



**MAKMONTANA**



# **R E P O R T**

## **CONVENTION ON THE PROTECTION OF THE ALPS, CONVENTION ON THE PROTECTION AND SUSTAINABLE DEVELOPMENT OF THE CARPATHIANS & BALKAN CONVENTION INITIATIVE**



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# ALPINE CONVENTION

## HISTORY OF THE ALPINE CONVENTION:

The Alpine Convention is an international treaty with the aim of the protection and sustainable development of the Alps. It was signed in 1991 by Austria, France, Germany, Italy, Liechtenstein, Switzerland, and the European Community at Salzburg. Slovenia signed the convention on March the 29<sup>th</sup> 1993 and Monaco became a party on the basis of a separate additional protocol. The Convention entered into force on March the 6<sup>th</sup>, 1995.

As defined in the Alpine Convention, the region of the Alps is home to some 13 million people. The 191,287 km<sup>2</sup>, contained within the alpine space comprise the territory of seven countries, 83 regions and about 6,200 communities.

### **The result of a long process**

The process of looking at the problems jointly started as early as in 1952, with the establishment of an *International Commission for the Protection of the Alps - CIPRA*<sup>1</sup>. Then it took four decades until the Environment Ministries of the alpine States and the European Commission decided to jointly sign an international treaty, the Alpine Convention. During many years, CIPRA had prepared the floor for this Convention, by raising awareness at the political level with conceptual contributions and important background studies.

Reflecting on the rapid deterioration of the environmental conditions in the Alps, CIPRA decided in 1987, to prepare the floor for an International Treaty for the protection of the Alps (the Alpine Convention). The strategy was to sensitize and to build an alliance at the level of local and regional Governments.

This bottom-up strategy had limited success, but nevertheless an impact: In 1989, the Governments of the alpine countries and of the European Commission, under the leadership of the German Environment Minister, Klaus Toepfer, embarked on this process, and they finally signed the Alpine Convention in 1991. This treaty became, hereby, a significant and concrete contribution of the alpine states to the Rio Conference on Sustainable Development (1992).

### **From the Convention for the protection of the Alps to the Alpine Convention**

As can be seen by the short presentation of the Alpine Convention's history, the Convention was at first seen as a means to protect the alpine environment. The Convention was therefore strongly contested in some member states and above all by the local and regional authorities as well as by economic organisations. In 1993, the Swiss Centre for mountain regions (SAB) took the initiative for a protocol on socio-economic development. This draft protocol was rejected by the Conference in 1994, but most of the ideas in the draft protocol found their way in the other protocols. From then on, every protocol contained a prescription on subsidiarity and the

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<sup>1</sup> CIPRA is an NGO which comprises, today, more than 100 organizations and institutions, interested in looking at and finding integrated solutions for problems of nature and landscape protection and management, environmental protection and regional planning in the Alps. CIPRA has seven national offices and a regional office in Italy (South-Tirol).

involvement of regional authorities. Socio-economic aspects (regional policy, financial remunerations for the use of resources like water etc.) were integrated into the protocols “Land use planning and sustainable development”, “Tourism” and “Energy” and the Convention took a more balanced course. Since then, Euromontana is an observer at the Alpine Convention and tries to defend the interests of the alpine population and economy.

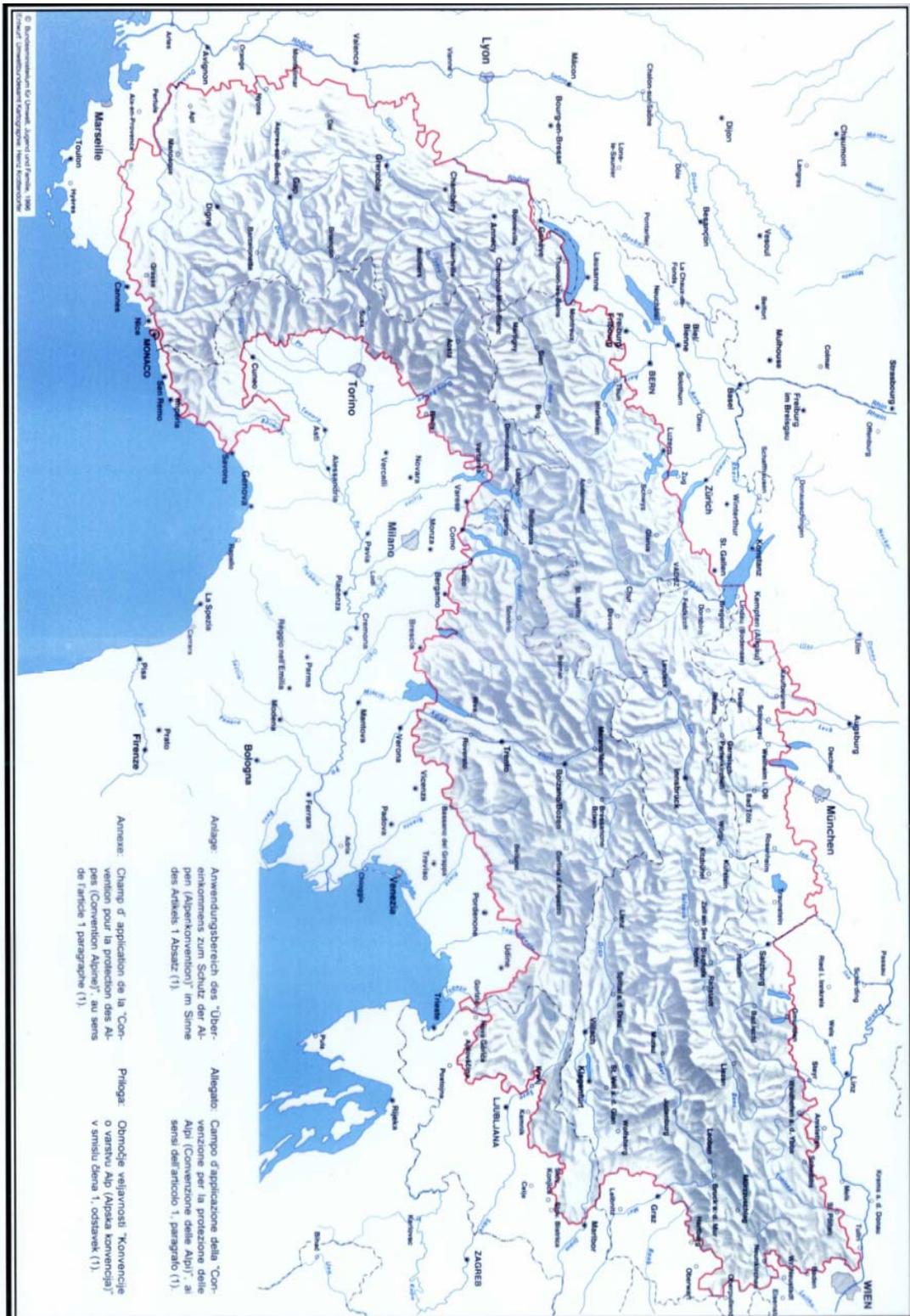
### **Negotiations at the content level**

Despite the several years of preparatory discussions, the text of the convention contained only in its Article 2 a list with objectives which ought to become binding for each of the participating countries through the signing of protocols where the details are specified. The rest of the umbrella Convention was dedicated to specifying rules of collaboration.

