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PROGRAMME DES NATIONS UNIES POUR L'ENVIRONNEMENT · PROGRAMA DE LAS NACIONES UNIDAS PARA EL MEDIO AMBIENTE
ПРОГРАММА ОРГАНИЗАЦИИ ОБЪЕДИНЕННЫХ НАЦИЙ ПО ОКРУЖАЮЩЕЙ СРЕДЕ



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Conference of the Parties to the Framework Convention on the Protection and Sustainable Development of the Carpathians

First meeting

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Item 6 (a) of the provisional annotated agenda

Secretariat note on conservation and sustainable use of biological and landscape diversity – Article 4 of the Carpathian Convention

Introduction

1. Article 4 paragraph 1 of the Carpathian Convention requests the Parties to pursue policies aiming at the conservation, sustainable use and restoration of biological and landscape diversity throughout the Carpathians. The Parties are also called upon to take appropriate measures to ensure a high level of protection and sustainable use of natural and semi-natural habitats, their continuity and connectivity, and species of flora and fauna being characteristic to the Carpathians, in particular, the protection of endangered species and large carnivores.
2. The Carpathian Environment Outlook (KEO), which is currently being elaborated, in its intermediate findings identifies the ongoing loss of biological diversity as being a serious threat to mountain and wetlands ecosystems, whereas the valuation of the natural heritage and indigenous knowledge of the Carpathians can contribute to the sustainable development of the region.
3. Based on the recognition that biodiversity constitutes a basic element for livelihoods of mountain people, "Managing Mountain Biodiversity for Better Lives" is the slogan of the International Mountain Day on 11 December 2006, declared by the UN General Assembly in order to highlight the global importance of mountain ecosystems and promote ongoing attention to the unique needs of mountain communities. International Mountain Day is a good opportunity to communicate and present the achievements of the Carpathian Convention to a wider public.
4. All Parties to the Carpathian Convention are Contracting Parties to the Convention on Biological Diversity (CBD). Four out of seven Parties are members of the European Union (and Romania will join the EU in 2007). The European Community, as a Party to the Convention on Biological Diversity, has adopted a European Community Biodiversity Strategy in 1998 supported by all EU Member States, to provide a framework for developing policies and instruments in order to comply with the CBD. All the Carpathian countries have also developed and are implementing their own National Biodiversity

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Strategies and Action Plans and therefore make an essential contribution to achieve the aims of the CBD in synergy with the provisions and goals of the Carpathian Convention.

5. Many Parties to the CBD have established a national co-ordination body, assembly or committee to achieve the objectives of the Convention, aiming at the integration of the conservation and sustainable use of biodiversity into relevant sectoral or cross-sectoral policies and plans. The Parties to the Carpathian Convention endeavour to take action to both complement and foster the national and international efforts by cooperation at the sub-regional level in the framework of the Carpathian Convention. Such action will also directly contribute to the implementation of the Convention on Biological Diversity and its programme of work on mountains; and assist in the achievement of the 2010 target to halt the loss of biological diversity of the Pan European Biological and Landscape Diversity Strategy (PEBLDS) and the European Union.

Implementation

6. Article 14, paragraph 2 (e) includes a provision that the Conference of the Parties shall establish such subsidiary bodies, including thematic working groups, as are deemed necessary for the implementation of the Carpathian Convention.
7. Article 18, paragraph 1 of the Carpathian Convention stipulates that any Party may propose Protocols to the Convention.
8. To facilitate the implementation of the goals of the Convention, the Government of Ukraine developed and submitted to the Secretariat a draft Protocol on Protection of Biological and Landscape Diversity in May 2006. Accordingly, the Secretariat translated and circulated this document for consideration of the Parties. Additionally, the aforementioned Protocol was presented to the Second Preparatory Meeting for the First Meeting of the Conference of the Parties to the Carpathian Convention. The Second Preparatory Meeting decided to submit the Draft Protocol to the Conference of the Parties for its consideration and guidance.
9. The Conference of the Parties has before it the Draft Protocol, submitted by the Government of Ukraine, contained in Annex I to the present note. Along with other actions, measures, institutional arrangements and legislative acts the future Protocol is hoped and expected to become a powerful tool for implementing the Carpathian Convention.
10. Article 4, paragraph 5 of the Convention stipulates that the Parties shall cooperate “in establishing and supporting a Carpathian Network of Protected Areas (CNPA)”.
11. Accordingly, the CNPA can be established as an integral part of the Carpathian Convention as a subsidiary body of the COP. The preparatory work reflected in the annexes suggests that the CNPA constitutes a thematic network of cooperation of mountain protected areas in the Carpathian region, guided by a Steering Committee composed of one CNPA Focal Point in each Party, who is responsible for encouraging cooperation in the management of the Carpathian protected areas within and between the Carpathian countries. As such, the CNPA should provide a platform for joint communication and outreach, knowledge, know-how and experience-sharing with other interested institutions, and liaison and partnerships with other networks, particularly with the Alpine Convention (Alpine Network of Protected Areas).
12. The draft decision below on the CNPA is based on the findings of the preparatory CNPA Steering Committee, consultations with the National Focal Points as well as the different proposals by observers, and provides for the establishment of the CNPA as an interim arrangement until the permanent arrangements are made by COP2.

