

Governance of marine protected areas in the EU

Policy Brief

What are the issues?

Designation and management of marine protected areas (MPAs) affects stakeholders, therefore it is important that they can participate in the governance process. The rights of the public (individuals and their associations) are established in the Aarhus Convention (UNECE, 1998). The EU and its member states are parties to this Convention and are required to ensure that public authorities (at national, regional or local level) safeguard these rights. This is achieved by guaranteeing: (1) Access to Information, (2) Public Participation in Decision Making and (3) Access to Justice. Dissemination of information and public participation are expensive processes (time, costs, and human resources); in this perspective, the use of modern information technology, such as web services, more and more play a crucial role in raising public awareness and fostering civil society involvement in governance of MPAs.

The UN Convention on Biodiversity (CBD) has set a target of 10% global marine protected areas by 2020. The EU has signed up to this target and in 2019 they reported that 11 % of EU coastal and marine waters are now covered by MPAs. Therefore the EU has already surpassed its commitment to protect at least 10% of its coastal and marine waters.

What are the associated problems?

But is the dissemination of information and public participation working for marine protected areas in the European and its contiguous seas?

We analysed the available online information for 63 MPAs in 14 countries covering 5 EU regional seas. An analysis of these websites shows that although generic information on the state of the environment are available in most cases (46 MPAs websites out of 63, 73%), the availability of environmental information is limited as regards to specific information on the management of MPAs. As an example information on MPA Management plans, or information on progress in the achievement of the nature conservation objectives is very limited when dealing with relevant and sensitive issues such as existing activities and plans that may affect the environment in the MPA (22 out of 63, 35%).

Further, the quality of the available environmental information is often poor, since it is often: not up to date, not comparable and not effectively accessible. The latter referring to meta-information i.e. information on available information (meta-information is scarce 23 out of 63, 37%).

In substance, in most cases (but with a few exceptions), MPAs websites are still considered showcases where the management authorities disseminate to the public the information they decide to make available (such as, regarding nature conservation objectives of the MPAs or information on events for the public or educational activities). The sites are not used as an interactive tool, that

Key points

- Online access to environmental information supporting marine protected areas is mostly available, but the information is often not up to date.
- Mechanisms for public participation in marine protected areas are mostly lacking.
- For the public it is not always clear how and where they can appeal decisions regarding marine protected areas.
- Far less than the EU 2019 11% of European Seas is actually protected therefore we are not achieving are conservation goals.

MarCons aims to facilitate the integration of marine conservation policy into macro-regional maritime spatial planning agendas for the European and contiguous seas, thereby offsetting the loss of biodiversity and ecosystem services.

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international policies and regulations acknowledge as a crucial means for public “consultation” or “active participation” (OECD, 2001). This is confirmed by data concerning public participation in decision making processes affecting the MPAs: only 15 out of 63 MPAs (24%) provide opportunity to provide feedback on proposed project, plans or regulations on their websites. Similarly, as regards to access to justice, only 11 out of 63 MPAs (17%) provide information on available means to challenge unlawful acts and omission that may be prejudicial to the objectives of the MPA.

Effective marine biodiversity conservation can not only be achieved by designating MPAs. After designation management measures need to be formulated in management plans and these need to be implemented to effectively conserve habitats and species. Additionally it makes a difference if a MPA is designated under the Habitats Directive, which is conservation of habitats and associated species, or under the Birds Directive. The latter is often only limited to protection of one or more bird species during a period of the year. In a considerable amount of cases either these management plan are absent, have not been implemented yet or they only impact part of the MPA. Our analysis <this still needs to be done for several countries> shows that the percentage of coastal and marine areas that is actually protected in the European and its contiguous seas is considerably lower than the claimed 11 %.

Proposed solutions

Meta-information should play a crucial role in enhancing public access to information; it is also important to assess users’ needs and make environmental information available in line with emerging needs and questions. It is also important to enhance public awareness, but also public authority’s awareness, on “environmental procedural rights”; existing regulations, as they have been developed in international practice, can provide valuable guidance to identify and implement rules, procedures, and instruments for public participation in environmental matters.

To ensure that we are reaching our marine conservation objectives it is important that country reporting on MPAs should not only mention percentages and conservation objectives but also the status of the MPAs in relation to the conservation effort. Providing detailed information on actual management efforts and results (monitoring) in relation to the defined conservation objectives, is a first step in better understanding how we are doing with respect to coastal and marine conservation in the EU regional Seas. Although the EU has acknowledge that a considerable effort is still required to ensure that effective management regimes are in place our Aarhus Convention analysis on governance of MPAs across the EU raises serious doubts that this is feasible given the current information and participation regimes. What is required is a coordinated approach, on a country and the EU level, to ensure that effectively accessible (including meta-information) and comparable information is shared with the public and that full participation in marine conservation is within reach. This will also enable comparison and assessment of conservation efforts at an EU regional seas level.