What was considered a new and very positive experience was the strong commitment of the governments of all the states in the Alps to look at very different issues and problems not under a sectoral but under a territorial approach, for the benefit of a mountain region, the Alps.

The governments committed themselves to an integrated approach of sustainability dealing with the consideration of the protocol’s objectives in other policies.

This made the process unique for the participating nations. The process was, however, by no means simple. After the signing of the framework Convention in 1991, it took another 4 years until the document entered into force for the first ratifying countries, and it took another 5 years until it became binding for all of them. Out of the 12 implementation protocols which should be elaborated and signed, only 9 have been drafted so far. (Spring 2005) they were endorsed and took effect in six participating countries (Austria, Germany, Liechtenstein, Slovenia and France – Monaco has signed protocols it judges relevant). Italy, Switzerland and the European Union are still to do this step.



## THE FRAMEWORK CONVENTION

The Convention has the status international law and therefore is a legally binding document, resembling closely a "framework convention", which sets out general principles and obligations providing the legal structure within which the parties to the Convention function. It is accompanied by Protocols of implementation which define specifically the binding obligations of the contracting parties, each centred on a specific theme. The protocols have the same status of international law.

The preamble to the Convention states that the contracting parties to the Convention:

*“- Aware that the Alps are one of the largest continuous unspoilt natural areas in Europe, which, with their outstanding unique and diverse natural habitat, culture and history, constitute an economic, cultural, recreational and living environment in the heart of Europe, shared by numerous peoples and countries,*  
*- Recognizing that the Alps constitute the living and economic environment for the indigenous population and are also vitally important for extra-Alpine regions, being the site of important transport routes, for example,*  
*- Recognizing the fact that the Alps constitute an essential habitat and last refuge for many endangered species of plants and animals,*  
*-Aware of the substantial differences existing between national legal systems, natural conditions, populations distribution, agriculture and forestry, the state and development of the economy, the volume of traffic and the nature and intensity of tourism,*  
*-Aware that the ever-growing pressures caused by man are increasingly threatening the Alpine region and its ecological functions, and that the damage is either irreparable or rectifiable only with great effort, at considerable cost and, as a rule, over a long period of time,*  
*- Convinced of the need for economic interests to be reconciled with ecological requirements,*  
*- Following the outcome of the first Alpine Conference of Environment Ministers held in Berchtesgaden from 9 to 11 October 1989, have agreed as follows: (...)*”

The first part of the preamble identifies what makes this treaty original and interesting: the characterization of a mountain range as an international region to be protected along natural, cultural, historical, economic and recreational lines. With this statement, and with the mention of "heart of Europe," the Alps become the first mountain range to be protected - in some way - in its entirety, and also as a defined "region" within Europe.

The General Obligations of the Convention found in Article 2 are the following: The Contracting Parties shall pursue a comprehensive policy for the preservation and protection of the Alps by applying the principles of prevention, payment by the polluter (the "polluter pays" principle) and cooperation, after careful consideration of the interests of all the Alpine States, their Alpine regions and the European Economic Community, and through the prudent and sustained use of resources. Trans-border cooperation of the Alpine region shall be intensified and extended both in terms of the territory and the number of subjects covered.

The third article refers research activities, scientific assessment, monitoring and related data-acquisition activities.

Article four defines the obligation of the Participant's Country for the legal scientific, economic and technical cooperation as well as public relation.

The work of the Conference of Contracting Parties is specified in article five and the functioning of the Conference itself in article six.

Article seven is dedicated to way of decision making within the Conference.

The Standing Committee, Secretariat, Amendments and the Protocols are comprised in article eight, nine, ten and eleven.

The regulations about signatures and ratification are described in article twelve and the denunciation and notification in article thirteen and fourteen.

*The table of ratification and enactment of the Framework Convention is presented in Annex-I.*

## **PROTOCOLS**

The themes of cooperation foreseen in article 2 of the Alpine Convention, for which suitable measures in the sense of article 2 (2) but not compellingly protocols in the sense of article 2 (3) should be undertaken by the contracting parties are:

- a) **Population and culture** - the objective is to respect, preserve and promote the cultural and social independence of the indigenous population and to guarantee the basis for their living standards, in particular environmentally sound settlement and economic development, and promote mutual understanding and cooperation between Alpine and extra-Alpine populations;
- b) **Regional planning** - the objective is to ensure the economic and rational use of land and the sound, harmonious development of the whole region, particular emphasis being placed on natural hazards, the avoidance of under- and over-use and the conservation or rehabilitation of natural habitats by means of a thorough clarification and evaluation of land-use requirements, foresighted integral planning and coordination of the measures taken;
- c) **Prevention of air pollution** - the objective is to drastically reduce the emission of pollutants and pollution problems in the Alpine region, together with inputs of harmful substances from outside the region, to a level which is not harmful to man, animals and plants;
- d) **Soil conservation** - the objective is to reduce quantitative and qualitative soil damage, in particular by applying agricultural and forestry methods which do not harm the soil, through minimum interference with soil and land, control of erosion and the restriction of soil sealing;
- e) **Water management** - the objective is to preserve or re-establish healthy water systems, in particular by keeping lakes and rivers free of pollution, by applying natural hydraulic engineering techniques and by using water power, which serves the interests of both the indigenous population and the environment alike;
- f) **Conservation of nature and the countryside** - the objective is to protect, conserve and, where necessary, rehabilitate and natural environment and the countryside, so that ecosystems are able to function, animal and plants species, including their habitats, are preserved, nature's capacity for regeneration and sustained productivity is maintained, and the variety, uniqueness and beauty of nature and the countryside as a whole are preserved on a permanent basis;
- g) **Mountain farming** - the objective is, in the public interest, to maintain the management of land traditionally cultivated by man and to preserve and promote a system of farming which suits local conditions and is environmentally compatible, taking into account the less favourable economic conditions;

- h) **Mountain forests** - the objective is to preserve, reinforce and restore the role of forests, in particular their protective role, by improving the resistance of forest ecosystems mainly by applying natural forestry techniques and preventing any utilization detrimental to forests, taking into account the less favourable economic conditions in the Alpine region;
- i) **Tourism and recreation** - the objective is, by restricting activities harmful to the environment, to harmonize tourism and recreational activities which ecological and social requirements, in particular by setting aside quiet areas;
- j) **Transport** - the objective is to reduce the volume and dangers of inter-Alpine and trans-Alpine traffic to a level which is not harmful to humans, animals and plants and their habitats, by switching more traffic, in particular freight traffic, to the railways in particular by providing appropriate infrastructure and incentives complying with market principles, without discrimination on grounds of nationality;
- k) **Energy** - the objective is to introduce methods for the production, distribution and use of energy which preserve the countryside and are environmentally compatible, and to promote energy-saving measures;
- l) **Waste management** - the objective is to develop a system of waste collection, utilization and disposal which meets the special topographic, geological and climatic requirements of the Alpine region, paying particular attention to waste avoidance.

