

Cooperation for the protection and sustainable management of the Carpathians: Going to Bishkek

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1. Introduction and Background

The cooperation for the protection and sustainable management of the Carpathians has been initiated by UNEP at the request of the Government of Ukraine. A first informal expert meeting has been hosted by the Ukrainian Ministry of the Environment and Natural Resources, from 6 to 7 November 2001 in Kyiv, Ukraine. The results of the regional cooperation for the protection and sustainable management of the Carpathian mountains, achieved until then, will be presented to and considered by the Ministerial Conference "Environment for Europe", to be held in Kyiv in May 2003.

The cooperation in the Carpathians is a part of UNEP's contribution to the United Nations International Year of the Mountains IYM 2002. As such, the progress and experiences made in the Carpathian regional cooperation will be presented at the Bishkek Global Mountain Summit (Kyrgyzstan, 29 October - 1 November 2002).

The Carpathian cooperation is a follow-up to the Heads of States' Summit on Environment and Sustainable Development in the Danube-Carpathian Region, hosted on 29-30 April 2001 by the Romanian Government in co-operation with the WWF International Danube-Carpathian Programme, which encouraged and supported "the activities for developing new intergovernmental regional instruments for conservation and sustainable development in the Carpathian region, by paying special attention to the celebration of the UN International Year of the Mountains in 2002 as well as to the Ministerial Conference 'Environment for Europe' (Kyiv, 2003)".

The Alpine Convention is currently the most advanced example of a regional mountain sustainable development initiative. The Government of Italy, holding the Presidency of the Alpine Convention, is currently supporting the Carpathian cooperation in an unprecedented way, by sharing the experiences made in the Carpathians and in the Alps, in order to further enhance the discussions on the cooperation within the Carpathians, as well as between the various European mountain ranges.

Present achievements and questions

In this context, the BGMS A1 paper might provide useful guidance to assess progress already made by the Carpathian cooperation:

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In considering the development of new international legal instruments for mountain regions, the following factors have to be taken into consideration:

1. There is no legally binding global agreement, which specifically covers concerns related to mountains. This is evidence of the fact that the natural conditions as well the legal, political, economic, social and cultural situations vary considerably for individual mountain regions.
2. However, an already large number of global and regional agreements are presently in force, which addresses the conservation of ecosystems, the sustainable use of natural resources, and the processes and activities, which affect both, with the general and overarching aim of achieving sustainable development. These multilateral environment agreements (MEAs) are naturally also relevant to mountain regions (1), in as far as they are in force for the States in the region considered.

In the Carpathians, this work has been achieved by the first informal expert meeting held in Kyiv, 6 and 7 November 2001. Based on potential subject areas following the example of the subject areas of the Protocols of the Alpine Convention, the meeting identified key global and regional Multilateral Environmental Agreements, policy instruments and programmes, with high relevance for the European region. For details, please refer to table 1 (attached). Relevant ongoing regional and international processes include, inter alia:

- United Nations International Year of the Mountains (IYM 2002),
- United Nations International Year of Eco-tourism 2002,
- Environment for Europe (Ministerial Conference, Kyiv, Ukraine, May 2003),
- CBD Work Programme (mountain ecosystems), PEBLDS and EU Nature protection legislation (Habitat and Birds Directive, Natura 2000), Bonn, Bern and Ramsar Conventions, Emerald, WWF International - Carpathian Ecoregion Initiative,

- Other relevant EU legislation, policies and strategies, relevant provisions,
- Helsinki and Danube Conventions, European Water Framework Directive,
- Ministerial Conference for the Protection of Forests in Europe (Helsinki process),
- UNEP Guidelines on Sustainable Tourism,
- Central European Initiative - Transport Working Group, Vienna process, OECD EST Guidelines.

Participating countries are Central and Eastern European States with economies in transition, the majority of which are in the process of accession to the European Union. The proposed Carpathian Cooperation will further promote regional integration and policy harmonization within the region and with relevant EU policies.

