

- DRAFT -

**FRAMEWORK CONVENTION ON THE PROTECTION AND SUSTAINABLE
DEVELOPMENT OF THE CARPATHIANS**

“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, [integrated natural region of mountains and lowlands,]¹ 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 subregional 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

¹ Reservation by Romania

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 transboundary cooperation in achieving ecological coherence;

Have agreed as follows:

Article 1

Geographical scope

1. The Convention applies to the Carpathian mountain region (hereinafter referred to as the "Carpathians"), as described and depicted by the Parties in the Annex.
2. Each Party may extend the application of this Convention and its Protocols to additional parts of its national territory by making a declaration to the Depositary, provided that this is necessary to implement the provisions of the Convention.

Article 2

General objectives and principles

1. The Parties shall pursue a comprehensive policy and cooperate for the protection and sustainable development of the Carpathians with a view to inter alia improving quality of life, strengthening local economies and communities, and conservation of natural values and cultural heritage.
2. In order to achieve the objectives referred to in paragraph 1, the Parties shall take appropriate measures, in the areas covered by Articles 4 to 13 of this Convention by promoting:
 - a) the precaution and prevention principles,
 - b) the 'polluter pays' principle,
 - c) public participation and stakeholder involvement,
 - d) transboundary cooperation,
 - e) integrated planning and management of land and water resources,
 - f) a programmatic approach and
 - g) the ecosystem approach.
3. To achieve the objectives set forth in this Convention and to ensure its implementation, the Parties may, as appropriate, develop and adopt Protocols.

Article 3

Integrated approach to the land resources management

The Parties shall apply the approach of the integrated land resources management as defined in Chapter 10 of the Agenda 21, by developing and implementing appropriate tools, such as integrated management plans, relating to the areas of this Convention.

Article 4

Conservation and sustainable use of biological and landscape diversity

1. The Parties shall pursue policies aiming at conservation, sustainable use and restoration of biological and landscape diversity throughout the Carpathians. The Parties shall 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, endemic species and large carnivores.
2. The Parties shall promote adequate maintenance of semi-natural habitats, the restoration of degraded habitats, and support the development and implementation of relevant management plans.
3. The Parties shall pursue policies aiming at the prevention of introduction of alien invasive species and release of genetically modified organisms threatening ecosystems, habitats or species, their control or eradication.
4. The Parties shall develop and / or promote compatible monitoring systems, coordinated regional inventories of species and habitats, coordinated scientific research, and their networking.
5. The Parties shall 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.
6. The Parties shall 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.

Article 5

Spatial planning

1. The Parties shall pursue policies of spatial planning aimed at the protection and sustainable development of the Carpathians, which shall take into account the specific ecological and socio-economic conditions in the Carpathians and their mountain ecosystems, and provide benefits to the local people.
2. The Parties shall aim at coordinating spatial planning in bordering areas, through developing transboundary and/or regional spatial planning policies and programmes, enhancing and supporting co-operation between relevant regional and local institutions.
3. In developing spatial planning policies and programmes, particular attention should, inter alia, be paid to:
 - (a) transboundary transport, energy and telecommunications infrastructure and services,
 - (b) conservation and sustainable use of natural resources,

- (c) coherent town and country planning in border areas,
- (d) preventing the cross-border impact of pollution,
- (e) integrated land use planning, and environmental impact assessments.

Article 6

Sustainable and integrated water/river basin management

Taking into account the hydrological, biological and ecological, and other specificities of mountain river basins, the Parties shall:

- (a) take appropriate measures to promote policies integrating sustainable use of water resources, with land-use planning, and aim at pursuing policies and plans based on an integrated river basin management approach, recognizing the importance of pollution and flood management, prevention and control, and reducing water habitats fragmentation,
- (b) pursue policies aiming at sustainable management of surface and groundwater resources, ensuring adequate supply of good quality surface and groundwater as needed for sustainable, balanced and equitable water use, and adequate sanitation and treatment of waste water;
- (c) pursue policies aiming at conserving natural watercourses, springs, lakes and groundwater resources as well as preserving and protecting of wetlands and wetland ecosystems, and protecting against natural and anthropogenic detrimental effects such as flooding and accidental water pollution;
- (d) further develop a coordinated or joint system of measures, activities and early warning for transboundary impacts on the water regime of flooding and accidental water pollution, as well as co-operate in preventing and reducing the damages and giving assistance in restoration works.

