

DRAFT CRITERIA AND PROCEDURES OF AWARDING THE "MEDITERRANEAN DIPLOMA" FOR SPECIALLY PROTECTED AREAS OF MEDITERRANEAN IMPORTANCE (SPAMIs) DISTINGUISHED BY THE IMPLEMENTATION OF SPECIFIC AND CONCRETE ACTIVITIES IN THE FIELD OF MANAGEMENT AND CONSERVATION OF THE MEDITERRANEAN NATURAL HERITAGE

The Action plan for the protection of the marine environment and the sustainable development of the coastal areas of the Mediterranean (MAP Phase II) provides for the establishment of a Mediterranean diploma, awarded in the course of Ordinary Meetings of the Contracting Parties, for a "Specially Protected Area of Mediterranean Importance" (SPAMI) distinguished by the implementation of specific and concrete activities in the field of management and conservation of the Mediterranean natural heritage.

Article 1 - Purpose

1. The Diploma of Specially Protected Areas of Mediterranean Importance (the "Mediterranean Diploma") may be awarded to SPAMIs which are adequately protected from the point of view of the conservation of the components of Mediterranean biological diversity, of ecosystems specific to the Mediterranean area, of the habitats of endangered species, and of sites of special interest at the scientific, aesthetic, cultural or educational levels. The Mediterranean Diploma is awarded by virtue of the SPAMI's management and conservation effectiveness, also in conjunction with programmes of action for sustainable development. The Mediterranean Diploma represents an important contribution to the objectives of the Barcelona Convention Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean (the "Protocol").
2. In the case of a transboundary SPAMI, a Mediterranean Diploma shall not be granted without the consent of all the Parties concerned.
3. The effect of the Mediterranean Diploma shall be to place the area under the special sponsorship of the Barcelona Convention. The Mediterranean Diploma shall be awarded for a period of four years, and shall be renewable for successive four-year periods.
4. The Mediterranean Diploma shall take the form of a document certifying the said sponsorship. It shall be signed by the Executive Secretary of the Barcelona Convention, and shall bear the seal of the Convention. It shall be presented to the authorities directly responsible for the management of the SPAMI concerned.

Article 2 - Main characteristics of the Mediterranean Diploma

1. The Mediterranean Diploma is awarded to SPAMIs, which are particularly well managed and protected. The SPAMI must be subject to stringent protection and integrate successfully nature conservation and sustainable human activities. The award procedure is complex and rigorous and includes on-the-spot expert assessments.

2. The Mediterranean Diploma is awarded for a four-year period and is renewable. A detailed biannual report is sent to the RAC/SPA describing the state of the fauna and flora and any changes, which have taken place, either in the ecological sense or in the area of administration and management. The Mediterranean Diploma may be withdrawn if the situation has deteriorated. The mere threat of losing the Diploma should efficiently contribute to ensuring that the sites continue to be preserved and that dangers are successfully averted.

Article 3 - Criteria for the award of the Mediterranean Diploma

An applicant SPAMI should:

- Ensure an appropriate protection for types of coastal and marine ecosystems representative of the Mediterranean and for habitats which are in danger of disappearing;
- Record tangible results concerning the recovery of endangered, threatened or endemic species of flora or fauna;
- Not be the object of any controversy as for its SPAMI status or any other title or status granted by a national or an international authority;
- Be taken into account in regional planning in order to prevent projects which run counter to the objectives of the area from being approved;
- Be the subject of a planning and a detailed management plan. As management constitutes an important point in judging the application, the various aspects of management will need to be presented in detail and objectively assessed, principally with regard to those entailing more extensive subsequent development;
- Have an organisation which provides guarantees concerning staff and financial resources. The latter must be sufficient to ensure a management that meets the protection objectives of the area. A staff organisation chart applicable at the time of lodging the application, and a presentation of the budget for the two previous years, will constitute useful information for evaluating the form of management of the applicant area.
- Have strict regulations on any artificial change in the environment or any biological depredation;
- Have a supervision, arrangements for patrolling by wardens or any other means with the possibility of enforcement, such as the power to report offenders;
- Have regulations for public access. Provision must always be made for reception centres and educational facilities in order to channel the public and thereby avoid damage.
- Have, in keeping with the ecological interest of the area, effective research and monitoring programmes.
- Contain permanent human occupation and socio-economic activities conceived in such a way as to uphold the principles of sustainable development; they must not damage the integrity of the natural and cultural values of the protected area;

Article 4 - Award of the Diploma

The Mediterranean Diploma shall be awarded by the Meeting of the Parties of the Barcelona Convention, based on a proposal from the National Focal Points for SPAs, in accordance with the procedure set out in the following Articles.