Possible action by the Conference of the Parties

1. The Conference of the Parties may decide to establish a Working Group on conservation and sustainable use of biological and landscape diversity, and in order to put it into operation, request the interim Secretariat to convene its first meeting to be able to define the Terms of Reference for the Working Group and initiate its concrete work.
2. The Conference of the Parties may request the interim Secretariat to inform the CBD through its Secretariat of the contributions to the implementation of the CBD at the sub-regional level, and may request the interim Secretariat to continue to contribute in particular to the work programmes on protected areas and on mountain ecosystems of the CBD; and to continue to contribute to PEBLDS, with the view of halting the loss of biodiversity in the Carpathians by 2010.
3. The Conference of the Parties may take note of the Draft Protocol on Conservation of Biological and Landscape Diversity submitted by Ukraine and may decide to submit it to the Working Group on conservation and sustainable use of biological and landscape diversity, if established, for consideration and finalization before the COP2.
4. The Conference of the Parties may consider the issue of the CNPA and in order to put it into operation, may wish at its first meeting:
 - (a) to take note of:
 - the Proposal for the establishment of the Carpathian Network of Protected Areas (CNPA) by the CNPA meeting hosted by the WWF-Danube Carpathian Programme Office (WWF-DCPO) on 11 September 2006 in Vienna (see Annex II);
 - “Enhancing the CNPA through the Carpathian Ecological Network Project, Project Summary for the 2nd Preparatory Meeting to the COP1, 11th-12th September 2006, Vienna, Austria (see Annex III);
 - Recommendations of the Third Meeting of the CNPA Partnership Steering Committee 13-14 May 2004, Zakopane, Poland on establishing the Carpathian Network of Protected Areas (CNPA) (see Annex IV);
 - Declaration of the Workshop “Integrated Management of Protected Areas” in Mala Fatra (Slovakia) from 1st to 3rd of June 2006, organised by the Alpine Network of Protected Areas in Mala Fatra National Park, Slovakia between 1st and 3rd of June 2006 (see Annex V);
 - Final Report “Towards a Carpathian Network of Protected Areas” Alpine Network of Protected Areas, 06/2004;
 - Carpathian Wetlands Initiative and its links to the Carpathian Network of Protected Areas and the Carpathian and Ramsar Conventions contained in the Secretariat note on sustainable and integrated water/river basin management UNEP/CC/COP1/6.
 - (b) to acknowledge the preparatory work undertaken by the Steering Committee for the establishment of a CNPA, which had been officially designated by the Carpathian Convention Focal Points; and the contributions by the Project “Carpathian Network of Protected Areas and Ramsar Sites”, by the WWF International – Danube Carpathian Programme, by the Carpathian Ecoregion Initiative, by UNEP – Interim Secretariat of the Carpathian Convention in cooperation with the Alpine Network of Protected Areas,
 - (c) to welcome the support by the Alpine countries, in particular by Germany, France and Monaco, and the support by Norway to projects in support of the establishment

- of the CNPA, and to invite interested countries and organizations to continue to support the CNPA operations,
- (d) to highly appreciate the ongoing support by the Alpine Network of Protected Areas and to further enhance the cooperation of the CNPA established under the Carpathian Convention with the Alpine Network of Protected Areas,
 - (e) to appreciate the strong support and concrete contributions to the CNPA offered by Romania, Slovak Republic, in particular in terms of preparatory work done for putting CNPA in operation;
 - (f) to establish the Carpathian Network of Protected Areas as its subsidiary body, constituting a thematic network of cooperation of mountain protected areas in the Carpathian region, and to designate one CNPA Focal Point in each Party to start up and encourage cooperation in the management of protected Areas within and between the Carpathian countries,
 - (g) to establish the CNPA Steering Committee composed of the CNPA Focal Points of each country,
 - (h) to mandate the Working Group on Biological and Landscape Diversity to prepare the terms of reference of the Carpathian Network of Protected Areas, and pending the establishment of a Permanent Secretariat of the Carpathian Convention in the Carpathian region, to request the Interim secretariat to service the CNPA and its Steering Committee, and to coordinate the activities of the CNPA with the other bodies of the Carpathian Convention (the Working Group on Biological and Landscape Diversity and the Conference of the Parties),
 - (i) to request the Interim Secretariat to support the Carpathian Network of Protected Areas (CNPA) through the EU Carpathian Project, in particular by providing support to the cooperation of CNPA Focal Points and servicing the CNPA Steering Committee on an interim basis, and by supporting a Conference of the Carpathian Network of Protected Areas, to be organized in the year 2007, in cooperation with the Alpine Network of Protected Areas,
 - (j) to request the Interim Secretariat to submit a report highlighting experiences made in the interim phase of the CNPA, and a compilation of proposals for a permanent arrangement for the CNPA, to COP2.

Annex I

Unofficial translation from the Ukrainian language

Draft

Protocol on Conservation of Biological and Landscape Diversity

The Contracting Parties to this Protocol:

BEING the Contracting Parties to the Framework Convention on the Protection and Sustainable Development of the Carpathians (signed in Kyiv on 22 May 2003),

RECOGNIZING that during the last decades, the escalation and activation of certain human activities have led to significant changes of biodiversity and landscapes of the Carpathians, which are the natural habitat for many different flora and fauna species as well as their communities,

ALARMED by the continuity of threats to biological diversity, such as devastation of the natural habitat of the Carpathian fauna and flora species, their fragmentation and degradation, mass felling of forests after the post-war period and man-caused pollution, human ecologically misbalanced exploitation of populations of indigenous species along with an introduction of the alien species,

RECALLING Article 4 of the Framework Convention on the Protection and Sustainable Development of the Carpathians, the Contracting Parties:

- pursue policies aiming at conservation, sustainable use and restoration of biological and landscape diversity throughout the whole territory of the Carpathians;
- take appropriate measures to ensure a high level of protection and sustainable use of natural and semi-natural habitats, their continuity and connectivity, and species of flora and fauna being characteristic to the Carpathians, in particular the protection and restoration of endangered species, endemic species and large carnivores;
- promote adequate maintenance of semi-natural habitats, the restoration of degraded habitats, and support the development and implementation of relevant management plans;
- pursue policies aiming at prevention of introduction of alien invasive species and release of genetically modified organisms threatening ecosystems, habitats or species, their control or eradication;
- develop and/or facilitate compatible monitoring systems, coordinated regional inventories of species and habitats, coordinated scientific research, and their networking;
- cooperate in developing an ecological network in the Carpathians, as a constituent part of the Pan-European Ecological Network, in establishing and supporting a Carpathian Network of Protected Areas, as well as enhance conservation and sustainable management in the areas outside of protected areas;
- take appropriate measures to integrate the objective of conservation and sustainable use of biological and landscape diversity into sectoral policies, such as mountain agriculture, mountain forestry, river basin management, tourism, transport and energy, industry and mining activities.