Article 7

Sustainable agriculture and forestry

1. The Parties shall maintain the management of land traditionally cultivated in a sustainable manner, and take appropriate measures in designing and implementing their agricultural policies, taking into account the need of the protection of mountain ecosystems and landscapes, the importance of biological diversity, and the specific conditions of mountains as less favored areas.

2. The Parties shall pursue policies aiming at developing and designing appropriate instruments, such as the crucially important agri-environmental programs in the Carpathians, enhancing integration of environmental concerns into agricultural policies and land management plans, while taking into account the high ecological importance of Carpathian mountain ecosystems, such as natural and semi-natural grasslands, as part of the ecological networks, landscapes and traditional land-use.

3. The Parties shall pursue policies aiming at promoting and supporting the use of instruments and programs, compatible with internationally agreed principles of sustainable forest management.

4. The Parties shall apply sustainable mountain forest management practices in the Carpathians, taking into account the multiple functions of forests, the high ecological importance of the Carpathian mountain ecosystems, as well as the less favourable conditions in mountain forests.

5. The Parties shall pursue policies aiming at designating protected areas in natural, especially virgin forests in sufficient size and number, with the purpose to restrict or adapt their use according to the objectives of conservation to be achieved.

6. The Parties shall promote practice of environmentally sound agricultural and forestry measures assuring appropriate retention of precipitation in the mountains with a view to better prevent flooding and increase safety of life and assets.

Article 8

Sustainable transport and infrastructure

1. The Parties shall pursue policies of sustainable transport and infrastructure planning and development, which take into account the specificities of the mountain environment, by taking into consideration the protection of sensitive areas, in particular biodiversity-rich areas, migration routes or areas of international importance, the protection of biodiversity and landscapes, and of areas of particular importance for tourism.

2. The Parties shall cooperate towards developing sustainable transport policies which provide the benefits of mobility and access in the Carpathians, while minimizing harmful effects on human health, landscapes, plants, animals, and their habitats, and incorporating sustainable transport demand management in all stages of transport planning in the Carpathians.

3. In environmentally sensitive areas the Parties shall co-operate towards developing models of environmentally friendly transportation.

Article 9

Sustainable tourism

1. The Parties shall take measures to promote sustainable tourism in the Carpathians, providing benefits to the local people, based on the exceptional nature, landscapes and cultural heritage of the Carpathians, and shall increase cooperation to this effect.

2. Parties shall pursue policies aiming at promoting transboundary cooperation in order to facilitate sustainable tourism development, such as coordinated or joint management plans for transboundary or bordering protected areas, and other sites of touristic interest.

Article 10

Industry and energy

1. The Parties shall promote cleaner production technologies, in order to adequately prevent, respond to and remediate industrial accidents and their consequences, as well as to preserve human health and mountain ecosystems.

2. The Parties shall pursue policies aiming at introducing environmentally sound methods for the production, distribution and use of energy, which minimize adverse effects on the biodiversity and landscapes, including wider use of renewable energy sources and energy-saving measures, as appropriate.

3. Parties shall aim at reducing adverse impacts of mineral exploitation on the environment and ensuring adequate environmental surveillance on mining technologies and practices.

Article 11

Cultural heritage and traditional knowledge

The Parties shall pursue policies aiming at preservation and promotion of the cultural heritage and of traditional knowledge of the local people, crafting and marketing of local goods, arts and handicrafts. The Parties shall aim at preserving the traditional architecture, land-use patterns, local breeds of domestic animals and cultivated plant varieties, and sustainable use of wild plants in the Carpathians.

