

## Multistakeholder Participation in Biodiversity and Nature Conservation in the MENA Region

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### 16.1 INTRODUCTION

This chapter analyzes the importance of involving diverse stakeholders in biodiversity management in the Middle East and North Africa (MENA) region and proposes the multistakeholder participation (MSP) approach as an integrated framework for achieving productive and sustainable stakeholder engagement in biodiversity and nature conservation. While the literature has extensively highlighted the benefits of involving a broad range of stakeholders in environmental decision-making, minimal attention has been devoted to the opportunities and challenges of applying multistakeholder approaches to biodiversity and nature conservation efforts in the MENA region. Applying the MSP as a normative tool, this chapter prescribes legal and institutional framework considerations for ensuring the valuable contributions of multiple participants and community-based programs in biodiversity and nature conservation in the MENA region.

The MENA region is one of the world's most endowed in natural and biological resources.<sup>1</sup> However, the region's hot and arid climatic conditions, including desertification, drought, land and ecosystem degradation, and loss of biodiversity, pose complex challenges for nature conservation.<sup>2</sup> Water scarcity and climate change impacts aggravate the rapid loss of the region's rich biodiversity.<sup>3</sup> With the declining biodiversity and deteriorating socio-economic conditions of vulnerable groups in the MENA region, especially local communities, the urgent need for cohesive and concerted strategies for biodiversity and nature conservation readily comes to bear.

Although there have been recent legislative and policy developments in MENA countries and at the regional level to halt biodiversity loss, there is a pressing need

<sup>1</sup> See Chapter 1. See also International Monetary Fund, *Regional Economic Outlook: Middle East and Central Asia – Mounting Challenges, Decisive Times* (IMF 2022) Statistical Appendix.

<sup>2</sup> See Chapter 1.

<sup>3</sup> Mina Devkota et al., “Conservation Agriculture in the Drylands of the Middle East and North Africa [MENA] Region: Past Trend, Current Opportunities, Challenges and Future Outlook” (2022) 172 *Advances in Agronomy* 253.

to provide more opportunities for community-based participation and the broad-based engagement of diverse stakeholders to contribute to environmental policy development and the pragmatic realization of action plans. Such important stakeholders include civil society, academia, nongovernmental organizations, and other members of the public, especially noncitizens.<sup>4</sup> Public participation in developing and implementing nature-based solutions to biodiversity challenges brings about numerous benefits: access to diverse perspectives and local knowledge; improving public support and a sense of ownership and responsibility regarding conservation initiatives; opportunities for public education of the importance of biodiversity and citizen's roles in conservation efforts; and enhanced compliance with conservation regulations. The public can contribute significantly to the long-term sustainability of the ecosystem and the success of conservation plans due to their vested interest in the success of the initiatives they collectively developed and executed.

Environmental management programs will also need to carefully respond to the needs of often marginalized groups such as women, children, low-income individuals and families, and those residing in coastal areas.<sup>5</sup> Often situated in coastal or rural regions, local communities are highly vulnerable to environmental shocks. They are especially susceptible to the impacts of biodiversity loss because of their heavy and direct reliance on biodiversity-dependent ecosystem services. Hence, the declining biodiversity affects their access to basic needs, fresh water, and food, causing a decrease in agricultural production and means of sustenance. Therefore, this chapter focuses on local communities as vulnerable groups bearing enormous and disproportionate burdens of biodiversity loss and groups with unique knowledge that could help reverse declining biodiversity.

Community-based conservation programs recognize the interconnection between nature and culture and seek to incorporate community traditions, values, knowledge, and socio-economic development into environmental conservation.<sup>6</sup> Such programs require the active participation of local institutions and give community members and institutions control over aspects of conservation plans that directly impact them. Community participation in biodiversity programs is essential to promote community environmental stewardship, long-term commitment to sustainable use of biodiversity components, and equitable sharing of conservation responsibilities, costs, and benefits.<sup>7</sup> Community-based conservation programs protect local communities' rights and encourage partnerships between local communities and private and public agencies to preserve the ecosystem. They lead to social, economic, and ecological development, incentivize biodiversity and nature preservation, and lead to a healthier ecosystem.

<sup>4</sup> Damilola Olawuyi, *Environmental Law in Arab States* (Oxford University Press 2022) 105–108.

<sup>5</sup> Ibid.

<sup>6</sup> Nafeesa Esmail, "What's on the Horizon for Community-Based Conservation? Emerging Threats and Opportunities" (2023) 38 *Trends in Ecology & Evolution* 666.

<sup>7</sup> Ibid.

Considering the widely acknowledged significance of community-based nature conservation, this chapter highlights the centrality of local communities in environmental regulation and the efficient implementation of nature conservation schemes. This chapter consists of five sections. Following this introduction, Section 16.2 provides the contextual overview and basis for the MSP approach to biodiversity and nature conservation. Section 16.3 analyzes the factors for effective and beneficial multiparty collaboration. Despite the identified benefits of MSP in environmental management, Section 16.4 discusses potential barriers to the proposed inclusive approach – in light of MENA countries’ subsisting top-down conservation regulatory systems and practices. Section 16.5 recommends strategies for addressing or circumventing the obstacles, and Section 16.6 provides a conclusion.

## 16.2 THE MULTISTAKEHOLDER APPROACH TO BIODIVERSITY AND NATURE CONSERVATION

The MSP approach to biodiversity and nature conservation involves the collaboration and engagement of diverse stakeholders in planning and executing conservation policies.<sup>8</sup> It is an inclusive strategy that seeks to garner diverse perspectives and contributions of people and institutions with stakes in a project or initiatives to achieve more comprehensive and sustainable outcomes. This approach is increasingly proposed by the UN, encouraging all its entities and states to promote dialogue between those with stakes in a given issue or decision.<sup>9</sup> The multistakeholder strategy is an offshoot of the human rights-based approach (HRBA) to development, a UN-led normative framework that situates recognition and respect for human rights at the core of every decision-making process.<sup>10</sup> The HRBA promotes human empowerment through rights awareness, access to remedies and institutional promotion, and protection of human rights. The human rights-based approach is underpinned by five principles: universality, indivisibility, equality and nondiscrimination,

<sup>8</sup> Other interrelated concepts include multistakeholder engagement, multistakeholder dialogue, and multistakeholder partnership. Although these concepts have some variations, they are sometimes used interchangeably.

<sup>9</sup> UN DESA, International Decade for Action, Water for Life (2015) UN-Water Annual International Zaragoza Conference [www.un.org/waterforlifedecade/waterandsustainabledevelopment2015/multistakeholder\\_dialogue\\_17\\_01\\_2015.shtml](http://www.un.org/waterforlifedecade/waterandsustainabledevelopment2015/multistakeholder_dialogue_17_01_2015.shtml) accessed August 29, 2023.

