



THE LEGAL FRAMEWORK FOR MARINE PROTECTED AREAS IN LEBANON

Fact sheets



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FACT SHEET 1: INTRODUCTION

MPAS IN THE INTERNATIONAL AND NATIONAL LEGAL ORDER

A Marine Protected Area (MPA) is a clearly defined coastal or/and marine geographical space, recognized, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values ¹.

International law does not provide a universal definition or legal framework for MPAs. However, several international agreements encourage States to establish such areas, as their existence is considered as the most effective way to protect the ocean and the marine natural resources. Table 1 lists the international agreements that apply at sea and in the coastal zone, indicates whether they create a type of MPA, and notes whether Lebanon has used each of these agreements to create such an area.

MPAs contribute to healthy oceans, to the good management of fisheries resources, in ensuring fishers' livelihoods, and they also stimulate the local economy and create sustainable tourism opportunities. These are the reasons why the establishment of new MPAs constitutes an international goal, according to the most important environmental policy documents. The first document is the Strategic Plan, or Aichi objectives, adopted in 2010 by the Conference of the Parties (COP) to the Convention on Biological Diversity (CBD) for the period 2011-2020. The second document is the Sustainable Development Programme, which is

structured around 17 Sustainable Development Goals (SDGs), adopted by the United Nations Assembly in 2015.

The implementation of global environmental policies requires the adoption of a legal framework at the regional and national levels. At the regional level, the Barcelona Convention, through the Specially Protected Areas Regional Activity Centre (SPA/RAC), coordinates the efforts of the States. Following the provisions and recommendations of the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean (SPA/BD Protocol), Mediterranean States are called upon to create SPAs in the marine and coastal areas under their sovereignty. National legislation is also needed to regulate the establishment and effective management of marine and coastal protected areas.

This document focuses on the Lebanese effort to establish MPAs and thus achieving Aichi Target 11. The fact sheet synthesizes the national legal framework and is structured around five fundamental questions: which laws apply to MPAs, which authorities are responsible for MPAs, which are the MPAs in Lebanon and how are they established and managed, and how national law contributes to achieving Aichi Target 11. In the end, we underline the challenges arising from the framework in place and we make recommendations for its improvement.

¹ As defined by the IUCN, Day J., Dudley N., Hockings M., Holmes G., Laffoley D., Stolton S. & S. Wells, 2012. Guidelines for applying the IUCN Protected Area Management Categories to Marine Protected Areas. Gland, Switzerland: IUCN, p. 12.

Table 1: International Conventions and Lebanon

Convention	Adhesion (Ad.)/ Ratification (R.) by the Government of Lebanon	Protected Area Status creation ²	Use by Lebanon for creating MPAs
United Nations Convention on the Law of the Sea (UNCLOS, 1982)	R. in 1995	No	N/A
Convention on Biological Diversity (CBD, 1992)	R. in 1994 (L. 360)	No	N/A
Ramsar Convention on Wetlands of International Importance especially as Waterfowl Habitat (1971)	Ad. in 1999 (L. 23)	Ramsar Site	Yes Palm Islands Tyre Beach Proposed Ras Chekka Cliffs
Barcelona Convention for the protection of the Mediterranean Sea against pollution (1975/1995)	Ad. (Amended Conv.) in 2008 (L. 34)	No	N/A
Integrated Coastal Zone Management Protocol of the Barcelona Convention (ICZM, 2008)	R. in 2017	No	N/A
Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean of the Barcelona Convention (SPA/BD, 1995)	R. in 2019	Specially Protected Areas of Mediterranean Importance (SPAMI)	Yes Palm Islands (SPAMI) Tyre Coast (SPAMI)
Convention on Migratory Species (CMS, 1979)	R. in 2019	No	N/A
The African-Eurasian Migratory Water Birds Agreement (AEWA, 1995)	R. in 2002 (L. 412)	No	Yes-Indirectly Palm Islands Tyre Coast
The Agreement on Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic area (ACCOBAMS, 1996)	R. in 2004 (L. 571)	No	N/A
The UNESCO Convention on the Protection of Cultural and Natural Heritage (1972)	Ad. in 1990 (L. 19)	World Heritage site	Yes Tyre - 1984 Proposed Saida - 1996
The UNESCO Man and the Biosphere Programme		Biosphere reserve	No
Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES, 1973)	R. in 2013	No	N/A
International Maritime Organization (IMO)	Member since 1966	Particularly Sensitive Sea Area (PSSA)	No
General Fisheries Commission for the Mediterranean (GFCM) ²	Member since 1960	Fishery Restricted Area on deep waters (FRA)	Proposed Deep Sea Sites Beirut Escarpment, Saint George Canyon, Jounieh Canyon, Sayniq (Saida) Canyon, Chekka-Batroun Canyon

² We refer to designations that may have a marine and/or coastal part, even if there are not expressly designated as MPAs.