Draft Protocols are communicated to the Contracting Parties and signatory States by the Contracting Party presiding over the Conference at least six months before the Conference meeting at which they are to be considered. The Protocols adopted by the Conference are signed at the Conference meetings or subsequently at the depositary. They shall be applicable to those Contracting Parties which have ratified, accepted or approved them. In order for a Protocol to come into force at least three ratifications, acceptances or approvals shall be necessary. The relevant documents are deposited with the Depositary, the Republic of Austria.

The list of protocols elaborated so far can be seen in Annex II. Relating to the topics listed in article 2 of the Alpine convention, the following topics are missing: population and culture, prevention of air pollution, water management and waste management. In 2003, Cipra proposed a protocol for water management, but the Alpine Conference decided to integrate the questions related to the topic in the multi-annual work programme 2005 -2010. Since 2001, a working group was trying to define a protocol on population and culture. Due to several reasons, this working group never didn't achieved it's mission. The Alpine Conference decided in 2004 to mandate the working group not to elaborate a protocol but a political declaration being an object of the compliance mechanism with the perspective of developing a protocol if need to be propose . Euromontana strongly regrets this situation. By neglecting the crucial role of the alpine population, the Convention takes a turn back towards more environmental aspects. There have been no activities concerning on the topics of air pollution and waste management.

## ORGANS

The Alpine Conference, created by the Alpine Convention, is the highest body of the Alpine Convention organs. Made up of the Environmental Ministers of the contracting parties, it meets in general once every two years to take executive decisions.

### ➤ **Conference of contracting parties**

*Conference of the Ministers* is the decisional body of the Alpine Convention and decisions are reached unanimously and any issue shared by the Contracting Parties and their co-operation comes under its remit of authority. Contracting parties undertake to inform the Alpine Convention of all the measures they have taken to fully implement the Convention and its Protocols. Meetings of the Conference are normally convened every two years by the Contracting Party holding the Chair of the Convention

*The Working Groups* may be established if they are deemed necessary for the implementation of the Convention, in view of assessments based on scientific information. The Conference adopts its *Rules of procedures* and makes the necessary financial decisions.

*The Chair* will change every two years and is chosen by the Alpine Conference. The Contracting Party holding the Chair shall draft the Agenda for the Session of the Alpine Conference and each Contracting Party may add other items to be included in the agenda.

*Conference Sessions and Participants:* At the Conference, each Contracting Party is represented by a Delegation and each Head of Delegation will inform the Chair on the names and functions of its members beforehand and will be authorized to take part in the work of the sessions.

*Observers:* The United Nations, its specialized agencies, the Council of Europe and all European countries may attend the meetings as observers. The same applies to cross-border associations of Alpine territorial Authorities such as the Working Community of Alpine Regions ARGE ALP, the Working Community Alps-Adriatic and the Working Community of the Occidental Alps COTRAO. In addition, relevant nongovernmental organizations such as CIPRA International, Euromontana and the International Scientific Committee on Research in the Alps ISCAR may be also admitted as observers. Each Contracting Party has a vote at the Conference. The European Union may exercise its vote within the areas of its competence, and its vote corresponds to a number of votes equal to the number of its Member States which are Contracting Parties to the Alpine Convention. It will not exercise its right to vote in cases where Member States exercise theirs.

### ➤ **Convention depository**

*Location and responsibility:* The Austrian State is the depository of the Alpine Convention.

*Duties:* Contracting Parties shall notify the Depository on matters referring to the Convention and the Depository shall inform all other States and Parties of any notification it receives thus keeping them informed and updated on any changes – new signatures, deposit of ratifications and field of application or remit.

Specifically, parties will send the Depository the following acts and communications:

- Notifications of States extending the application of the Convention to additional parts of its national territory, as stated by art. 1, section 2, and also denunciations.
- Signatures of the Convention;
- Ratification acceptance or of the Convention

The Depository shall inform the Contracting Parties and Signatories of the following:

- Any signature;
- The deposit if any instrument of ratification, acceptance or approval;
- Any date of entry into force of the Convention, in accordance with Article 12;
- Any declaration made in accordance with Article 1 (2 and 3) referring to the extension of the Conventional to additional parts of the territory;
- Any notification of denunciation made under article 13 and the date on which the denunciation becomes effective.

***Instruments:***

- a) Instruments of ratification, acceptance or approval
- b) Notification of extension of the Convention to additional parts of its national territory
- c) Notification of denunciation of the Convention
- d) Other statements and notifications

➤ **The Standing Committee**

***Chair:*** The Contracting Party presiding over the Alpine Conference shall appoint the Chair of the Standing Committee. The Chair shall organize Committee sessions, informing the Parties and the Observers of the date, venue and duration of the session at least six weeks before the session is due to begin. The Chair shall attend Committee meetings as such and during such time he/she may not also act or have rights as a delegate for any Contracting Party.

***Members:*** The delegates of the Contracting Parties make up the Standing Committee of the Alpine Conference, which the executive body of the Conference itself. Signatory States which have not yet ratified the convention may attend Standing Committee meetings as observers. The same status may be granted on demand to any Alpine State which has not yet signed this Convention. The Standing Committee shall also decide on the procedures for any participation of governmental and non governmental organisations at its meetings.

***Organisation:*** The Standing Committee shall adopt its Rules and Procedures and specifically it shall carry out the following:

- a. It shall analyse the information submitted by the Contracting Parties and report to the Alpine Conference,
- b. It shall collect and assess documents with regard the implementation of the Convention and Protocols, together with Annexes, and shall submit them to the Alpine Conference for examination,
- c. It shall inform the Alpine Conference about the implementation of the Conference's decisions,

- d. It shall prepare programmes for meetings of the Alpine Conference and may propose items for the agenda as well as other measures for the implementation of the Convention and its protocols,
- e. It shall appoint Working Groups to formulate Protocols and recommendations, and coordinate their activities,
- f. It shall examine and harmonise the contents of draft Protocols from an overall point of view and propose them to the Alpine Conference,
- g. It shall propose recommendations and measures for the achievement of the objectives contained in the Convention and its Protocols to the Conference.