<sup>10</sup> After the Secretary-General of the UN called for the mainstreaming of human rights into all the works of the UN in 1997, various UN organizations met in 2003 to develop a Common Understanding on the Human Rights-Based Approach in response to the considerable changes in the international development community at that time. United Nations Office of the Human Rights High Commissioner, Statement by Mr. Kofi Annan, Secretary-General of the United Nations to the Opening of the Fifty-Fourth Session of the Commission on Human Rights (March 16, 1998) SG/SM/98/53; United Nations Sustainable Development Group, “The Human Rights Based Approach to Development Cooperation towards a Common Understanding Among UN Agencies” (2003) <https://unsdg.un.org/resources/human-rights-based-approach-development-cooperation-towards-common-understanding-among-un> accessed August 25, 2023.

participation, and accountability.<sup>11</sup> Stakeholder participation in decision-making and project execution is one of the cardinal standards for mainstreaming human rights standards into public governance.

The MSP approach involves various stakeholders or interest groups in decision-making. The meaningful participation of social actors, such as local communities and vulnerable groups, is fundamental to attaining development goals,<sup>12</sup> hence the interrelationship between effective participation and development. In a broader sense, participation and human empowerment are foundational to the human rights approach to nature conservation. In this context, participation goes beyond an instrument for obtaining public acceptance of a policy; participation is a right that must be respected.<sup>13</sup> The key objective of stakeholder engagement is to enhance trust among different actors, share information and institutional knowledge, and generate solutions and relevant best practices.<sup>14</sup> For biodiversity and nature protection initiatives, the MSP approach can help catalyze more acceptable decisions and greater sustainability of the outcomes, and minimize technical, environmental, social, and financial risks.<sup>15</sup> The MSP framework is a shift from top-down strategies where government agencies, extractive corporations, and investors, far removed from the daily realities of local communities and the majority of the public, formulate policies and execute projects.

The engagement of diverse stakeholders in tackling complex environmental challenges and nature conservation has gained popularity in the literature,<sup>16</sup> and found

<sup>11</sup> Ibid.

<sup>12</sup> As Amina Mohammed, Deputy Secretary-General of the UN observes, to achieve the 2030 Agenda for Sustainable Development and the seventeen Sustainable Development Goals (SDGs) and commitment to leave no one behind, “we need to ensure that we provide a voice and platforms for the meaningful participation and engagement of the most marginalized, vulnerable and excluded communities and individuals.” Amina Mohammed, “Participation, Consultation and Engagement: Critical Elements for an Effective Implementation of the 2030 Agenda” (2018) 2 *UN 2030 Agenda* 55.

<sup>13</sup> The idea of participation has its theoretical root in the participatory development theory of international law. Many other theories can be brought to bear on participation; these include, multistakeholder theory (promotes the active involvement of different stakeholders in decision making), liberal democracy (promotes the principles that protect the rights of individuals as protected by law), civic republicanism (underscores the interconnection of individual freedom and civic participation for the common good), and deliberative democracy (which is a form of democracy in which deliberation is central to decision making). Participatory development theory, however, is remarkably important to the environmental and natural resource management discourse. George Pring and Susan Noé, “The Emerging International Law of Public Participation Affecting Global Mining, Energy, and Resources Development” in Donald Zillman, Alastair Lucas, and George Pring (eds), *Human Rights in Natural Resource Development: Public Participation in the Sustainable Development of Mining and Energy Resources* (Oxford University Press 2002) 13.

<sup>14</sup> Karin Bäckstrand, “Multi-stakeholder Partnerships for Sustainable Development: Rethinking Legitimacy, Accountability and Effectiveness” (2006) 16 *European Environment* 290.

<sup>15</sup> UNEP, Promoting Dialogue, Dams and Development Projects (Information Sheet No 4, DU/CP/3010-01-17/Rev, 2007).

<sup>16</sup> See for example, Tasos Hovardas, “Social Sustainability as Social Learning: Insights from Multi-stakeholder Environmental Governance” (2021) 13 *Sustainability* 7744; Anne-Birgitte Albrechtsen, *Why*

expression in international law.<sup>17</sup> The Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention)<sup>18</sup> and its Protocol on Pollutant Release and Transfer Registers (PRTRs)<sup>19</sup> provide the legal basis for procedural environmental rights. The preamble of the Aarhus Convention underscores the importance of access to information and public participation in decision-making, which includes improvements in the quality and execution of decisions, enhanced public awareness, providing avenues for the public to articulate their concerns, and the creation of opportunities for public authorities to address the public's anxieties.<sup>20</sup> The Aarhus Convention obliges state parties to provide a mechanism for public participation and access to information in environmental decision-making.<sup>21</sup>

Particularly, the UN Convention on Biological Diversity (CBD) aims to promote "the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources."<sup>22</sup> With the overarching aim of fostering actions to protect and sustainably use biodiversity for current and future generations, the CBD encourages state parties to extensively utilize local communities' cultural practices and expertise applicable to biodiversity protection and sustainability.<sup>23</sup> State parties are also obliged to implement environmental impact assessment procedures and, where appropriate, give the public the opportunity to participate.<sup>24</sup> The first protocol to the CBD, the Cartagena Protocol on Biosafety to the Convention on Biological Diversity (Cartagena Protocol), requires state parties to promote and ensure public

*Collaboration Will Be Key to Achieving the Sustainable Development Goals* (World Economic Forum 2017); Giuseppe Ioppolo et al., "Sustainable Local Development and Environmental Governance: A Strategic Planning Experience" (2016) 8 *Sustainability* 180.

<sup>17</sup> The legal basis for public participation is grounded in various international, regional, and national instruments. Notably, international human rights law recognizes the right of everyone to take part in public affairs that impact their interests. The Universal Declaration of Human Rights affirms everyone's right to participate, directly or through their democratically elected representatives, in the governance of their state. Article 21, United Nations General Assembly, Universal Declaration of Human Rights (December 10, 1948, 217 A [III]). Article 25 of the International Covenant on Civil and Political Rights states that "every citizen shall have the right and opportunity to take part in the conduct of public affairs, directly or through freely chosen representatives," International Covenant on Civil and Political Rights (December 16, 1966, Treaty Series, Vol. 999 at 171).

<sup>18</sup> Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (June 25, 1998, Treaty Series, Vol. 2161 at 447) (Aarhus Convention).

<sup>19</sup> United Nations General Assembly, Protocol on Pollutant Release and Transfer Registers to the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (October 8, 2009, Treaty Series, Vol. 2626 at 119) (PRTRs).

<sup>20</sup> Aarhus Convention (n 18) Preamble.

<sup>21</sup> Aarhus Convention (n 18), Articles 6–8.

<sup>22</sup> Article 1 of the Convention on Biological Diversity, United Nations, December 29, 1993, Treaty Series, Vol. 1760 at 79.

<sup>23</sup> *Ibid.*, Article 8(j).

<sup>24</sup> *Ibid.*, Article 14(1).

awareness and involvement in safely transporting, using, and handling living modified organisms relating to biodiversity conservation and sustainable use.<sup>25</sup>

Other international instruments that promote the rights to participation and access to information in environmental matters include the UN Framework Convention on Climate Change (UNFCCC),<sup>26</sup> the Stockholm Convention on Persistent Organic Pollutants (SCPOP),<sup>27</sup> and the UN Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa (UNCCD).<sup>28</sup> The United Nations has repeatedly stressed the importance of inclusive participation in environment-related policies.<sup>29</sup> As demonstrated in this chapter, despite the long-standing recognition of the significant role of the public in environmental management and development,<sup>30</sup> environmental laws and policies in the MENA region are yet to fully reflect this ideal.