Article 12

Environmental assessment/information system, monitoring and early warning

1. The Parties shall apply, where necessary, risk assessments, environmental impact assessments, and strategic environmental assessments, taking into account the specificities of the Carpathian mountain ecosystems, and shall consult on projects of transboundary character in the Carpathians, and assess their environmental impact, in order to avoid transboundary harmful effects.

2. The Parties shall pursue policies, using existing methods of monitoring and assessment, aiming at promoting:

- (a) cooperation in the carrying out of research activities and scientific assessments in the Carpathians,
- (b) joint or complementary monitoring programmes, including the systematic monitoring of the state of the environment ,
- (c) comparability, complementarity and standardization of research methods and related data-acquisition activities,
- (d) harmonization of existing and development of new environmental, social and economic indicators,
- (e) a system of early warning, monitoring and assessment of natural and man-made environmental risks and hazards, and
- (f) an information system, accessible to all Parties.

Article 13

Awareness raising, education and public participation

1. The Parties shall pursue policies aiming at increasing environmental awareness and improving access of the public to information on the protection and sustainable development of the Carpathians, and promoting related education curricula and programmes.

2. The Parties shall pursue policies guaranteeing public participation in decision-making relating to the protection and sustainable development of the Carpathians, and the implementation of this Convention.

Article 14

Conference of the Parties

1. A Conference of the Parties (hereinafter referred to as the "Conference") is hereby established.

2. The Conference shall discuss common concerns of the Parties and make the decisions necessary to promote the effective implementation of the Convention. In particular, it shall:

- (a) regularly review and support the implementation of the Convention and its Protocols;
- (b) adopt amendments to the Convention pursuant to Article 19;
- (c) adopt Protocols, including amendments thereto, pursuant to Articles 18;
- (d) nominate its President and establish an intersessional executive body, as appropriate and in accordance with its Rules of Procedure;
- (e) establish such subsidiary bodies, including thematic working group, as are deemed necessary for the implementation of the Convention, regularly review reports submitted by its subsidiary bodies and provide guidance to them;
- (f) approve a work program, financial rules and budget for its activities, including those of its subsidiary bodies and the secretariat, and undertake necessary arrangements for their financing pursuant to Article 17;
- (g) adopt its Rules of Procedure;
- (h) adopt or recommend measures to achieve the objectives laid down in Articles 2 to 13;
- (i) as appropriate, seek the cooperation of competent bodies or agencies, whether national or international, governmental or non-governmental and promote and strengthen the relationship with other relevant conventions while avoiding duplication of efforts;
- (j) exercise other functions as may be necessary for the achievement of the objectives of the Convention.

3. The first session of the Conference shall be convened not later than one year after the date of entry into force of the Convention. Unless otherwise decided by the Conference, ordinary sessions shall be held every three years.

4. Extraordinary sessions of the Conference shall be held at such other times as may be decided either by the Conference at ordinary session or at the written request of any Party, provided that, within three months of the request being communicated to all the other Parties by the Secretariat, it is supported by at least one third of the Parties.

5. The Parties may decide to admit as observers at the ordinary and extraordinary sessions of the Conference:

- (a) any other State;
- (b) any national, intergovernmental or non-governmental organization the activities of which are related to the Convention.

The conditions for the admission and participation of observers shall be established in the Rules of Procedure. Such observers may present any information or report relevant to the objectives of the Convention.

6. The Conference shall reach its decisions by consensus.

Article 15

Secretariat

1. A Secretariat is hereby established.

2. The functions of the Secretariat shall be:

- (a) to make arrangements for sessions of the Conference and to provide them with services as required;
- (b) to compile and transmit reports submitted to it;
- (c) to coordinate its activities with the secretariats of other relevant international bodies and conventions;
- (d) to prepare reports on the exercising of its functions under this Convention and its Protocols, including financial reports, and present them to the Conference;
- (e) to facilitate research, communication and information exchange on matters relating to this Convention;
- (f) to perform other secretariat functions as may be determined by the Conference.

