**United Nations Development Programme**

**Project title:**

**“Improving coverage and management effectiveness of marine and coastal protected areas”**

**Draft report:**

**DRAFT TERMS OF REFERENCE (Articles of Formation)**

**Cross-Sectoral Forum for the Albanian Network of Marine and Coastal Protected Areas**

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**ACRONYMS AND ABREVIATIONS**

CPA – Coastal Protected Area

GEF – Global Environment Facility

LFA –Logical Framework Approach

MPA – Marine Protected Area

MCPA – Marine and Coastal Protected Area

MEFWA – Ministry of Environment, Forestry and Water Administration

METE - Ministry of Economy, Trade and Energy

METT - Management Effectiveness Tracking Tool

MNP – Marine National Park

MoU - Memorandum of Understanding

MPWT - Ministry of Public Works and Transportation

MTCYS - Ministry of Tourism, Culture, Youth and Sport

NBSAP – National Biodiversity Strategy and Action Plan

NCTA - National Council for Territorial Adjustment

NMC - National Marine Council

PA – Protected Area

SPMCPA - Strategic Plan for Marine and Coastal Protected Areas

UNDP – United Nation Development Program

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1. **BACKGROUND**

This document provides the draft Terms of Reference/Articles of Formation of a cross-sectoral Forum for the proposed Albanian Network of Marine and Coastal Protected Areas (MCPAs).

Albania declared its first Marine National Park (MNP) in 2010 (Karaburuni Peninsula and Sazani Island[[1]](#footnote-1)), as a result of the UNDP assisted project “*Protected Areas Gap Assessment and Marine Protected Areas Development in Albania*”. The current UNDP/GEF Project “*Improving Coverage and Management Effectiveness of Marine and Coastal Protected Areas*” was designed to help ensure the proper management of Karaburun-Sazani Marine National Park and to build a network of marine protected areas.

The goal of the UNDP/GEF Project is to secure the long-term protection of Albania’s unique coastal and marine biodiversity. The immediate objective is to improve the coverage and management effectiveness of Albania’s network of marine and coastal protected areas, so as to act as an essential complement to its network of terrestrial PAs. The Project aims to help remove existing systemic, regulatory and knowledge barriers. The immediate objective will be achieved through two outcomes: i) Improved bio-geographical representation of marine and coastal protected areas (MCPAs), and ii) Improved management arrangements for MCPAs, clarifying institutional settings and capacity building.

Given continued overall institutional reform in Albania, the Project intends to support such processes by putting in place a Cross-Sectoral Forum for the MCPAs, with the potential to act as a lasting sustainable institutional network of stakeholders engaged in MCPA decision-making. The Forum establishment is part of the project outcome no. 2 “*Improved management arrangements for MCPAs based on clear institutional responsibilities and development of capacities*” and is explicitly specified as “*Output 2.1 Cross-Sectoral Forum for marine and coastal protected area management is created”*. That means that apart from strengthening of the management instruments (such as management Boards at MCPAs) by the end of the 3rd year of the Project efforts will be made with the Ministry of Environment, Forestry and Water Administration (MEFWA) to set up the cross - sectoral forum and sustain it, enabling and reviving inter-institutional dialogues, as well as Memorandum of Understanding (MoU) on MCPAs among relevant stakeholders.

The MEFWA as main beneficiary of the project, as well as the responsible executive institution dealing with protected areas in Albania, is expected to play a leadership role in the Cross-Sectoral Forum that brings together relevant sectors and institutions (e.g., environmentalists, fisheries, tourism, physical planning), protected area site managers, researchers, NGOs, and representatives of the main user groups in and around Albania’s coastal and marine protected areas.

Forum members should represent local and national government, academia, NGO, community and resource dependent user groups interested in the marine environment. The Forum will facilitate opportunities for all who wish to contribute to marine and coastal conservation and management. The Forum will be established in accordance with the requirements of the Logical Framework Approach (LFA) in the Project Document as approved in the inception workshop of 15th July 2011.

1. **NAME OF THE FORUM**

Official name: Cross-Sectoral Forum for the representative network of Albanian Marine and Coastal Protected Areas (MCPAs).

Abbreviation: MCPAs Forum

1. **MCPAs FORUM ESTABLISHMENT AND LEGAL AUTHORITY**

The MCPAs Forum is a Project specific instrument and may evolve into a legally recognized body during the Project or subsequently.