### 16.3 ELEMENTS OF EFFECTIVE MULTISTAKEHOLDER PARTICIPATION

Participation is not a one-way information-sharing process but involves all parties influencing the decision-making process through information sharing, deliberations, transparency, and collective decision-making. Due to the diversity of participants with various priorities and aspirations, varying levels of influence, and

<sup>25</sup> Article 23 of the Cartagena Protocol on Biosafety to the Convention on Biological Diversity (adopted January 29, 2000, entered into force September 11, 2003) 2226 UNTS 208.

<sup>26</sup> The UNFCCC states that in order to actualize states' commitments in the convention, states are required to provide access to information concerning climate change and its effects, create opportunities for public involvement in the process of addressing climate change and developing sufficient responses, and promote extensive public participation in the development of public awareness programs concerning climate change. Articles 4(1)(i) and 6(a) of United Nations Framework Convention on Climate Change, May 9, 1992, Treaty Series, Vol. 1771, 107.

<sup>27</sup> The SCPOP underscores the responsibility of state parties to promote and implement measures to provide all available information to the public concerning persistent organic pollutants, to ensure public participation in addressing persistent organic pollutants, to provide opportunities for the public to provide input on the implementation of the convention, and to encourage public awareness about organic pollutants. Article 10(1) of Stockholm Convention on Persistent Organic Pollutants, May 17, 2004, Treaty Series, Vol. 2256 at 119.

<sup>28</sup> The UNCCD "gives new recognition to the essential roles of both village-level and NGO participation in policy planning and implementation." The convention affirms the duty of states to facilitate public participation and promote awareness in the attempt to combat desertification and mitigate the consequences of drought. Article 5 of United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, December 26, 1996, Treaty Series, Vol. 1954 at 3.

<sup>29</sup> For instance, parties to the United Nations Framework Convention on Climate Change commented that climate adaptation actions should be in accordance with a "participatory and fully transparent approach, taking into consideration vulnerable groups, communities and ecosystems." Paragraph 12, UNFCCC, Report of the Conference of the Parties on its Sixteenth Session, held in Cancun from November 29 to December 10, 2010 (FCCC/CP/2010/7/Add.1, March 15, 2011).

<sup>30</sup> For example, see Principles 10, 20–22 of The Rio Declaration on Environment and Development (August 12, 1992) The United Nations Conference on Environment and Development, A/CONF.151/26 [Vol. I].

economic and social disparities, the successful application of the MSP approach in environmental management depends on the level of institutional integration of the fundamental and interdependent components of the approach.

The first issue is stakeholders' access to adequate information. Information is a requisite for stakeholders' informed deliberation, and the quality of stakeholders' participation is defined significantly by their access to accurate information. The UN Human Rights Committee, in the case of *Toktakunov v Kyrgyzstan*, explained that the right to access information is not restricted to journalists or media, but private individuals and public groups can also exercise the right on issues of legitimate public concern.<sup>31</sup> To implement democratic and inclusive frameworks and programs that foster transparency, accountability, and reliability, such as the MSP approach, states must periodically and "proactively make available clear, complete, timely, reliable and relevant public sector data and information that is free of cost, available in an open and nonproprietary machine-readable format, easy to find, understand, use and reuse, and disseminated."<sup>32</sup> The Rio Declaration on Environment and Development: Application and Implementation affirms the importance of access to information for effective public participation in environmental issues.<sup>33</sup> It states that everyone "shall have appropriate access to information concerning the environment that is held by public authorities ... and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available."<sup>34</sup>

The Aarhus Convention underscores the need to provide the public with prior information before participation.<sup>35</sup> Furthermore, recognizing the interconnection of access to information and public participation, the PRTRs' objective is to enhance the public's access to information in order to expedite public participation in environmental decision-making.<sup>36</sup> Drawing from international law instruments and jurisprudence on environmental rights, providing adequate information to the public is a prerequisite to effective participation in and the actualization of environmental rights. While there might be minimal restrictions to information sharing,

<sup>31</sup> *Toktakunov v Kyrgyzstan* (2011) UN Human Rights Committee, CCPR/C/101/D/1470/2006, para 6.3.

<sup>32</sup> Organization for Economic Co-operation and Development, "Recommendation of the Council on Open Government" (December 14, 2017) C[2017]140-C/M [2017]22 at para 7.

<sup>33</sup> Principle 10, United Nations Economic and Social Council, Rio Declaration on Environment and Development: Application and Implementation (April 1997) 5th session of the Commission on Sustainable Development E/CN.17/1997/8.

<sup>34</sup> *Ibid.*, Article 7.

<sup>35</sup> Aarhus Convention (n 18) Article 7. Judicial precedents also emphasize the principles ingrained in the Aarhus Convention. For related case law on the Aarhus Convention, see the UN compilation. United Nations Economic Commission for Europe, "Case Law Related to the Convention" (2021) <https://unece.org/environment-policy/public-participation/tfaj/case-law-related-convention> accessed August 15, 2023.

<sup>36</sup> PRTRs (n 21) Article 1.

they can only operate within legal boundaries, but stakeholders must receive adequate and prior notification to make informed decisions.

Prior notification is the first of many steps in MSP. It involves informing the public about a planned project or initiative, for example, the project's environmental considerations, long-term implications, if known, impact on the host/local communities, and involved state agencies. Notification is a single-sided communication process in which the public is informed about a proposed initiative and receives the necessary data. Such notice and materials should be received well before deliberations to give stakeholders ample time to consult with their group members and experts and prepare for deliberations. Prior notice with adequate information prevents conflicts and is the first step in gaining community buy-in.

Second, there must be appropriate representation of identified stakeholders. The MSP approach is a unique democratic model "whose goals reach beyond multi-party representation. They give allocated seats to different groups rather than majority vote, and make room for extensive deliberation, giving voice to weaker or smaller interests."<sup>37</sup> Environmental degradation and biodiversity loss affect everyone and have multijurisdictional implications. However, some groups are overly impacted compared to others due to aggravating conditions such as proximity to extractive projects, living in a coastal region, and living with disabilities. Therefore, while ecological challenges impact every citizen, the MSP approach seeks to acknowledge diverse interests and give those often neglected in decision-making the avenue to contribute to environmental conservation.

To have appropriate representation, individuals and groups with legitimate stakes in environmental issues should be identified without discrimination. Aside from those usually involved in environmental management, such as government departments, those directly impacted and highly vulnerable to environmental challenges, such as local communities, should be represented. Stakeholders must be allowed to choose their representatives without government or external interference. It is not enough to appoint someone with ties to a community or group but far removed from their daily realities. Representatives' knowledge of communities' lived experiences impacts the quality of their inputs during deliberations. Therefore, representatives must be members of and have ongoing connections with the group or community they represent. Elections from various interest groups and communities allows for broad representation and perspectives. For instance, while communal representatives can provide historical and practical insights, scientists can contribute technical and research-based data. It is not enough to have diverse participants; delegates' expertise also matters.