Article 5 - Application

1. The government of any Mediterranean State, wishing to apply for the awarding of the Mediterranean Diploma to a SPAMI within its territory, shall submit to the RAC/SPA, in one of the two working languages of the meeting of NFPs for SPAs, an application for the Mediterranean Diploma prepared according of the prescribed format, at least three months before the date of the meeting of the Focal Points.
2. In the case of a transboundary SPAMI, such an application can only be submitted after approval by all the States concerned.
3. All applications must follow the format for the presentation of the SPAMIs proposed for the Mediterranean Diploma, including the required annexed material.
4. The possibility of changing conditions must be taken into consideration when the adequacy of protection is assessed: whether the existing measures are sufficient for protection against foreseeable dangers, at least throughout the period of the Mediterranean Diploma's validity (four years), notably, the impact which the reward might have on certain areas, in particular the influx of visitors that it might cause.

Article 6 - Consideration of the application documents

1. Applications shall be examined by the RAC/SPA. Applications shall be examined in the order in which full supporting documentation is deposited at the RAC/SPA.
2. Any government submitting one or more applications shall be invited to send a representative, at its own expense, to the appropriate meetings of the RAC/SPA so that he or she may give to the RAC/SPA all the information required.
3. After examining the documentation and hearing the representative of the State concerned, the RAC/SPA shall first of all determine whether it considers that the SPAMI in question deserves the award of the Mediterranean Diploma based on management and conservation effectiveness. In the affirmative case, the RAC/SPA shall declare the application admissible and undertake an on-the-spot expert appraisal (subject to the approval of the government concerned) to enable it to assess the efficacy of existing conservation measures as well as the aim of the objectives sought, and obtain any additional information it may need to decide whether to award the Mediterranean Diploma.
4. The appraisal shall be assigned to an independent expert directly appointed by the RAC/SPA. He or she must not be a national of the country in which the assignment is carried out.

5. During his or her visit the expert shall be accompanied by a representative of the RAC/SPA, who shall guarantee, inter alia, continuity in the assessment of the criteria for obtaining the Mediterranean Diploma.
6. Throughout the independent expert's visit, one or more person(s) responsible for the area shall be placed at his or her disposal in order to facilitate the task. The expert will also meet officials from associations and local councillors and stakeholders interested in the area, and, as appropriate, media representatives.
7. Broadly speaking, the expert appraisal shall cover the aspects listed in the Format and any other specific item mentioned by the RAC/SPA during consideration of application. If appropriate and necessary, the RAC/SPA shall draw up specific terms of reference for each case, with which the expert will be required to comply.
8. Expenses incurred by the expert during his or her visit (travel, subsistence, etc.) shall be met by the RAC/SPA so as to ensure that the appraisal is completely objective.
9. Generally, the on-the-spot appraisal shall take two days, if necessary, it may be extended.
10. The expert shall submit his or her written report to the RAC/SPA, drafted in one of the official languages of the Barcelona Convention, and, if possible, shall subsequently present it orally at one of the RAC/SPA meetings.

