

Workshop B: Governance, New Ways of Working Together

Conclusions and recommendations

(draft)

Introduction

Within the framework of the “Regional Conference on Protected Areas in the Mediterranean”, Murcia, Spain, 26-30 March 2003, a workshop was organised with the specific task of preparing the contribution and participation of the Mediterranean experience to World Park Congress (Durban, South Africa, 8-17 September 2003). The workshop, which was attended by 22 participants, provided a good opportunity for debating the concept and providing indications concerning the Mediterranean participation to the Durban governance stream. This document summarizes the outcome of discussions and contributions, provided during the Murcia Workshop, and complements the base document that was prepared before the workshop, to frame the theme of governance within the context and specificities of the Mediterranean region.

“Governance is the art of steering societies and organizations” is one proposal from Parks Canada and the Institute on Governance who are coordinating this workshop stream at the forthcoming IUCN World Parks Congress in Durban. Governance is also defined as the complex of interactions among structures, processes and traditions that determine how power is exercised, how decisions are taken, and how citizens or other stakeholders have their say. The Mediterranean region systems of governance are affected by a complex interweaving of three fundamental elements:

- ? **The natural element.** The interactions among the region's geological history and current landscape, and the climatic and oceanographic conditions, have generated a mosaic of ecosystems hosting very high levels of biodiversity and endemism.
- ? **The cultural and socio-economic element.** The Mediterranean is characterized by a long history of human use by a diverse array of civilizations, with repeated cycles of expansion and decline of major groups, such as the Greeks, Romans, Arabs in ancient times and Spanish, Ottoman, French, British or Italian in more recent centuries. So the Mediterranean region is a historically complex and heterogeneous society with a range of different ways of “doing business”.
- ? **The legal element.** Depending on the country, legislation and executive structures can draw on a range of Greek democratic principles, Latin principles, Islamic law, Napoleonic law (especially for institutions and procedures) and British common law. In the former communist block in the Balkans, progress away from centralised planning and control has also proceeded at different speeds in different countries. More recently for the four Mediterranean countries of the EU, and the three current accession countries, European legislation and governance also plays a key role.

The interaction among these three elements is a source of unique properties of the Mediterranean region:

- ? The Mediterranean ecosystems are delicate and vulnerable; however they have reached modern times in good conditions, thereby indicating that there has been a good use of them until recently.
- ? Humans have been around in the Mediterranean for a long time and civilisations have had the time of developing in a tight connection with the environment, largely modifying it. Absolute wilderness in the Mediterranean is progressively being replaced by a landscape modified by man.
- ? There are steep N-S and W-E gradients within the Mediterranean in terms of political, socio-economical and values systems, however the common historical and cultural background provides a tangible unifying thread.

All the above have resulted in a problematic but extraordinary whole. In modern times, with population expansion, increases in consumption and the advance of technology, these values are at risk and thus there is a fundamental need for effective and innovative governance. Protected areas can be seen as an important means to contribute to the conservation of such values.

Recently a significant and quite innovative legal instrument has been created that provides the focus for a unifying effort to protect and conserve the Mediterranean environmental and cultural heritage: the Barcelona Convention. Within its framework, a system of Specially Protected Areas of Mediterranean Importance (SPAMIs) was introduced that provides for a collective, region-wide effort for reaching effective governance of marine and coastal protected areas.

The governance models proposed by Parks Canada draw heavily on North American experiences, especially in terms of the balancing roles of a legislature, an executive government and various triangulated structures of control of the use of power. Many of the checks and balances proposed are not found in that form in the Mediterranean region, yet as the IUCN Environmental Law Centre points out, PA governance is necessarily a subset of national governance and must work within that framework. Pushing to change the governance of PAs cannot be done in complete abstraction of the existing governance structures of individual countries and regions.

Main outcomes of the Workshop

Schematic outcomes of the Workshop discussions are presented in Table 1 and 2.

Identified Gaps relevant to PA Governance in the Mediterranean region

The Workshop noted that in the region there still is lack or insufficiency of:

- ? Adequate national framework legislation for PAs, which also contemplates the establishment of transboundary PAs, especially in the high seas.
- ? Up to date legislation that takes into account socio-economic and environmental changes
- ? Implementation of international conventions into national legislation

- ? Mechanisms for consultation and participation, since the creation process of the PAs
- ? Adequate management planning for PAs
- ? Information and awareness to build public support for PAs
- ? Transparent funding strategies and flexibility in the existing PA financing and accounting systems
- ? Identification and understanding of the different stakeholders and their roles, relationships, and interactions in the management of PAs
- ? Strategies to assess the needs and visions of the different target groups and stakeholders in the PAs.
- ? Synergies between different administrations and legal systems and support for the managing body to ensure that objectives are met. Lack of such synergies may cause intolerable instability in such managing bodies.
- ? Adequate monitoring and evaluation programmes including clear indicators, public information and feedback process.

