

Scientific Report on the ESF Exploratory Workshop on:

**Sustainable Development and
Transboundary Co-Operation in Mountain Regions
The Alpine and the Carpathian Conventions**

**Hungarian Academy of Sciences
Institute for Legal Studies
Budapest, Hungary, 20 - 22 September 2007**

**Convened by:
Gianfranco Tamburelli and Balázs Majtényi**

① Institute for International Legal Studies (ISGI), Italian National Research Council (CNR)

② Institute for Legal Studies, Hungarian Academy of Sciences (HAS)

Co-organised by:

Institute of Legal Studies, the Polish Academy of Sciences

Institute of State and Law, the Czech Academy of Sciences

Co-sponsored by:



1. Executive summary.

The ESF Exploratory Workshop was organised by the Institute for International Legal Studies (ISGI) of the Italian National Research Council (CNR) and the Institute for Legal Studies of the Hungarian Academy of Sciences (HAS), in co-operation with the Institute of State and Law of the Czech Academy of Sciences.

It was also co-sponsored by the United Nations Environment Programme (UNEP), Vienna Office. In fact, one of the recent initiatives of the UNEP Vienna – Interim Secretariat of the Carpathian Convention (ISCC) was the promotion, in the context of the EU INTERREG III B CADSES, of a Project to foster research communication and research programmes for the Carpathians.

The Workshop was held at Budapest in the Institute for Legal Studies of the HAS from 20th to 22nd September. Participants included 22 people from 3 international bodies (besides the ESF and the UNEP Vienna - ISCC, the Alpine Convention Secretariat and the UNESCO BRESCE Venice Office were involved), 3 universities, 4 national academies of sciences, 3 ministries, and other organizations in 10 countries. It must be mentioned that already, before the workshop – thanks to the publication online and in some journals of short notices about the event – the convenors received declarations of interest and some documents from experts not included in the participants list.

The general atmosphere was extremely good. Young and more experienced scholars communicated with mutual respect. There was a high level of openness to one another's ideas. Given that most of the participants had a rich previous record of mutual cooperation, informal discussions started from the very first day and the setting of the meeting in the very old centre of Budapest not only permitted but facilitated additional informal interaction between participants.

The basic idea of the meeting was that good governance of mountain regions is among the key priorities on the international environmental agenda. International documents have recently recognised the ecological, cultural and socio-economic values of mountain regions.

Furthermore, the protection of these regions is an important political and legal issue in Europe and, in this context, the Carpathians and Alpines are unique natural treasures: they are important reservoirs of European biodiversity, an essential habitat of European species, and are the location of major rivers, and of Europe's largest areas of virgin forests.

The main objectives of the Workshop were the promotion of new activities for a full implementation of international treaties and the harmonisation of mountain regions management systems. It also aimed to offer a highly valuable contribution to the progress of knowledge and

practice concerning transboundary co-operation within Europe and between EU Member States and the new neighbouring States.

For these reasons, the following topics were discussed during the three-day long meeting:

(i) new issues concerning international co-operation on sustainable management of mountain regions; (ii) the Alpine Convention experience; (iii) the implementation of the Carpathian Convention; (iv) transboundary co-operation and the role of international governmental and non-governmental organizations.

Researchers from various countries examined these topics in the broader context of the evolution of international environmental law, with special attention to the role of major groups (particularly NGOs) in stimulating sustainable mountain development, to transboundary co-operation between protected areas; and to decision-making processes in promoting mountain sustainable development.

The Workshop was articulated in five sessions: after the welcoming speeches by the convenors, the first session was devoted to international co-operation for safeguarding the environment in the mountain regions; the second to the sustainable management of European mountain regions and the Alpine Convention; the third and the fourth sessions to the Carpathian Convention and its implementation in the domestic legal systems of the States Party; the fifth session to the theme of good governance and the new challenges concerning the sustainable management of mountain regions¹.