➤ **Permanent Secretariat**

The Permanent Secretariat was set up by the Alpine Conference in 2002 and is acting since the beginning of 2003. It is seated in Innsbruck/Austria and has a branch office in Bolzano/Italy. The secretariat provides political and technical assistance for the chair, deals with public relations and administrative matters such as the archives, takes care of the observation and information system for the Alps (SOIA) as well as of the coordination of the alpine research and looks after translation tasks.

➤ **Working Groups:**

1. Transport
2. Population and Culture
3. Platform natural hazards

➤ **Compliance Committee**

The Compliance Committee was set up by the Alpine Conference in 2002 and is chaired by the Presidency in office. Its function is to verify the compliance of the contracting parties with the Alpine Convention and the implementation protocols.

## **POSITIVE ASPECTS OF THE ALPINE CONVENTION**

Today, it is increasingly recognized that this Convention is an important step in the political recognition of the particular development issues which these mountain areas face.

Although it is processed very slowly, and there is only a very restricted possibility for sanctions to be imposed on parties which do not implement the Convention, there are positive impacts to be felt.

The most significant impact was the establishment of a consensus among politicians and decision makers that the Alps face particular development problems which can only be looked at jointly. Today, numerous information exchange and collaborative networks are well established, and all of them make reference to the Alpine Convention. The two most important ones are the Network of communities "Alliance in the Alps" and the "Network of Alpine Protected Areas".

In general, it was found encouraging that at the heart of a densely populated continent, the Governments could be brought together at a round table, to carry out jointly, a problem analysis and to define objectives for the future of their mountain areas.

Today, many of the alpine communities perceive the Alpine Convention as an opportunity and very importantly, as an expression of the strong commitment of the national governments to their often marginalized mountain areas. They know that in the future this kind of solidarity will play an increasingly important role for the around 6200 communities in the Alps. This positive assessment has replaced earlier criticisms which perceived the Alpine Convention merely as tutelage from the national Governments.

Another benefit of the Alpine Convention is the new opportunities for the Municipalities in the alpine region, for collaboration beyond any political boundaries, and for exchanging experience about projects with which it is possible to create new jobs. Tourism development in those areas is only one example.

### **Comment:**

**Another positive aspect is the fact that the Alpine Convention accepts NGOs as observers and co-operates with them. A lot of inputs, projects and manifestations in favour of the Alpine Convention have been initiated by NGOs (Community Network Alliance in the Alps, Via Alpina, Forum Alpinum).**

## LESSONS LEARNED

From the beginning the overall objective of the Alpine Convention was to create favourable conditions for a better protection of nature and cultural landscapes and to define parallelly, a new framework for sustainable development in the Alps, as the basis of criteria of environmental and social feasibility. There was consensus that the standards and norms for environmental protection and development had to be higher than those for the surrounding lowland areas.

Despite clear arguments by its promoters, the Convention was criticized as being purely a “protection framework”, preventing development in the Alps.

This was mainly due to the fact that the initiative came from the environmental offices and organizations. The Ministries of Environment represent the Alpine convention in Alpine Countries was in some way counterproductive to promote a positive image of the Convention (more economic image). Instead of that they were forced only the protective image of the Convention. It was a hard and long process to change this orientation into a somewhat more on development orientated approach.

Another reason for initial criticism was also that information and involvement of the regions and the public in this process did not receive the needed attention from the promoters. The Alpine Convention never managed to get known to a larger public.

However, the Secretariat had the capacity to respond with constructive arguments and to learn rapidly. The decision (in 1994), to put more emphasis on the socio-economic aspects and on public involvement, had a very positive impact on the whole process. This experience shows that a top-down process is very unlikely to be a success.

In the case of the Alpine Convention, many years were lost because the concerned stakeholders of the regional and local level were not involved. It is extremely important to involve from the beginning regional politicians, communities, business sector, NGOs, protected areas and so on. Up to now the Alpine Convention had very limited direct impact on Local Economic Development and any direct benefit to the local communities. The reason is that the Convention has no financial means to support a wide range of activities. The contributions of the member states just cover financing the structures of the Convention (Permanent Secretariat, Standing Committee etc.) and some implementation projects.

There is an indirect link to INTERREG programme of the EU, especially Interreg IIIB Alpine Space, program that covers trans-national cooperation in the field of spatial development. Some of the projects take up issues of Alpine Convention and will contribute to the implementation of the Alpine Convention.

The programme can be considered as providing some form of instruments for the application of the Alpine Convention.

The Alpine Convention does not make any references to the global conventions on climate, biodiversity, mountain agenda, etc.

From 2003 the Secretariat has been crucial for promoting Alpine Convention. It has formalised the cooperation with NGOs e.g. by Memorandum of Understanding which are beneficial for both Alpine Convention and NGOs.

# CARPATHIAN CONVENTION

## INTRODUCTION

The Carpathians are major trans-boundary mountain range shared by the seven countries of the region: Czech Republic, Hungary, Poland, Romania, Serbia and Montenegro, Slovak Republic and Ukraine.

Though less famous than the neighbouring Alps, the Carpathian region boasts a stunning landscape of great beauty that is rich in both wildlife and culture. The Carpathian Convention promises to help the region retain its wildness while offering its people new opportunities for improving their lively-hoods.

Spread over some 200,000 square kilometres (an area 10% larger than the Alps), the Carpathians region contains vast tracts of forest that function as a bridge between Europe's northern forests and those in the south and west. This allows bears and other species to migrate and remain healthy through genetic exchange. One third of all European plant species grow here, including 481 species that can be found nowhere else in the world. The Carpathians also play a vital role in ensuring Europe's freshwater supplies. Runoff from the mountains - which receive twice as much rain as surrounding areas - feeds the Danube, the Vistula and other major rivers that flow into the Black Sea and the Baltic Sea. The Carpathians hold some of the cleanest streams on the continent.

The Carpathians are not an isolated wilderness untouched by human activity. Fortunately there is room enough here for both wildlife and a modern economy - as long as strong and effective measures are taken in time to preserve the region's unique biological heritage for the long term. Many small, rural communities of various ethnic groups and nationalities have also adapted successfully to the mountain environment over the centuries. Although separated by national boundaries, the people of the Carpathians are in many ways united by their cultural heritage. Altogether some 16 or 18 million people call these mountains home.

Key threats to the Carpathians include growing unemployment and poverty, which have worsened since the transition from Communism began over a decade ago, as well as unsustainable development patterns, over-exploitation of natural resources, pollution, deforestation, excessive hunting, and habitat fragmentation. Addressing these challenges will not only contribute to preserving the region's environment, but will help the countries there to become better prepared for their accession to the European Union.

The new Carpathian Convention recognizes the link between environmental protection and the need to bring benefits to the local population through sustainable development. Promoting responsible tourism for example, where landscapes are protected and local communities benefit, would be an example of a win-win approach for the environment and the economy.