Mitigation options and needs to face future challenges

The following mitigation actions were suggested:

- ? Amend (or create) national legislation that should address objectives of the PA, the definition of the management programmes including the basis for selection of areas, provisions to control declassification of PAs or modify their boundaries. Such legislation should also provide a legal effect to the management plan, and include clear measures to involve and inform public stakeholders as well as provisions for joint or delegated management system with some stakeholders.
- ? This legislation should not be static and should contain provisions to consider new changes in the socio-economic, environmental situations and help implement international conventions at the national level.
- ? Management Programmes for PAs should include:
 - Monitoring and evaluation of activities to allow accountability
 - Clear definitions of the permissible uses taking into account the opinion and rights of the stakeholders as well as the customary uses
 - Enforcement activities to contribute to the rule of law
 - Appealing and redressing mechanisms
 - Transparent funding strategy to ensure proportionality between the funds and the management activities
 - Capacity building to ensure and promote public participation

- ? Ensure collaboration mechanisms between the different ministries that allow applying an integrated management. This might include using, and when necessary creating, inter-sectoral bodies and/or commissions involving different governmental levels, to address different issues of common concern in PA networks at the national level.
- ? Creation of multidisciplinary teams to manage PAs in an integrated fashion (e.g., integrating ecological expertise with financial, legal, socio-economic, etc.).
- ? Undertake studies to identify allies and stakeholders - especially at the local level - within the PAs, and allow a better knowledge of the relationships among them, focusing on the right, power and influence that each of them can exercise.
- ? Provide information and raise awareness on the positive outcomes of protected areas as well as redressing mechanisms when they exist, to allow local stakeholders to exercise their rights against capricious or arbitrary decisions.
- ? Develop an independent ongoing evaluation programme for PAs that should:
 - present clear objectives and outputs and evaluation indicators in agreement with the involved stakeholders
 - include public participation in the evaluation process
 - have a public delivery of the results
 - ensure a feed-back process

Orientations for better governance of Mediterranean PAs

- ? Management systems should evolve to promote increasingly decentralized governance which will allow a more active involvement of stakeholders
- ? Strengthen the role of the Barcelona Convention for providing benchmarks for sound governance of PAs especially through the SPAMI network, that should be expanded for a better geographical coverage
- ? Use the innovative legal framework of the Barcelona Convention to establish MPAs, ensure conservation of the resources in the High Seas, and promote such a framework to be used in other regions and seas
- ? Highlight the interaction between the cultural and the natural elements of PAs in the region, and strive to transfer the Mediterranean experience to other regions

A vision for Mediterranean PA governance

A sound governance system that will encourage the further development of the region-wide network of PAs in the Mediterranean having a good geographic and ecological representativeness and providing lasting benefits to future generations, and contributing to the global effort for the achievement of the objectives of the second WSSD.

Recommendations for priority actions for the next decade

- ? Undertake an analysis of the existent legislations relative to PAs in the Mediterranean countries with the view of encouraging countries to develop appropriate national legislation with greater consistency with relevant international agreements. The IUCN Centre for Mediterranean Cooperation in collaboration with the IUCN Environmental Law centre is seen as the appropriate actor to catalyse such an analysis, and to disseminate its findings.
- ? Compile an inventory and undertake an analysis of management systems for protected areas existing in the different Mediterranean countries identifying the obstacles faced in involving stakeholders, in order to assist and encourage countries to improve their PAs governance systems.
- ? Develop guidelines and a logical framework for sound governance of protected areas in the Mediterranean region, taking advantage from the outputs of this meeting and other relevant fora.
- ? Invite WCPA to establish a task force on governance and a Mediterranean group of experts that understand the needs and specificities of the Mediterranean PAs to provide expertise to countries and concerned regional organizations.
- ? Strengthen national capacity in PA governance at all levels (both at institutional and stakeholder levels). To this end, the establishment of a comprehensive strategy for capacity building is strongly recommended.
- ? Undertake pilot activities to improve awareness and stimulate stakeholder participation in PA governance. In particular, it is recommended that such pilot projects be experimented within region-wide networks of PAs such as SPAMIs.