. The MCPAs Forum will be established and recognized under the relevant legal competences of the MEFWA[[2]](#footnote-2). The approved project document will be a guideline for establishing the MCPAs Forum and for advising the MEFWA on the protection and management of the MCPAs in Albania. The area of interest to the MCPAs Forum comprises all existing MCPAs that are under a conservation regime, marine and coastal areas that have been considered as important areas by strategic environmental documents of the Albanian government (i.e. NBSAP 1999), in terms of their conservation and management and areas of potential significance identified through the Project.

The MCPAs Forum should be a consultative[[3]](#footnote-3) (advisory) Forum reporting to the MEFWA which is mandated under the Law on Protected Areas to deliver a participatory approach (article 14.1.b of protected areas law refers[[4]](#footnote-4)). The Secretariat to the MCPAs Forum is proposed to be MEFWA with assistance from the Project during the life of the Project.

1. **PURPOSE AND MANDATE**

The MCPAs Forum should be established to provide advice to the MEFWA with respect to the development, protection and management of a representative network of MCPAs in Albania. The MCPAs Forum serves as a primary consultative body for the MCPAs network. It should be chaired by the MEFWA and its members should be drawn from local and national government, academia, NGO, community and resource dependent stakeholders (see the MCPAs forum composition below), in order to facilitate the direct involvement of all key stakeholders.

The MCPAs Forum should actively participate in the development of plans and strategies for the identification and management of the MCPAs network. The MEFWA relies on the experience and expertise of MCPAs Forum members to help develop feasible and practical conservation measures. The MCPAs Forum is involved in the review and assessment of activity plans submitted for approval under the MCPAs Regulations. Apart from its principal role as a consultative and advisory body to government, the MCPAs Forum also provides an instrument for sharing information and ideas among groups that might not otherwise interact. The MCPAs Forum also serves as an important connection between the MCPAs network, the larger marine community and the general public.

Although the MCPAs Forum is a Project instrument, it may be institutionalized and eventually be legally recognized as a protected areas consultative committee within a revised Protected Areas Law. This law should also provide a framework of accountability for representation, for funding and for effective delivery of conservation management of biodiversity protection areas in Albania.

1. **MCPAs FORUM MISSION STATEMENT, OBJECTIVES AND ADVISORY TASKS**

The proposed mission statement of the MCPAs Forum is as follows:

- to provide advice on the effective management of proposed and actual MCPAs\*, so as to deliver and sustain a MCPAs network with integrated, cumulative and sustained ecosystem benefits;

- to be consultative and representational, recognizing the need for gender balance[[5]](#footnote-5) with the final decisions being made by the higher authority through the MEFWA.

- to provide guidance, oversight, accountability and advocacy for efforts to fund and effectively deliver MCPAs network management nationally and in an international trans-boundary context.

\*where a protected area is as defined in the Protected Areas Law of 2002, rev 2008 and is also "*A clearly defined 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*”[[6]](#footnote-6), and where a MCPA[[7]](#footnote-7) is a protected area that covers contiguous marine and coastal geographic areas comprising the coastal zone[[8]](#footnote-8) including such sea, tidal and terrestrial elements as are necessary to sustain ecosystem function.

The MCPAs Forum mission will be met by supporting MEFWA to deliver the objectives and advisory tasks listed below:-

The principal objectives of the MCPAs Forum are to support MEFWA in:

a) ensuring representative stakeholder consultation;

b) delivering transparency and accountability (good governance);

c) effectively managing the MCPAs network in Albania;

d) integrating marine and coastal biodiversity conservation and sustainable management in productive sector planning through strategic environmental assessment and environmental impact assessment;

e) increasing the MCPA network profile both in country and at international/Mediterranean level to help achieve the protection objectives of the Albanian Biodiversity Strategy and the principles of the MCPA Policy;

f) providing justification and advocacy for adequate resourcing of MCPAs network management;

g) delivering sustainable financing.

The MCPAs Forum will aim to identify the key issues for coastal and marine biodiversity viability and the values that are central to communities that depend on this viability. It will seek to facilitate informed discussion and work towards consensus on options for achieving integrated marine protection taking account of the full range of statutory and voluntary marine protection tools available.