FACT SHEET 2

WHICH LAW GOVERNS LEBANESE MPAS?

The legal framework applied to the existing MPAs has been recently modified, with the adoption of the “Protected Areas Framework Law” issued in April 2019.

In addition, several legislative texts pursuant to marine protected areas are under preparation. The laws expected to be adopted are: an update of the fishing

law, a national law on ICZM, and a decree on the categories of protected areas based on the “Protected Areas Framework Law”.

Table 2 summarizes the laws that apply to the marine and coastal environment. In practice, Lebanon has only two marine protected areas, which are both “nature reserves”.

Box 1: The categories of protected areas in Lebanese law

.1.

Nature Reserves

A terrestrial or marine zone where nature conservation measures are established in order to protect ecosystems, habitats or organisms of particular importance.

Nature Reserves (Mihmiyat) are established by law, under the supervision of the Ministry of Environment.

.2.

Natural Sites and Monuments

An area containing one or more sites of natural or cultural importance.

Nature sites fall under the protection of the Ministry of Environment and are established by Decree based on the proposal of the same Ministry.

.3.

Protected Forests

Protected sites by decision of the Ministry of Agriculture and based on the Conservation of Forest Resources Law (L. 85 of 1991).

.4.

Hima

Protected sites established by Municipal Decision, in which “Community Based Nature Resources Management” system is applied.

.5.

Natural Parks

(New category defined in L. 130/2019, but not established yet)

A vast rural territory, partially inhabited, with exceptional natural and cultural heritage, in which a combination of “strict conservation” and “sustainable use” can be applied according to the zones inside the park.

Protected Areas in Lebanon are subdivided into five categories (Box 1). Each category is established by a different authority or has a different legal basis. The new law provides a common framework for four of these categories.

The criteria for their creation follow the provisions of the “Protected Areas Framework Law” (L.130/2019) except for the “Protected Forest” category which follows the criteria defined in the Forest’s Protection Law (L. 558/1996). Marine and coastal protected areas are established under category 1.

Table 2: National laws and provisions applied to MPAs

Main Laws for MPAs	Protection provided
Decision 2775/1929 and amendments, on fishing	Control and monitoring of marine and coastal fishing.
Decree n° 434/1942, modified by decree n° 836/1950	Creation of Protected sites.
L. 121/1992	Creation of the Palm Islands Nature Reserve.
Decision 125/1 of 1997 Turtles, seals and whales	<ul style="list-style-type: none"> • Banning the capture of turtles, monk seals and whales; • Banning the selling, use or trade of any derivatives of the same species.
Decision 1/385 of 1997 Estuaries	<ul style="list-style-type: none"> • Banning of all methods of fishing in estuaries; • The ban extends to 500 m from each side of the estuary, 500 m inside the river and 2 km seawards; • Banning of all human activities except those of scientists and the Coast Guard.
L. 708/1998	Creation of the Tyre Coast Nature Reserve.
L. 444/2002 Environmental Code Law applying to all national territory (Not only to PAs)	Provisions for: <ul style="list-style-type: none"> • Beaches and marine area protection; • Biodiversity protection; • Establishment of a National plan on environmental protection; • Environmental Impact Assessment (including for preventing marine pollution); <ul style="list-style-type: none"> • Strategic Impact Assessment; • Penalties, responsibilities.
L. 508/2004 Hunting law	Control of hunting in terms of season, protected birds, amount and type of game birds, etc.
Decision 346/1 of 2010 Fishing types and equipment	<ul style="list-style-type: none"> • Banning the use of small mesh sizes and trawling nets; • Banning fishing using scuba diving equipment.
L.130/2019 Protected Areas Framework Law	<ul style="list-style-type: none"> • Defining four categories of protected areas; • Establishing the creation, governance, management and budget of nature reserves ; • Establishing sanctions for violations of the nature reserves system.



