

The Marine Peace Park paradigm: coast to coast international marine parks in the Mediterranean

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INTRODUCTION

As regions and countries become more interdependent and environmental problems become more global, conservation on a unilateral basis is no longer a viable option for the maintenance of large ecological systems (Thorsell and Harrison, 1990). This presents a challenge for the development of strategies for the coordination of transboundary conservation (López-Hoffman *et al.*, 2010). As such, there is an opportunity for the 'Peace Park' concept to contribute to the development of frameworks for ecosystem based management, whilst providing a symbol of political cooperation. The 'Peace Park' rationale recognises the equal importance of both political and environmental criteria for balanced conservation (Westing, 1998). The designation of a peace park provides a rare opportunity for conservation and politics to benefit in harmony rather than at the expense of one another, which should be attractive both to environmentalists and politicians (Hammill and Besançon, 2007). The World Conservation Union (IUCN) defines peace parks as:

'transboundary protected areas that are formally dedicated to the protection and maintenance of biological diversity and of natural and associated cultural resources, and to the promotion of peace and cooperation'

(Sandwith *et al.*, 2001).

Establishing a protected area in a single State is a challenge; bringing together two or more States, with their associated differences, is even more difficult (Westing, 1998). Besides the political border between the States, Hamilton *et al.* (1996) highlight other forms of boundaries which need to be bridged for cooperation in transboundary conservation; particularly imbalances in economics, power, or technical competence. In addition, legal compatibility between the structures of States and the application of international environmental regimes may be problematic (Young, 2002). Finally, issues of language, culture and religion may also restrict cooperation (Hamilton *et al.*, 1996). Hence, these initiatives, more than many other forms, may require support or intervention at a high political level (Sandwith *et al.*, 2001). The assistance of an independent third party may also help to facilitate cooperation between States (Akçali and Antonsich, 2009). Yet the environment offers certain characteristics that make it particularly suitable as a tool to foster peace and cooperation. Environmental issues cross political boundaries, require a long-term commitment, encourage the wider participation of citizens and NGOs, and extend beyond short-term economic perspectives (Conca *et al.*, 2005). In the absence of direct conflict, peace parks have value for helping to develop confidence and cooperation between States. Institutions evolve through the experiences of their constituent individuals. Officials working together with colleagues from

neighbouring States, resolving issues of low political priority such as nature conservation, can help to develop institutional trust (Westing, 1993). This trust can then be built upon to find other areas of cooperation, to foster understanding of other cultures, good relations, and to reinforce confidence between States (Odegaard, 1990).

McNeil (1990) identifies four different forms of peace park: the first, celebrates the ongoing peaceful relationship between two countries; the second, occurs where international relations may be slightly strained, but the park serves to ease tensions. The third is used as a means to ease border disputes after a war; and finally, in rare situations, a park could be used to foster peace in a war-like situation or ease reunification of a divided State. Similarly, Westing (1998) categorises three political criteria for the development of a potential site: first, where it safeguards and improves good ongoing relations; second, where it would make a dispute over territory irrelevant; and finally, where it could help bring a divided State back together. In practice these definitions should not be regarded as distinct categories but points along a spectrum of social conditions and political relations ranging from peace and goodwill at the one end to armed conflict at the other. The first formal peace park is an example of celebrating peaceful relations between States; the Waterton-Glacier International Peace Park was dedicated in 1932 for the purpose of:

'establishing an enduring monument of nature to the long-existing relationship of peace and goodwill between the people of and Governments of Canada and United States'

(Bill HR4752, 1932 Government of Canada cited *in*: Lieff and Lusk, 1990).

Since the Waterton-Glacier International Peace Park was dedicated, numerous other Parks have been developed between States with relationships at different points along the spectrum of social and political conditions. At the positive end of the spectrum, where relations are good, political boundaries may be more fluid allowing peace parks to develop greater management cooperation; however moving further down, emphasis may be focussed on rebuilding confidence and goodwill; whilst where conflict is ongoing, a peace park may be used to demonstrate non-military methods of conflict avoidance and resolution (McNeil, 1990). The potential for conflict prevention and confidence building is further strengthened by the development of mechanisms for information exchange, joint action training, education, research, tourism, policing, governance and support of local cultural values (Sandwith *et al.*, 2001). Although the concept provides a framework to work with, each area should be defined according to the context of the social and political relations between the States involved.