Third, deliberative democracy is another essential component of the MSP approach, which involves making decision-making conditional on stakeholder

<sup>37</sup> Jeroen F. Warner, "More Sustainable Participation? Multi-stakeholder Platforms for Integrated Catchment Management" (2006) 22 *International Journal of Water Resources Development* 15, 21.



deliberations. That is, decisions are made subject to voluntary, free, and fair consideration by all parties. Access to information, the weight accorded to participants' decisions, and the possibility of further dialogue and reconsidering issues are preconditions of productive stakeholder deliberations.<sup>38</sup> Deliberative democracy promotes the recognition of and respect for each stakeholder's views, giving equal weight to their opinions because they represent the uniqueness of each stakeholder and the group they represent.<sup>39</sup> Each stakeholder must be considered equal, and their views and values accorded unbiased consideration. Issues raised should be open to discussion and questions, with participants consciously working toward a resolution agreeable to all or a majority. Although not all stakeholders' interests and opinions can be accepted or implemented, they must be duly considered. It may be difficult to achieve equality considering the financial and power imbalance between stakeholders, but institutions should consciously work toward ameliorating such barriers.

Fourth, conflict management mechanisms are essential in the MSP model and could define stakeholders' trust in the process. Due to differing priorities, perspectives, and values, misunderstandings among stakeholders are common. Therefore, to inculcate inclusive practices, institutions must maintain an efficient strategy for mitigating conflicts, mediating differences, problem solving, and helping parties work together regardless of their differences. An effective and unbiased dispute resolution process can help address power imbalance among participants, promote fair deliberations, mitigate knotty and time-consuming fallouts, and facilitate stakeholder collaboration. If poorly managed or unresolved, disputes may stall deliberations or lead to the untimely dissolution of multiparty processes.

Fifth, transparency and accountability are fundamental aspects of the MSP approach. Information concealment, discrimination against some groups, and favoritism in deliberations are hindrances to effective stakeholder collaboration. Onderscheid defines transparency as "being open about points of view, opinions, assumptions and expectations; being open about relevant business interests; supplying all relevant parties with all relevant information."<sup>40</sup> Processes shrouded in secrecy and bigotry cannot thrive as stakeholders will not trust the outcome, thereby defeating the whole essence of the process. Stakeholders are accountable not only to the government but also to one another, and the government is accountable to the public to implement environmental policies and ensure compliance by actors such as extractive corporations and foreign investors. States can foster transparency and

<sup>38</sup> Amy Gutmann and Dennis Thompson, *"Why Deliberative Democracy?"* (Princeton University Press 2004) 4.

<sup>39</sup> See Janette Hartz-Karp and Dora Marinova, "Using Deliberative Democracy for Better Urban Decision-Making through Integrative Thinking" (2020) 5 *Urban Science* 3.

<sup>40</sup> Het Onderscheid, "What Characterizes a Strategic Shareholder Dialogue?" in Rob Van Tulder et al. (eds), *The Strategic Stakeholder Dialogue* (English translation by Lewis Van Leeuwen, Erasmus University Rotterdam and Schuttelaar & Partners 2004) 29.

accountability by creating a channel for communities to submit complaints to the government department responsible for addressing complaints regarding environmental conservation or related issues. Institutions must establish clear policies and guidelines to ensure stakeholders' transparency and accountability, such as participants' responsibility to divulge necessary information, prohibition of backroom politics, and periodic publication of stakeholder deliberation reports.

Lastly, the MSP model is open-ended and requires committed participants who are willing to dedicate time and resources to ensure successful outcomes, including through the long-lasting project-monitoring, evaluation, and reporting phase. This phase requires a planned-out procedure, known to all participants, specifying how they can track and report on the progress of collectively developed plans. To facilitate evidence-based monitoring, evaluation, and reporting in conservation management, a quorum of stakeholders must be empowered to call for follow-up dialogue at reasonable intervals, participate in data collection and assessment, articulate their grievances, and demand accountability from defaulters. This is only feasible if participants can access government officials and representatives of other groups who are responsive to the concerns of others. This level of commitment to MSP is necessary because other factors may come to light after the commencement of a conservation strategy, or new concerns may arise after the conclusion of the initial deliberation phase. More so, accountability is a continuous process and requires the dedication of all stakeholders. Regular and continuous dialogue and feedback between stakeholders will help to address budding conflicts, foster long-term stakeholder contributions, and help evaluate compliance with stated objectives.

Despite the proven benefits of multistakeholder engagement methodologies to ecosystem management, the MSP approach has pockets of weaknesses, but the benefits greatly outweigh the identified limitations. The MSP tends to extend the decision-making time frame due to the involvement of multiple stakeholders and a prolonged deliberation process to accommodate parties' needs and contributions. The time commitment may discourage stakeholders, especially government agencies accustomed to working with few parties and making speedy decisions. Additionally, including diverse parties with varying perspectives and priorities may lead to a clog in the wheel of progress. Regardless, the comprehensive contributions from multiple parties, improved quality and practicality of decisions, and widespread stakeholder buy-in are incentives worth the additional time and effort.

#### 16.4 BARRIERS TO MAINSTREAMING THE MSP APPROACH INTO BIODIVERSITY AND NATURE CONSERVATION IN THE MENA REGION

Integrating MSP into the MENA region's legal and institutional structures has inherent setbacks which may delay its successful implementation, but they do not render it inoperable. Addressing the barriers to effective multistakeholder participation is

essential if the region is to maximize the full potential of community-driven conservation as a tool for halting biodiversity loss and promoting nature-based solutions in the region. The gaps discussed in this section are not exhaustive but are paramount and cannot be overlooked in successfully implementing the MSP approach in the MENA region's biodiversity and nature conservation.

#### 16.4.1 *Lack of Comprehensive Recognition of Participation Rights in Regulatory and Policy Instruments*

The lack of comprehensive legal recognition of participation rights in environmental and biodiversity conservation regulations and policies is one of the leading barriers to integrating MSP into biodiversity and nature conservation in the MENA region.<sup>41</sup> Across the region, stakeholder engagement is often in the form of formal representation of the public by representatives in the Shoura Council or parliaments.<sup>42</sup> Several MENA countries do not provide direct opportunities for civil society, nongovernmental organizations (NGOs), academia, and members of the public that may be affected by a project or activity to actively participate in conservation strategy planning or implementation. While significant national regulations and strategies seek to promote the sustainable use and conservation of biodiversity, regulators in the MENA region have yet to unlock spaces for broad participation of the general public as legal decision-makers in conservation programs.

MENA countries have intensified their efforts to combat environmental degradation and biodiversity loss by signing international biodiversity and conservation treaties. All the countries in the MENA region have ratified or acceded to the CBD and its first protocol, the Cartagena Protocol.<sup>43</sup> All but Iran, Iraq, and Libya have ratified the second protocol to the CBD, the Nagoya Protocol.<sup>44</sup> The adoption of international instruments aimed at promoting biodiversity conservation and ecological sustainability by several MENA countries is a step in the right direction. However, a few MENA countries have paid minimal attention to the participatory rights provisions in the instruments. For instance, the Kingdom of Bahrain's National Report to the CBD highlights the country's progress in implementing the National Biodiversity Strategy and Action Plan between 2011 and 2014. One of the identified achievements is the improvement of public participation

<sup>41</sup> Olawuyi (n 4).