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FACT SHEET 3

WHICH ARE THE COMPETENT AUTHORITIES FOR MPAS?

The creation and management of marine protected areas fall under the mandate of the Ministry of the Environment (MoE).

This institution is the responsible authority for proposing, establishing and supervising the management of marine protected areas. The MoE appoints through Ministerial

Decision, a local committee (the Appointed Protected Areas Committee, APAC), responsible for the local management of each MPA. The APAC is comprised of representatives of concerned local authorities, local NGOs and scientific experts. However, the MoE does not have responsibilities for some marine issues, like fishing activities and general control over the sea.

Box 2: The Ministries Involved in MPAs creation and management

Ministry of the Environment

Responsible for establishment and management of PAs (according to L. 690/2005 and L. 130/2019) ;
 Designs candidate zones ;
 Defines criteria for designation of PAs ;
 Proposes laws and regulations for the creation and management of PAs ;
 Appoints local committee for the management of the MPAs ;
 Supervises the overall management of the MPAs.

Ministry of Public Works and Transport

Controls the implementation of the legislation and rules related to transport and marine public properties (according to L. 214/1993).

Ministry of Agriculture

Responsible for implementing legislation related to fisheries and fishing activities (according to D. 31/1995).

Ministry of Defense

Responsible for patrolling the sea (according to D.22/1981).