NOTING that all countries of the Carpathian Region have signed and ratified the Convention on Biological Diversity (Brazil, Rio-de Janeiro, 5. July 1992);

NOTING further that the majority of the Contracting Parties have signed and ratified other relevant conventions and agreements, in particular, the Convention on the Conservation of European Wildlife and Natural Habitats (19 September, 1979, Bern, Switzerland), the Convention on the Conservation of Migratory Species of Wild Animals (23 June 1979, Bonn,

Germany), the European Landscape Convention (20 October, Florence, Italy), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES, 3 March 1973, Washington, USA), the Convention on Wetlands of International Importance Especially as Waterfowl Habitat (2 February 1971, Ramsar, Iran), United Nations Convention to Combat Desertification (14 October 1994, Paris, France) and the Convention on Access to Information, Public Participation in Decision-making and Access to justice in Environmental Matters (25 June 1998, Aarhus, Denmark);

UNDERLINING that the Governments of the countries of the Carpathian Region actively implement the Pan-European Biological and Landscapes Diversity Strategy (PEBLDS) (1995, Sofia, Bulgaria) with amendments from 9 June 1998;

DESIRING to put on all efforts for the sustainable conservation of biological and landscapes diversity of the Carpathians and its components, and also for enhancing and, as far as possible and where appropriate, for improvement and recovery of its ecological condition, historical, ethno-cultural and aesthetic importance;

Have agreed as follows:

Article 1

1. The objective of this Protocol is to sustain the eco-system of the Carpathians in a good ecological condition and their landscapes - in favourable condition, protect, preserve and manage in a sustainable manner biological and landscapes diversity of the Carpathians for its conservation.
2. Along with the relevant provisions of the Framework Convention on the Protection and Sustainable Development of the Carpathians, this Protocol is a legal document designed for the development, harmonization and enhancement of necessary steps to be undertaken in ecological policy, strategy and measures for the conservation, protection and sustainable management of natural, historical, ethno-cultural and aesthetic heritage of the States of the Carpathian Region for the benefit of present and future generations.

Article 2

For the purposes of this Protocol:

- a) "Framework Convention" means the Framework Convention on the Protection and Sustainable Development of the Carpathians (signed on 22 May 2003);
- b) "Contracting Parties" means Contracting Parties to this Protocol;
- c) "Biological diversity" means a variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems, as it is determined in Article 2 of the Convention on Biological Diversity;
- d) "Landscape" means an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors according to the definition provided in Article 1, Chapter 1 of the European Landscape Convention (2000, Florence, Italy);
- e) "Landscape diversity" means a formal definition of all existent to the moment multiple connections between human being or society and topographically defined territory, which presence resulted from natural and human elements activities and their combinations during some time.

Article 3

This Protocol applies to the Carpathian Region, which includes:

- on the part of Czech Republic
- on the part of Poland:...
- on the part of Romania:.
- on the part of Serbia:..
- on the part the Slovak Republic:...
- on the part of Hungary:...
- on the part of Ukraine – mountainous area and submountainous area, including following districts¹:

Berehiv, Velyki Bereznyj, Vynohradiv, Volovets', Irshava, Mizhhi'ya, Mukachevo, Perechyns'k, Rahiv, Svalyava, Snyatyn, Tyachiv, Uzhhorod and Hust of Transcarpathian Region;

Bohorodchany, Verhovyna, Horodenka, Halych, Dolyna, Kolomyja, Kosiv, Kalush, Nadvirna, Rohatyn, Rozhnyativ, Tlumach and Tysmenytsia of Ivano-Frankivs'k Region;

Drohobych, Zhydachiv, Zhovkva, Peremyshlyany, Sambir, Skole, Stryj Sambir, Stryj, Mostys'k, Mykolayiv, Turka and Yavoriv of Lviv Region;

Berehometne, Vyzhnytsia, Zastavnytsia, Hlyboke, Hercayivka, Novoselycyia, Putyvlya, Storozhynets'k, Kitsman', Hotyn of Chernivtsi Region;

- on the part of the Czech Republic:...

Article 4

1. Each Contracting Party should take measures for/in order to:
 - conservation, ecologically sustainable use and recovery of biological and landscape diversity, areas of a special biological and landscape value, first of all, through implementation of scientifically-based system of rural development and forest management, and establishment of the system of protected areas;
 - ensure the pre-conservation of flora and fauna species and their natural habitats, and, first of all, of relict endemic border-area species, including species listed in the national and international red lists;
 - ensure sustainable use of economically significant flora and fauna wild species;
 - sustainable use and recovery of semi-natural and antropogenically transformed habitats;
 - re-naturalization of disturbed/injured areas that were of a high value in regard of biodiversity and landscapes' conservation;
 - recovery and maintenance in a good condition of landscapes of a high natural, historical, ethno-cultural aesthetical value;
 - conservation of the variety of cultural plants and domestic stock.
2. During three years after the entry into force of this Protocol, the Contracting Parties shall develop and agree on a Strategic Action Plan to the Protocol on Biodiversity Conservation of the Carpathians to be revised every five years.
3. Based on the Strategic Action Plan to the Protocol on Biodiversity Conservation of the Carpathians, the Contracting Parties approve strategies, National Plans and/or programmes on the conservation of biological and landscape diversity and ecologically

¹ According to the municipal administration structure in Ukraine: region is divided into several districts