BGMS - A1:

3. These agreements should therefore be taken into account in signing any further accord specific to any particular mountain region. In particular, agreements for specific mountain regions should not duplicate rules already agreed in MEAs. Most importantly, these agreements should not create rights and obligations conflicting with MEAs. However, agreements designed for specific mountain regions can install measures to support MEA implementation in a specific context, and introduce rules, which are complementary to, and going further than, the MEAs in question, in a way attuned to the situation and needs of the region considered.

Considerable progress has been achieved by the Kyiv informal expert meeting. Certainly, the situation varies from mountain range to mountain range, and priorities of cooperation are different from region to region. Issues of shared interest in the Carpathians, which have been identified in informal consultations by experts, include:

- Protection and Sustainable Use of Biodiversity conservation,
- Sustainable tourism,
- Sustainable mountain agriculture and forestry, territorial planning,
- Sustainable local development,
- Sustainable river basin and water management,
- Sustainable transport and infrastructure,
- Renewable energy and cleaner production,
- Cultural heritage,
- Public participation, scientific research, information management/monitoring, financing, dispute resolution, awareness and education.

Taking into account ongoing processes of international and regional cooperation, the informal expert meeting identified priority issues for inclusion into a possible (legal or political) instrument for the protection and sustainable development of the Carpathians:

- Biodiversity conservation and sustainable tourism,
- Sustainable local development.

The following issues could be, for the time being, be integrated into the area of biodiversity conservation:

- Sustainable agriculture,
- Sustainable Forestry,
- Territorial planning.

Cross-cutting issues, such as public participation, scientific research, information management/monitoring, financing, dispute resolution, awareness and education, should be included into generic, horizontal paragraphs.

Other issues, such as sustainable river basin management, sustainable transport, sustainable industrial development, energy could remain in an "open window" for possible future cooperation in a permanent framework.

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4. Guidance for doing so is provided in a non-legally binding instrument, which is applicable on the global level: Chapter 13 "Managing Fragile Ecosystems -Sustainable Mountain Development" as contained in Agenda 21 which was adopted at the Rio Summit. These recommendations are useful guidelines in drafting agreements for specific mountain regions and for this reason are included in the checklist in section II.
5. It derives from the above that agreements for individual mountain areas should focus on aspects which it is important to agree upon at the level of the mountain region considered, i.e. for which either:
 - a transboundary rule,
 - or a harmonized conduct;

is needed, in order to achieve sustainable development of the region as such. The principle of subsidiarity should, therefore, be recognised, with a view to avoiding over-regulation and thus ease negotiations: international rules are only necessary if the parties to the negotiations agree that they are desirable in order to achieve a common goal.

The task of detailed identification of aspects, for which international rules are desirable, still remains to be achieved. It is hoped that the present meeting,

providing an exchange of experiences between the Alpine Convention and the Carpathian cooperation, will facilitate the identification of these aspects. However, it is recommended to follow the "Bishkek approach" in the Working Groups. Work methodology within the Working Group could, therefore, be structured around the following questions:

- MEAs or other international rules with relevance for the aspects in question should be considered, any overlaps be avoided, and any agreements be complementary and supportive to such rules; European Union legislation and policies should be considered, to avoid overlaps in accession countries, and to facilitating further regional harmonization throughout the region;
- Agreements should be limited to aspects where either a transboundary rule or a harmonized conduct is needed.

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6. A threshold discussion and agreement concerns format. There are two fundamental options:
 - a comprehensive instrument that covers all rights and obligations in the areas dealt with in the treaty considered;
 - a framework treaty setting out general principles and ground rules, to be elaborated in "additional" protocols addressing specific subject areas. (Examples: UNFCCC, Vienna and Alpine Convention) (Pros and Cons)

A decision on the modalities and legal nature of cooperation for the protection and sustainable management of the Carpathians has not yet been taken. Options considered by the informal expert meeting include:

- Framework Convention, future Protocols,
- Convention,
- Charter, Declaration or Resolution (compare Resolution of International Alpine Conference of Environment Ministers, Berchtesgaden, 11 October 1989),
- Transboundary cooperation, programmes, projects and activities,
- Carpathian Network of Protected Areas - "thematic" network of Protected Areas Managers,
- Public information activities, awareness campaigns, public participation and NGO support,
- Carpathian Institute (biodiversity conservation, mountain agriculture and forestry, renewable energy, technology),
- Regional and local sustainable development campaigns, Local Agenda 21 implementation in mountain regions,

- Transboundary sustainable tourism plans / programmes.