<sup>42</sup> Ibid.

<sup>43</sup> United Nations Treaty Collection: Status of Treaties, Convention of Biological Diversity [status as at December 7, 2023] [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtldsg\\_no=XXVII-8&chapter=27&clang=\\_en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtldsg_no=XXVII-8&chapter=27&clang=_en) accessed December 4, 2023; United Nations Treaty Collection: Status of Treaties, Cartagena Protocol on Biosafety to the Convention on Biological Diversity [status as at December 7, 2023].

<sup>44</sup> Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization to the Convention on Biological Diversity entered into force October 12, 2014, 3008 United Nations Treaty Series, 3.

in biodiversity conservation, but there is no indication of public involvement in developing or executing the action plan. The country boasts environmental clubs in schools and the involvement of local NGOs in awareness programs and national biodiversity commemoration day planning.<sup>45</sup> While these efforts are important in raising awareness, there remains a need for the more direct involvement of such key stakeholders in the design and implementation of biodiversity strategies and programs. Similarly, as a party to the CBD, Egypt revised its National Biodiversity Strategy and Action Plan (NBSAP) to align with the CBD Strategic Plan. While Egypt acknowledged that the lack of stakeholder participation impeded the actualization of the action plan in the past and committed to policy implementation through a participatory approach, the country's biodiversity strategic goals did not include plans to involve diverse stakeholders in the action plan implementation.<sup>46</sup> Without clear and comprehensive frameworks to widen MSP in the implementation of the NBSAP, advancing community-driven conservation may remain stifled in the country.

Additionally, national legislative and policy developments have been launched to set the region on track for achieving the United Nations Sustainable Development Goal (SDG) 15 on conservation and the sustainable use of the aquatic and terrestrial ecosystems, reverse environmental degradation, and end biodiversity loss.<sup>47</sup> For instance, the United Arab Emirates (UAE) outlined National Development Priorities and Strategies for achieving the SDGs by 2030.<sup>48</sup> Although the plan recognizes the roles of stakeholders in implementing the SDGs, the identified stakeholders are limited.<sup>49</sup> The SDG 14 and 15 implementation report shows that the UAE initiated action plans to conserve biodiversity, but there is no mention of the public's role in implementing SDG 14. For SDG 15, the report recognizes the importance of public awareness, but there is no avenue for citizens to participate in the conservation initiatives. Instead, the emphasis is on raising public awareness about conservation and illegal wildlife trade through workshops, campaigns, and environment day celebrations.<sup>50</sup> Iran also developed national targets and strategies to achieve the

<sup>45</sup> The Kingdom of Bahrain Supreme Council for Environment, "Fifth National Report to the Convention on Biological Diversity" (January 2016) UNEP 38.

<sup>46</sup> Arab Republic of Egypt, Ministry of Environment, "Egyptian Biodiversity Strategy and Action Plan, 2015–2030" (January 2016) [www.cbd.int/doc/world/eg/eg-nbsap-v2-en.pdf](http://www.cbd.int/doc/world/eg/eg-nbsap-v2-en.pdf) accessed December 3, 2023.

<sup>47</sup> United Nations Department of Economic and Social Affairs, Sustainable Development: The 17 Goals <https://sdgs.un.org/goals> accessed December 2, 2023. Only SDGs 14 and 15 specifically refer to biodiversity, but biodiversity loss has significant impacts on the fulfillment of other goals including access to food and clean water, health and well-being, and gender equality. Malgorzata Blicharska et al., "Biodiversity's Contributions to Sustainable Development" (2019) 2 *Nature Sustainability* 1083.

<sup>48</sup> National Committee on Sustainable Development Goals, "UAE and the 2030 Agenda for Sustainable Development: Excellence in Implementation" (2017) [https://sustainabledevelopment.un.org/content/documents/20161UAE\\_SDGs\\_Report\\_Full\\_English.pdf](https://sustainabledevelopment.un.org/content/documents/20161UAE_SDGs_Report_Full_English.pdf) accessed December 2, 2023.

<sup>49</sup> The three identified stakeholders are youths, private sector, and academic institutions. *Ibid.*, 31–34.

<sup>50</sup> *Ibid.*, 120–124.

SDGs.<sup>51</sup> Although the action plan was reportedly developed with the involvement of multiple stakeholders,<sup>52</sup> only executives and experts from government ministries attended the Department of Environment meetings.<sup>53</sup> Despite including public participation in the strategic goals, the action plans focused on public awareness without delineating procedures for public engagements.

Although many of the biodiversity conservation- and environment-related international instruments have been integrated into MENA countries' domestic laws, the regulations and strategic plans fail to recognize the participatory rights of citizens. The lack of a clear and practical process for public engagement in strategic planning and conservation activities creates a critical gap and hinders the sustainability and effectiveness of conservation strategies. For example, the UAE passed a federal law on biosafety of genetically modified organisms in 2020 to protect local genetic resources and biodiversity,<sup>54</sup> and a federal law on access to genetic resources in 2021, in accordance with the Nagoya Protocol. Qatar's Environment Protection Law and Saudi Arabia's Environmental Law have provisions for nature and biodiversity protection.<sup>55</sup> However, none of these laws specifically refer to the right to participate in decision-making on biodiversity or conservation efforts.

Notably, the domestic regulations reflect the top-down and command-and-control approach, seeking to deter actions causing biodiversity loss or ecological degradation through penalties.<sup>56</sup> National and regional policies and action plans do not sufficiently recognize the role of stakeholders and fail to create avenues for diverse stakeholders to participate in environmental preservation processes. This oversight hampers the inclusivity of biodiversity and nature conservation initiatives in the MENA region and the eventual actualization of the set goals.

#### 16.4.2 *Limited Institutional Coordination among Regulatory Agencies*

Besides the regulatory and policy framework gaps, the lack of clear and functional institutional coordination among institutions with biodiversity, environmental, and human rights mandates is another critical challenge for integrating the MSP

<sup>51</sup> Islamic Republic of Iran, Department of Environment, Deputy for Natural Environment and Biodiversity, Revised National Biodiversity Strategies and Action Plan (NBSAP2) 2016–2030.

<sup>52</sup> *Ibid.*, 22.

<sup>53</sup> *Ibid.*, 31–32.

<sup>54</sup> Biosafety of Genetically Modified Organisms (United Arab Emirates Federal Law No. [9] of 2020) (UAE Biosafety Law).

<sup>55</sup> Article 2 of the Qatar Environmental Protection Law (Resolution No. 4 of 2005 by the Chairperson of the Supreme Council of the Environment and Natural Reserves [SCENR]) (Qatar EPL); Article 5[3] of Kingdom of Saudi Arabia Executive Regulation for the Protected Areas for the Environmental Law (issued by Royal Decree No [m/165], 19/11/1441 Hijri) [Saudi Arabia Environmental Law].