- balanced use of biological and landscape resources, and integrate them into national sectoral and inter-sectoral policies and perspective plans of economic development;
4. During three years after the entry into force of this Protocol, the Contracting Parties shall define priorities, conduct the inventory of biological and landscape diversity components on the territory under the scope of the Protocol and define the components significant for their conservation and sustainable use.
 5. During four years after the entry into force of this Protocol, the Contracting Parties shall approve a list of the natural cenosis of the Carpathians to be especially protected as being under threat or which might be threatened by degradation/devastation or area decrease, or which are important for the Carpathian Region in regard of natural, scientific, ethno-cultural or other components. This list is laid in Annex 1 to this Protocol. The list will be revised every five years. The Contracting Parties shall develop and implement a system of measures for the conservation of the natural cenosis of the Carpathians, including those listed in Annex 1.
 6. During four years after the entry into force of this Protocol, the Contracting Parties shall approve a list of landscapes and ecosystems of a special value for the Carpathian Region that could be devastated/impacted by human economic activity, or are important for the Carpathian Region in respect of natural, scientific, ethno-cultural or other components and constitute natural, historic and ethno-cultural heritage or have other important meaning for the Carpathian Region and need to be protected in this regard. The list is laid in Annex 2 to this Protocol. The list will be revised every five years.
 7. During four years after the entry into force of this Protocol, the Contracting Parties shall develop and implement the compatible biological and landscape diversity monitoring systems and shall ensure their functioning as a unified network and provide the creation of a scientific research coordination mechanism.
 8. The Contracting Parties shall implement basin-type, ecosystem-type and landscape-type approach in management of the natural and manmade changed areas, landscapes and ecosystems, shall use common, jointly developed environmental-economic approach that should integrate nature and economy in the most harmonized manner and incorporate ecological issues into all economic sectors in the Carpathian Region. In order to achieve these objectives, the Contracting Parties shall develop and implement all necessary legal documents, which will create clear rules and procedures concerning conservation and sustainable use of biological diversity in regard of performing of different types of economic activities: mountainous agriculture, forestry and municipal economy, land-management, river-basin management, recreation, tourism, transport, energy, industry and mining, - in order to integrate ecological component into all relevant sectors.
 9. The Contracting Parties shall facilitate conservation and balanced sustainable use of semi-natural habitats and manmade changed landscapes through implementation of modern sustainable resource-saving production technologies along with development and implementation of degraded habitats recovery and re-naturalization plans and programmes.
 10. The Contracting Parties shall facilitate conservation of regional specificities of the traditional nature management that are closely related to ethnographic-cultural specificities of the Carpathian Region through development and implementation of the target programmes.
 11. In regard of the conservation and sustainable use of biological and landscape diversity, the Contracting Parties are acting independently or in collaboration with relevant international organizations and other partners in the field of nature conservation.

Article 5

1. During four years after the entry into force of this Protocol, the Contracting Parties shall approve a list of endangered fauna and flora species or endemic species that could

become endangered, or are of a vital importance for ecosystem functioning, or from other ecological considerations, are important for the Carpathian Region, and shall confer a protective status on such species. This list is laid in Annex 3 to this Protocol (Carpathians Red List) and is a subject of special measures listed in this Article. The list will be revised every five years.

2. The Contracting Parties are managing flora and fauna species with a purpose to maintain their protective status.
3. The Contracting Parties regulate and, as may be necessary, prohibit an activity harmful for the species listed in paragraph 2 or their natural habitats, and manage, plan and introduce other measures for ensuring the relevant protective order for such species.
4. In respect to fauna species under protection, the Contracting Parties shall regulate and, as may be necessary, prohibit:
 - a) hunting, fowling, trapping, keeping or killing, commercial trade, transportation and exhibiting for commercial purposes or for museum collections of such species, their eggs, components or products;
 - b) disturbance of wild fauna, in particular, during the reproduction, hibernation or migration period and during the periods of other biological stresses;
5. The Contracting Parties shall coordinate their efforts by means of bilateral or multilateral legal agreements and measures including, as may be necessary, agreements on the protection and recovery of migratory species, natural habitat of which covers an area of application of this Protocol;
6. In respect to flora species, their components and products under protection, the Contracting parties settle and, as may be necessary, prohibit all forms of disturbance and damaging, including collecting, cutting, extermination, commercial trade, transportation, exhibiting of such species for commercial purposes.
7. The Contracting Parties shall support a re-naturalization of the forests upper border in the Carpathians and shall implement measures of conservation and re-introduction of rare fauna species including large mammals along with wild mammals.
8. The Contracting Parties shall act in the direction of restructuring of the close to natural forests aiming at recovery of natural biodiversity of the native forests.
9. The Contracting Parties shall ensure the functioning of the national monitoring networks in order to monitor Carpathian forest ecosystems condition and biodiversity using jointly agreed methods.
10. The Contracting Parties shall exert every effort, directly or through the Framework Convention Secretariat, for consultations with the countries of the area, which are not the Parties to the Protocol, in order to coordinate the efforts for the management and protection of the species indicated in Annex 3.
11. The Contracting Parties shall approve the joint measures regarding conservation, protection and improvement of the endangered fauna and flora natural habitats indicated in Annex 3.
12. The Contracting Parties shall ensure the highest protection and recovery level of the fauna and flora species listed in Annex 3 through approval of the measures indicated in this Article at the national level, in particular, by means of establishment and support of centres and laboratories for maintenance, breeding and re-acclimatization of flora and fauna species.
13. The Parties prohibit destruction or damaging of the species and their natural habitats included into Annex 3 and shall develop and implement the action plans for their conservation, recovery and optimization.
14. In case, the natural habitat of the vanishing species is located on both sides of the state border or regional/district border under sovereignty or under the national jurisdiction of the Contracting Parties to the Protocol, such Contracting Parties cooperate to ensure protection, conservation and , as may be necessary, recovery of those species and their natural habitats.
15. In case, there are no other satisfactory decisions and, as an exception, it will not harm the survival of a population or any other species, the Contracting Parties may make

exceptions from the prohibitions foreseen for the protection of the species laid in Annex 3 to this Protocol for scientific, eco-educational or management purposes necessary for ensuring the survival of the species or avoidance of the considerable harm to their spreading and quantity. The Contracting Parties should be duly notified on those exceptions.