The MCPAs Forum should have the following advisory tasks:

* Support and cooperate with the MEFWA on PA management related issues, providing key policy guidance for the marine and coastal biodiversity protection and recommendations for the designation of marine and coastal protected areas:
  + Evaluate options to achieve integrated protection of marine biodiversity that is in line with the protection objectives of the Albanian Biodiversity Strategy and provide advice on revisions of the Albanian Biodiversity Strategy (due shortly).
  + Guide on the identification of marine and coastal areas to be protected and on the development of management for the protected areas.
  + Actively support the development, review and consultations on the strategic actions on MCPAs under the GEF-UNDP project (especially the development of marine and coastal biodiversity conservation and sustainable management planning and monitoring frameworks) as well as its coordination with other projects and programs working in the area of marine coastal zone conservation and sustainable development.
  + Act as a necessary prerequisite to the development of the Strategic Plan for Marine and Coastal Protected Areas (SPMCPA) and guide and recommend this SPMCPA to the higher authority for possible approval.The MCPAs Forum should also provide guidance, oversight, accountability and advocacy for efforts to fund and effectively deliver the SPMCPA.
  + Scientific/ technical support and advisory services as needed, by national and international experts on the ecological and socio-economic aspects of marine biodiversity conservation, taking account of relevant scientific and technical advice on the condition and status of the marine ecosystems and biodiversity.
  + Prepare the ground for a National Marine Council (NMC) as the highest government authority responsible for marine water policies by advising on the development of draft laws and regulations for that purpose.
* Ensure adequate consideration of marine and coastal zone conservation and sustainable management issues in productive sectors (fisheries, agriculture, tourism, transportation etc) development agenda:
* Ensure that the views of all the stakeholders are fully taken into account in the process.
* Assist on resolving any conflicts or disagreements that arise in the coastal area.
* Facilitate coordination with other projects and programs working in the area of marine coastal zone development.
* Increase all stakeholders’ awareness on values and benefits of Marine and Coastal Protected Areas with special target on decision makers and local communities.
  + Awareness raising amongst decision makers, local community and user groups on the values and benefits of MCPAs.
  + Increase Albania’s marine and coastal PAs profile at international level with special focus on the Mediterranean PAs network.

1. **MCPAs FORUM STRUCTURE AND ORGANIZATION**

**Administrative Support**

The MCPAs Forum should be consulted by and advise MEFWA as the primary legal institution and decision-maker on Albanian MCPAs. The Project Management Unit will provide the secretariat services to the MCPAs Forum during the life of the Project. The MCPAs Forum may migrate to a smaller legally recognized advisory or consultative group during or after the Project.

**Size**

The MCPAs Forum shall be large enough to engage and represent a broad spectrum of interests, yet small enough to facilitate effective discussions. At start-up, the size of the MCPAs Forum is proposed to be limited to 15 members, comprising a mix of government and non-government members. At its first official meeting the MCPAs Forum will confirm and what constitutes a quorum (proposed to be 50% +1 of the membership).

**Composition**

The MCPAs Forum will be composed of 15 members, including a chairman from MEFWA, a Steering Committee and representatives from the following institutions and organizations:

1. Ministry of Environment, Forestry and Water Administration (3 representatives)

*Tasks to be covered: the representatives of the MEFWA should cover issues related to the policies on conservation and management of marine and coastal areas in general, with a special focus on protected areas, biodiversity, fishery, aquaculture and environmental impacts.*

1. Ministry of Tourism, Culture, Youth and Sport (1 representative)

*Tasks to be covered: the representative of the MTCYS should cover issues related to the policies on tourism development and management in coastal areas, as well as other socio-economic activities.*

1. Ministry of Public Works and Transportation(1 representative)

*Tasks to be covered: the representative of the MPWT should cover issues related to the policies on urban planning,urban development, territory and property issues in coastal areas.*

1. Ministry of Economy, Trade and Energy (1 representative)

*Tasks to be covered: the representative of the METE should cover issues related to the policies on economic development in coastal areas.*

1. Ministry of Finance (1 representative)

*Tasks to be covered: the representative of the Ministry of Finance should cover issues related to the policies on funding and income generation for marine and coastal protected areas.*

1. Marine Fleet (under the Ministry of Defense) (1 representative)

*Tasks to be covered: the representative of the Marine Fleet should cover issues related to the regulations on navigation and maritime traffic in marine and coastal waters.*

1. National Council for Territorial Adjustment (1 representative)

*Tasks to be covered: the representative of the NCTA should cover issues related to the regulations of territorial planning and territorial adjustment in coastal areas.*

1. Science/Research community (2 representatives)

*Tasks to be covered: the representative of the science / research community should cover issues related to the inventory, monitoring, management and conservation of marine and coastal biodiversity and habitats.*

1. Environmental NGOs (2 representatives)

*Tasks to be covered: the representative of the environmental NGOs should cover issues related to the environmental impacts, management, conservation, information, education and public awareness on MCPAs and marine and coastal habitats in general.*

1. Organizations of fishermen (fishery and aquaculture) (1 representative)

*Tasks to be covered: the representative of fishermen organizations should represent the interests of the groups dealing with the fishery and aquaculture in marine and coastal waters.*

1. Organizations of tourism (1 representative)

*Tasks to be covered: the representative of tourism organizations should represent the interests of the groups (organizations, businesses), dealing with tourism in coastal areas.*

The MCPAs Forum will be chaired by the Director of Environmental Policies at the MEFWA or his/her proxy. A Steering Committee (SC) will be set up, composed by 3 elected members. A Secretariat with no voting right will be appointed *(tasks of MCPAs Forum members and authorities are given below*.