Other important people-centred goals involve improving the management of water resources and river basins, promoting sustainable agriculture, forestry, transport, industry and infrastructure and preserving and nurturing the region's cultural heritage and traditional knowledge.

The Carpathians Convention also aims to assist the spread of environmental "best practices". These include the application of the 'polluter pays' principle, an emphasis on public participation and stakeholder involvement, trans-boundary cooperation, integrated planning and management of land and water resources, and the ecosystem approach (managing biodiversity in a way that meets human needs while maintaining ecosystem integrity).



### Existing Instruments, Programmes and Projects Relevant for the Carpathian Mountains

It was an idea to develop a new instrument of the Carpathian Convention and that it wasn't undisputable. There was already a proliferation of conventions and activities tackling biodiversity and related issues, but a lack of implementation were evident. Adequately enforced, no additional instrument would be needed. The question was *"would a new instrument be an overlap with already existing instruments or would it be an added value, providing new opportunities?"*

The existing instruments and some socio-economic sectors relevant for the Carpathians, specifically those that have a proven negative impact on biodiversity are presented at *Annex II & Annex III*.

## HISTORY OF CARPATHIAN CONVENTION

In 2001, the United Nation Environment Programme - Regional office for Europe (UNEP/ROE)<sup>2</sup> was requested by Carpathian countries to service and facilitates the intergovernmental consultation process for Carpathian cooperation. Supporting activities such as the creation of a network of protected areas in the Carpathians and the strengthening of the participation of NGOs and local communities were aimed to ensure a sustainable development of the region, balanced with ecological coherence and sustainable tourism development.

In response to this request, UNEP/ROE promoted an Alpine–Carpathian Partnership and serviced five negotiating meetings of the Carpathian countries.

After preparatory work by UNEP/ROE, the issue of the protection and sustainable management of the Carpathian mountain ecosystems was the topic of an informal expert meeting hosted by the Government of Ukraine in Kiev on 6 and 7 of November 2001.

The informal expert meeting identified possible areas where increased future cooperation for the protection and sustainable development of the Carpathians could be beneficial.

Furthermore, with the support of the Government of France, the Protected Area Managers from three Carpathian countries: Poland, Romania and Slovak Republic, participated in a workshop on raptor and ungulate management, organized by the Alpine network of Protected Areas in Gran Paradiso National Park, Italy, from 17 to 20 October 2001.

In 2002, ROE made considerable progress in giving support to the Cooperation for the Protection and Sustainable Development of the Carpathians. In partnership with the Alpine Convention, its Italian Presidency and with support from Austria, Liechtenstein, France and the Netherlands, four intergovernmental meetings have been organized (Bolzano<sup>3</sup>, Italy, 17-18 June 2002; Vaduz<sup>4</sup>, Liechtenstein, 14-15 October 2002; Geneva, 19-20 December 2002; Vienna, 24-25 February 2003), which resulted a very advanced draft text of the Framework Convention on the Protection and Sustainable Development of the Carpathians. The final meeting was held in Bolzano, Italy, from 20 to 21 March 2003.

Carpathian countries adopted and signed the Carpathian Convention during the 5th Ministerial Conference “Environment for Europe”, which took place in Kiev in May 2003. In the resolution adopted together with the Convention, UNEP/ROE which provided the Secretariat to the negotiations, was requested to continue to service the process pending the Convention's entry into force. Italy, Austria and Germany pledged support, Austria offered to host and co-finances the Interim Secretariat.

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<sup>2</sup> United Nation Environment Program - Regional Office for Europe promotes intergovernmental policy dialogue and regional cooperation, increases national capacity for environmental management and response emergencies, raises awareness and enhances information exchange, and translates global policies into regional action

<sup>3</sup> The Italian Government invited the delegations of the seven Carpathian countries and selected NGOs for the international meeting “*Sharing the Experience – Sustainable Mountain Development in the Carpathians and in the Alps*”. The Presidency of the Alpine Convention and the various experts who have been involved in the development and implementation of the Convention were also represented at the meeting. The Bolzano Meeting recommended the development of a Carpathian Framework Convention, recognizing the Alpine Convention as a potential model of regional cooperation.

<sup>4</sup> It was the first time that detailed discussion and negotiations had been held on the draft text of the Carpathian Convention, proposed by the Ukraine Government.

## **INTERIM SECRETARIAT**

UNEP-ROE was requested to act as the Interim Secretariat of the Carpathian Convention.

On 1 May 2004, the Office<sup>5</sup> of UNEP Vienna - Interim Secretariat of the Carpathian Convention was opened. With opening of UNEP office in Vienna, a curtail and important element has been added to the UNEP family, whose primary task remains to inform and alert policy makers and the general public of global environmental trends, and to assist in translating these challenges into action. Through this office UNEP is moderated the process which led to the adoption and signing of the Carpathian Convention.

UNEP/ROE services and facilitates the intergovernmental consultation process for Carpathian cooperation. It serviced five negotiation meetings of the Carpathian countries. On the occasion of the fifth Environment for Europe Conference in Kiev 2003, the framework of the Convention was adopted.

Upon the Convention entry into force, the Interim Secretariat turns the framework Convention into concrete commitment and action on the ground.

The Interim Secretariat supports and services a regional cooperation process, aiming at addressing the regional needs for sustainable mountain development in the Carpathians and to identify appropriate solution. Its do this by establishing collaboration with the sister agencies and partners in the Carpathian region and with assisting in bringing the Carpathians and other important regional environmental agreements towards a successful implementation.

In addition of the Carpathian Convention and the Carpathian Network of Protected Areas, the Office ensures UNEP's liaison with the Secretariats of the Alpine Convention and full integration of the Carpathian Convention process into the International Partnership on Sustainable Development on Mountain Regions. This partnership, hosted by the Food and Agriculture Organization (FAO) of the United Nations in Rome, promotes international cooperation and exchange and best practices between mountain regions in the world. With the financial support of Switzerland, UNEP Vienna assists the partnership in accessing UNEP's global network of broad environmental knowledge and experience.

UNEP Vienna –ISCC actually is a part of the Secretariat of the Mountain Partnership located at FAO in Rome and received structural support from the Swiss Development Cooperation (SDC) for this purpose. UNEP Vienna ISCC is an observer to the Alpine Convention located in Innsbruck and is in the process of signing a Memorandum of Cooperation with the International Commission for the Protection of the Danube River (ICPDR). UNEP Vienna ISCC is a Focal Point for South East Europe in the UNEP-OSCE-UNDP-NATO EnvSec initiative and supports the implementation of related UNEP projects (e.g. Rapid Environmental Assessment of the Tisza River Basin, Reducing Environment and Security Risks from Mining in the Tisza River Basin and SEE, including organizing the sub regional conference from 11-14 May in Cluj.