From a conservation perspective the primary purpose of most transboundary conservation measures are either for the management of straddling natural systems or protection of habitats important for migratory species (Phillips, 1998). Westing (1998) highlights three main environmental criteria that should be addressed by the development of a peace park. The area should be a high priority for biological diversity; or, encompass a biome that is inadequately protected; or, be important to one or all the countries involved to fulfil their 10% target for conservation. Naturally, these criteria are designed to apply to both terrestrial and marine environments. However, as with most conservation measures, work on peace parks has been dominated by the terrestrial environment (Ali, 2007). Yet the dynamics and legal ambiguity of the marine environment may lend itself to the concept more readily than on the land (McDowell, 1998). For science and management the bio-geographical complexity and difficulties in undertaking direct observation make the marine environment inherently uncertain. The connectivity of the system makes borders more permeable, enabling the free movement of groups and individuals of animal and plant species, as well as humans (Carr *et al.*, 2003; Jones, 2001). In addition, although borders may be defined on paper, they are blurred on the sea by the absence of clear physical boundaries, leading to disputes over 'ownership' (Blake, 1998). Bearing these issues in mind, the initiation of projects in the marine environment is more likely to require high-level support on which formal agreements or a general memorandum of understanding can be drawn up (Sandwith *et al.*, 2001). This is illustrated in the development of the Wadden Sea Area (WSA), one of the largest transboundary conservation areas in Europe. Initiated in 1978, through the Trilateral Wadden Sea Governmental Conference between Denmark, Germany, and the Netherlands, this area is one of the largest wild marine intertidal ecosystems in Europe. A Joint Declaration was

signed in 1982, with the Secretariat being established in 1987. The area hosts wild bird populations, marine mammals and fish species in addition to protected habitats (Commission of the European Communities (CEC), 2007). Cooperative management is based on the Wadden Sea Plan (WSP) (1997) with the overall objective to protect, conserve and manage the area whilst allowing sustainable use (Enemark, 2005). The WSA incorporates all the aspects of a successful Transboundary Biodiversity Conservation Area (TBCA), coordinated management principles, common targets, shared monitoring and the use of international and regional legislation. In 2002 the area was declared a Particularly Sensitive Sea Area by the International Maritime Organisation, and in 2009 added to the World Heritage List. In 2010 the States reaffirmed their commitment to cooperate in the management of the WSA as a single ecological unit for present and future generations (Joint Declaration on the Protection of the Wadden Sea, 2010).

THE MEDITERRANEAN CONTEXT

The Mediterranean Sea is often viewed as a microcosm of the global ocean situation, and used as a model to predict the response of the World's oceans to varying pressures (Coll *et al.*, 2010). It has been a pilot area for the development of research and policy for marine conservation, including the first UNEP Action Plan, adopted in 1975, following the creation of the Regional Seas Programme in 1974 (Bliss-Guest and Keckes, 1982). The Mediterranean Sea is recognised as a hot spot for biodiversity, with a high number of species contained in a relatively small area (Bianchi and Morri, 2000). In addition the Basin has a particularly high species endemism (Myers *et al.*, 2000). Much of this biological diversity is related to the historical geological and oceanographic processes of the Basin. The Mediterranean remains geologically active, with both catastrophic and longer time scale geological events unfolding on the seabed. Oceanographically, permanent and semi-permanent features, often related to bathymetry of the region, power the circulation of the Basin. The enclosed nature and connectivity of the Mediterranean requires that in the development of a protected area network oceanographic features, such as dominant currents, gyres and fronts, be taken into account (CIESM, 1999.). These factors are an important foundation for biological diversity and require protection within their own right, according to ecosystem based management model (Dudley, 2008). Of course diversity is not uniformly spread throughout the Basin; within this global hotspot are regional hotspots important for geological diversity, ocean processes and biological diversity that should be protected. Yet, its unique natural and cultural values are under threat from increasing anthropogenic use (Notarbartolo di Sciara, 2008). Threatening the Basin are a range of pressures from global to local scale, including climate change, acidification, pollution from terrestrial and maritime sources, invasive species, over fishing, habitat destruction and uncontrolled tourism to name but a few (Abdulla *et al.*, 2008). Many of these issues are being felt globally; however the semi-enclosed nature of the Basin exacerbate their effects and makes the Mediterranean one of the most threatened seas in the World (Coll *et al.*, 2010). Again these threats are varied and non-uniformly distributed throughout the Basin. In response there have been numerous efforts to develop conservation. Although the amount of protected marine area in the region varies from one report to another, it is widely recognised that less than 10% of the Mediterranean is managed appropriately for conservation, and few States can boast that they have fulfilled their targets (Abdulla *et al.*, 2008).