Therefore, two sessions were devoted in particular to the analysis of the Carpathian Convention and its implementation in domestic legal systems. The representative of UNEP – ISCC (Pier Carlo Sandei), the chairman of the CNPA (Carpathian Network of Protected Areas) steering committee (Mircea Verghelet, from Romania), the Hungarian national focal point (István Pomázi), researchers and experts from other three States Parties (Czech Republic, Slovak Republic, and Ukraine²) to the *Framework Convention on the Protection and Sustainable Development of the Carpathians* were involved. These participants also considered possible further developments of the Convention.

All the participants declared their interest in promoting further research and activities in the field of legal and social sciences aspects of the sustainable management of the mountain regions and deeply discussed possible future joint initiatives in the field.

¹ Speakers had about 15' (max 20'), discussants about 8' each.

² The participation of two non-EU (and non-EU candidate) citizens, supported by the UNEP ISCC, was due to the central role of Ukraine in promoting the Convention (it was the Ukrainian Ministry of Environment and Natural Resources who asked the UNEP to support the regional cooperation process and the same Convention was adopted in the framework of the 5th Ministerial Conference Environment for Europe, held in Kiev in May 2003).

The convenor and the local organizers, particularly Vanda Lamm, Balázs Majtényi, Henrietta Császár, and Gianfranco Tamburelli were eager to meet the individual needs of the participants. A good example of this helpfulness was the organization of the journeys of each participant from the airport to the hotel and the two very friendly dinners held in excellent restaurants close to the workshop location.

2. Scientific content of the event

The Workshop began with some welcoming speeches from representatives of the main institutions involved. In particular, Gianfranco Tamburelli illustrated the role of the ESF in advancing European research and exploring new directions for research at the European level.

The first session, chaired by Fabio Marcelli from ISGI - CNR, focussed on international environmental law concerning the sustainable management of mountain regions. Balázs Majtényi and the other Hungarian speakers and discussants underlined the importance of a “human rights based approach” to the topic, as well as the crucial relevance - Vanda Lamm - of access to environmental information. Viktor Masenkó-Mavi proposed the creation of an impartial authority within the framework of both the Alpine and the Carpathian Conventions. In line with these interventions, Frank Orton, during the final session, spoke of peace missions and the possible role of the ombudsman institution in environmental disputes.

The presentation of the representative from UNESCO–BRESCE, Giorgio Andrian, concerned the involvement of multistakeholders in sustainable mountain management. In particular, he referred to the Dinaric Arc Initiative, a broad framework of collaboration working to set up specific actions aimed at the preservation of the wealth and integrity through the establishment of networks of protected areas, the preservation and valorization of the cultural diversity and the cultural heritage, the promotion of intercultural dialogue, transboundary collaboration and scientific co-operation among the countries of the Balkans region.³

With regard to the same region, it must be mentioned that one of the discussants of the second session analyzed the role of women and female entrepreneurship in promoting sustainable development in the Balkans Mountain Regions.

The second session focussed on the importance of the Alpine Convention for sustainable development (Wolfger Mayrhofer, representative from the Alpine Convention Secretariat) and the steps taken for its implementation in Italy (Egizia Ventura, EURAC, Bolzano). According to Mayrhofer, key issues in the context of the Alpine Convention are: safeguarding the ecological status, management of water; protection against natural hazards, taking climate change into account.

³ UNESCO, FAO, UNDP, IUCN, WWF, and the Council of Europe are partners of this Initiative.

He also underlined the main challenges for the future: legal and practical implementation of framework Convention, protocols and declarations; dealing with not yet covered subjects of the framework Convention; strengthening the European dimension; reinforcement of the regional level. Ventura noticed that Italy ratified the Alpine Convention in 1999 (Law 14 October 1999, n. 403). The Ministry for the Environment is appointed to implement the Convention in Italy and, according to the above mentioned Law, the Consulta Stato Regioni dell'Arco alpino was established to support the Ministry in that work. It must be observed that the 'Consulta' represents an important example of the participation of local communities in the implementation of international agreements. Discussants analysed some specific issues (Dragos Mihai) such as that of sustainable forestry management in mountain regions.