<sup>56</sup> See for example Articles 19–24 of UAE Biosafety Law, Articles 66–75 of Qatar EPL, Article 10 of Saudi Arabia Environmental Law.

framework into the MENA region's conservation efforts. The development of national targets and institutions on biodiversity and nature conservation is indicative of governments' recognition of the region's exacerbating environmental challenges and willingness to tackle these issues. However, it is impracticable for uncoordinated institutions to actualize the region's environmental goals. Biodiversity loss disproportionately impacts those mostly dependent on ecosystem services, including the poor, local communities, and subsistence farmers.<sup>57</sup> Environmental planning and economic developments must consider the impacts of the depreciating biodiversity-dependent ecosystem services on disadvantaged social groups to avoid further marginalizing vulnerable communities or groups. Thus, biodiversity and nature conservation transcend the purview of environmental or agricultural institutions and implicate the protection of socio-economic rights.

While MENA countries have developed national and regional institutions to tackle the declining biodiversity and environmental degradation, there remains a significant disconnect between environmental and human rights agencies. The UAE's Ministry of Climate Change and Environment is the federal agency responsible for environmental planning and development of programs on biosecurity and environmental sustainability.<sup>58</sup> The ministry is required to work with local environmental agencies without any mention of the human rights ministry. The Justice, Safety, and the Law Department's web page is silent on environmental or bioconservation issues.<sup>59</sup> For Qatar, the Ministry of Environment and Climate Change is the "sole and main agency responsible for research, enforcement and implementation for all aspects of environmental protection and biodiversity conservation in the entire country."<sup>60</sup> However, the tendency of ministries and agencies to act in silos remains a key challenge.<sup>61</sup> There remains a clear need to strengthen communication and coordination between environment ministries and other relevant agencies and ministries such as human rights, foreign affairs, energy, and agriculture, given the key roles they play in advancing nexus and integrated implementation of biodiversity and nature-based conservation.

<sup>57</sup> Anna-Kaisa Tupala, Suvi Huttunen and Panu Halme, "Social Impacts of Biodiversity Offsetting: A Review" (2022) 267 *Biological Conservation* 10943.

<sup>58</sup> United Arab Emirates, "Information and Services: Ministry of Climate Change and Environment" [www.moccae.gov.ae/en/about-ministry/about-the-ministry/strategic-goals.aspx](http://www.moccae.gov.ae/en/about-ministry/about-the-ministry/strategic-goals.aspx) accessed December 4, 2023.

<sup>59</sup> The Justice, Safety and the Law Department's web page provides a list of services they provide including environmental protection, but the section on environmental protection redirects to the Ministry of Climate Change and Environment page. United Arab Emirates, "Information and Services: Justice, Safety and the Law" <https://u.ae/en/information-and-services/justice-safety-and-the-law> accessed December 4, 2023.

<sup>60</sup> Qatar Ministry of Environment, National Biodiversity Strategy and Action Plan 2015–2025 (2014).

<sup>61</sup> Holger Hoff et al., "A Nexus Approach for the MENA Region: From Concept to Knowledge to Action" (2019) 7 *Frontiers in Environmental Science* 48, 1. See also Damilola Olawuyi, "Sustainable Development and the Water–Energy–Food Nexus: Legal Challenges and Emerging Solutions" (2020) 103 *Journal of Environmental Science and Policy* 1.

The Conference of the Parties remarked that the objectives of the CBD cannot be achieved until consideration of biodiversity is integrated across sectors. While the focus has been on sectors directly related to biodiversity, such as forestry and agriculture, there is a need “to mainstream the conservation and sustainable use of biological resources across all sectors of the national economy, the society and the policymaking framework is a complex challenge at the heart of the Convention.”<sup>62</sup> Human rights protection is a fundamental aspect of environmental causes, and MENA countries risk exacerbating the poor socio-economic conditions of vulnerable groups and further marginalizing local communities if left out of environmental management and activities.

Conservation programs that exclude the public, especially local communities, may yield minimal conservation results but at the expense of vulnerable groups’ rights. Disregarding local institutions, “green grabbing,” and community displacements have been linked to conservation programs.<sup>63</sup> These human rights challenges may fester if local communities and other stakeholders are not involved in conservation initiatives. To ensure that stakeholders’ rights, especially their participatory rights, are recognized and respected in biodiversity and nature conservation programs, MENA countries need to reevaluate their national biodiversity strategies and action plans and create a comprehensive institutional synchronization between their environmental and human rights agencies.

#### 16.4.3 *Limited Institutional Platforms for Local Communities*

The lack of institutional coordination for environmental conservation issues in local communities is a corollary of the limited recognition of participation rights in environmental regulations and policies. The establishment of organized community platforms for collaboration, information exchange, and the coordination of conservation strategies remains slow across the region.<sup>64</sup> Additionally, the lack of organized structures for intercommunal alliances hinders knowledge sharing, environmental awareness, and widespread support for conservation action plans.<sup>65</sup> To facilitate institutional coordination among local communities, government departments need to create a platform for communal deliberation and the collective implementation of set environmental preservation goals. As discussed earlier, regulators in the MENA region have yet to acknowledge citizens’ participation rights in conservation

<sup>62</sup> CBD Convention of the Parties Decisions, Contribution from the Conference of the Parties to the Convention on Biological Diversity to the World Summit on Sustainable Development: Annex to The Hague Ministerial Declaration of the Conference of the Parties to the Convention on Biological Diversity (COP6 Decision VI/21) paras 10–11.

<sup>63</sup> See Chapter 6. See also Neil Dawson et al., “The Role of Indigenous Peoples and Local Communities in Effective and Equitable Conservation” (2021) 26 *Ecology and Society* 19.

<sup>64</sup> Hoff et al. (n 61).

<sup>65</sup> Ibid. See also H. Jowkar et al., “The Conservation of Biodiversity in Iran: Threats, Challenges and Hopes” (2016) 49 *Iranian Studies* 6, 1065.

programs. Thus, there is no institutional structure to facilitate local communities' collaboration with civil society organizations, private actors, and other stakeholders.

The actualization of MENA countries' conservation targets relies significantly on their recognition of local communities as stakeholders. Although the CBD encourages states to apply local communities' practices and expertise in biodiversity conservation,<sup>66</sup> failure to create institutionalized platforms for local communities' participation in conservation planning remains a preventable limitation to the integration of MSP across the MENA region. Local communities experience various drawbacks, often worsened by limited engagement and support by national authorities. Due to their unique experiences and rich traditional knowledge, these groups can contribute greatly to sustainable conservation practices. They are at the forefront of reversing biodiversity loss and protecting nature, but their voices may remain unheard without institutional platforms and support.

#### 16.4.4 *Finance and Capacity Gaps*

Limited access to the financing needed to develop and implement biodiversity and nature conservation programs remains a key barrier to eco-entrepreneurship and community-driven nature-based solutions in the region.<sup>67</sup> In 2020, the World Bank, for the second time, reported an upswing in the rate of extreme poverty in the MENA region.<sup>68</sup> A combination of environmental degradation impacts, armed conflicts, and the COVID-19 pandemic has had devastating effects on the region and worsened socio-economic inequalities.<sup>69</sup> The region's biodiversity loss has affected local communities further due to low agricultural production, food and clean water scarcity, and other compounding factors. Local communities rely heavily on biodiversity-dependent ecosystem services, and declining biodiversity affects their access to financing and basic needs.

