

DRAFT

**Protocol on Sustainable Forest Management
to the Framework Convention on the Protection and
Sustainable Development of the Carpathians**

The Contracting Parties to this Protocol,

IN ACCORDANCE with their tasks, arising from the Framework Convention on the Protection and Sustainable Development of the Carpathians of 22 May 2003 (Kyiv, Ukraine), of pursuing a comprehensive policy and cooperating for the protection and sustainable development of the Carpathians;

CONSCIOUS of the fact that human pressure on Carpathian forest resources will continuously increase;

AIMING to increase the awareness of multiples functions of forests in the Carpathians especially with reference to natural carbon stock, water supply and biodiversity.

IN COMPLIANCE with their obligations under Article 7 of the Framework Convention on the Protection and Sustainable Development of the Carpathians;

RECALLING the RIO forests principles, the UN non-legally binding Instrument on All Types of Forests, the non-legally binding Authoritative Statement of Principles for a Global Consensus on Management, Conservation and Sustainable Development of All Types of Forests, chapter 11 of Agenda 21, the proposals for action of the Intergovernmental Panel on Forests/Intergovernmental Forum on Forests, the resolutions and decisions of the United Nations Forum on Forests, the Johannesburg Declaration on Sustainable Development and the Plan of Implementation of the World Summit on Sustainable Development, the UN Framework Convention on Climate Change and its Kyoto Protocol, the Resolutions and decisions of the Ministerial Conference for the Protection of Forests in Europe, the World Heritage Convention, the European Landscape Convention, the FLEG and ENA-FLEG processes;

NOTING further that the majority of the Contracting Parties as Member States of the European Union take into consideration the European Union Forest Action Plan;

AIMING at ensuring a more effective implementation of such existing instruments, and BUILDING upon other international programmes;

CONVINCED 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 AWARE of the added value of transboundary cooperation in achieving ecological coherence;

DESIRING to cooperate on the protection and sustainable management of Carpathian forests;

Have agreed as follows:

CHAPTER I GENERAL OBLIGATIONS

Article 1

General objectives and principles

1. The objectives of the Protocol on Sustainable Forest Management (hereinafter referred to as “the Protocol”) is to enhance and facilitate cooperation of the Contracting Parties for the protection and sustainable management of Carpathian forests for the benefit of present and future generations.
2. The Contracting Parties shall therefore cooperate on:
 - a. maintaining and enlarging forest cover and restoring of natural types of forests through gradually changing of secondary forest stands;
 - b. ensuring the productive functions of the forests and their role in rural development;
 - c. promoting the sound use of wood as an environmental friendly material;
 - d. improving the health and biodiversity of the forests, also through the identification and protection of virgin forests;
 - e. enhancing the role of the forestry sector on global carbon balance;
 - f. improving the forest functions in preventing floods, landslides and in general in water cycle regulation;
 - g. promoting the cultural heritage of forests;
 - h. exploring possible schemes for payment of environmental goods and services provided by forests;
 - i. enhancing law enforcement on production and trade of forest products; strengthening the governance of the forestry sector.

Article 2

Policies aiming at sustainable management of the Carpathians forests

1. Each Contracting Party shall develop, harmonize and/or implement policies and strategies in its national territory aiming at sustainable management of the Carpathians forests.
2. Each Contracting Party shall take into consideration policies and strategies aiming at the sustainable management of the Carpathians forests, developed and implemented by other Contracting Parties.

Article 3

Integration of the objectives of sustainable management and protection of the Carpathians forests into sectoral policies

1. The Contracting Parties shall take into consideration the objectives of this Protocol in their other policies, in particular on biodiversity conservation, rural development, water and river basin management, tourism, industry and energy, cultural heritage and traditional knowledge conservation, spatial planning, transport and infrastructure.
2. The Contracting Parties shall cooperate on integration of the objectives of sustainable management and protection of the Carpathians forests into other sectoral policies and strategies adopted at the regional and/or the global level

which could have influence on the sustainable forest management of the Carpathians.