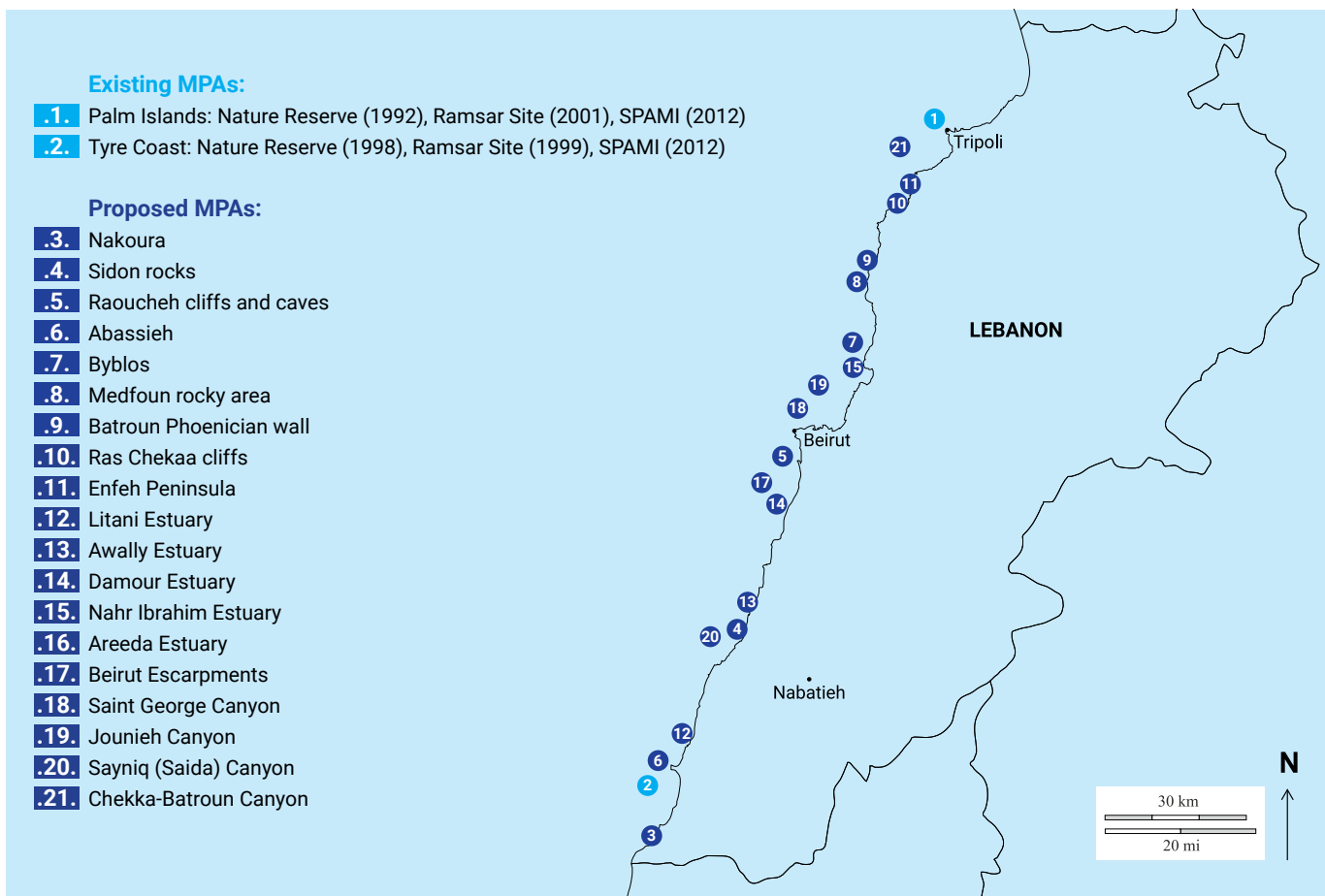


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FACT SHEET 4

WHICH ARE THE MPAS IN LEBANON, HOW ARE THEY ESTABLISHED AND MANAGED?

Lebanon has 2 declared MPAs, and 19 areas are proposed for future designation.



• **MPA Creation :** There are two MPAs in Lebanon and they are both nature reserves. According to law 690/2005 and law 130/2019, the Ministry of

Environment is responsible for their establishing and management with the process in Figure 1.

Figure 1: The process for the creation of Nature Reserves



- **MPA Management** : The management and operation of protected areas including nature reserves is today a **shared responsibility** between the MoE, the Appointed Protected Areas Committee (APAC), and the management teams in the field.

The MoE appoints the APAC through a Decision from the Minister of Environment. The APAC includes representatives from concerned local authorities, local NGOs and scientific experts. The APAC recruits a management team after approval of MoE, who is

responsible of the daily management of the MPA under the direct supervision of the APAC. The APAC reports to the MoE and operates under its overall supervision.

The Protected Areas Framework Law L. 130/2019, granted the APAC the legal entity and the legal personality that was missing until then.

The box below shows the management scheme applied to nature reserves (and to protected areas in general).

Box 3: Nature Reserves Management in Lebanon

Nature Reserves Management in Lebanon

Ministry of Environment	Appointed Protected Area Committee (APAC)	Working Group of the NR	Management Plan
<ul style="list-style-type: none"> • Appoints the APAC; • Approves the Working Group; • Finances the APAC; <ul style="list-style-type: none"> • Approves the Management Plan, • Provides training and guidance, • Supervises the overall management of each NR. 	<ul style="list-style-type: none"> • Composed by representatives of local authorities, NGOs and scientific experts; • Hires the Working Group after approval of the MoE; • Prepares the Management plan, with coordination with the Working Group, the MoE and concerned stakeholders; • Implements the activities of the Management Plan; <ul style="list-style-type: none"> • Coordinates with the involved stakeholders; • Administrates finances; • Supervises the work of the working group and reports to MoE. 	<ul style="list-style-type: none"> • Reserves managers, guides and rangers employed by the APAC; • Executes everyday management activities in the site under supervision of the APAC; • The rangers issue fines for infractions (in the case of the Palm Islands NR). 	<ul style="list-style-type: none"> • Provides guidance for the management and protection of natural resources, biodiversity, visitors and the various activities (scientific research, education, awareness, recreational...); • It has to be updated every 5 years.



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FACT SHEET 5

LEBANON'S CONTRIBUTION TO ACHIEVING AICHI TARGET 11

The Target 11 reads:

'By 2020, at least 17 per cent of terrestrial and inland water areas and 10 per cent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative and well-connected systems of protected

areas and other effective area-based conservation measures, and integrated into the wider landscape and seascape.³

This target is devised in five elements that have to be declined into the national strategies of each contracting party of the CBD⁴. Table 3 summarizes these elements and assesses Lebanon's effort to achieve Aichi Target 11.