**Structure of the MCPA Cross – Sectoral Forum**

Ministry of Environment, Forests and Water Administration

(MEFWA)

Chairman of the Forum

(Director of Environmental Policies at the MEFWA)

Steering Committee (SC)

(3 members)

Forum members (15 members, incl. the chairman and the SC)

Secretariat

(no voting right)

**Chairperson**

The MCPAs Forum will be chaired by the Director of Environmental Policies at the MEFWA. The MEFWA reserves the option for professional facilitation to the chairperson. In the absence of the chairperson, his /her proxy will provide the chair.

**Steering Committee**

The Steering Committee (SC) will be composed by 3 elected members: one from the MEFWA, one from the academic / research institutions and one from the environmental NGOs.

**Secretariat**

At the MCPAs Forum start-up phase, the GEF/UNDP project[[9]](#footnote-9) will play the role of the Secretariat and takes care on all organizational aspects related to the MCPAs Forum’s operations, until another decision of the MCPA Forum to appoint another structure as a Secretariat in the post-project period. During the ongoing Project implementation, the GEF/UNDP project in cooperation with the MEFWA will also facilitate the logistic aspects for the MCPAs Forum meetings.

**Modes of Operation**

The most important way of communication will be the face-to-face discussion and open interaction amongst MCPAs Forum members, as well as between MCPAs Forum members and other relevant stakeholders. The MCPAs Forum will also operate through e-mail communications. Electronic correspondence, with mail delivery as needed, will be the primary means of document delivery and information exchange. There will be comment periods without a MCPAs Forum meeting, in which case, members are expected to work independently.

**Working Groups**

Working groups may be established to address specific policy issues, management measures, conservation strategies, scientific questions or other matters related to the MCPAs. These bodies will normally comprise MCPAs Forum members, but they may also include persons from outside the MCPAs Forum. Depending on the task at hand, terms of reference and work-plans may be developed for these groups.

1. **MCPAs FORUM FUNCTIONALITY**

In order to avoid confusion among PA management boards which are operational bodies at PA level, and newly established Inter-institutional Operational Marine Center which focuses on integrated approaches to regulating fishing, shipping and border patrolling, the MCPAs Forum with a consultative and advisory function will be established at the Ministry level.

Representation on the MCPAs Forum will be “function”-based (vs. “person”-based), thus it will ensure that whatever institution obtains responsibilities for MCPA decision making, it is included in the MCPAs Forum. This will prevent any disruption of national level policy-making and decision-making on MCPAs. While the General Environment Policies Directorate of the MEFWA will operationalize the MCPAs Forum, the Project will facilitate MCPAs Forum support to creating effective management of MCPAs gradually expanding to other PA systems, as well as ensuring that the MCPAs Forum capacity is well-developed to sustain its work post-Project.

**7.1 MEMBERSHIP**

**Members**

The MCPAs Forum shall be composed of government and non-government interests comprising a balance of knowledge, skills and experience related to the ecology, management, conservation and use marine and coastal areas in Albania. Selection criteria are provided in the Appendix 1, at the end of this document.

Seats are designated for government and non-government institutions and organizations with relevant expertise or a direct role in marine and coastal conservation and management. Members can be added per SC approval to a maximum of 15, as a set-up phase (object of eventual changes later on). Members should be committed to the objectives of the MCPAs networkin Albania as specified in the Strategic Plan for Marine and Coastal Protected Areas.

The SC and the Chairperson will review the membership and criteria every three years or as required otherwise by the MCPAs Forum internal rules, to ensure that composition remains appropriate for the MCPAs Forum mandate.

**Appointment**

Government and non-government institutions and organizations invited to participate in the MCPAs Forum will nominate representatives based on their usual internal processes to assign staff members as volunteer consultants to another party. All new members shall be provided with basic orientation materials including this document, the MCPAs regulations, recent Meeting Reports and other relevant background documents.

**Member Expenses**

Members participate in the MCPAs Forum on a voluntary basis. The MEFWA covers operational costs associated with routine MCPAs Forum meetings and administrative support (e.g., photocopies, postage, teleconferences, refreshments, etc. …). (The GEF/UNDP Project can cover these operational costs during the ongoing implementation project phase). Although the MEFWA is generally unable to provide honoraria or to support travel expenses, this does not preclude any potential support from elsewhere.