The third and the fourth sessions were devoted to the evaluation of merits of and gaps in the Carpathian Convention; its implementation in the Czech Republic (Pavel Sturma, Lenka Vostra), in Hungary (István Pomázi), in Slovakia (Sona Kosciarova), and in Ukraine (Grygorii Parchuk); the issues concerning the adoption of additional protocols. With regard to the Convention, it is worth noting that two different positions were considered. According to one opinion, the Carpathian Convention is a framework one, so that its implementation requires thematic Protocols. Then, as soon as those Protocols come into force, the Parties will be able to negotiate the Strategic Action Plan aimed at the implementation of this Protocol in the first 5 years. This SAP may be adopted at the COP3, therefore it is quite possible that the implementation of this first thematic Protocol will not be not effectively possible before eg. 2011 (preliminary date for COP3)⁴. So that the Carpathian Convention would not be implemented before 2011 and it is not expected to have much influence on the domestic legislations of States Party⁵.

According to another point of view, even a "framework" convention requires a comparison between the principles, the contents, the objectives it affirms and the domestic (national) legal, political, and institutional framework of the Parties; moreover, even if there is no real risk of incurring any form of international responsibility, it requires implementation.⁶

⁴ According to this theory, it may be that other thematic Protocols will be ready for COP 3, but then the relevant SAPs could not be adopted and implemented before 2014 (COP4).

⁵ The only tangible form of implementation of the CFC so far would be the Carpathian Network of Protected Areas, established by the decision of COP1 in December 2006. But the CNPA would not be operational before September 2008 at the earliest.

⁶ According to G. Tamburelli, even a general statement such as that in 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)", requires us to assess if a comprehensive policy for the protection and sustainable development of the Carpathians has been developed at the domestic level, to assess if there exist national regulations of such a type and if those regulations in fact pursue all the agreed aims effectively.

The current relevance of the Carpathian Convention was also stressed by the representative of its Interim Secretariat, Pier Carlo Sandei, who pointed out the ongoing work for the adoption of the *Protocol on Conservation and Sustainable Use of Biological and Landscape Diversity to the Framework Convention on the Protection and Sustainable Development of the Carpathians*⁷. The second draft of this Protocol was agreed in September 2007 and could become the first thematic Protocol to the Carpathian Convention at the COP2 to be held in mid-June 2008 in Romania.

Finally, a representative from the Hungarian section of the World Wildlife Found, Viktória Kavrán, represented the viewpoint of that NGO on the Carpathian Convention.

It must be said that the discussion after each session was very rich. Besides the above mentioned talks concerning the role of multistakeholders and women or the possible role of the ombudsman institution, and that related to the approach of NGOs to the Carpathian Convention, great attention was given to the functions of protected areas. In particular, Mircea Verghet talked about protected areas in the Carpathian region and Vyacheslav Oleshchenko on the importance of an effective system of specially protected territories for the sustainable development of the Ukrainian Carpathian area.

The fifth session concentrated on the negotiations for the possible adoption of a new protocol on tourism in the Carpathians (Kristina Vilimaite) and, above all, on a first analysis of possible plans for follow-up research activities and collaborative actions.

The chair also gave notice of the paper received from Gian Paolo Zini⁸ on sustainable development strategies and best practices in North American mountains (a call for an alliance among the Rocky Mountains and the Alps) and of the questionnaire on the Carpathian Convention and the concept of governance sent for circulation by Sabaheta Ramcilovic.⁹

Participants agreed on the need to strengthen their cooperation activities, build a broader network, and promote the exchange of experiences between researchers and experts on the legal and social aspects of the sustainable development of the mountain regions. With this aim, they will define project ideas which could help to fill the identified needs and gaps of the action in the field and will assess funds and research budget opportunities targeted at the Carpathian region and/or Carpathian related research topics.