It is expected that Working Group III of the present meeting will consider these options. Working Group III will also elaborate and decide on the proposed action, targets and timeframes for the preparations of the agenda item of the Carpathian cooperation for the upcoming Ministerial Conference "Environment for Europe", Kyiv, May 2003.

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7. In Europe, the Convention for the Protection of the Alps has taken into account the above-mentioned points (2). It can, therefore be taken as a good example of a specific mountain ecosystem agreement and a source of inspiration for agreements elsewhere. However, the specificity of each mountain area makes it unrealistic to take the Alpine Convention as a model for other possible mountain-related agreements.
8. In drafting other regional agreements on mountain ecosystems, a checklist of items that need to be considered and evaluated may be useful. In particular, such a list may provide a basis to decide whether, in the particular context, regional regulations are needed, and should be negotiated accordingly.
9. The purpose of this paper is to provide such a list. A number of provisos are in order:
 - such a list cannot be exhaustive, because it simply cannot take all the natural conditions into consideration, which may be applicable to a specific situation;
 - the content, as well as the structure, of the document and the points listed, is by no means prescriptive, as it is ultimately up to the prospective parties to decide which points are relevant to their concerns, and in which order to tackle them.

Amongst other issues for discussion, the BGMS A.1 checklist is currently being adapted and complemented, in order to meet the specific needs of the Carpathian cooperation. The work will be continued at the upcoming International Meeting for the Protection and Sustainable Development of the Carpathians ("Sharing the experience - Mountain Sustainable Development in the Carpathians and in the Alps), to be hosted by Italy, the Presidency of the Alpine Convention, in Bolzano, Italy, from 17 to 19 June 2002. Furthermore, there will be an opportunity for presentation and discussion of the results achieved at a regional workshop of the Conference "The Alpine experience - an approach for other mountain regions", to be held in Berchtesgaden, from 27 to 29 June 2002.

	Alpine Convention? Protocol?	Other Conventions / Programmes (Regional / Global)	Relevant EU Acts and European Community policies?	Need for Cooperation/ Legal Framework	Need for periodic meetings?	Scope?	Added value? Priorities?	Focal Point?	Conclusions
Protection and Sustainable Use of Biological Diversity	- Alpine Convention - Protocol on Nature Conservation - Alpine Network of Protected Areas	CBD, PEBLDS, Bonn, Bern Convention (Emerald), Ramsar, WWF Carpathian Ecoregion Initiative, Trilateral Biosphere Reserve	Habitat and Birds, directives (Natura 2000), Biosafety Directive.	PEBLDS Programme Element? Protocol? Kyiv Statement? Regional agreement?	Regional coordination	Ecosystem Management; Species conservation and sustainable use; Integration of biodiversity concerns into agricultural policies, integration into forest management	Transboundary corridors and coherence of policies; Harmonization of hunting laws; Effective regional mechanism; Exchange of	- CBD Focal Points? - Regional Carpathian Institute? - Regional network? - ACAN AP? - PEBLDS Secretaria	Transboundary cooperation needed, maybe Protocol, PEBLDS programme.

							experience s, coordination with international organizations.	t? - Euro parc	
Economic and social development		WWF Ecoregion							Integrate in other cooperation .
Territorial Planning	Alpine Con. Protocol				Yes. Need for transboundary harmonization.	E.g. access to Interreg funds.			Transboundary cooperation needed in relation to other areas.
Sustainable Forestry	Alpine Convention & Protocol on mountain forestry	Helsinki process, . Guidelines COP-CBD (new work progr	Council Resolution on a forest strategy for the European Union	Implementation of new CBD Workprogramme on forest BD and of MCPFE resolution	Yes	Sustainable forest management, Protection function of forests, flood, soil protection	Cross-boarder management of values of mountain forests.	National Forest Authorities; Ministries of Environment	Transboundary cooperation needed, maybe through Protocol.