Suggested Mediterranean event in Durban relevant to this theme

Option 1 - Sanctuary and SPAMIs (Special Event)

- ✍ Luncheon event or evening reception hosted by IUCN office featuring Mediterranean food and drink
- ✍ Presentation profiling the Ligurian Sea- SPAMI under the Barcelona Convention as a proven governance structure for establishing and managing marine protected areas in the High Seas
- ✍ Profiling of the existence and synergy of the recent Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Waters (ACCOBAMS)
- ✍ Contribution to the achievement of the September 2002 WSSD requirement on the completion of systems of marine protected areas, including in the high seas (Johannesburg Plan of Implementation)
- ✍ High profile speaker (e.g. Prince Albert) would make presentation to generate interest amongst the delegates and ensure media coverage
- ✍ Event could be positioned as a Mediterranean contribution to the protection of the high seas, the shared heritage of all citizens of the world.
- ✍ This event could also profile the recent creation of the IUCN Mediterranean office and its important work

Option 2 - Hand across the Mediterranean

- ✍ Presentation of a cheque from a Donor / financial agency to Mediterranean countries in North Africa to assist them improve protected area governance
- ✍ Project elements could include:
 - funding to assist with the preparation of new, updated protected area legislation respecting and reflecting principles of good governance
 - Capacity building initiatives to strengthen civil society to enhance its ability to participate in decision making about PA management
 - Objective is to address the N-S gradients within the Mediterranean in terms of socio-economic abilities and capacities to address PA governance issues and challenges
 - This financial contribution would be positioned as a response to the WSSD Plan of Implementation statement on the importance of good governance and the need for financial support for developing countries
 - Also contribution to the African Protected Areas Initiative (being launched at the WPC) and the New Plan for African Development (NEPAD) that includes numerous references to the need for improved governance
- ✍ Dignitaries to be involved in the event need to be determined
- ✍ Cheque presentation would be made at a luncheon event or evening reception hosted by IUCN office featuring Mediterranean food and drink

Option 3 – Launch of an IUCN Mediterranean office exhibit

- ✍ Modest event hosted by IUCN Mediterranean office
- ✍ Display-exhibit profiling the office and its work
- ✍ Release of a Mediterranean office program of work in the field of protected areas (not limited to PA governance) reflecting the results of the preparatory meetings organized by the IUCN Mediterranean office

Table 1: Examples of PAs Management Systems in some Mediterranean countries

Country	PA Management Systems						
	Multinational management	Government Sole Management	Government Consultative Management	Government Cooperative Management	Joint Management	Delegated Management	Stakeholder Management
Albania							
Algeria							
Bosnia and Herzegovina							
Croatia							
Cyprus							
Egypt							
France							
Greece							
Israel							
Italy							
Jordania							
Lebanon							
Libya							
Malta							
Monaco							
Maroc							
Portugal							
Slovenia							
Spain							
Syria							
Tunisia							
Turkey							

P.S. Turkey: Also specially protected areas are managed by the state directly, but can include private lands (prohibition of construction)

Table 2: analysis of the Gaps and mitigation action for the basic elements of sound governance of PAs.

Elements of Governance	Sub-elements	Gaps	Challenges /constraints	Opportunities	Stakeholders /Actors	Priority actions/orientations
Legislative base	Creation of protected areas	✍ Lack of framework legislation for PAs (including in the High Seas) ✍ Updating the legislation to take into account socio-economic and environmental changes ✍ Lack of legal provisions to control declassification of PAs. ✍ Mention of clear objective for creation of the area including the criteria (including definitions, especially for coastal zones) for its selection based on sound scientific information ✍ Implementation of international conventions into national legislation ✍ Lack of obligation for Evaluation of results included in the creation law	✍ Create a framework legislation ✍ Elaborate flexible legislations ✍ Include obligations for monitoring and evaluation ✍ Develop special programmes for sub-regions in the Mediterranean	✍ Barcelona Convention ✍ Other international conventions ✍ Mediterranean best practices in PAs	✍ Governments ✍ Governments + other stakeholders ✍ Governments + other stakeholders	✍ Analysis of the existent legislation in the Mediterranean countries regarding PAs ✍ Develop Guidelines for establishing legal framework for PAs in the Mediterranean region
	Legal effect of management plan	✍ Lack of inclusion in the creation law of the requirement for active management				
	Consultation /Participation mechanism	✍ Lack of mechanisms for consultation and participation ✍ Lack of mechanism for delegated management	✍ Include mechanisms for consultation and participation in the legislation	✍ Examples and experiences in some countries	✍ Government and interested groups	
	Enforcement mechanism	Inadequate or untimely juridical support for enforcement of protected areas rules	✍ Adapt legislation		✍ Government and other competent authorities	