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<sup>5</sup> The UNEP's Office has, received structural support and voluntary contributions from the Governments of Austria, the Czech Republic, Hungary, Poland, Switzerland, Ukraine and the Slovak Republic. The Italian Ministry of the Environment and Territory has announced the continuation of its sponsorship of the Alpine-Carpathian cooperation, and supports the work programme of the Carpathian Convention, also through the European Academy (EURAC) in Bolzano, which amongst other services provides essential scientific support to the Carpathian Convention.

## SECTORS COVERED BY THE CONVENTION

- a) Conservation and Sustainable Use
- b) Sustainable Local Development and Territory Planning
- c) Integrated River Basin Management
- d) Agriculture and Rural Development
- e) Forestry
- f) Renewable Energy & Cleaner Production
- g) Transport and Infrastructure
- h) Tourism
- i) Cultural Heritage
- j) Environmental Assessment, Monitoring & Early Warning
- k) Awareness Raising, Education & Public Participation

## THE FRAMEWORK OF CARPATHIAN CONVENTION

The Parties:

*“ - Acknowledging that the Carpathians are a unique natural treasure of great beauty and ecological value, an important reservoir of biodiversity, the headwaters of major rivers, an essential habitat and refuge for many endangered species of plants and animals and Europe's largest area of virgin forests, and aware that the Carpathians constitute a major ecological, economic, cultural, recreational and living environment in the heart of Europe, shared by numerous peoples and countries;*

*- Realizing the importance and ecological, cultural and socio-economic values of mountain regions, which prompted the United Nations General Assembly to declare 2002 the International Year of Mountains; Recognizing the importance of Mountain areas, as enshrined in Chapter 13 (Sustainable Mountain Development) of the Declaration on Environment and Development (“Agenda 21”, Rio de Janeiro, 1992), and in the Plan of Implementation of the World Summit on Sustainable Development;*

*- Recalling the Declaration on Environment and Sustainable Development in the Carpathian and Danube Region (Bucharest, 2001);*

*- Noting the pertinent provisions of and principles enshrined in relevant global, regional and sub-regional environmental legal instruments, strategies and programmes;*

*- Aiming at ensuring a more effective implementation of such already existing instruments, and building upon other international programmes;*

*- Recognizing that the Carpathians constitute the living environment for the local people, and acknowledging the contribution of the local people to sustainable social, cultural and economic development, and to preserving traditional knowledge in the Carpathians;*

*- Acknowledging the importance of sub-regional cooperation for the protection and sustainable development of the Carpathians in the context of the 'Environment for Europe' process;*

*- Recognizing the experience gained in the framework of the Convention on the Protection of the Alps (Salzburg, 1991) as a successful model for the protection of the environment and sustainable development of mountain regions, providing a sound basis for new partnership initiatives and further strengthening of cooperation between Alpine and Carpathian states;*

*- Being aware of the fact that efforts to protect, maintain and sustainably manage the natural resources of the Carpathians cannot be achieved by one country alone and require regional*

*cooperation, and of the added value of trans-boundary cooperation in achieving ecological coherence;*

*Have agreed for 23 articles:*

- Article 1 – **Geographical scope**
- Article 2 – **General objectives and principles**
- Article 3 – **Integrated approach to the land resource management**
- Article 4 – **Conservation and sustainable use of biological landscape diversity**
- Article 5 – **Spatial planning**
- Article 6 – **Sustainable and integrated water/river basin management**
- Article 7 – **Sustainable agriculture and forestry**
- Article 8 – **Sustainable transport and infrastructure**
- Article 9 – **Sustainable tourism**
- Article 10 – **Industry and energy**
- Article 11 – **Cultural heritage and traditional knowledge**
- Article 12 – **Environmental assessment. Information system, monitoring and early warning**
- Article 13 – **Awareness raising, education and public participation**
- Article 14 – **Conference of the parties** A Conference of the Parties is hereby established. In particular it shall regularly review and support the implementation of the Convention and its protocols, to adopt amendments to adopt protocols, to nominate its President and established an intercessional executive body, to established subsidiary bodies including thematic working groups, to approve the work program, financial rules and budget for its activities, to adopt the Rules of the Procedure, etc. The first session of the Conference will be held in Montenegro, October 2006.
- Article 15 – **Secretariat**: The secretariat is hereby established. Its functions are to make arrangements for the sessions of the Conference and to provide them with the services required, to complete and transmit report submitted to it, to coordinate its activities with the secretariats of other international bodies and conventions, to facilitate research, communication and information exchange on matters related to the Convention and to perform other secretariat functions.
- Article 16 – **Subsidiary bodies**: It's including thematic working group established to provide the Conference with the necessary technical assistance, information, advices on specific issues related to the protection and sustainable development of the Carpathians
- Article 17 – **Financial contribution**: Each Party shall contribute to the regular budget of the Convention in accordance with a scale of contributions as determined by the Conference.
- Article 18 – **Protocols**: There isn't any drafted protocol so far.
- Article 19 – **Amendments to the Convention**: Any Party may propose amendments to the Convention. The proposed ones shall be circulated to all Parties to the Convention through the Secretariat. The amendments for the Convention are accepted by the Conference by consensus. They shall be subject to ratification, approval or acceptance
- Article 20 – **Settlement of disputes**
- Article 21 – **Entry into force**: This Convention is subject of ratification, acceptance and approval by the Signatories. The Convention is open for accession by non-Signatories. Instruments of ratification acceptance, approval and accession shall be deposited with the Depositary.
- Article 22 – **Withdrawal**
- Article 23 – **Depositary**: The Depositary of the Convention is Government of Ukraine.

The Depositary shall notify all the other Parties for any signature of the Convention and the protocols, the deposit of any instrument of ratification, acceptance, approval or accession, the date of entry into force of the Convention as well as its Protocols, for the deposit of any declaration.

## **STATUS OF RATIFICATION AND ENTRY INTO FORCE**

According to information provided to the interim secretariat by the Ministries of the Environment of the countries concerned, the Carpathian Convention has been ratified by Hungary, Slovak Republic and Ukraine. The Parliament of the Czech Republic has completed the ratification, which is now waiting approval by the president. Therefore, the Carpathian Convention is expected to enter in to the force (90 days after the deposit of the fourth instrument of ratification in the current year 2005).

Serbia and Montenegro has started the ratification procedure, and Romania has initiated the ratification process under reservation as to its geographical scope of application, the ratification in Poland is advanced.

Currently, substantive work is in progress on the thematic areas of the Carpathian Convention, which might qualify for the development of future Protocols and / or programmatic or project based activities in support of the implementation of the Conventions work programme.