**Withdrawal and Suspension of Members**

Members may choose to withdraw from the MCPAs Forum at any time for any reason. The Chairperson requests that formal written notice be provided when such a decision is taken. A member may be removed from the MCPAs Forum at the Chair’s discretion and with voting approval from the MCPAs Forum members, if this action is deemed necessary (technical details on the voting rules, quorum size and other internal rules will be officially defined after the official set-up of the MCPAs Forum).

**7.2 ROLES AND RESPONSIBILITIES**

**Chairperson**

The Chairperson shall conduct MCPAs Forum meetings and serve as spokesperson for the MCPAs Forum. The Chair’s primary role is to lead the discussion and obtain consensus with the MCPAs Forum members. Once activity plans are reviewed by the MCPAs Forum, the Chairperson ensures that member commentary is factored into official deliveries of the MCPAs Forum, either within the MCPAs Forum, or to another party, as for the concrete case. For matters other than regulatory applications, the Chair will provide the official links between the MCPAs Forum and other institutions, organizations and stakeholder groups.

**Steering Committee (SC)**

The Steering Committee will facilitate the Chairperson in arranging and managing the MCPAs Forum meetings, communication between Forum members and the MEFWA, and communication between the MCPAs Forum and other MCPAs’ stakeholders. The SC meets at least twice per year, at the initiative of the Chairperson until this pattern is formalized. With the formalization of this structure, it will be provided legal terms, responsibilities and accountability.

In cooperation with the Chairperson and the Secretariat, the Steering Committee should:

• Identify and assess the priority work and issues of the MCPAs Forum in short-term, mid-term and long-term approach.

• Set up meetings and prepare the meeting agenda.

• Analyze the inputs from the MCPAs Forum.

• Contribute to the preparation of reports to be delivered within the MCPAs Forum and to the other external groups of interest.

• Assist to develop annual work-plans with and for the MCPAs Forum.

• Respond to MCPAs Forum and members recommendations in a timely manner.

**Members**

Members will provide inputs to the MCPAs Forum, related to:

• Advice on the development and implementation of MCPAs plans, policies, protocols, conservation measures, management strategies and operational procedures.

• Interpretation and application of the MCPAsregulations.

• Assess the accuracy and quality of ecological and socio-economic information used for decision-making.

• Review activity plans submitted under the regulations and provide comments with respect to appropriateness, compliance with MCPA objectives and approval conditions.

• Recommend strategies and plans of management for the MEFWA approval.

• Activities of other organizations mandated or involved in the protection of the MCPAs in Albania.

• Discuss and recommend research to address the needs of the MCPAs.

• Identify outreach opportunities and assist with the development and delivery of educational materials for the general public.

• Participate in the review and evaluation of conservation objectives, management effectiveness and MCPAs Forum contributions.

Members represent their institution / organization’s interests and serve as a connection between their group, the MCPAs Forum and the MEFWA. Members will:

• Make every possible effort to attend meetings, contribute to discussions, comment on distributed documents and generally engage in the work of the MCPAs Forum.

• Communicate within their organizations to relay information about the MCPAs and to seek feedback and advice from their constituents.

• Identify management issues and help resolve conflicts as they emerge.

• Initiate partnership agreements and/or recommend non-regulatory actions to help meet conservation and management objectives.

• Recommend, design and implement voluntary conservation measures.

• In the case of government representatives, advise on the application of their department’s legislation, programs and policies for the protection of the MCPAs.

• In the case of non-government representatives, assess proposed management measures to provide feedback on potential effects and operational feasibility.

• Members will agree to focus their attention on matters which have the potential to impact on the MCPAs and that are important to theMCPAs Forum.

**Secretariat**

The Secretariat will attend to all aspects of the MCPAs Forum operations including administrative, logistical and communication support. The Secretariat will be provided by the Project under the direction of the MEFWA. It will:

• Assist the Steering Committee to set up meetings and develop materials for distribution.

• Take meetings notes and prepare meeting reports.

• Receive, compile and incorporate inputs from the MCPAs Forum.

• Assist the Steering Committee and the Chairperson to develop annual work-plans with and for the MCPAs Forum.

• Maintain the register of members and provide orientation for new members.

• Establish and maintain the MCPAs Forum archives.