16. The Contracting Parties shall approve a list of wild flora and fauna species (that are economically significant), use of which should be regulated for ensuring the balanced utilization of these biodiversity components. This list shall be laid in Annex 4 to this Protocol, which shall be developed during four years from the entry into force of this Protocol and shall be revised every five years.
17. The Contracting Parties, in cooperation with the relevant international organizations, are taking all appropriate measures to conserve the species included into Annex 4 in accordance with the list of wild flora and fauna species (that are economically important). Their use should be regulated in such a manner to enable and allow for their utilization, maintenance and ensuring their protective status.
18. The Contracting Parties shall agree on and develop the recovery plans of endangered species.

Article 6

1. During ten years after the entry into force of this Protocol, the Parties shall form a Carpathian Ecological Network, as a consistent part of the Pan-European Ecological Network. The Carpathian Network of Protected Areas will be a basis for the Carpathian Ecological Network.
2. The objective of the Carpathian Ecological Network of the areas under protection is the conservation of:
 - a) significant areas of biological diversity of the Carpathian Region and of unique subjects of the abiocoen;
 - b) representative types of the mountainous and submountainous ecosystems and landscapes necessary for supply of the lasting vital functions and maintenance of their unique biological and landscape diversity and scientific value;
 - c) endangered habitats, biocenosis, ecosystems and landscapes on their endemic territories or areas of dispersity in the Carpathian Region or which are characterized by the decrease of the endemic territory of their dispersity or are of an aesthetic value;
 - d) habitats crucial for survival, reproduction and recovery of endangered flora and fauna species;
 - e) areas of a significant scientific, aesthetic, landscape, ethno-cultural value, including historical and ethno-cultural monuments;
3. In case, the areas proposed for protection extend beyond borders of the one Party, competent authorities of the two or more Parties cooperate in order to take appropriate measures for their protection within the territory of their countries.
4. In relevance to their national legislation, the Contracting Parties take all necessary measures in order to ensure integrity, ecological sustainability and balanced sustainable development of the areas under protection, namely:
 - a) prohibition of throwing off and releasing wastes or other substances that directly or indirectly might have a negative impact on the integrity or aesthetic value of the areas or on the conservation of the protected species;
 - b) regulation or prohibition of introduction of alien invasive or genetically modified species;
 - c) regulation or prohibition of any activity that includes damage or modification of landscapes or reduction of their aesthetic value;
 - d) control and regulation of any experimental or scientific-research activity that could possibly threaten natural environment;
 - e) regulation or prohibition of hunting, fishing, fowling, trapping and plants

- harvesting or plant damaging along with animal trade or trade of animal components originated from the areas under protection;
- f) regulation, and as may be necessary, prohibition of any other activity or action, which might threaten or disturb species or the ecosystem itself, and might reduce the quantity of species or might damage endemic or cultural specificities of the areas under protection;
 - g) performance of any other activity directed to the conservation of ecological and biological processes and landscapes;
5. In the framework of the national environmental legislation and policy, the Contracting Parties take all necessary measures to harmonize conservation measures in the areas under protection, including protected border regions management.
 6. For each area under protection those measures include:
 - a) development and approval of a standard management plan;
 - b) inventory of flora and fauna, in particular, of rare species;
 - c) full integral regional monitoring programme on biological and landscape diversity;
 - d) ensuring the normal functioning of the reserved ecosystems;
 - e) active involvement of the local communities into planning, establishment and functioning of the protected areas and providing assistance to the indigenous people, who might be influenced by the creation of those areas;
 - f) implementation of the relevant financial compensation mechanisms related to the refunding for the limited utilization of the landscape resources in the traditional nature management practices;
 - g) regulation of economic and other activities, including granting permissions for utilization of biological diversity or landscapes' resources;
 - h) development and implementation of sustainable forest management plans;
 - i) personnel schooling, development of an appropriate eco-educational infrastructure;
 - j) regulation of recreational and tourism nature management;
 7. The Contracting Parties shall provide inclusion of early warning system measures into national emergency plans in order to adequately prevent, respond to and remediate adverse accidents that might harm or threaten protected areas.
 8. After designation of the protected areas or landscapes, the Contracting Parties shall make every effort to ensure coordinated administration and management regarding designated protected areas.
 9. The Contracting Parties shall pay special attention to the designation and development of transboundary protected areas network, which may include such types as biosphere reserve, international nature reserve, international national park and international landscape park. The Contracting Parties may also designate special transboundary protected zones, separate transboundary regions, local international ecological corridors with a special status of transboundary nature management and landscapes conservation.
 10. Transboundary areas shall be designated to ensure the conservation and protection of the species, cenosis, landscapes, ecosystems and valuable natural areas, which occupy the territory of more than one Contracting Party, and in order to create conditions for a free animals migration and genetic exchange.
 11. During four years after the entry into force of this Protocol, the Contracting Parties shall approve a list of transboundary protected areas of the Carpathian Ecological Network. This list shall contain all existing areas along with areas that should be duly established in future. The list of transboundary protected areas of the Carpathian Ecological Network is laid in Annex 5 to this Protocol.

Article 7

1. The Contracting Parties take all necessary measures in order to regulate the intended introduction and prevention from occasional introduction of the alien species or

genetically modified organisms into the wild flora and fauna and prohibit activities that might harm the ecosystems, habitats or species on the territory to which this Protocol applies.

2. The Contracting Parties make every effort to take all appropriate measures for extraction or reduction of the already introduced species quantity to the acceptable ecologically safe level, if it is obvious that those species harm or could threaten the ecosystems, landscapes, habitats or endemic species on the territory to which this Protocol applies.
3. The Contracting Parties take appropriate measures to recover natural forest ecosystems to replace the non-native forest types.

Article 8

During the planning process leading to the decisions on projects and activities that could impact the species, habitats, protected areas, in particular, vulnerable areas and landscapes to the great extent, the Contracting Parties assess and take into consideration a possible direct or indirect, short-term or long-term influence, including cumulative effect of the projects and activities to be planned following the criteria and objectives developed at the regional level and consistent with the Framework Convention and international experience in this regard, e.g. the Convention on Environment Impact Assessment in a Transboundary Context (25 February 1991, Espoo, Finland).

