

Framework Convention on the Protection and Sustainable Development of the South East European Mountain Region

Preamble

THE PARTIES TO THIS CONVENTION,

Conscious of the outstanding value of the South East European Mountain Region and its resources for the people of the region and mankind as a whole,

Recognizing that the unique value of the South East European Mountain Region corresponds to the distinctive needs of people and nature,

Acknowledging that the South East European Mountain Region is one of the most biologically diverse regions in Europe, with particularly high numbers of relic and endemic species, and habitat of a remarkable flora and fauna,

Also acknowledging the multitude of peoples and the rich conglomerate of cultures and religions of the South East European Mountain Region,

Aware that social and economic development pressure can lead towards unsustainable exploitation of natural resources, threaten the environment and result in a loss of biological diversity,

Also aware of the threat posed by habitat fragmentation or destruction, by inappropriate management, harvesting, deforestation or logging and exploitation of natural resources, and unregulated economic development,

Convinced that depopulation, poverty and unemployment, as well as limitations in communication and infrastructure hinder the protection and sustainable development of the South East European mountain regions,

Recalling the successful experiences of the Convention on the Protection of the Alps (Alpine Convention) and the Convention on the Protection and Sustainable Development of the Carpathians (Carpathian Convention),

Stressing the importance of mountain ecosystems and their sustainable development, as underlined in Agenda 21 and in the Plan of Implementation adopted at the World Summit on Sustainable Development in Johannesburg,

Noting the pertinent provisions of and principles related to the protection and sustainable development of mountain regions in relevant global, regional and sub-regional environmental legal instruments, strategies and programmes,

Further noting the need to promote and support a more effective implementation of already existing instruments, and *building upon* other international programmes,

Convinced of the importance of a concept of integrated development, respectful towards the environment, and of a concept of human security, including environmental security,

Emphasizing that efforts to protect and develop the South East European Mountain Region in a sustainable and equitable manner cannot be achieved by one State alone and that regional cooperation is necessary for this purpose and a condition for acquiring greater ownership,

HAVE AGREED AS FOLLOWS:

Article 1: Use of terms

For the purposes of this Convention:

“*South East European Mountain Region*” means... [as detailed in Annex...] [notified by the Parties upon signature of this Convention] [...]

“*Natural habitats*” means...

“*Semi-natural habitats*” means...

“*Natural systems*” means...

“*Endangered Species*” means...

“*Endemic Species*” means...

“*Large carnivores*” shall include...

“*Ecological Network*” shall mean...

“*South East European Mountain Ecosystem*” means...

“*Sustainable Development*” shall be defined as...

“*Projects of Transboundary Character*” shall mean any activity...

[...]

Article 2: Objective

The objective of the Convention is the protection and sustainable development of the South East European Mountain Region.

Article 3: Geographical Scope

The present Convention shall apply to the “South East European Mountain Region” as defined in Article 1.

Article 4: Principles

1. The protection and sustainable development of the South East European Mountain Region shall be guided and pursued *inter alia* by the following principles:

- a. An integrated approach;
- b. Precaution and prevention;
- c. The polluter pays;
- d. Good neighborliness;
- e. Transboundary and international cooperation;
- f. Public participation and stakeholder involvement.

2. The Parties shall avoid the duplication of work, and seek to promote and strengthen the relations and the constant dialogue with other relevant Conventions and international instruments.

3. The Parties shall further seek the cooperation of other States, national or international, governmental or non-governmental bodies and agencies, where appropriate, to ensure the effective implementation of this Convention and its protocols.

Article 5: Natural Heritage and Wildlife

1. The Parties shall pursue policies aiming at conservation, sustainable use and restoration of biological and landscape diversity throughout the South East European Mountain Region.

2. The Parties shall promote public and political understanding of the importance of wildlife and natural systems as well as acceptance of the need for the sound long-term stewardship of this heritage, both for its own sake and for the long-term wellbeing of the South East European Mountain Region.

3. 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 South East European Mountain Region, in particular the protection of endangered species, endemic species and large carnivores.

4. 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.

5. 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.

6. The Parties shall promote and develop compatible monitoring and evaluation systems, coordinated regional inventories of species and habitats, coordinated scientific research, networking and exchange of experience.