Article 4

Participation of regional and local authorities and communities

1. Each Contracting Party shall define, within its existing institutional framework, the best level of coordination and cooperation between national institutions and regional and local authorities to encourage shared responsibility in the governance of the forestry sector.
2. Each Contracting Party shall involve the regional and local authorities as well as communities directly concerned in the various stages of preparing and implementing these policies and measures, within their sphere of competence and within the existing institutional frameworks.

Article 5

International cooperation

1. The Contracting Parties shall encourage active cooperation among the competent institutions at the international level with regard to the sustainable management and protection of the Carpathian forests.
2. The Contracting Parties shall remove obstacles to cooperation between local authorities in the Carpathians at the international level, and seek solutions to shared problems at the most suitable level.

**CHAPTER II
GEOGRAPHICAL SCOPE AND DEFINITIONS**

Article 6

Geographical scope

1. This Protocol applies to the Carpathian region (hereinafter referred to as “the Carpathians”), as defined by the Conference of the Parties to the Framework Convention.
2. Each Contracting Party may extend the application of this Protocol to additional parts of its national territory by making a declaration to the Depositary.

Article 7

Definitions

For the purposes of this Protocol:

- a) “Sustainable forest management” means the stewardship and use of forest lands in a way, and at a rate, that maintains their biodiversity, vitality, and their potential to fulfil now and in the future, relevant ecological and social functions at local, national, and global levels, and that does not cause damage to other ecosystems;
- b) “Forest biodiversity conservation” means the aspect of nature conservation, dealing with the protection, maintenance and restoration of forest resources;
- c) “Afforestation” means the establishment of a forest, stand or tree crop on an area not previously forested, or on land from which forest cover has very long been absent;

- d) "Deforestation" means the long-term removal of trees from a forested site to permit other site uses;
- e) "Virgin forest" (or "primary forest") means the natural forest virtually uninfluenced by human activity means forest where there are no records of human direct activities on them;
- f) "Non wood forest products" means all forest products other than timber and fuelwood, including grass, fruit, leaves, animal products, soil, water and minerals;
- g) "Contracting Parties" means Contracting Parties to this Protocol;
- h) "Framework Convention" means the Framework Convention on the Protection and Sustainable Development of the Carpathians (22 May 2003, Kyiv, Ukraine);
- i) "Restoration of natural forest types" means a management applied in degraded forest areas which aims to assist the natural processes of forest recovery in a way that the species composition, stand structure, biodiversity, functions and processes of the restored forest will match, as closely as feasible, those of the original forest.

CHAPTER III SPECIFIC MEASURES

Article 8

Maintaining and enlarging forest cover

1. Each Contracting Party shall take measures in its national territory with the objective to maintain, through sustainable forest management, the existence forest cover as a key component of Carpathian landscape.
2. Each Contracting Party shall take measures in its national territory with the objective to enlarge the forest cover in the Carpathians if appropriate for achieving the goals of Article 1.

Article 9

Ensuring the productive functions of the forest and their role in rural development

1. Each Contracting Party shall take measures in its national territory with the objective to ensure the productive functions of the forests and their role in rural development through appropriate management plans adapted to the ownership structure as well as through the sound use of wood.
2. Countries shall promote and ensure sources of income from forest resources and therefore should take into consideration to provide services, including technical support, to the forest owners, managers and associations, to reduce the problems connected with land ownership fragmentation, to stimulate marketing initiatives, to enforce the law in the field of countering illegal forest activities, to promote the sustainable harvesting and marketing of non wood forest products and services to spread the use of systems of payment for environmental services.

Article 10

Identification and protection of virgin forests

1. Each Contracting Party shall take measures in its national territory with the objective to of identifying and protecting the virgin forests of the Carpathians,

- by establishing, if needed, and harmonizing specific measures of protection and compensation.
2. In particular, each Contracting Party should take specific measures for the preservation of gene resources of virgin forests.