Article 9

The Contracting Parties encourage the implementation of an inter-sectoral interaction at the regional and national level through applying principles and developing legal instruments on the biodiversity and landscapes integrated management seeking directions for sustainable use of the natural resources and enhancing ecologically safe human activities in this regard.

Article 10

When applying this Protocol, the Contracting Parties take into consideration the traditional lifestyle and ethno-cultural activity of historically formed local communities. The Parties may make exceptions regarding nature protection and conservation measures, if may be appropriate and needed. Any exceptions made from this reason cannot:

- threaten conservation of the landscapes of a high aesthetic value or species and areas protected by this Protocol along with biological processes enhancing conservation of those ecosystems;
- significantly reduce the quantity of individuals comprising flora and fauna species population, in particular - of endangered, migrating, rare relict endemic species, damaging of their natural habitat or landscapes, especially of a regional value;
- cause irreversible damage to landscapes comprising natural, ethno-cultural, historical or aesthetic heritage.

The Contracting Party, which has made exceptions regarding nature protection and conservation measures, duly notifies other Contracting Parties on the above exceptions during the period not exceeding one month.

Article 11

1. The Contracting Parties exert every effort to inform the public on the value of protected areas, species and landscapes of the Carpathians and, when establishing such areas, provide local communities with all necessary information on nature protection rules and restrictions regarding nature management concerning those local communities.
2. The Contracting Parties facilitate participation of all interested stakeholders, including

the civil society, implementation of all necessary measures for protection of the related areas, species and landscapes of the Carpathians, including environmental impact assessment.

3. The Contracting Parties exert every effort to inform the public on this Protocol and other related issues through relevant educational programmes and improving access of the public to the relevant information.

Article 12

1. The Contracting Parties cooperate in undertaking the research activities and monitoring for the protection and conservation of biological and landscape diversity of the Carpathians and implement, where necessary, joint programmes and projects on scientific research, and exchange the relevant scientific data and information through organizing international scientific forums, conferences etc.
2. The Contracting Parties shall invite intergovernmental organizations to cooperate with the Contracting Parties through preparation and implementation of specific programmes and projects in order to achieve the objectives of this Protocol.

Article 13

1. The Contracting Parties account for undertaking of their international responsibilities and tasks regarding biological and landscape diversity protection and conservation in the Carpathians.
2. Each Contracting Party adopts the rules and regulations regarding responsibility for the damaging of biological and landscape diversity of the Carpathians on its national territory caused by natural or juridical persons.
3. The Contracting Parties support every legal trial or proceeding in conformity with their legal systems in order to provide adequate indemnity or other support in case of harm or damage to biological and landscape diversity of the Carpathians caused by economical activity of natural or juridical persons under their jurisdiction.
4. The Contracting Parties cooperate in developing and harmonizing their laws, rules and procedures regarding responsibility, evaluation and compensation for damage, caused by unauthorized man activity and/ or pollution of the environment of the Carpathians in order to provide the highest level of protection and conservation of biological and landscape diversity of the Carpathian Region as a whole.

Article 14

Each Contracting Party provides, in conformity with its eligible means, financial support and enhancement of the national/ regional nature protection activity aiming at achieving the objectives of this Protocol in accordance with its national plans, priorities and programmes.

Article 15

1. The Secretariat of the Framework Convention facilitates the application of this Protocol, notifies the Contracting Parties on its activity and encourages research, cooperation and information exchange on issues related to this Protocol.
2. The Secretariat reports on the Protocol application process to the Conference of the Parties every five years in conformity with jointly agreed reporting system.

Article 16

Any change to the Articles and Annexes are adopted according to the procedure laid down in Articles 18, 19, 21 (paragraphs 2 to 4) and Article 22 of the Framework Convention.

Article 17

1. No provision of this Protocol or legal document adopted on the basis of this Protocol have impact on the rights and interests of any state in full respect of the international law, in particular, regarding nature and territorial borders, territories delimitation along with nature and state jurisdiction.
2. No legal document or activity carried out in respect to this Protocol can be a subject-matter/case of requests, disputes or discussion on any claim regarding national sovereignty, sovereign rights or jurisdiction.
3. Each Contracting Party takes measures, laid down in this Protocol, with no impact on sovereignty, sovereign rights or jurisdiction of other Contracting Parties or states. Every action undertaken by the Contracting Party in respect of the application of the above measures has to make in conformity with international law.

Article 18

Acceding, signing, ratification, entry into force and withdrawal from the Protocol are made in accordance with procedure laid in Articles 18,18,21 (paragraphs 2 to 4) and Article 22 of the Framework Convention.

Article 19

No reservations may be made to this Protocol.

Article 20

The depositary of this Protocol is the Government of Ukraine.

Done at _____ in one original in the English language.

The original of the Protocol shall be deposited with the Depositary, which shall distribute certified copies to all Parties.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Protocol:

For the Government of the Czech Republic

For the Government of Poland:...

For the Government of Romania:.

For the Government of Serbia:..

For the Government the Slovak Republic:...

For the Government of Hungary:...