Article 7 - Proposals of the RAC/SPA and conclusions of the Focal Points

1. The RAC/SPA shall hear the expert, take note of any observations from the representative of the state concerned, and then submit its conclusions, accompanied by the expert's report, to the Focal Points. It may propose one of the following decisions:
 - a. that the Diploma be awarded immediately by the Parties to the Convention with or without conditions or recommendations;
 - b. that, subject to the approval of the Focal Points, the award of the Diploma be made conditional upon the adoption of additional measures;
 - c. that the application be deferred pending receipt of further information;
 - d. that the application be rejected, with reasons given.
2. No second chance can be given to the application between the formulation of the conclusions by the RAC/SPA and the meeting of the Focal Points. However, the RAC/SPA may make a favourable recommendation in specific cases, provided that the government concerned can provide, before the meeting of the Focal Points, a favourable written response to a request from the RAC/SPA on specific points.
3. In each case, the Focal Points shall inform the Contracting Parties and the government concerned of the reasons for their conclusions, having regard to the

observations made by the RAC/SPA. If they propose awarding the Mediterranean Diploma, they shall briefly set out the reasons for their decisions, referring notably to the effectiveness of the management and conservation measures adopted.

4. If the proposal to award the Mediterranean Diploma is conditional on the fulfilment of specific conditions, or is accompanied by specific recommendations, the Diploma shall only be granted if the State concerned undertakes the commitment of complying with such conditions and recommendations, either during the meeting of the Focal Points, or by any other means in the event of being prevented from attending such meeting.

Article 8 - Decision of the Contracting Parties to the Barcelona Convention, and awarding of the Diploma

1. Decisions concerning the award of the Mediterranean Diploma shall be taken by the Contracting Parties to the Barcelona Convention at their Ordinary Meetings by a two-thirds majority of the votes.

2. The decision of the Contracting Parties and the motivations for the awarding of the Mediterranean Diploma shall be set out in a resolution and recorded in the certificate attesting the awarding of the Diploma.

3. The Mediterranean Diploma shall be presented to the authorities directly responsible for managing the area to which it has been awarded at a ceremony organised on the site, as soon as possible after the date of the award.

The following persons shall attend:

- the President of the Bureau of the Barcelona Convention (or his or her representative);
- the Executive Secretary of the Convention (or his or her representative) who shall present the Diploma;
- the representative of the recipient (governmental or private) body;
- the Focal Point from the State concerned (or her/his representative).

4. The costs of the ceremony shall be borne by the host State, except those incurred by the representatives of the Barcelona Convention (or their representatives), which shall be met by the Convention.

5. A press release shall be issued at the time of the ceremony. The Convention will publish appropriate materials to mark the occasion.

6. The authorities responsible for managing the areas awarded the Mediterranean Diploma shall use a logo. The logo shall be used on panels at the entrances to the areas, in information leaflets and other similar material, and in the visitor reception and interpretation buildings. Regulations on the use of the logo will be contained in a leaflet available from the RAC/SPA. The reasons for the award of the Mediterranean Diploma as recorded in the Diploma itself shall also appear on the said panels.

Article 9 - Biannual reports

1. The authorities directly responsible for managing the area which was awarded the Mediterranean Diploma shall submit an biannual report to the Focal Points. The report must be based on the model described in Appendix 3 to these regulations. The report must be forwarded to the RAC/SPA in full by the central authorities of the state concerned, with any comments they may wish to make. It must, inter alia, state what measures have been taken to comply with the conditions and/or recommendations mentioned when the Mediterranean Diploma was awarded or renewed. The first biannual report must be submitted in one of the two working languages of the Meeting of NFPs for SPAs by 30 November of the year following that in which the Meeting of the Parties awarded the Diploma. Every biannual report reflects the previous period from 1 September of the first year to 31 August of the second year of the reporting period.

2. The RAC/SPA shall examine the biannual report and may submit an opinion or recommendations to the Focal Points, which shall be forwarded, through the Bureau of the Convention and the central authorities of the state concerned, to the authorities responsible for managing the area, which was awarded the Diploma.

3. In the event of failure to comply with the foregoing provisions, the Executive Secretary of the Convention may, via the government concerned, invite the persons responsible for managing the Diploma-holding area to provide an adequate explanation.

Article 10 - Appraisal in the event of a serious threat or serious damage

1. Should there be a serious threat or serious damage to the area, the Executive Secretary may appoint an independent expert to assess, in the company of a representative of the RAC/SPA, whether there is in fact any real danger and to carry out a further appraisal in accordance with the conditions laid down in Article 7 of these regulations.