**7.3 MCPAs FORUM MEETINGS**

**Call and Frequency**

Meetings will be called and led by the Chairperson. The MCPAs Forum will hold at least two meetings per year, with additional meetings called as necessary. Emergency or special subject meetings may be called to address particular issues or topics. The MCPAs Forum will hold the meeting when 50% +1 of the members are present.

**Meeting Notice**

MCPAs Forum meetings will be scheduled and announced at least 10 days before the date of the meeting. Meetings will generally be held at the MEFWA. Notification will be sent to the MCPAs Forum members by e-mail and will include location, date and time. Members are expected to confirm their attendance to the Secretariat as early as possible.

**Alternates**

Members may designate an alternate to attend meetings when their attendance is not possible. Alternates should be well informed about the MCPAs of Albania, familiar with this document and the work of the MCPAs Forum, and able to represent their constituents. Regular members will notify the Secretariat as far in advance as possible if an alternate is to attend a meeting in their place. Alternates should vote according to the proxy of the member they are alternating for.

**Meeting Agenda and Support Materials**

The Steering Committee and the Secretariat will develop a preliminary agenda for distribution to the MCPAs Forum members at least two working weeks before a meeting. Members may request that additional items be placed on the agenda or they may ask to deliver a presentation. Agendas and any documents to be discussed at meetings will be distributed as early as possible but not later that one working week before a meeting.

**Observers**

An observer is someone (potentially a stakeholder or actor dealing with MCPAs) who is not a member of the MCPAs Forum or an alternate. Meetings of the MCPAs Forum are open to observers, however, the Chairperson may request a closed session depending on the subject matter to be discussed. The Chairperson may also restrict the number of observers for practical reasons (e.g. venue capacity). Observers will be asked to identify themselves at the beginning of the meeting. Meetings will not generally be open to the media, however the Chairperson may consider special requests. If an observer has submitted an activity request to the MCPAs Forum, he / she may be asked to remove themselves from the discussion.

**Specialist Attendance**

The MCPAs Forum may require technical advice and expertise from time to time. Requests for resource persons may come from the Chair, the Steering Committee or from any member. Specialists may be invited at the Chair’s discretion to give a presentation or participate in MCPAs Forum meetings. Unsolicited requests from non-members to meet or address the MCPAs Forum will be considered on a case by case basis.

**Meeting Minutes**

The Secretariat will take notes during MCPAs Forum meetings and detailed minutes will be drafted by the Secretariat and Steering Committee to provide all members with a complete record of the proceedings. Recording devices will only be permitted with the express permission of the Chairperson. Significant decisions and action items will be noted. Draft meeting minutes will be distributed to the MCPAs Forum for review and comment by the members. Members will refrain from public distribution pending final approval. Minutes will be adopted by the SC at subsequent meetings. Final versions of the minutes will be labeled as such and members will be free to distribute them. Once approved, the meeting minutes become part of the official MCPAs Forum record and will be made available to the public upon request.

**Procedure for voting**

Each agenda item requiring a vote should be notified as such in the agenda. The Chairperson will raise the agenda item. Discussion should then be nominated by a MCPAs Forum member and seconded.

A quorum should be present for a vote (quorum is proposed to be 50% +1 of the members and should be agreed and specified in the articles of formation of the MCPAs Forum). MCPAs Forum members who are not present may vote by proxy provided that the vote is notified to the chairperson in writing before the meeting.

The proponent should make a brief (suggested to be no more than 3 minutes) presentation in favour of the motion and option should be provided for a member of the MCPAs Forum to provide a 3 minute presentation against the motion. The chair will then summarise the issues. A member of the MCPAs Forum should then call for a vote and be seconded. If no vote is called for then the matter will be dropped and the next item will be discussed.

Votes should be by raised hand (or confidential by coloured slips of paper etc if required) and should be affirmative (yes), negative (no), or abstain.

The vote should be recorded in the minutes.

**7.4 COMMUNICATIONS**

**Reporting Relationships**

MCPAs Forum input, advice and guidance are received by the MEFWA during meetings and directly from individual members. Deliberations and consensus-based recommendations will be received and noted by the Chairperson at meetings. When a member submits comments to the Chairperson and / or the SC, the submissions will be noted and archived appropriately. These submissions will also be shared with the other MCPAs Forum members. The results of the MCPAs Forum input will be self-evident in most instances.

**Correspondence from the MCPAs Forum**

There may be instances when the MCPAs Forum wishes to communicate formally with the MEFWA or with other entities.The Chairperson will forward the correspondence back and forth on behalf of the MCPAs Forum. These correspondences can be made public with permission. The MCPAs Forum will not use the MEFWA letterhead (official logo and stamp), but it may choose to design and use its own.