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Programme Design	Permissible uses-enforcement activities	- Programme disproportionate to capacity - Lack of implementation due to lack of funding	- Identify capacity - Find culturally appropriate strategies	sustainability	Local NGOs, Int. NGOs, academics	- Build capacity - Develop self funding approaches
	Monitoring activities	Inadequate monitoring programmes	Lack of staff-eyes to monitor	Participant observation	- Local residents - Youth - farmers/fishers etc	Integrate monitoring into daily activities of sectors
	Accountability	- Lack of management plan - Lack of knowledge of evaluation of results	- Political will - Skilled personnel - Money	- Team building - Multi-sector Participation - Science and cultural considerations	- Administration - NGOs, academics, staff	- Do the plan - Policies or contract specifying commitments of a sector
	Appealing and redressing	Lack of redressing mechanism against abuse of uses	- Communication between NGOs	- Catalyst for social and cultural integration activities - Information source and data base building	- Director - Staff	- Legal policies - NGOs with capacity and coordinating - Federated local organisations-farmers, youth, scientists
	Cultural programme	Non integration of programmes leading to ineffective results	Lack of skills and capacity of specialists	Exchange throughout the Med.	- PA managers and staff - NGOs	Conservation integrated into local socio-cultural life of communities-culturally appropriate processes are used in the programmes
	Educational programme Participation programme	Capacity building for public participation	Facilitatory skills of staff	PA as catalyst	- Director - staff	- Capacity building of staff - Culturally appropriate methods and dissemination

Elements of Governance	Sub-elements	Gaps	Challenges /constraints	Opportunities	Stakeholders /Actors	Priority actions/orientations
An adequately resourced and supported regulatory organization (Decision making, Resource and support)	Range of power and functions	✗ Careful look to Right/Power/ influence in the different management categories ✗ Lack of strategy for training people to deal with special needs and characteristics of Med PAs	✗ Identify the stakeholders and relation between them ✗ Establish and institutionalise relationships between the different actors	✗ Creation process of P.A. ✗ Management plan elaboration ✗ Barcelona convention ✗ Pilot experiences “alive observatory”	✗ Administration, institutions ✗ Local population ✗ Socio-economic actors ✗ NGOs ✗ Scientific community ✗ Users	✗ Identify the main actors, and their expectations ✗ Establish formal mechanisms for participation and collaboration: - Commissions - Agreements - Contracts, etc.
	Coordination with other agencies	✗ Synergies between different agencies and legal systems to ensure that objectives are met ✗ Lack of synergy between powers on land and sea ✗ Need for multidisciplinary teams (integrated management)	✗ Integrated management ✗ Collaboration mechanisms between the different administrations	✗ Spanish National parks (example) ✗ SPAMIs	Different administrations	✗ Creation of an organ for coordination, and shared functioning and management
	Transparency and accountability for funding	✗ Uncoupling between management plan and financial plans ✗ Lack of transparent funding strategy (including autofinancing and training for sustainable financing) ✗ Lack of flexibility in the existing financing and accounting systems ✗ Lack of environmental cost-benefit studies	✗ Address the gaps in the P.A. management plan ✗ Diversify the sources of funding that can have strong influence in the management ✗ Integrate a flexible funding strategy			

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An understanding of the regulated group		Lack of consultation between managers and stakeholders Lack of definition of stakeholders, both public and private; Lack of strategies: - knowledge of stakeholders' needs and visions; - specific strategies for different target groups	Promote stakeholders' commitment through regular dialogue; Select the right stakeholders: - public and private but with sustainable goals; - local stakeholders	European Charte for Sustainable Tourism; Aarhus Convention; Local Agenda 21 Other related Conventions	All stakeholders	Include stakeholders participation into: - national legislation - PA Management Plan Tailor communication strategies to stakeholders
An identification and enlistment of allies	Who can challenge and enforce decisions relating to protected areas?	Lack of incentive and motivation in PA creation; Negative public perception of PAs; Political lobbying and pressure groups	Show the positive outcomes of PAs; Include all stakeholders	Exisiting guidelines (IUCN, etc.); International conventions and forums;	Media; NGOs; Public society; Trade Unions	Build a Mediterranean Expert Body; New communication strategies
	Is the public interest in effectively enforcing legislation being served?	Lack of information in PA regulation; Lack of knowledge about administrative procedure and court appeals	Stronger Synergies between NGOs and other stakeholders	NGOs network; (Aarhus?)	General stakeholders	Better access to public information