For the Government of Ukraine

Annexes

Annex 1. List of the natural cenosis of the Carpathians to be especially protected

Annex 2. List of landscapes and ecosystems of a special value for the Carpathian Region

Annex 3. List of endangered fauna and flora species or that could become endangered

Annex 4. List of wild flora and fauna species (that are economically significant), use of which should be regulated

Annex 5. Transboundary protected areas of the Carpathian Ecological Network

Annex II

Proposal for the establishment of the Carpathian Network of Protected Areas (CNPA)

Acknowledging the fact that the Carpathian countries have committed themselves to establish the Carpathian Network of Protected Areas, as in article 4.5 of the Carpathian Convention the participants to the meeting in Vienna (protected area representatives from the Carpathians and the Alps, CERI, Natura Plus Slovakia, WWF DCP, ALPARC), in the frame of the 2nd preparatory meeting for COP1, the 11th of September 2006, draw the attention to the following:

1. The CNPA mission, goals, structure and functions were defined by the official CNPA Partnership Steering Committee, at the 3rd meeting at Zakopane in 13-14 May 2004 (Annex 1).
2. Protected Area managers expressed their interest and are urging for the establishment of the CNPA as an official body of the Carpathian Convention, its Coordination Unit and its Technical International Steering Committee, through the Declaration from the workshop Integrated Management of Protected Areas, held in Mala Fatra National Park, 1-3 June 2006 (Annex 2).
3. Some of the Carpathian Countries expressed interest to establish and host the Coordination Unit, responsible for the implementation of the CNPA working programmes.
4. The structure and the functions of the CNPA should include:
 - a. Definition of priorities and actions for a thematic network that will constitute the framework for the practical cooperation between protected area managers,
 - b. Definition of procedures for the establishment of an ecological (spatial) network,
 - c. Definition of the procedures for the establishment of the official bodies of the CNPA, i.e. Technical International Steering Committee, General Assembly, internal rules, etc.
5. Several projects have developed information to help set up the basis for the CNPA:
 - a. External cooperation project Alps-Carpathians, Contribution to the Creation of a Carpathian Network of Protected Areas /ANPA, 2003/2004/
 - b. Carpathian Network of Protected Areas and RAMSAR sites, 2003-2004 Slovakia
 - c. Colloquium Natura 2000 in Austria, 2004
 - d. Workshops in Slovakia and Romania, 2006
 - e. The establishment of the Carpathian Ecoregion Initiative (CERI), 2005
6. There are ongoing projects/initiatives that can bring practical contribution to the implementation of the CNPA, like
 - a. Carpathian Ecological Network, implemented by CERI
 - b. Mountain Partnership of the Alpine Convention: Alpine – Carpathian cooperation of protected areas (ALPAC-CNPA)
 - c. 2010 Protected Areas Programme – The Carpathian Mountains Ecoregion, implemented by WWF Danube Carpathian Programme
 - d. Strengthening the Network of Protected Areas in the Carpathians, initiated by UNDP and partners
7. The partners participating at the meeting in Vienna are ready to cooperate for organizing the “First International Conference of the Carpathian Protected Areas”.

Based on the above we have developed a proposal for a decision to be taken by the Parties at COP1.

The Conference of the Parties may wish to consider the following draft decision:

The Conference of the Parties decide on the following:

- I. the establishment of the CNPA as an official body of the Carpathian Convention, according to article 4.5 of the Convention, based on the recommendations from Zakopane and the declaration from Mala Fatra,
- II. delegate the establishment of the Technical International Steering Committee to the “First International Conference of the Carpathian Protected Areas”, which should include protected area managers and organizations contributing to the working programme of the CNPA,
- III. the location and the functions of the Coordination Unit of the CNPA.

Annex III

Enhancing the CNPA through the Carpathian Ecological Network Project Project Summary

for the
2nd Preparatory Meeting for the COP1
11th – 12th September 2006, Vienna, Austria

The Framework Convention on the Protection and Sustainable Development of the Carpathians (Carpathian Convention) indicates the development of an ecological network in the Carpathians as a constituent part of the Pan-European Ecological Network as one of the important objectives of the Convention. The ongoing BBI-Matra project “Development of a Carpathian Ecological Network” supports the implementation of the objectives of the Carpathian Convention by producing a Carpathian Biodiversity Information System as a base for the development of an Ecological Network for the Carpathians and by strengthening the capacities of the NGO network in the Carpathians. Because the approach of development of the ecological network is based on the identification of biodiversity important areas, great deal of which will undoubtedly be also protected areas, there is a clear link and necessity to cooperate with the CNPA, the network of protected areas. In this context the mutual assistance and communication between the Matra project and the CNPA is more than welcome.

The proposed results of the Carpathian Ecological Network Project include:

1. Increased understanding of the NGOs in the Ukraine, Romania and Serbia in particular on the principles and techniques of ecological network development and implementation of relevant directives and agreements (Natura 2000, Emerald, PEEN)
2. A joint Carpathian Biodiversity Information System (GIS, database structure, data storage, set up criteria for adding data and methodology)
3. Concept for a Carpathian Ecological Network based on an analysis of existing protected areas, (p)SCIs and SPAs and other priority areas linked through a network of ecological corridors for a number of flagship species and taking into account the requirements of the Birds and Habitats Directives, the CBD and the PEEN.
4. Strengthened organisational structure and capacities of the CERI to support the implementation of the Carpathian Convention and to support and monitor sustainable development in the Carpathians.

The Development of Carpathian Biodiversity Information System (CBIS) will be the most tangible output of the project as an indispensable tool for the development of the Ecological Network. The CBIS will be based on existing biodiversity data in Carpathian countries. The structure of fields in the data base will be restricted to minimal necessary content – crucial information includes: name (species or habitat), date, location and source of data. The CBIS will not replace any national, regional or other special biodiversity databases. Additional spatial information from national and/or international sources (CORINE Landcover, DTM, satellite images, etc.) will be used for data analyses and mapping outputs. The focus of data gathering and data base establishment will be on the three non EU countries of the Carpathians; Ukraine, Romania and Serbia.

A clearing house mechanism will be developed to facilitate scientific and technical cooperation both nationally and internationally. Full access to information will be available to organisations which will significantly contribute to the CBIS, including the CERI members and governmental organisations responsible for nature conservation in the Carpathian countries.

The capacities of the CERI network will be strengthened through providing training and supporting the elaboration of a long term strategy for the organization. The members of the CERI network will be introduced to the principles of the EU Birds and Habitats Directive in order to support coherence

of the data gathering and storage with these important EU Directives. This counts in particular for Romania as an accession country. Also the NGOs and scientific organizations in Ukraine and Serbia have shown a keen interest in harmonizing their conservation activities with the methodologies applied in the European Union. In addition trainings will be provided on the promotion of sustainable forestry and tourism.