Article 11

Improvement of the protective forest functions

1. Each Contracting Party shall take measures in its national territory with the objective to ensure the functions of the forests in preventing floods, landslides, avalanches, rock falls and by promoting forest management methods that enhance stability and resistance to natural and anthropogenic disturbances.

Article 12

Restoration of natural types of forests

1. Each Contracting Party shall take measures in its national territory with the objective to promote and restore potential natural types of forests, with particular attention to the different tree species composition and structure, through gradually changing of secondary forest stands.
2. The Contracting Parties shall consider, where appropriate, the establishment of programmes for protection and reintroduction of rare forest tree species in their natural ecosystem.

Article 13

Forestry and climate change

1. Each Contracting Party, taking into consideration the increasing global warming and the role of forestry in mitigating its effects, shall pursue policies aiming at enhancing the role of the forestry sector on global carbon balance, with particular attention to increasing carbon stock, promoting the use of renewable wood energy, as well as the sound use of wood products also as substitutes of rough materials deriving from non renewable resources.
2. Each Contracting Party, taking into consideration the increasing global warming and the needs for adaptation policies to these effects, shall pursue policies aiming at increasing the stability and the resilience of the Carpathian forests.
3. Each Contracting Party, taking into consideration the increased vulnerability of forest to the fires and other extreme events due to global warming, shall develop appropriate management plans in order to reduce the risk and mitigate the effects.

Article 14

Social function of forests

1. Each Contracting Party shall define, within its existing institutional framework, effective schemes for coordination and cooperation between the institutions and regional and local authorities concerned with forest resources management, with the involvement of other local stakeholders, so as to enhance the social function of forests.
2. Each Contracting Party, taking into consideration the high value of forests in tourism development, shall adapt forest management plans to sustainable tourism policies.

3. Each Contracting Party shall consider promoting cultural heritage and traditional knowledge practises related to forest management, including education at all levels.

Article 15

Forestry and wildlife

1. Each Contracting Party shall apply sustainable wildlife management methods, especially by coordinated regulation measures in borderland regions, with special attention to the control of population size of hoofed animals that allows a natural regeneration of forests, and monitoring and protecting large carnivores within the carrying capacities of the forests ecosystem.
2. Contracting Party shall cooperate on harmonisation of their policies related to green corridors and the forests management plans' objectives and contents.

Article 16

Compatible monitoring systems

1. Contracting Parties shall cooperate on harmonisation of their forest monitoring programmes in the Carpathians which are conducive to achieving the objectives of this Protocol.
2. The Contracting Parties shall cooperate, in the framework of existing international initiatives, to develop and implement compatible monitoring systems and to ensure data comparability.
3. The Contracting Parties shall cooperate to develop a joint information system on the state of forests in the Carpathians (see Article 12 of the Convention).
4. Each Contracting Party shall cooperate in order to ensure that the national results of the research are integrated in a joint information system.

Article 17

Coordinated scientific research and exchange of information

1. Each Contracting Party shall coordinate and cooperate on scientific research undertaken in its territory or by its scientific institutions with regard to of the overall objectives of this Protocol.
2. The Contracting Parties shall encourage international cooperation among the scientific institutions with regard to sustainable forest management in the Carpathians, in particular on the harmonisation of monitoring systems, the provision and harmonisation of databases, and undertaking common research programs and projects in the Carpathians.
3. Each Contracting Party shall exchange information and experience with other Contracting Parties on methods related to activities listed under Article 1, points 2 and 3.

Article 18

Common programs and projects

1. Each Contracting Party shall participate, accordingly to its needs and possibilities, in common programs and projects on activities jointly undertaken in the Carpathians by the Contracting Parties.