⁷ The current “final draft” version could still be considered and possibly amended (Ukraine was absent from the last BD WG meeting), but it is expected to be approved between January-March 2008 and opened to signature at COP2.

⁸ Gian Paolo Zini is an Italian economist and lawyer, currently resident in the United States.

⁹ Sabaheta Ramcilovic is currently a member scholar at the European Forest Institute / Policy Analysis Research Programme, Torikatu, Joensuu, Finland.

3. Assessment of the results, contribution to the future direction of the field

The Exploratory Workshop enabled a wide range of scholars and practitioners with different cultural backgrounds and experiences to exchange their views. Transboundary co-operation in the mountain regions was discussed not only at the legal-political theory level, but also at the practical level.

The main scientific contribution to the future direction of studies in the field of the development of an efficient legislation for the sustainable development of the mountain regions were:

- a) the attempt to focus on the existing treaty rules for the sustainable management of the mountain regions adopting a “human rights approach”; this means theoretically that one of the solutions could be for international conventions to refer to the relationship between human rights and the state of environment, trying to apply the individual rights based approach of international human rights documents;
- b) the identification of and the emphasis put on the “operational” elements of the international framework conventions;
- c) the underlining of the essential functions of international co-operation and international bodies in supporting and facilitating economic growth and social development, as well as in safeguarding traditional knowledge and culture in mountain regions, particularly in transboundary areas;
- d) the analysis of the role of some forms of management of territories, such as protected areas, in promoting sustainable development;
- e) the highlighting of the role of women and female entrepreneurship in the improvement of the living conditions in mountain regions
- f) the clear affirmation of the necessity to define and experiment new forms of governance and to effectively broaden participation in decision – making processes.

Future research activities were indeed stimulated, in particular the two first results of the Workshop were:

- 1) The creation of a group of experts in social sciences (lawyers, economists, sociologists, etc.) to continue research, education, and other activities in the field of the sustainable management of mountains, with specific regard to transboundary areas and to the Carpathian region. The group indicated the Italian Workshop Convenor, G. Tamburelli, as its coordinator.

- 2) The definition of the temporary index of a book concerning the subject matters discussed in the workshop – this book will include not only papers by the participants, but also papers that will be requested from other experts and young researchers.

In addition to these, the representatives from UNESCO BRESCE and from UNEP ISCC have expressed their intention to promote two different follow – ups:

- 3) a workshop on the sustainable management of transboundary mountain biosphere reserves and world heritage sites, tentatively scheduled for June 2008 in Romania (UNESCO – BRESCE);
- 4) the involvement of the group of “Budapest social sciences experts” in the “Science for the Carpathians” initiative – in fact, at a workshop on co-operation in European mountains during the 7th Forum Alpinum held in Engelberg in 2007, a clear need for a scientific forum on science for the Carpathians was identified and in that evolving context the group could work as advisor for all future work in analysis, in depth study, and evaluation of legal, political, and social issues concerning the Carpathian Convention, as well as in the drafting and implementation of new regulations, recommendations, and plans for the sustainable development of the region.

The general impression was that despite the manifold research activities on a national and project level, an overview of research activities in the field of the protection of the environment and the promotion of sustainable development is still missing. Furthermore, legal and social aspects are often underestimated. Therefore, the group will assess the feasibility of the launch of new proposals in the EU or the ESF context. In particular, the idea of launching a ESF Research Conference after the publication of the Workshop Proceedings was advanced.