The proposed project is implemented by the Wageningen International with the Carpathian EcoRegion Initiative (CERI) acting as Local Project Implementation Organization. Partners in the project are among others; the WWF Danube-Carpathian Program and ECNC. The actual work will be carried out by experts in the three countries to be contracted in the frame of the project. The project is implemented in close cooperation with the Interim Secretariat of the Carpathian Convention and the Focal Points of CC in the three target countries. They are invited to become a member of the Project Steering Committee.

A Project Management Team is responsible for the day-to-day management and includes the following persons:

- Henk Zingstra – The International Programme Manager (henk.zingstra@wur.nl)
- Anna Guttova – The Local Programme Manager (guttova@changenet.sk)
- Jan Seffer – The Local Programme Director, Chair of the Work Group for development of Biodiversity Information System (jansef@changenet.sk)
- Karina Kitnaes – Chair of the Work Group for training in principles and techniques of N 2000 implementation, responsible forestry and ecological network designing (ksk@bioconsult.dk)
- Mike Baltzer – Chair of the Work Group for Ecological Network Development (mbaltzer@wwfdcp.org)
- Monika Chrenkova – Chair of the Work Group for capacity building of the CERI (ceri@changenet.sk)

For more information please contact CERI Secretariat or Local Programme Manager (guttova@changenet.sk).

Annex IV

DRAFT DECISION OF THE COP1 OF THE FRAMEWORK CONVENTION ON PROTECTION AND SUSTAINABLE DEVELOPMENT OF THE CARPATHIANS

on establishing the Carpathian Network of Protected Areas (CNPA)

*As recommended by the Third Meeting of the CNPA Partnership Steering Committee
13-14 May 2004
Zakopane, Poland*

“The Signatories”,

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;

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 transboundary cooperation in achieving ecological coherence;

RECALLING Article 2 of the Framework Convention on protection and sustainable development of the Carpathians stressing the need for cooperation between Signatories for the protection and sustainable development of the Carpathians and for promotion of transboundary cooperation and the ecosystem approach;

RECALLING Article 4 of the Framework Convention on protection and sustainable development of the Carpathians, providing for establishing and supporting a Carpathian Network of Protected Areas;

1. The Signatories hereby establish the Carpathian Network of Protected Areas (further referred to as „CNPA”), with the objective to contribute to the protection and sustainable development of the Carpathians, and in particular to accomplishing goals listed in Article 4 of the Convention. This shall be achieved in cooperation between Carpathian protected areas designated as parts of the CNPA, and with protected area networks of other mountain regions.

2. The Signatories designate the protected areas (as indicated in the map and list of the final technical report) of their respective states and invite them to be active parts of the CNPA.

3. The Signatories approve the following goals for the CNPA:

- (a) Promotion of cooperation on protection, restoration of nature and sustainable use of natural and cultural resources of the Carpathians;
- (b) Implementation of decisions and recommendations undertaken by the bodies established under the Carpathian Convention as well as of other applicable relevant international legal instruments;
- (c) Promotion of sustainable livelihoods and sustainable development of the Carpathians.

4. The Signatories recommend the Governments to support cooperation between the CNPA

member protected areas aimed at:

- (a) capacity building of the member protected areas and of the network;
- (b) communication within the network;
- (c) coordination of common activities and projects undertaken by the network;
- (d) common fundraising from external sources for activities of the network;
- (e) exchange of experience, skills, knowledge and data among network members;
- (f) raising ecological awareness and promoting sustainable development;
- (g) liaising and cooperating with other bodies established under the Carpathian Convention;
- (h) preparing reports, opinions and recommendations on request of the bodies established under the Carpathian Convention.

5. The Signatories approve the internal structure for the Carpathian Network of Protected Areas attached herewith.

6. The Signatories approve the following steps for the creation of the CNPA:

- (a) To appoint a person to be attached to the Interim Secretariat for the coordination and logistical help of activities of CNPA;
- (b) To create as a long term solution a management unit for the CNPA linked to the secretariat of the Carpathian Convention;
- (c) To elect, to approve and to designate National Coordinators to be part of the technical NC group;
- (d) To support the organisation of a conference in 2005, inviting all Carpathian protected area representatives in order to convene the first General Assembly of the CPNA;
- (e) To support activities of common thematic working groups and common communication actions.

7. We thank supporters for their activities to develop the CNPA (Germany, Free state of Bavaria, France and Principality of Monaco);

We thank Slovakia for support through the Norwegian-Slovakian wetland project (Network of Carpathian protected areas and RAMSAR sites).

We encourage all supporters to continue to contribute to this ongoing process.

Annex V

Declaration of the Workshop “Integrated Management of Protected Areas”

*in Mala Fatra (Slovakia),
1-3 June 2006*

The protected area managers of the Carpathian countries present at the Workshop “Integrated Management of Protected Areas” in Mala Fatra (Slovakia) from 1st to 3rd of June 2006, organised in the framework of the “Mountain Partnership under the Alpine Convention”, declare the very pressing need for the legal implementation of the Carpathian Network of Protected Areas (CNPA) based on the already existing proposal approved by the official CNPA Steering Committee (2004). This committee was composed of delegates of the Carpathian Ministries in charge of the Carpathian Convention.

The managers recommend the following steps:

- To approve the CNPA as an official body of the Carpathian Convention according to article 4.5 of the Convention at the occasion of the 1st COP,
- To establish the coordination unit of the CNPA linked to the Convention’s secretariat, and to make it operational in order to insure the practical cooperation activities among the protected areas in the Carpathians,
- To establish an international steering committee composed of protected area managers for the scheduling of activities of the CNPA as well as for the cooperation with the Alpine countries within the mountain partnership programme.

Romania and Slovakia already made proposals for hosting the coordination unit. Everybody declares the importance of a close cooperation with the Carpathian Ecoregion Initiative (CERI).