Table 3: Lebanon's contribution in achieving Aichi Target 11

Steps for achieving Aichi Target 11	Situation in Lebanon before 2010	Situation in Lebanon in 2019	Assessment: Target achieved?
Increase the MPA extent ;	National sea MPA coverage: 0,41%	Unchanged	No 19 sites are proposed for the designation of new MPAs.
Include areas of particular importance for biodiversity and ecosystem services ;	The existing nature reserves include the habitat of endangered species (turtles, monk seal, migratory birds, etc.)	The proposed sites for new MPAs include important areas for biodiversity and ecosystem services.	Yes Existing MPAs protect such ecosystems but more sites need to be designated.
MPAs include 10% of each ecosystem ;	Island ecosystem protection rate is very high. Some wetlands are protected. Other types of ecosystems do not meet the 10% goal.	The proposed sites for new MPAs include different kinds of ecosystems than the existing ones (cliffs, deep water sites, estuaries, canyons)	No Designation of the proposed sites will improve the rate of different types of protected ecosystems.
MPAs are effectively and equitably managed ;	Both NR have management plans that provide rules for equitable management (wide stakeholder involvement). Both sites have rangers in place for imposing fines, which is necessary for effective management.	Management plans for both NR need to be updated. Effective management is compromised by proper law enforcement.	Progress The legal provisions are satisfying and there is progress in implementation.
MPAs are well connected.	Tyre NR has 3 zones with different objectives (conservation, agriculture, recreation). No provision for ecological connectivity between natural sites.	L. 130/2019 defines 2 different zones in the nature reserves that could conciliate conservation and development objectives.	Progress The recent endorsement of the Protected areas Framework law will provide better connection of MPAs.

³ A 'Quick guide to Aichi Target 11' has been prepared by the CBD secretariat explaining the five elements of target 11. The document is available on line, at <https://www.cbd.int/doc/strategic-plan/targets/T11-quick-guide-en.pdf>.

⁴ The assessments of table 3 are simplified to present the efforts towards Aichi Target 11. A detailed evaluation method is developed in the Mediterranean by the Barcelona Convention and is available online at http://www.rac-spa.org/nfp14/documents/01_working_documents/wg_461_14_en_rev1.pdf.



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FACT SHEET 6:

CONCLUSION CHALLENGES AND RECOMMENDATIONS

Lebanon has been classifying nature sites since 1939 and establishing protected areas since 1992. The new law on Protected Areas (L. 130/2019), issued in April 2019, provided the needed unified legal framework for the designation and management of marine protected areas.

This law has defined four categories of Protected Areas in accordance with international nomenclature, while taking into consideration Lebanon's specificities. MPAs are established as Nature Reserves. The new law sets the requirements for their governance, management, administration and financial structure. Some **important legal gaps are covered** with the adoption of the new law, such as the status of the personnel of the NR committee (APAC) and the definition of different zones in the nature reserves.

There are some **legal gaps** that should be covered, such as the absence of a law providing for the possibility to create **no-take zones** in MPAs or to restrict fishing activities (with the exception of estuaries, where no fishing is allowed).

In terms of MPA creation, Lebanon showed a good cooperation with national and regional partners, in particular between MoE and SPA/RAC, IUCN ROWA, Oceana, National Council for scientific research (CNRS), etc., specifically in carrying ecological characterizations of more than 9 potential marine coastal protected areas and four deep-sea sites. This has led to the submission to the Council of Ministers by MoE of two draft framework laws for the establishment of Ras Chekka (North Lebanon) and Abbassieh (South Lebanon) as MPAs.

In terms of MPA management, Lebanon has established an equitable and efficient process. Both of the existing MPAs have a management plan providing a biodiversity assessment, regulations and master plan for their implementation. However, these management plans need update and effective management should be enhanced.

Lebanese efforts are in the **right direction for achieving Aichi Target 11**. This target will not be met by 2020, but the country **has progressed** on most of the specific elements of the Target. The assessment **can be improved** with the legal designation of the proposed new MPAs, because the 19 candidate sites are selected according to criteria that satisfy Aichi Target 11. The creation of new MPAs is a necessary step to expand the rate of protected territory, which is among the lowest in the Mediterranean.

It should also be noted that although Lebanon has a very low number of MPAs, the existing sites are **protected by multiple national and international statuses**. The country can thus **activate international aid** and mechanisms for their effective management. However, for the time being, there is no marine or coastal area protected under the UNESCO Man and the Biosphere Programme (Biosphere Reserve), the International Maritime Organization (Particularly Sensitive Sea Areas), nor under the management of the General Fisheries Commission in the Mediterranean (Fisheries Restricted Areas). The projected sites identify some international statuses that could be used for future designation (as seen in Table 1). Hence, efforts should continue in order to effectively create protected areas under those statuses as well.



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