CHAPTER IV IMPLEMENTATION, MONITORING AND EVALUATION

Article 19

Implementation

1. Each Contracting Party shall undertake the requisite legal and administrative measures for ensuring implementation of the provisions of this Protocol.
2. Each Contracting Party shall commit to explore the possibilities of supporting, through fiscal and/or financial measures, implementation of the provisions of this Protocol.
3. The respective national authorities shall be responsible for monitoring the effect of these measures.
4. During the first year after the entry into force of this Protocol, the Contracting Parties shall develop and adopt the Strategic Action Plan targeted on implementation of this Protocol, to be revised every five years.

Article 20

Education, communication and information of the public

1. The Contracting Parties shall develop and promote joint and several strategies on the education, communication and information of any relevant stakeholder regarding the objectives, measures and implementation of this Protocol.
2. Each Contracting Party shall ensure that the national results of the research are made accessible to the public under the existing institutional framework.

Article 21

Monitoring of compliance with obligations

1. The Contracting Parties shall regularly report to the Meeting of the Protocol (or, should the Protocol be ratified by all CFC Parties – the Conference of the Parties) on measures taken under this Protocol and the effectiveness of the measures taken. The Conference of the Parties to the Framework Convention shall determine the intervals at which the reports must be submitted.
2. The Meeting of the Protocol (or, should the Protocol be ratified by all CFC Parties – the Conference of the Parties) shall examine these reports in order to ensure that the Contracting Parties have fulfilled their obligations under this Protocol. It may also ask for additional information from the Contracting Parties concerned or have recourse to other information sources.
3. The Implementation Committee shall regularly draw up a report on the compliance of the Contracting Parties with the obligations arising from this Protocol, for the attention of the Conference of the Parties to the Framework Convention.
4. The Conference of the Parties to the Framework Convention shall take note of this report. If it finds that obligations have not been met, it may issue recommendations.

Article 22

Evaluation of the effectiveness of the provisions

1. The Contracting Parties shall regularly examine and evaluate the effectiveness of the provisions of this Protocol. They may consider the adoption of appropriate amendments to this Protocol where necessary in order to achieve objectives.

2. The regional and local authorities of each Contracting Party shall be associated with this evaluation within the existing institutional framework. Non-governmental organisations active in relevant fields may be consulted.

CHAPTER V FINAL PROVISIONS

Article 23

Links between the Framework Convention and the Protocol

1. This Protocol constitutes a Protocol to the Framework Convention within the meaning of Article 2 point 3 thereof and any other relevant articles of this Convention.
2. Entry into force, amendment of and withdrawal from this Protocol shall be done mutatis mutandis in accordance with Articles 19, 21 paragraphs 2 to 4 and Article 22 of the Framework Convention.
3. Only a Party to the Framework Convention may become Party to this Protocol.

Article 24

Signature

1. This Protocol shall be open for signature at the Depositary from ... May 2008 to ... May 2009.
2. For Parties which express their agreement to be bound by this Protocol at a later date, this Protocol shall enter into force on the ninetieth day after the date of deposit of the instrument of ratification. After the entry into force of an amendment to this Protocol, any new Contracting Party to the said Protocol shall become a Contracting Party to the Protocol, as amended.

Article 25

Notifications

1. The depositary shall, in respect of this Protocol, notify each Contracting Party of
 - (a) any signature,
 - (b) the deposit of any instrument of ratification, acceptance or approval,
 - (c) any date of entry into force,
 - (d) any declaration made by a Contracting Party or signatory,
 - (e) any denunciation notified by a Contracting Party, including the date on which it becomes effective.

Article 26

Reservations

No reservations may be made to this Protocol.

Article 27

Depositary

The depositary of this Protocol is the Government of Ukraine.

Done at on 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 authorised thereto, have signed this Protocol

For the Government of the Czech Republic

For the Government of the Republic of Hungary

For the Government of the Republic of Poland

For the Government of Romania

For the Government the Serbia

For the Government of the Slovak Republic

For the Government of Ukraine

Annexes

Annex 1.

Terms of Reference of the Carpathian Network of Protected Areas

Annex 2.

List of the members of the Carpathian Network of Protected Areas

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