Article 16

Subsidiary bodies

The subsidiary bodies, including thematic working groups established in accordance with Article 14 paragraph 2 (e), shall provide the Conference, as necessary, with technical assistance, information and advice on specific issues related to the protection and sustainable development of the Carpathians.

Article 17

Financial contributions

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

1. Any Party may propose Protocols to the Convention.
2. The draft Protocols shall be circulated to all Parties through the Secretariat not later than six months before the Conference session at which they are to be considered.
3. The Protocols shall be adopted and signed at the Conference sessions. The entry into force, amendment of and withdrawal from the Protocols shall be done mutatis mutandis in accordance with Articles 19, 21 paragraphs 2 to 4 and Article 22 of the Convention. Only a Party to the Convention may become Party to the Protocols.

Article 19 Amendments to the Convention

1. Any Party may propose amendments to the Convention.
2. The proposed amendments shall be circulated to all Parties to the Convention through the Secretariat not later than six months before the Conference session at which the amendments are to be considered.
3. The Conference shall adopt the proposed amendments to the Convention by consensus.
4. The amendments to the Convention shall be subject to ratification, approval or acceptance. The amendments shall enter into force on the ninetieth day after the date of deposit of the fourth instrument of ratification, approval or acceptance. Thereafter, the amendments shall enter into force for any other Party on the ninetieth day after the date of deposit of its instrument of ratification, approval or acceptance.

Article 20 Settlement of disputes

The Parties shall settle disputes arising from the interpretation or implementation of the Convention by negotiation or any other means of dispute settlement in accordance with international law.

Article 21 Entry into force

1. This Convention shall be open for signature at the Depositary from to
2. This Convention shall be subject to ratification, acceptance, or approval by the Signatories. The Convention shall be open for accession by non-Signatories. Instruments of ratification, acceptance, approval and accession shall be deposited with the Depositary.

3. The Convention shall enter into force on the ninetieth day after the date of deposit of the fourth instrument of ratification, approval, acceptance [or accession]².

4. Thereafter the Convention shall enter into force for any other Party on the ninetieth day from the date of deposit of its instrument of ratification, acceptance, approval or accession.

Article 22

Withdrawal

Any Party may withdraw from the Convention by means of a notification in writing addressed to the Depositary. The withdrawal shall become effective on the one hundred eightieth day after the date of the receipt of the notification by the Depositary.

Article 23

Annex

The Annex to the Convention shall form an integral part thereof.

Article 24

Depositary

1. The Depositary of the Convention shall be the Government of Ukraine.
2. The Depositary shall notify all the other Parties of
 - (a) any signature of the Convention and its Protocols,
 - (b) the deposit of any instrument of ratification, acceptance, approval or accession,
 - (c) the date of entry into force of the Convention as well as its Protocols or amendments thereto, and the date of their entry into force for any other Party,
 - (d) any notifications of withdrawal from the Convention or its Protocols and the date on which such withdrawal becomes effective for a particular Party,
 - (e) the deposit of any declaration according to Article 1 paragraph 2.

Done at on in one original in the English language.

The original of the Convention 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 Convention:

For the Government of:
Czech Republic

For the Government of:
Republic of Hungary

For the Government of:

² Reservation Ukraine – clarification to be provided by Ministry of Foreign Affairs

Republic of Poland

For the Government of:
Romania

For the Government of:
Serbia and Montenegro

For the Government of:
Slovak Republic

For the Government of:
Ukraine

Annex:

[The geographical scope of the Convention as contained in this Annex is based on auto determination, in the understanding that the scope of application of the Convention and any Protocols, once they become operational, has to be based on a harmonized approach, taking into account scientific physical geographic criteria, as well as the permanent sovereignty of each of the Parties over their territories.]³

[MAP] ⁴

³ Reservation by Romania on the introductory paragraph

⁴ Reservation by Hungary on the map