**Membership & E-Mail Lists**

Participant lists and contact information will be shared with all members of the MCPAs Forum. The generic list of member organizations and individual representatives and affiliations will be considered public. Apart from the MCPAs Forum notices, the e-mail list should not be used for member broadcasts unless the member gives permission to release information. The Secretariat in cooperation with the Chairperson and the SC will receive, compile and distribute member commentary as necessary.

**Media Relations**

The Chairperson will serve as the MCPAs Forum spokesperson. The Chairperson may rely upon members to help share information about the MCPAs with the media. Members are free to discuss their views and interests or those of their organization and asked to exercise restraint when speaking about the views and interests of other members.

**7.5 CONFLICT OF INTEREST**

Members and observers that have a commercial, regulatory or personal interest in any matter related to the MCPAs Forum workare asked to disclose such interest, in writing, before any discussion on the matter. Most cases will be self-evident, for example, when a member or observer submits an activity plan for Ministerial approval. In cases where a conflict is not evident, members and observers must declare any real, potential or perceived conflicts. The MCPAs Forum may invite the member or observer in question to participate in the discussion, thereby allowing for a better exchange of information and views. If warranted, the Chairperson or the SC may ask to have the member or observer withdrawn from the discussion and in extreme cases the matter may be deferred to another appropriate mechanism.

1. **INITIAL WORK PLAN OF THE MCPAs FORUM**

**MCPAs Forum Operationalization**

**Milestone (1)**: Acceptance of the Terms of Reference by the MEFWA.

The MCPAs Forum Terms of Reference should be delivered to the MEFWA and discussed. Elaboration and modifications of the MCPAs Forum Terms of Reference can be done until approved by the Members at the first meeting of the MCPAs Forum.

**Milestone (2)**: Set up the Secretariat.

At the MCPAs Forum start-up phase, the GEF/UNDP Project5 will play the role of the Secretariat and takes care on all organizational aspects related to the MCPAs Forum operations.

In its initial phase the Secretariat should:

* Build and register a representative MCPAs Forum network according to specified procedures.
* Build and deliver governance effectiveness tracking tool to be used to report to the MCPAs Forum on governance effectiveness within the MCPAs Forum.
* Modify, if necessary, and deliver the management effectiveness tracking tool (METT) and UNDP capacity development scorecard to be used to report to the MCPAs Forum on management effectiveness in the context of development and delivery of the SPMCPAs and management of MCPAs.

**MCPAs Forum Delivery**

**Milestone (3)**: Organization of the first meeting (MCPAs Forum kick-off).

The Secretariat, in cooperation with the MEFWA, should:

* Facilitate development of an agenda and background documents for the first meeting including presentation for agreement of these Terms of Reference.
* Issue agenda items with a voting statements against which a MCPAs Forum representative can vote “yes”, “no”, or “abstain”.
* Issue invitations, agenda and background materials to registered representatives in the MCPAs Forum.

**Milestone (4)**: Hold the first meeting.

- agree (or pre-agree) a chairperson.

- proceed if a quorum is present.

- present, discuss and vote on agenda items. The agenda item should be presented and the voting statement can be revised and voted on or proposed for revision for consideration in a subsequent meeting.

- propose and agree the technical details of membership, structure, organization and functioning of the MCPAs Forum.

- the outcome of each agenda item should be minuted.

- any other business.

- date and time of the next meeting.

The secretariat should issue report of meeting minutes within specified timeframe to registered members with proposed agenda for the next meeting (requests for additional agenda items from MCPAs Forum representatives should be under any other business and should not be specified in the agenda to avoid making the process too complicated).

Prepare agenda and background materials for the next meeting taking note of any additional agenda items proposed by the members.

Issue invitations, agenda and background materials to registered members in the MCPAs Forum within the timeframe specified for the next meeting.

**Milestone (5)**: Hold the second meeting.

Some important topics to be discussed in a short-term and mid-term:

**Milestone (6)**: Endorse a general framework for SPCMPA[[10]](#footnote-10).

**Milestone (7)**: Endorse a detailed SPCMPA including a budget request and any necessary draft regulations.

**Milestone (8)**: Endorse a general framework for administration and management of Karaburuni – Sazani MPA.

**Milestone (9):** Endorse a detailed management plan/process for administration and management of Karaburuni- Sazani MPA, including a request for a recurrent budget and any necessary draft regulations.

**Milestone (10)**: Endorse a general framework for the proclamation of new marine and coastal protected areas in Albania, aiming to enlarge the MCPAs network.