The Mediterranean Basin is both culturally and politically highly diverse. Considering that the Basin links the three continents of Europe, Asia and Africa, and borders twenty-one modern States, there is a high potential for dispute and conflict between these close neighbours. There are two major narratives regarding the political, social and cultural stability of the Mediterranean. The first, refers to the concept of the 'cradle of civilisation'; generally this is a positive perception related to shared heritage, culture and values (Tassinari and Holm, 2010). The second, more recent, refers to the Basin as an area of conflict (Lia, 1999). There have been various efforts to generally promote peace and cooperation throughout the region most of which have been Eurocentric in their development. These range from the Euro-Mediterranean Partnership launched in 1995 through the European Neighbourhood Policy of 2003, to the Union for the Mediterranean created in 2008 (Balfour, 2009). These processes have been met with varied responses, particularly by post-colonial and post-socialist States, which have been concerned with the power dynamics between partners (Isaac, 2010; Mackelworth *et al.*, 2011). However, attempts to define the

Mediterranean as a single unit and to find a solution to all of the issues that exist has proved impossible. Relationships between the States cover the whole social and political spectrum; however, what is consistent is that the Mediterranean is a shared collective resource. Sandwith and Besançon (2007) suggest that by concentrating on the concept of co-operation over a shared resource, mutual benefits can be accrued to promote common understanding and to foster good relations between States. Bearing this in mind, the concept of a marine peace park network in the Mediterranean has the potential to contribute to both the environmental and political aspects of relations between the States in the region. However, the context of each individual peace park, and the partners therein, should be of critical concern.

Fundamental to the development of any conservation strategy is the underlying legal framework on which measures must be based. Bearing in mind the coast to coast aspect of the proposal, many of the areas will be declared outside the territorial sea of the States involved. As such the ways in which individual States apply the United Nations Convention on the Law of the Sea (UNCLOS) (Montego Bay, 1982) to the areas contiguous to their territorial seas is essential. Generally, the further offshore a conservation area is sited, the greater the need for international cooperation and agreement. Article 192 of UNCLOS requires States *'to protect and preserve the marine environment'* including those areas outside territorial seas (Shine and Scovazzi, 2007). UNCLOS (1982) clearly obliges the party States to protect the marine environment beyond national jurisdiction. The Mediterranean is again unique in that there is no point beyond 200 nautical miles of the coast, hence should all the States of the Basin apply their legal right to an Exclusive Economic Zone (EEZ), or variations thereof, there will be no high seas in the region.

Marine conservation in the Basin is facilitated by the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona, 1976). The 1995 Protocol Concerning Specially Protected Areas and Biological Diversity in the Mediterranean (SPA Protocol) of the Convention applies to all the marine water, seabed and subsoil, and the terrestrial coastal areas. It was specifically conceived to apply in cases of political or legal conflict (Shine and Scovazzi, 2007). The SPA Protocol includes two important disclaimers:

'Nothing in this Protocol nor any act adopted on the basis of this Protocol shall prejudice the rights, the present and future claims or legal views of any State relating to the law of the sea, in particular, the nature and the extent of marine areas, the delimitation of marine areas between States with opposite or adjacent coasts, freedom of navigation on the high seas, the right and the modalities of passage through straits used for international navigation and the right of innocent passage in territorial seas, as well as the nature and extent of the jurisdiction of the coastal State, the flag State and the port State...

...No act or activity undertaken on the basis of this Protocol shall constitute grounds for claiming, contending or disputing any claim to national sovereignty or jurisdiction'

(Article 2, paragraphs 2 and 3).

These disclaimers allow for the establishment of intergovernmental cooperation without prejudice to questions of a legal or political nature. In doing so these disclaimers also ensure that any open legal or political questions should not delay the adoption of measures needed to protect the environment.