7. 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 agriculture, forestry, water management, tourism, transport, telecommunication and energy, industry and mining activities.

8. The Parties shall cooperate in developing an ecological network in the South East European Mountain Region as defined in Article 2.

9. The Parties shall undertake to establish a Network of Protected Areas and the necessary institutional arrangement for coordinating the activities of the Network.

10. The Parties shall pursue policies aiming at joint management plans for transboundary or bordering protected areas.

Article 6: Cultural Heritage

1. The Parties shall pursue policies aiming at preservation and promotion of the cultural heritage including the traditional knowledge of the local population, crafting and marketing of local goods, arts and handicrafts.

2. 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 species.

Article 7: Sustainable Tourism.

1. The Parties shall take appropriate measures and cooperate in promoting sustainable tourism in the South East European Mountain Region, equitably providing benefits to the local population, based

on the outstanding natural heritage and wildlife, and cultural heritage of the Region.

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

Article 8: Sustainable Agricultural Policies

1. The Parties shall promote environmentally sound management practices, and take appropriate measures in designing and implementing their agricultural policies in a sustainable development perspective, taking into account the need for the protection of mountain ecosystems and landscapes, the importance of biological diversity, and the specific conditions of mountains as vulnerable areas.

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

Article 9: Sustainable Forest Management and Land Use Policies

1. The Parties shall apply sustainable forest management and land use policies in the South East European Mountain Region, particularly taking into account the multiple functions of forests and their high ecological importance of the South East European mountain ecosystems.

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

Article 10: Sustainable Water Management Policies

1. The Parties shall take appropriate measures to promote policies integrating sustainable and equitable utilization of water resources. Parties shall pursue policies and plans based on an integrated river basin management approach, recognizing the importance of flood management, pollution prevention and control, soil conservation, and reducing water habitats fragmentation.

2. The Parties shall pursue policies aiming at sustainable management of surface and groundwater resources, ensuring adequate supply of good quality surface and groundwater as needed for sustainable, equitable water use, and adequate sanitation and treatment of waste water.
3. The Parties shall pursue policies aiming at conserving wetlands and wetland ecosystems.
4. The Parties shall further develop a coordinated or joint system of measures, activities and early warning for transboundary impacts of flooding, accidental water pollution, as well as co-operate in preventing and reducing the damages and giving assistance in restoration works.

Article 11: Sustainable Transport Policies

1. The Parties shall pursue policies promoting sustainable transport and infrastructure planning and development, which take into account the specificities of the mountain environment, by taking into consideration the need for protection of sensitive areas, in particular biodiversity-rich areas, migration routes or areas of international importance, the protection of biological and landscape diversity.
2. The Parties shall cooperate towards developing sustainable transport policies which provide the benefits of mobility and access in the South East European Mountain Region, while minimizing harmful effects on human health, landscapes, flora and fauna, and their habitats, and devise sustainable policies that reflect public demand relating to transportation in all stages of transport planning in the Region.

Article 12: Energy and Industry

1. The Parties shall promote cleaner production technologies, including the use of renewable energy sources.
2. The Parties shall pursue policies aiming at introducing environmentally sound methods for the distribution and use of energy including energy-saving measures, in order to minimize adverse effects on the environment, biological and landscape diversity.
3. The Parties shall undertake to prevent and reduce possible adverse impacts of mineral exploitation and processing on the environment and ensuring adequate environmental surveillance on mining technologies and practices and mitigate the adverse impact of mining legacies.

Article 13: Sustainable Community Development and Spatial Planning

1. The Parties shall pursue policies of spatial planning aimed at the protection and sustainable development of the South East European Mountain Region, which shall take into account the specific ecological, socio-economic and cultural conditions in the Region and their mountain ecosystems, and equitably provide benefits to the local population.
2. The Parties shall promote the principles of democracy, good governance, and decentralization, and ensure the establishment of mechanisms for access to information, public participation in decision making and access to justice at local, regional and national levels.
3. The Parties shall pursue policies and programmes addressing issues of poverty reduction, gender mainstreaming, vulnerable groups and minority rights.
4. The Parties shall support and promote the establishment of decentralized structures for supporting local community and economic development.
5. The Parties shall promote mechanisms for networking, partnership and cooperation between municipalities in bordering areas specifically devoted to the implementation of local Agenda 21.
6. The Parties shall aim at coordination of territorial planning in bordering areas, through developing transboundary and/or regional territorial planning policies and programmes, and enhancing and supporting co-operation between relevant regional and local institutions.
7. The Parties shall promote educational campaigns and programmes for the protection and sustainable development of the South East European Mountain Region.