4. Final Programme

The Workshop was held at the Hungarian Academy of Sciences from 20th to 22nd September. The 3-days final programme was the following:

20th September

9.00 – 11.15 / Arrival and registration of participants

11.15 / Welcome drink

11.30 – 12.00 / *Welcoming speeches by the convenors*

- **Attila Meskó**, Secretary General of the HAS
- **Pier Carlo Sandei**, Interim Secretariat of the Carpathian Convention - ISCC - UNEP Vienna
- **Gianfranco Tamburelli**, ISGI – CNR

12.00 – 13.30 / Lunch

13.30 – 16.45 / **First Session**

International Co-operation on Sustainable Mountain Management

International environmental law concerning the sustainable management of mountain regions

Transboundary co-operation in the mountain regions

(Legal-political analysis – theory and practice)

Chair: **Fabio Marcelli**, Senior Researcher, ISGI - CNR

Speakers:

- **Vanda Lamm**, Director, HAS Institute for Legal Studies, *Access to Environmental Information and the Mountain Regions*
- **Balázs Majtényi**, Research Fellow, HAS Institute for Legal Studies, *Sustainable Development and the Mountain Regions*
- **Giorgio Andrian**, Assistant Programme Specialist, Environmental Unit - UNESCO Venice Office, Regional Bureau for Science and Culture in Europe, *Governance of Multi-Stakeholders Platforms for Sustainable Mountain Management: the DINARIC ARC Initiative.*

Discussant:

- **Viktor Masenkó-Mavi**, Senior Research Fellow, HAS Institute for Legal Studies, *The Right to Healthy Environment in International Law*

15.45 – 16.15 General discussion

19.00 – 21.00 / Dinner at Rivalda Cafè

21st September

10.00 – 13.00 / **Second Session**

Sustainable Management of European Mountain Regions - The Alpine Convention *The role of major groups in promoting sustainable mountain development*

Chair: **Balázs Majtényi**, HAS Institute for Legal Studies

Speakers:

- **Wolfger Mayrhofer**, Legal Officer, Permanent Secretariat of the Alpine Convention, *The Importance of the Alpine Convention for Sustainable Development in the Alpine Space*
- **Egizia Ventura**, EURAC Research – Consultant of the Italian Ministry for the Environment, Land and Sea, *The Implementation of the Alpine Convention in Italy*

11.00 / Coffee break

11.15 / Discussants

- **Marija Efremova**, State Counsellor, Macedonian Ministry of Foreign Affairs, *Sustainable Development Issues in the Balkans Mountain Regions and Observations on Female Entrepreneurship*
- **Dragos Mihai**, Head of International Cooperation and Silvo-tourism Department, *Sustainable Forestry Management in Mountain Regions*

11.30 / General Discussion

12.00 – 13.30 / Lunch

13.30 – 16.00 / **Third Session: The Carpathian Convention**

Analysis of the Convention - Issues concerning the adoption of additional protocols *The Implementation of the Convention in the domestic legal systems: Czech Republic – Hungary*

Chair: **Pier Carlo Sandei**, UNEP Vienna - Interim Secretariat of the Carpathian Convention

Speakers:

- **Gianfranco Tamburelli**, ISGI - CNR, *The Carpathian Convention*
- **Pavel Sturma**, Chair, Department of International Law at Charles University, *The Carpathian Convention and the Czech Republic*
- **István Pomázi**, Representative, Ministry of Environment and Water, *The Carpathian Convention and Hungary*

Discussants:

- **Lenka Vostra**, Researcher, Czech Academy of Sciences, Institute of State and Law, *The Carpathian Convention and the Czech Republic*
- **Viktória Kavrán**, Programme Officer, World Wide Fund For Nature – Hungary, *The Carpathian Convention from the Viewpoint of the Hungarian NGO's*

15.30 – 16.00 General discussion

16.00 – 16.30 / Coffee break

19.00 – 21.00 / Dinner at Alabárdos Reastaurant

22nd September

10.00 – 12.00 / **Fourth Session: *The Carpathian Convention*** (continued)
The implementation of the Convention in the domestic legal systems:
Slovakia - Ukraine

Chair: **Vanda Lamm**, Director, HAS Institute for Legal Studies

Speakers:

- **Sona Kosciarova** Ph.D., Associate Professor, Comenius University, Bratislava, *The Carpathian Convention and the Role of the Slovak Nature and Landscape Protection Legislation*
- **Grygorii Parchuk**, State Agency for Protected Areas, Ministry of Environmental Protection of Ukraine, *The Carpathian Convention and Ukraine*

11.00 – 11.15 Coffee break

11.15 / Discussants:

- **Mircea Vergholet**, Chair of the CNPA, *The Carpathian Convention and the Protected Areas*
- **Vyacheslav Oleshchenko**, Council of Productive Forces of Ukraine, National Academy of Sciences, Regional Policy Department, *The Current Situation of and Prospects for the Creation of an Effective System of Specially Protected Territories for the Sustainable Development of the Ukrainian Carpathian Region*

11.30 – 12.00 - General discussion

12.00 – 13.00 / Lunch

13.00 – 15.00 / Fifth Session

***Good Governance and the Sustainable Management of Mountain Regions – New Challenges
 Plans for follow-up research activities and collaborative actions***

Chair: **Gianfranco Tamburelli**

Speakers: **Giorgio Andrian, Frank Orton, Balázs Majtényi, Kristina Vilimaite**

15.00 – 15.30 - General Discussion

Brief conclusions and closure of the workshop

5. Final list of participants

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6. Statistical information on participants

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4.	Dr. Viktória Kavrán	World Wildlife Found	Hungary
5.	Dr. Sona Kosciarova	Commenius University - Bratislava	Slovakia
6.	Prof. Vanda Lamm	Hungarian Academy of Sciences, Institute for Legal Studies	Hungary
7.	Prof. Majtényi Balázs	Hungarian Academy of Sciences, Institute for Legal Studies	Hungary
8.	Prof. Fabio Marcelli	National Research Council (CNR) - Institute for International Legal Studies (ISGI)	Italy
9.	Prof. Viktor Masenkó-Mavi	Hungarian Academy of Sciences, Institute for Legal Studies	Hungary
10.	Dr. Wolfger Mayrhofer	Permanent Secretariat of the Alpine Convention - Legal Officer	Austria
11.	Prof. Attila Meskó	Hungarian Academy of Science, Secretary General	Hungary
12.	Dr. Vyacheslav Oleshchenko	National Academy of Sciences, Council of Productive Forces, Regional Policy Department	Ukraine
13.	Dr. Frank Orton	Former Human Rights Ombudsman of Bosnia and Herzegovina	Sweden
14.	Dr. Grygorii Parchuk	Ministry of Environmental Protection, State Agency for Protected Areas	Ukraine
15.	Dr. István Pomázi	Ministry of Environment and Water	Hungary
16.	Pier Carlo Sandei	United Nations Environment Programme - Vienna Interim Secretariat of the Carpathian Convention	Italy
17.	Prof. Pavel Sturma	Charles University, Head of the Department of International Law	Czech Republic

18.	Prof. Gianfranco Tamburelli	National Research Council - Institute for International Legal Studies (ISGI)	Italy
19.	Dr. Egizia Ventura	EURAC Research Department of Land and Sea	Italy
20.	Dr. Mirca Verchelet	Chair of the CNPA	Romania
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22.	Dr. Lenka Vostra	Czech Academy of Sciences, Institute of State and Law	Czech Republic

	Senior researchers /experts	Young researchers / experts	Tot.
Male	11	4	15
Female	2	5	7
Tot.	13	9	22

	Senior researchers /experts	Young researchers / experts	Tot.
Male	11	4	15
Female	2	5	7
Tot.	13	9	22

	Nations	Participants
1.	Austria	1
2.	Czech Republic	2
3.	Hungary	1
4.	Italy	6
5.	Lithuania	5
6.	Macedonia	1
7.	Romania	2
8.	Slovak Republic	1
9.	Sweden	1
10.	Ukraine	2
		22