### **First meeting of the Conference of the Parties (COP1)**

Consequently, the interim secretariat is preparing for the first Meeting of the Conference of the Parties to the Carpathian Convention (COP1) to be organized following the entry into force of the convention. Romania has recently confirmed its offer to organize the COP1 in Brasov, Romania. Possible dates for the COP1 are being explored, with a current preference for the first half of October 2005 (hoping and expecting that the host country will have ratified the Convention by that date).

The 3<sup>rd</sup> Ad Hoc Expert Meeting of the Carpathian Convention (Bolzano, Italy) discussed and prepared the draft agenda for the COP2. Main items on the agenda include:

- Draft rules of procedure and financial rules for the convention;
- Interim and permanent Secretariat arrangements of the Convention
- Work programme of the Convention

### **Activities those are ongoing or planned for the next few years:**

- Creation of a Carpathian Network of Protected Areas, establishment of a Working Group on Biodiversity, possibly elaborating a Protocol on Conservation and Sustainable Use of Biodiversity, development of a full-sized GEF project “Ensuring Sustainable Livelihoods in the Carpathians through the Development of an Ecological Network” in cooperation with UNDP and WWF International

- Establishment of a Working Group on Sustainable Tourism, possible elaboration of a joint strategy / Protocol on Sustainable Tourism, development of pilot project “Carpathian Eco Trail” under CADSES - INTERREG III B
- Ongoing participation of UNEP in the project INTERREG III C - “Network of Mountain Forests”, planned establishment of a Working Group on Sustainable Forestry with the support of IUCN
- Cooperation with the Danube Protection Convention / ICPDR, participation in the development of UNDP/GEF submission on integrated water resource management and sustainable local development in the Tisza River Basin
- Preparation of a Carpathian Environment Outlook (Lead: UNEP GRID Geneva) including a Tisza River Basin Environmental Assessment
- Guide to implementation of the Carpathian Convention at the local level, legal and institutional assessment (lead partner: REC)
- Participation in FAO-led project Sustainable Agriculture and Rural development in Mountains (SARD-M) project
- Support to stakeholder participation and access to environmental information
- Active participation in the International Mountain Partnership, and its diverse related thematic and regional initiatives

### **Activities supported by the Italian Ministry for the Environment and Territory**

An "Umbrella" project, developed by the United Nations Environment Programme (UNEP) in cooperation with the Italian Ministry for the Environment and Territory, European Academy (EURAC) and Regional Environmental Centre (REC), aims at establishing a sound scientific basis for decision-making and strengthening the institutional arrangements for and stakeholder participation in the implementation of the Carpathian Convention.

The ongoing project consists of following interlinked elements:

- Defining the Carpathian Region: Comprehensive report and proposals on the scope of application of the Carpathian Convention will take into account physico-geographical criteria and other criteria and factors relevant to the implementation of the Carpathian Convention. Implemented by UNEP Vienna (ISCC) in cooperation with EURAC.
- Support to institutional issues and establishment of the Permanent Secretariat: The implementation of the Carpathian Convention requires the consideration of key institutional, administrative and financial arrangements. Support will focus on the financial rules and rules of procedure for the framework convention of the Conference of the Parties. The future implementation of the Carpathian Convention requires the establishment of a Permanent Secretariat of the Carpathian Convention. EURAC will make its know-how gained in the Alpine Convention process available to Carpathian Countries through experience-sharing and support to the preparatory work to be undertaken by the Interim Secretariat of the Carpathian Convention. Implemented by UNEP Vienna – ISCC in cooperation with EURAC.
- Proposal for the Cooperation on the Protection and Sustainable Development of Mountain Regions in South-Eastern Europe: The project will follow-up the regional assessment of the project "Enhancing Trans-boundary Biodiversity Management in South-Eastern

Europe", which will be finalized as an output of the UNEP-UNDP-OSCE-NATO Environment and Security (EnvSec) Initiative. It would encourage regional cooperation between the different national authorities and other stakeholders involved, and it would aim at facilitating good governance in relevant countries. Implemented by UNEP Vienna – ISCC in cooperation with EURAC in the framework of the Europe initiative of the Mountain Partnership.

- Support the Diagnostic Audit: The specific objective of this element is to conduct a diagnostic audit of the policy, institutional and legislative set up existent in the Carpathian Countries in comparison with the principles promoted and commitments undertaken under the Carpathian Convention in order to contribute to the sustainable development of the Carpathian region. Implemented by REC in cooperation with EURAC, in coordination with the Interim Secretariat of the Carpathian Convention.

- Developing a Guide on Implementation of the Carpathian Convention: The project element aims at supporting the immediate implementation of the Carpathian Convention through a Guide on Implementation for local authorities in order to facilitate the implementation of the Convention at local level. Implemented by REC in cooperation with EURAC, in coordination with the Interim Secretariat of the Carpathian Convention.

## **THE CARPATHIAN CONVENTION AND EU**

At the meeting of Environment Ministers hosted by Hungary in Siofok on 21 May 2004, the Environment Ministers signed a letter to the European Commissioners for Environment and Regional Development, inviting the European Commission to join the Carpathian Convention and to provide support through existing or future instruments. On 23 May 2005, the Director, UNEP/ROE and the Head of UNEP Vienna – Interim Secretariat of Carpathian Convention visited HE Danuta Hübner, Commissioner of Directorate General of Regional Policy, and discussed the further involvement and support by the European Commission to the Carpathian Convention.

DG Region will take the initiative and start an in-house consultative process within the European Commission, including a technical meeting between Directorates- General involved (initially DG Environment, DG Regio, and DG Transport &Energy).

## **POSITIVE ASPECTS OF THE CARPATHIAN CONVENTION**

Taking into account that from seven countries participating in the Carpathian Convention, only Romania is left to ratify it, and it is expected that this will be done by October this year, the Carpathian Convention has relative short period of development from the initial idea to implementation. This is the consequence of the whole facilitation provided by the Interim Secretariat – UNEP/ROE.

The experience that they have with the Alpine Convention and the availability of the Alpine Convention as a model helped to make the roll-out process so successfully.

It is positive that the Carpathian Convention involved local communities and NGOs, which makes the participatory planning process more transparent. Also, various experts and members of the Presidency of the Alpine Convention were invited to take part and to share the experience from very beginning, even on the first informal expert meeting.

The members of the Presidency of the Alpine Convention that were involved in the Convention's development and implementation, highlighted their experience with helped Carpathian countries to apply best practice examples of regional cooperation and to ever better tackle comparable challenges that have been experienced in the Alpine Convention which provided as powerful model of regional cooperation.

## **LESSONS LEARNED FROM THE ALPINE CONVENTION**

There are many similarities between the mountain ranges of the Alps and Carpathians. More or less the equal size, both stretch over several countries, fulfilling important ecological functions and both are vital catchment's areas. Both mountain systems are also show high biodiversity and endemism, and the Alps and Carpathians are home to many different cultures and both are facing human pressure on natural values.