**Milestone (11):** Endorse a general program for the revision of the conservation status of existing MCPAs in Albania.

1. **ADDITIONAL PROVISIONS**

• The MCPAs Forum shall operate in accordance with the Terms of Reference (articles of formation) as approved by the MCPAs Forum at the first possibility.

• Changes, amendments or addenda to the Terms of Reference may be proposed to and agreed by the majority of a quorum proposed to consist of 50% +1 of the members.

• Normally, the Terms of Reference will be reviewed every five years, unless it is requested earlier as mentioned above.

• The public shall have unrestricted access to these Terms of Reference (articles of formation).

**APPENDIX 1 – Selection Criteria for MCPAs Forum Members**

**Gender balance: Where possible the MCPAs Forum Membership should show a gender balance.**

The Forum members will be representatives from resource use influencing and resource dependent stakeholders balancing government, private sector, civil society and gender.

**Government institutions / organizations** should have marine jurisdiction and/or relevant expertise in one or more of the following areas:

• Legislation, policies, programs or services;

• Marine and coastal science and technology;

• Management and use of marine and coastal resources;

• Protected areas planning and management.

**Non-Government organizations** should contribute relevant knowledge and practical guidance from one or more perspectives:

• Background and experience in marine and coastal conservation;

• Demonstrated work interest in any MPA or CPA in Albania;

• Active use of areas or resources in or near the MPAs or CPAs in Albania.

**Members** should:

• Have relevant scientific, technical, ecological, livelihoods or traditional knowledge to contribute;

• Bring a proactive, solutions-oriented approach to the work of the MCPAs Forum;

• Bring a positive outlook with respect to conservation and the MCPA objectives;

• Contribute to balanced representation of the diverse range of MCPA interests;

• Have a base of support and means to communicate with constituents;

• Share a commitment to understand, cooperate and work with others.

1. GoA (2010).Proclamation of the 'National Park' of the marine natural ecosystem near Karaburuni Peninsula and Sazani Island. Decision Nr. 289, date 28.4.2010. Government of Albania. [↑](#footnote-ref-1)
2. The Minister has the authority to establish and / or recognize cross-sectoral bodies, based on the Law nr 90/2012, article 16, point 5 (Law on the Organization and Functioning of the Public Administration). [↑](#footnote-ref-2)
3. The MCPAs Forum does not have legal or delegated powers nor does it replace the regulatory mandate or decision making authority of existing government bodies. [↑](#footnote-ref-3)
4. The results of consultation process with civil society stakeholders, in particular the approval by the local municipality within and around the proposed area including received comments and reflection into the proposal; [↑](#footnote-ref-4)
5. There should be representation from resource use influencing and resource dependent stakeholders balancing government, private sector and civil society and gender (see the MCPAs Forum composition in this document). [↑](#footnote-ref-5)
6. Dudley, N. (Editor) (2008). Guidelines for Applying Protected Area Management Categories. Gland, Switzerland: IUCN. x + 86pp. <http://data.iucn.org/dbtw-wpd/edocs/PAPS-016.pdf> as revised by 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. 36pp. http://data.iucn.org/dbtw-wpd/edocs/PAG-019.pdf [↑](#footnote-ref-6)
7. The Project document provides the definition of a “Marine and Coastal Protected Area” (MCPA) adopted bythe AHTEG (Ad Hoc Technical Expert Group) of the Convention of the Biological Diversity in 2004.According to this definition, “Marine and Coastal Protected Area” means any defined area within oradjacent to the marine environment, together with its overlying waters and associated flora, fauna, andhistorical and cultural features, which has been reserved by legislation or other effective means, includingcustom, with the effect that its marine and/ or coastal biodiversity enjoys a higher level of protection thanits surroundings. The definition needs to be considered in the context of ecosystem function. [↑](#footnote-ref-7)
8. The interface between land and sea, delineated as the part of the land affected by its proximity to the sea, and the part of the sea affected by its proximity to the land (Mangor, Karsten. 2004. “Shoreline Management Guidelines”. DHI Water and Environment, 294pp.). Http://www.coastalwiki.org/coastalwiki/Coastal\_zone [↑](#footnote-ref-8)
9. Project “Improving Coverage and Management Effectiveness of Marine and Coastal Protected Areas”. GEF/UNDP/MEFWA, 2010 – 2014. [↑](#footnote-ref-9)
10. The Strategic Plan for Marine and Coastal Protected Areas (SPMCPA) is under preparation within the framework of the project “Improving Coverage and Management Effectiveness of Marine and Coastal Protected Areas”. GEF/UNDP/MEFWA, 2010 – 2014. [↑](#footnote-ref-10)