2. The expert's conclusions shall be examined by the RAC/SPA, which shall submit an opinion to the Focal Points.

3. Should the danger prove real, the Focal Points may recommend that the Meeting of the Parties request the responsible authorities to take appropriate protective measures within a reasonable time. Where such measures cannot be taken within a reasonable time, or where the damage is irremediable, the Focal Points shall decide whether or not to recommend to the Meeting of the Parties that the Mediterranean Diploma be withdrawn before the end of the five-year period.

4. The decision as to whether to withdraw the Mediterranean Diploma shall be taken by the Meeting of the Parties by a two-thirds majority of the votes cast and a majority of the representatives entitled to sit on the Meeting. It shall be notified by means of a resolution, and the reasons for such a decision shall be transmitted to the government concerned and the authorities responsible for managing the area.

Article 11 - Extension of the period of validity of the Mediterranean Diploma

1. During the fourth year, unless the State concerned decides otherwise, the Focal Points shall consider extending the validity of the Mediterranean Diploma for a further four-year period, in the light, in particular, of the biannual reports.
2. To this end, the Executive Secretary of the Barcelona Convention shall appoint an independent expert to carry out a fresh appraisal, particular attention being paid to information provided every two years in the biannual reports. The new appraisal is aimed at taking stock of the state and development of the SPAMI, having regard to the conditions and/or recommendations formulated previously, and proposing, as appropriate, new measures for the coming period. The working conditions for this expert shall be the same as those laid down for the expert who carried out the appraisal for the award of the Mediterranean Diploma. The expert will be accompanied by a member of the Secretariat, if the renewal raises any particular problems; otherwise the visit shall be made by the expert alone.
3. The independent expert's terms of reference shall be drawn up by the RAC/SPA. They shall take account, in particular, of the progress of actions taken to comply with the conditions and/or recommendations in the resolution awarding the Mediterranean Diploma, or the resolution renewing it on the previous occasion, and of the comments by the RAC/SPA and those set out in the biannual reports.
4. The government concerned shall be invited to send a representative, at its own expense, to the meeting of the Focal Points, when the discussion on the renewal of the Mediterranean Diploma takes place.
5. After examining the expert's report and the findings of the RAC/SPA, the Focal Points will propose that the Meeting of the Parties take one of the following options:
 - extending the period of validity of the Diploma;
 - not renewing the Diploma before certain conditions are met;
 - not extending the period of validity, which shall be tantamount to withdrawing the Diploma, in which case the Meeting of the Parties shall inform the authorities directly responsible for the area concerned of the reasons for its decision, through the government.
6. If the Diploma is not renewed or its period of validity extended, the authorities responsible shall be requested to keep the Focal Points regularly informed of developments in the situation.
7. The decision concerning the renewal of the Diploma shall be taken by the Meeting of the Parties by a two-thirds majority of the votes cast and a majority of the representatives entitled to sit on the Committee. It shall be the subject of a resolution.

Appendices

Appendix 1. Format for new applications

The application form for the Mediterranean Diploma will be an updated version of the "Format for presentation reports for the areas proposed for inclusion in the SPAMI List" (UNEP(DEC)/MED WG.177/9, Annex VI), with the addition of the information pertaining to the dates of first and subsequent examinations, expert visits, awarding of the Mediterranean Diploma, and the names of the experts participating in the assessment processes.

Appendix 2. Criteria for the award of the Mediterranean Diploma, and Terms of Reference for experts carrying out on-the-spot appraisals

Both the Criteria and the Terms of Reference are in keeping with the various conservation objectives to be met by all SPAMIs, and provided for in the Protocol (with particular reference to Protocol Article 6, 7 and 8). These are covered in detail in the "Format for new applications" described in Appendix 1.

Appendix 3. Format for biannual reports

Biannual reports should describe the changes that have taken place since the previous two years in dynamic terms of management and function and not be limited to basic data. They should not, without justification, exceed six pages. The last report, preceding the date of renewal of the Mediterranean Diploma, should be more detailed. Any new text or map introducing a change in the situation of the area should be attached to the biannual report.

Appendix 4. Communication tools for the Mediterranean Diploma

- Logo
- Information material (leaflets, brochures, audiovisuals, etc.)