The Alpine Convention is the only convention dedicated to the protection of mountains currently in existence. Several aspects of the Alpine Convention could serve as an example for the conservation and sustainable development in the Carpathian region. Lessons can be learned, leading to more efficiency of such regional instruments.

A positive example is the Alpine Network of Protected Areas that has been created between the administrations of alpine protected territories (13 national parks, and many nature parks, biosphere reserves, etc.). This network has been recognized by the Alpine Conference as an official tool for implementing the Alpine Convention. On the other hand, when one looks at certain sectors, such as tourism or transport, although they are important economic factors for all of Alpine countries, they present enormous problems in this Western European mountain system, e.g. transit routes in the Alps.

In the Carpathians, the anthropogenic pressure is still lower than in the Alps, therefore there is the opportunity for prevention and sustainable development to avoid the mistakes made in the Alps. The main challenge for the future is to prevent, rather than to cure.

## **BALKAN CONVENTION INITIATIVE**

**The idea of a Balkan Convention was proposed by UNEP-Vienna Office, EURAC – Italy and MAKMONTANA-Macedonia (all leading members of European Initiative within the Mountain Partnership) during the Second Global Meeting of the Mountain partnership held in Cusco, Peru in 2004. The official Request for UNEP assistance to facilitate intergovernmental consultations aiming at enhanced regional cooperation for the protection and sustainable development of mountain regions in the Balkans was made by Ministry of Environment and Physical Planning of the Republic of Macedonia in December 2004.**

**The Ministry of Environment and Physical Planning of the Republic of Macedonia initiated this idea being aware of the fact that the protection, maintenance and sustainable management of the natural resources of the South Eastern Europe (Balkan region) cannot be achieved by one country alone and requires cooperation among the countries in the region.**

**The Ministry also acknowledged that adequate involvement and participation of NGOs and other civil society groupings in such a development process is important and so appointed the MAKMONTANA – Association for the sustainable development of mountain regions in the Republic of Macedonia - to take further part into this initiative .**

**Later on, similar requests were put forward by BULMONTANA – Bulgarian Association for Mountain Regions and their Ministry of Environment as well as by the Ministry of Agriculture, Forestry and Water Economy of Serbia and Montenegro.**

**Other partners such as EUROMONTANA, FAO – Mountain Partnership Secretariat also joined this initiative for the creation of Balkan Convention.**

**An important meeting in respect of this initiative was held on June 17, 2005 at FAO Headquarters in Rome. The meeting was attended by: MAKMONTANA, UNEP, EURAC, FAO – Mountain Partnership Secretariat, SARD-M and the Macedonian Embassy in Rome.**

## **RECOMMENDATION FOR THE BALKAN CONVENTION**

Some lessons from the Alpine and Carpathian Conventions that could be taken into consideration in the development of a Balkan Convention:

- In the preparation period the real need is to find an appropriate strategy for implementation of the Balkan Convention and an organisation that can concretely drive it forward. An Interim Secretariat of the Balkan Mountain Convention should be established as soon as possible to perform this function.
- The Balkan Convention should involve all concerned stakeholders at the regional and local level even in the early stages of the participatory planning process, for instance regional politicians or Local Self Governments, NGOs, representatives from business sector, protected areas, local communities, experts, etc.
- The Balkan Convention should not be focused only on environmental issues and protection. More emphasis should be given to economic development. The Balkans Countries need more economic development than protection.
- Learning from the Alpine Convention, the Balkan Convention perhaps should involve more Ministries related with the sectors covered by the Convention. It is advisable to involve them from very beginning. In addition to the Ministry for Environment and Physical Planning in the three participant states, the Balkan Convention should ensure the cooperation and participation of other Ministries such as the Ministry for Agriculture, Forestry and Water, or Ministry for Local Self Government.
- The process of preparing the framework of the convention should culminate with Ministers meeting when the Ministries from the three participant committees should sign the framework of the Convention.
- The Balkan Convention should make reference to important global conventions (climate, biodiversity, mountain agenda etc). It should make this position itself as an instrument of the states and to implement this convention in the Balkan Mountains.
- The system of protocols was not so practical for all of the Governments of the participating states in the Alpine Convention. Some of the protocols are even contradictory to the legal framework in some of the countries. That is why their ratification presents a problem for in all of participant states. This contradiction can be overcome by the provision of derogation rules in each legal system. The Balkan Convention might invent some other applications form or guides instead of protocols but on other hand, if the implementation roles are not legally binding, without ratification they would only have political importance.
- Although each of the mountain systems has its own specificity, it is not necessary to re-invent the wheel. The strength and the weaknesses of the current Conventions should be examined to take positive examples, adapt them to the situation of the Balkan conditions, and use the lessons learned from the problematic sectors, so that conservation and sustainable development can go hand in hand.

## **ACTION PLAN FOR THE BALKAN CONVENTION**

### *Field of activities:*

- Cooperation for harmonising the processes in the region, related to agriculture, forestry, transport and energy with reference to the requirements set by the Kyoto Protocol;
- Sustainable rural development building on the rich natural and cultural heritage of the region;
- Establishment of a sub-regional platform for transfer of mountain technologies;
- Conservation and sustainable use of biological biodiversity;
- Coordination of ongoing mountain-related projects.

### *Next steps:*

- **Identification of the regional and local stakeholders and achieving their involvement in the participatory planning process.**
- **Preparing of a fundraising package for the Convention<sup>6</sup>;**
- **Establishment of an Interim Secretariat and opening a regional office;**
- **Preparation of the required scientific base for decision-making that will analyse the current situation and needs of cooperation for the protection and sustainable development of mountain regions/areas in South-Eastern Europe (Balkan region);**
- **Meeting on the regional level<sup>7</sup>, with the representatives from the three participating committees for planning of next activities.**
- **Meetings for experience sharing with neighbouring mountain ranges, such as the Alps and the Carpathians;**
- **A multi-sector survey to be conducted by consultants or scientific institutions, addressing e.g. the conservation and sustainable use of the biological biodiversity, agriculture and rural development, forestry, environment, transport and infrastructure, tourism, energy, awareness raising, education and public participation, cultural heritage and different trends in mountain technologies development, as required by the Kyoto Protocol;**

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<sup>6</sup> The fundraising package for the Balkan Convention will be prepared in collaboration with UNEP Vienna.

<sup>7</sup> The meeting is planned to be held in Italy, the autumn 2005.

- **Establishment of a functioning framework<sup>8</sup> for co-operation between relevant national authorities and regional/local stakeholders that are facing similar problems in the field of protection and sustainable development of the mountain regions in SEE (Balkan region).**

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<sup>8</sup> "UNEP with the scientific support of European Academy Bozen/Bolzano, Italy (EURAC) is in charge to prepare the legal framework of the Convention"