The SPA protocol also provides for the development of the Specially Protected Areas of Mediterranean Importance (SPAMIs) with clear procedures for the listing of these areas:

'Proposals for inclusion in the List may be submitted:

- a) by the Party concerned, if the area is situated in a zone already delimited, over which it exercises sovereignty or jurisdiction;*
- b) by two or more neighbouring Parties concerned if the area is situated, partly or wholly, on the high sea;*
- c) by the neighbouring Parties concerned in areas where the limits of national sovereignty or jurisdiction have not yet been defined'*

(Article 9, paragraph 2).

According to sections (b) and (c) joint proposals may be submitted by neighbouring partners. In this manner, the SPA protocol provides the opportunity for States to co-operate, regardless of the status of the definition of their maritime boundaries. The SPAMI list constitutes the core of a protected area network aimed at the conservation of Mediterranean heritage. To fulfil this objective, Parties to the Convention are required to develop cooperation on bilateral and multilateral levels, notably through the establishment of transboundary SPAMIs (Lopez-Ornat, 2006).

At a global scale, the two conventions of particular importance are the Convention on Biological Diversity (CBD) (1992) and the Convention on the Conservation of Migratory Species of Wild Animals (CMS) (1979). The protected areas work programme of the CBD highlights the importance of establishing and strengthening the development of transboundary conservation areas by 2012 in the marine environment (Anonymous, 2010). The CMS fulfils its obligations in two manners. Species identified as being in danger of extinction, under appendix I, are protected directly by imposition of strict conservation objectives on party States. Species that have an unfavourable conservation status or would benefit from international cooperation, listed under appendix II, are protected by regional agreements convened under the convention (Lyster, 1985).

The Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention, 1979) is the primary agreement to conserve the biodiversity of the European continent. The main objectives of the Convention are to ensure conservation and protection of wild plant and animal species and their natural habitats, to increase cooperation between contracting parties, and to regulate the exploitation of those species, including migratory species. Although the Convention does not expressly refer to transboundary conservation, Article 1 highlights the need to protect those species and habitats whose conservation requires the cooperation of several States with particular emphasis on endangered and vulnerable migratory species. For European Union States the Bern Convention has been transposed through Council Directive 79/409/EEC on the Conservation of Wild Birds (Birds Directive, 1979) and Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (Habitats Directive, 1992). These directives have been important in the development of consistent national policies in EU Member States and encouraging partnership with accession countries and other partners in the region. In the marine environment the importance of the trans-border dimension is highlighted due to issues of connectivity (CEC, 2007). The Habitats Directive calls for Member States to encourage transboundary cooperative research, and to identify areas essential to the life, migration and reproduction of aquatic species which range over large areas (Habitats Directive Articles: 4.1; 10; 18.2). (For a full review of the legal framework and instruments for the establishment marine protected areas in the Mediterranean see Shine and Scovazzi, 2007).

CONCLUSION

The unprecedented environmental challenges faced by the oceans require a broader vision for successful management of the marine environment than the current fragmented national systems. This is especially true in a confined and crowded region such as the Mediterranean. Yet, seeking a cure-all solution that can be applied to the diverse environments, cultures and political systems of the region is impossible. Coast-to-Coast International Marine Parks provide the opportunity for cooperating States to develop contextually appropriate spatial plans and actualise ecosystem based management for large sections of the Mediterranean. Already the European States of the Mediterranean are expected to prepare national strategies to manage their seas to achieve or maintain good environmental status by 2020, under the requirements of the Marine Strategy Framework Directive. As spatial planning for the wider marine environment is inevitable, these International Peace Parks enable States to pre-empt future un-sustainable use by creating spatial plans with conservation as one of the primary objectives. Once again the Mediterranean provides an ideal proving ground for this concept.

The development of any form of conservation is dependent on the political will of the States involved. There are political challenges for the development of a network of marine peace parks in the Mediterranean, problems exist with coordinating not only the States in the region, but also the intergovernmental bodies and organisations. Much of the science required to identify and manage these parks already exists, and perhaps the greatest task now is to interface science with

policy. This requires an objective facilitating organisation to synthesize current scientific knowledge and deliver impartial and authoritative advice to policy makers. As such the Mediterranean Science Commission sits in a unique position to facilitate the development of the Mediterranean Marine Peace Parks.

Acknowledgements: the author would like to thank colleagues working in various institutions and non government organisations from around the Mediterranean who made comments upon this article in previous drafts, in particular Tullio Scovazzi, Frédéric Briand, Paula Moschella, Jean Mascle, Miroslav Gačić and Caterina Fortuna. The opinions expressed here are the sole responsibility of the author.