone management, as they are stipulated by the ICZM Protocol. Therefore, it can be concluded that in the absence of the ICZM specific legislation Croatia is largely in conformity with the ICZM Protocol, since the implementation of its provisions can be achieved through more general tools and instruments.
3. **Croatia does not have a national ICZM strategy yet:** Croatia will have to adopt a National ICZM Strategy to be in conformity with Article 18 of the ICZM Protocol. In this respect, national authorities would have every interest in rapidly determining how to connect this strategy with the Marine Protection Strategy and Marine Strategy Regulation, whose elaboration is provided for by the Environmental Protection Act, and which should, according to the terms of this text, include a section on ICZM.
4. **Croatian legislation provides the necessary possibilities to implement the provisions of the ICZM Protocol dealing with governance issues:** This is particularly clear for the provisions dealing with information, participation and right to legal recourse. It is however more complicated to assess in the field of integration mechanisms. At least, it is possible to conclude that the current Croatian legal framework does not prevent the implementation of these provisions. Nevertheless, issues such as sectoral policy coherence, land-sea integration or institutional co-ordination require a functional analysis of the management system, beyond the sole legal analysis.
5. **Institutional arrangement for ICZM is yet to be put in place:** Integrated development planning in the coastal zone of Croatia is not formally defined by the law. Therefore, an effective institutional framework for preparing and implementing formal strategies and policies is largely missing for the time being. However, there are several ministries that deal with the issues concerning the coastal zone: Ministry of Environmental and Nature Protection; Ministry of Construction and Physical Planning; Ministry of Tourism; Ministry of the Maritime Affairs, Transport and Infrastructure; Ministry of Culture; Ministry of Regional Development and EU Funds; Ministry of Agriculture; and Ministry of Economy. Having the current state of affairs in mind, the best choice, at this moment, is to place the implementation of the ICZM Protocol

inside the Department for Protection of Sea and Coastal Area of the Ministry of Environmental and Nature Protection. But, considering the current spatial planning system (in terms of hierarchy and coverage), which is based on the principles of a holistic approach, it is obvious that in the near future the State Institute for Spatial Development, to be established soon, could take the pivotal role within the institutional framework for the implementation of the Protocol. Having in mind the fact that the institutional issues of coastal zone management are within the scope of a number of institutions in several ministries, and based on the principles of horizontal co-ordination, it is obvious that there is a need to create a co-ordination body that would integrate the interests of all stakeholders with the objective of making progress in the implementation of ICZM in Croatia, by taking into consideration the provisions of the Protocol. It is worth mentioning that several meetings related to the ICZM Protocol were organised with representatives of relevant ministries.

6. **Perspectives:** Croatian coast appears to be at the crossroads. While compliance with most ICZM Protocol provisions is undeniable, it does not mean that coastal management is actually integrated, that threats to sustainability have been eliminated, or that efforts remaining to be undertaken are marginal compared to the recent – and admittedly exhausting – endeavour towards EU accession. Urban sprawl – legal or illegal – continues, tourism is still exerting an increasing pressure on coastal ecosystems, inter-sectoral as well as institutional integration remain a challenge, and environmental NGOs still have limited capacity and opportunities to use their right to legal recourse. Accession to the EU already means more and better environmental laws. It might now be translated into more efficient environmental protection. But it is also likely to come with an even more intensive pressure for development. Today, there is no consensus, in Croatia or elsewhere, on what “sustainable development” really means in practice and where the cursor between environment and development should be placed. This usually results in ever stronger environmental policies conflicting with ever stronger sectoral development policies. Part of the issue may be handled by a clearer institutional leadership, but most of it shall only be arbitrated as a result of bottom-up pressures by various constituencies. Ratifying the ICZM Protocol might not necessarily have a major impact on the Croatian legal system, or at least not immediately after ratification. Attention of States and stakeholders should therefore be concentrated on promoting the spirit and ambition of the Protocol. That will open a window of opportunity that may prove bigger than the legal only for stakeholders and they could demand more policy coherence, re-open the discussion on the present national political priorities and challenge pre-established ones. In other words, the ICZM Protocol's impact will depend to a large extent on the willingness to promote a strategic, political and problem-solving understanding of ICZM, rather than a purely procedural one as has too often been the case around the world so far.

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