Socio-economic inequalities are a barrier to the effective mainstreaming of MSP in the MENA region because of power imbalances. Inequities among stakeholders and prejudice in MSP processes can create mistrust and time-wasting gridlocks in deliberations. Furthermore, as discussed in Chapter 17, community-driven conservation efforts in the MENA region remain stifled by a lack of capacity and training support. The abilities of stakeholders to design and implement nature-based solutions and conservation programs can be strengthened through conservation-focused accelerator and environmental education programs that promote eco-entrepreneurship.<sup>70</sup>

<sup>66</sup> Ibid., Article 8(j).

<sup>67</sup> See Chapter 10.

<sup>68</sup> The World Bank, "MENA: Global Action Is Urgently Needed to Reverse Damaging Jumps in Extreme Poverty" press release (October 2020).

<sup>69</sup> Ibid.

<sup>70</sup> See Chapter 10.



### 16.5 MAINSTREAMING THE MSP APPROACH INTO BIODIVERSITY AND NATURE CONSERVATION IN THE MENA REGION: RECOMMENDATIONS

Holistic and functional legal and institutional frameworks are imperative to mainstreaming MSP, but the limitations discussed in Section 16.4 remain hindrances to the MENA region's biodiversity and nature conservation goals. With the requisite normative and institutional structures, the MSP approach could ensure that local communities' aspirations are heard and that stakeholders have coherent institutional platforms to share their distinctive experiences and contribute knowledge and resources to biodiversity and nature conservation. This section proposes recommendations for circumventing the barriers and strategies for integrating MSP and successfully preserving the region's biodiversity and nature.

#### 16.5.1 *Recognition of Stakeholders' Participation Rights in Biodiversity Conservation Regulations and Plans*

The sustainable and productive involvement of diverse interest groups in environmental conservation hinges on national regulatory standards that recognize those individuals or organizations as stakeholders and create avenues for their participation in decision-making and project implementation. A crucial initial step in MSP processes is the identification of interested parties to engage. Which raises the question, who is a stakeholder?

There are varying, and sometimes contested, conceptualizations and applications of the term "stakeholder."<sup>71</sup> Generally, stakeholders are those actively involved in decision-making and those directly (or highly likely to be) impacted by a project, initiative, or policy. Determination of who a stakeholder is depends on what constitutes a legitimate stake.<sup>72</sup> In relation to environmental management, stakeholders are "individuals and social groups relevant to the effective design and implementation of given objectives, mechanisms, policies and programmes."<sup>73</sup> In biodiversity and nature conservation, stakeholders refer to individuals, groups, and entities that are interested in, affected by, involved in, or can influence conservation outcomes. Considering the varying and extensive implications of nature conservation, stakeholders can span local, national, regional, and international realms. At the national

<sup>71</sup> Samantha Miles, "Stakeholder Theory Classification: A Theoretical and Empirical Evaluation of Definitions" (2015) 142 *Journal of Business Ethics* 437.

<sup>72</sup> Mark S. Reed et al., "Who's in and Why? A Typology of Stakeholder Analysis Methods for Natural Resource Management" (2009) 90 *Journal of Environmental Management* 1933.

<sup>73</sup> United Nations Environmental Programme, Overview of Stakeholder Engagement Frameworks under other Instruments and of Potential Approaches for the International Legally Binding Instrument on Plastic Pollution, including in the Marine Environment (Note by the Secretariat, UNEP/PP/INC.1/12, September 9, 2022) 2.

and regional levels, they include government agencies, civil societies, farmers, businesses, scientists, academics, youth groups, and local communities.<sup>74</sup> Stakeholders include a broader range of social actors. Local communities, as actors disproportionately impacted by biodiversity loss and repositories of traditional conservation knowledge, are stakeholders in biodiversity and nature conservation.

The MENA region stands to benefit from inclusive strategies but requires a commitment to inclusive environmental governance and conservation efforts. The United Nations Development Programme, through case study research in Arab states, highlighted the benefits of community-based conservation practices, including improved food security, community conservation awareness, knowledge of sustainable use of resources, capacity for early warning processes, and local community buy-in and ownership of ecological policies and adaptation plans.<sup>75</sup>

The practical implementation of the MSP approach in MENA's biodiversity and nature conservation will depend on the amendment of existing regulatory frameworks and policies to expunge barriers to stakeholders' involvement and restrictive and discriminatory yardsticks for identifying stakeholders. MENA states' national biodiversity strategies and action plans must be revised to recognize the participation rights of stakeholders, including local communities, acknowledge the essential roles of local communities, and create opportunities for their participation in conservation governance and implementation. National biodiversity conservation laws and other related environmental regulations must align with MSP principles by recognizing environmental stakeholders, including local communities, and their right to participate in conservation planning and activities, and by creating avenues for their involvement in environmental decision-making.

#### 16.5.2 *Institutional Coordination between Human Rights and Environmental Institutions*

The objectives of legal and policy regimes on nature and biodiversity preservation can only materialize through viable and responsive organizational coordination. The CBD proposes national biodiversity strategies and action plans as the primary planning and implementation tool for achieving the convention's objectives.<sup>76</sup> In the same vein, the Subsidiary Body on Implementation of the convention envisages national biodiversity strategies and action plans as implementation tools required to foster the integration of biodiversity "at all relevant levels within political, economic

<sup>74</sup> For a conceptual analysis of stakeholders in environmental decision-making, see Neal Haddaway et al., "A Framework for Stakeholder Engagement during Systemic Reviews and Maps in Environmental Management" (2017) 6 *Environmental Evidence* 1.

<sup>75</sup> United Nations Development Programme, *Climate Change Adaptation in the Arab States: Best Practices and Lessons Learned* (UNDP 2018).

<sup>76</sup> Article 6 of the CBD.

and social sectors.”<sup>77</sup> This implies that biodiversity cannot be addressed only by environmental agencies but also by integration into different public sectors with the objective of “taking biodiversity into the core agenda and objectives of their decision-making.”<sup>78</sup> Although multiple government institutions are responsible for environmental protection,<sup>79</sup> biodiversity conservation is usually within the precinct of specified environment ministries. For example, the UAE’s Ministry of Climate Change and Environment and Qatar’s Ministry of Environment and Climate Change are tasked with biodiversity conservation and other environmental matters. Furthermore, these ministries are not required to collaborate with human rights bodies. Even for ministries involved in environmental protection generally, there is often little or no alliance with the justice or human rights system.

This demonstrates a prevalent misconception that human rights protection is mutually exclusive of environmental protection. This gap in environmental laws and policies transcends MENA national and regional spheres. At the international level, the UN Special Rapporteur on Human Rights and the Environment decried the UN Post-2020 Global Biodiversity Framework for making no reference to human rights or requiring human rights due diligence in conservation planning.<sup>80</sup> The ongoing biodiversity crisis requires reconsidering what conservation really means and how conservation plans can be implemented in a rights-based manner. Likewise, the MENA region’s biodiversity and nature conservation regimes have a human rights blind spot that must be addressed urgently. Without a robust and sustainable organizational alliance between environmental and human rights institutions, MENA countries risk further infringing the rights of local communities and other vulnerable groups. A human rights-based approach to biodiversity and nature conservation is only possible with a comprehensive and coherent organizational setup to integrate the visions and programs of human rights and environment ministries. In addition to prioritizing human rights in biodiversity and nature conservation regulatory and policy frameworks, MENA countries need organizational restructuring to desegregate human rights and environmental institutions.