		amm e COP6); PEBL DS / Helsi nki proce ss coope rative progr amm e, Kyoto Proto col	, Europ ean Com munit y Biodi versit y Strat egy	ons; Coopera tion MCPFE- PEBLDES on these issues; possible integrati on into biodiver sity protocol /progra mme		n, mountain forestry subsidies ; restitutio n process, ecosyste m manage ment.		nt; Euro mont ana Euro pean Obse rvato ry for Moun tain Fores ts.	
Sustainabl e Mountain Agricultur e	Alpin e Con. Proto col	Rural dev., inclu ding agri- envir onme ntal progr amm es (AEP' s); WTO negot iation s on new agree ment on agric ultur e; PEBL	CAP: in partic ular its 2 nd pillar rural devel opme nt (inclu ding less favor ed areas , suppo rt AEPs etc. EC biodi versit y strate	Coopera tion on optimal use of EU instrum ents, idem on EU accessio n negotiat ions, explorin g policy options for NIS countrie s	Excha nge of ideas	Support for less favoured areas; AEPs, other rural develop ment issues; Other options for NIS countries	Bette r use of possib ilities withi n EU frame work, altern ative appro aches for NIS	Minis tries of agric ultur e, Minis tries of Envir onme nt, Inter natio nal Orga nisati ons (e.g. IUCN , UNEP , CoE)	Infor matio n excha nge and coope ration progr amme possib le

		DS activi ties on agric ultur e and biodi versit y, IUCN decla ration , WWF Ecore gion	gy and actio n plans (agric ultur e)						
Sustainabl e Tourism	Alpin e Con. Proto col	UNEP Guide lines, CBD Guide lines on biolo gical divers ity and touris m (inclu ding moun tains)				Regional cooperati on for sustainab le tourism develop ment; Links with Transpor t.	Benef its for local popul ation. Econo mic imper ative.		Joint progr amme s or even Proto col desira ble

Sustainable Transport	Alpine Con. Protocol	OECD EST Guidelines; Draft Convention on Transport, Health and Environment; Central European Initiative transport WG; GEF.	EU Commission White Paper "European Transport Policy for 2010 - Time to Decide", September 2001			Inter-linkage between territorial planning and transport ; EIA in mountains.	New transport development; Transit North - South , East-West; energy transport; Fragmentation of forest and ecosystems ; Transport of dangerous goods .		Regional trans boundary agreements desirable
River Basin Management		UNECE Helsinki Convention	EU Water Framework Directive	No need for legal instrument but maybe joint program		Upstream /downstream water management;			Sub-regional cooperation and maybe

		n; Danu be Conv entio n / Com missi on; Carpa thian water shed mana geme nt proje ct (CH). Tisza Conv entio n	tive.	ming		Transbou ndary river basin manage ment; Flood protectio n and preventio n; sustainab le land- use, agricultu re and forestry; Aquatic biodivers ity.			e legal instru ments desira ble
Cultural Heritage	Draft Proto col on Popu latio n and Cultu re	UNES CO		WINDOW		Specific issues such as sustainab le tourism, agricultu re; Common "Carpathi an identity"			
Public Participat ion		Aarhu s Conv entio n							

Scientific Research	Article 4 Alpine Convention							Subsidiary body?	
Information Management/Monitoring	Article 4 Alpine Convention		European Environmental Agency					Observation system?	
Financing								Fund?	
Dispute Resolution	Alpine Con. Protocol							Ombudsman?	
Awareness & Education		WWF Carpathian Eco-region Initiative							
Soil Protection	Alpine Con. Protocol								Window for cooperation, integration biodiversity, forestry, agricu

									Iture
Energy	Alpin e Con. Proto col								Wind ow, adher ence to broad er initiat ives
Sustainabl e Industrial Developm ent									Wind ows, adher ence to broad er initiat ive

Notes to readers

This paper is a case study on the International and regional agreements and cooperation and sustainable mountain development. A Mountain Forum e-consultation for the UNEP / Bishkek Global Mountain Summit. 23-28 April 2002.