<sup>77</sup> CBD Subsidiary Body on Implementation, Update on Progress in Revising/Updating and Implementing National Biodiversity Strategies and Action Plans, including National Targets (2018) [cbd.int/doc/c/fcae/4aa8/dd3362074b26490c60880abd/sbi-02-02-add1-en.pdf](https://cbd.int/doc/c/fcae/4aa8/dd3362074b26490c60880abd/sbi-02-02-add1-en.pdf) accessed December 8, 2023.

<sup>78</sup> Simo Sarkki et al., “Are National Biodiversity Strategies and Action Plans Appropriate for Building Responsibilities for Mainstreaming Biodiversity across Policy Sectors? The Case of Finland” (2016) 59 *Journal of Environmental Planning and Management* 1377.

<sup>79</sup> Riyad Fakhri, Laila Dalaa, and Saad Belkasm, “Enhancing the Effectiveness of National and Regional Institutions in Addressing Climate Change in the MENA Region” in Damilola Olawuyi (ed), *Climate Change Law and Policy in the Middle East and North Africa Region* (Routledge 2022) 111–112.

<sup>80</sup> Office of the United Nations High Commissioner for Human Rights, “Human Rights-Based Approaches to Conserving Biodiversity: Equitable, Effective and Imperative: A Policy Brief from the UN Special Rapporteur on Human Rights and the Environment, David R Boyd and Stephanie Keene” Policy Brief No 1 (August 2021) 3.

### 16.5.3 *Institutional Platform for Local Communities*

As regulatory frameworks are optimized to protect participation rights, local communities need institutional platforms to participate in conservation programs effectively. The importance of coherent and well-organized institutional frameworks for successful stakeholder inclusion in environmental management cannot be understated. The MSP approach gives local communities the avenue to participate and the corresponding responsibility to commit to conservation deliberations and activities. MENA's diverse local communities lack well-structured institutional platforms to collaborate, disseminate information and interests, and share resources and knowledge as they combat biodiversity loss and nature degradation.

As Axner aptly states, “when you have many groups with different views, resources, and skills applying their intelligence and strength to solve a problem together, the results can be like the work of superheroes.”<sup>81</sup> The variety of local communities in MENA countries is not a limitation of the MSP approach but a much-needed intellectual diversity and richness in shared living experiences. By engaging in MSP processes, various communities and groups could learn how to form and maintain associations and develop the dexterity needed to manage group members. However, for efficient coordination and collaboration, local communities need well-structured institutions to synchronize their interests, disseminate information, and work toward their collective goals.

Local communities need an independent public department to enable collaboration with other communities and stakeholders. Respective communities could develop organizations for internal administration but need government support in building and maintaining an extensive intercommunal structure. The government can also support local institutions by providing management, negotiation, organizational development training, and financial resources to establish and run the organizations without government interference. Such well-coordinated institutional structures would ensure the adequate dissemination of information, recognition of every group's interest, community planning, and attainment of collective objectives.

### 16.5.4 *Enhancing Stakeholders' Capacity*

The compounding impacts of environmental challenges and socio-economic variables often create tremendous burdens and inequalities for local communities. The MENA region's local communities have been significantly impacted by biodiversity decline, and their basic needs might distract them from contributing effectively to biodiversity and nature conservation. To foster community-based conservation

<sup>81</sup> Marya Axner, “Promoting Coordination, Cooperative Agreements, and Collaborative Agreements among Agencies” <https://ctb.ku.edu/en/table-of-contents/implement/improving-services/coordination-cooperation-collaboration/main> accessed February 11, 2024.

programs, MENA states must meet the capacity needs of communities through fund allocations and technical assistance. Regional organizations, businesses, and civil organizations can also help alleviate the burdens of local communities' participation in MSP conservation processes by providing financial support. Allocated funds and financial aid can cover the cost of developing and executing community-based conservation strategies, consultation with experts, implementing awareness projects, and progressing monitoring and assessment. In addition to financial support, MENA countries can demonstrate a strong commitment to stakeholder engagement in environmental conservation by implementing capacity-building initiatives tailored to the peculiarities of different local communities, including environmental education, cultural knowledge integration, and technological training.

Aside from capacity building for local communities, developing the capacity of other stakeholders, including civil societies, youth groups, women groups, scientists, academics, and private enterprises will improve their awareness, integration of sustainable practices, and ability to set goals and launch and execute biodiversity and nature conservation programs effectively. Various groups' needs will differ, ranging from financial needs to technical support, tools, workshops, and knowledge of biodiversity and nature preservation. Some capacity needs, such as knowledge gaps and management skills, can be met through stakeholder collaboration. This further highlights the need for the MSP approach and institutional platform to facilitate stakeholders' convergence, support, and collaboration. Having different groups with coherent structures represented in biodiversity and nature conservation management will improve the outcomes of the MENA region's biodiversity conservation initiatives.

## 16.6 CONCLUSION

MENA countries have ratified or acceded to the CBD and other international instruments on biodiversity and nature preservation. There has also been progress across the region in terms of developing national strategies and policies to promote sustainable use and conservation of biodiversity and nature. While the growing pace of regulations, policies, and strategic action plans reflect MENA states' political willingness to tackle biodiversity loss, there remains a pressing need to address gaps in community-driven biodiversity and nature-based solutions. Particularly, the lack of institutionalized frameworks for stakeholder engagement and participation in conservation has not fostered widespread MSP.

Meaningful stakeholder participation is fundamental to developing and achieving extensive compliance with conservation policies. It is therefore important to transform legal and institutional frameworks on biodiversity to accentuate MSP, while providing finance, education, knowledge sharing, and collaborative engagement opportunities for a wide range of actors. As the MENA region grapples with the compounding implications of biodiversity loss and threats to human health and

means of sustenance, there is also a pressing need to adopt a human rights approach to conservation and enhance regional policy outcomes. The command-and-control or punitive approach to biodiversity management alone is not a realistic normative foundation for tackling the MENA region's deteriorating biodiversity and the associated challenges.

The MSP approach can foster the involvement and commitment of diverse stakeholders to biodiversity and nature conservation in the MENA region. This approach offers several benefits, including diverse perspectives and expertise, better decisions, enhanced legitimacy and credibility of environmental policies, wider public buy-in and implementation of biodiversity conservation plans and policies, and greater awareness and comprehension of the implications of biodiversity loss and the need for preservation. As environmental conditions change over time, the MSP approach allows for adaptable strategies that can be modified and applied to evolving occurrences. By involving diverse stakeholders, MENA countries can improve public knowledge, acceptability, and compliance with conservation laws and promote the widespread sustainable use of biodiversity components and practices that address citizens' environmental, social, and economic needs.

Social actors play a significant role in shaping the actualization of environmental protection policies, much more than state agencies recognize. To harness the contributions of diverse stakeholders in biodiversity and nature conservation, MENA states need a paradigm shift and profound evaluation and modification of the normative underpinnings of conservation-related laws, policies, and action plans to protect participation rights, form institutional alliances between environmental and human rights institutions, and provide the resources to facilitate effective stakeholder involvement in conservation planning and activities.