Article 14: Environmental Assessment

The Parties shall apply, where appropriate, strategic environmental assessments, environmental impact assessments and risk assessments, taking into account the specificities of the South East European Mountain Region ecosystems, and shall consult on projects of transboundary character in the Region, and assess their environmental impact, in order to avoid harmful transboundary effects.

Article 15: Public Education and Awareness Raising

Awareness raising for the need to protect and develop the South East European Mountain Region in a sustainable manner shall form an integral part of policies and measures adopted by the Parties to fulfil their obligations under this Convention.

Article 16: Research and Information Exchange

The Parties shall cooperate in promoting and undertaking scientific research, support the development of an integrated information system, as well as the exchange, comparability and harmonization of relevant scientific and technical information and instruments.

Article 17: Conference of Parties

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

2. The Conference shall provide the necessary impetus and guidance for and keep under review the implementation of the Convention, and, for this purpose, shall:

- a. Adopt or recommend measures to achieve the objective laid down in Article 2;
- b. Monitor, review, evaluate, support and provide overall supervision to the implementation of the Convention and its protocols;
- c. Consider and review reports submitted by any subsidiary body;
- d. Consider and adopt protocols in accordance with Article 20;
- e. Consider and adopt, as required, in accordance with Article 21, amendments to this Convention;
- f. Establish such subsidiary bodies, including thematic working groups, as are deemed necessary for the implementation of this Convention;
- g. Adopt its Rules of Procedure;
- h. Approve a work programme, financial rules and budget;
- i. Exercise such other functions as may be necessary for the achievement of the objective of the Convention.

3. The first Conference of the Parties shall be convened by the Executive Director of the United Nations Environment Programme no later than one year after the date of entry into force of the Convention. Subsequent ordinary sessions of the Conference shall be held every two years, unless otherwise decided by the Parties.

4. Extraordinary sessions shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that such request is supported by at least a

third of the Parties. Extraordinary sessions may not be held earlier than three months after the communication of the request to all the other Parties.

5. The Conference shall by consensus agree upon and adopt rules of procedure for itself and for any subsidiary body it may establish, as well as financial rules governing the funding of these bodies. At each ordinary meeting, it shall adopt a budget for the financial period until the next ordinary meeting.

6. The Parties may admit as observers to the sessions of the Conference any other State and any relevant intergovernmental and non-governmental organization. The Rules of Procedure of the Conference shall set the conditions for the admission and participation of the observers.

7. The Conference shall reach its decisions unanimously unless otherwise determined in the present Convention. Decisions of the Conference on procedural matters shall be adopted upon affirmative vote of at least two-thirds of the Parties present and voting. The Rules of Procedure of the Conference shall define when matters are to be considered procedural.

Article 18: Interim Secretariat

1. A Secretariat provided for by the Executive Director of the United Nations Environment Programme is hereby established on an interim basis for the period between the entry into force of this Convention and the first meeting of the Conference of the Parties. Its function shall be the convening and organization of the first Conference of the Parties. This may include:

- a. Provide technical support and assistance to the Conference;
- b. Prepare reports for consideration by the Conference;
- c. Prepare reports on its functions and activities, including financial reports, and submit them to the Conference.

2. The Parties may decide at their first Conference on the establishment and functions of a permanent Secretariat.

Article 19: Relationship with other International Conventions

The provisions of this Convention shall not affect the rights and obligations of any Party deriving from any existing international agreement, except where the exercise of those rights and obligations would cause a serious damage or threat to the protection and/or sustainable development of the South East European Mountain Region.

Article 20: Protocols to the Convention

1. The Parties shall cooperate in the formulation and adoption of protocols to this Convention. Draft protocols to the Convention may be proposed by any Party.
2. Protocols shall be adopted at a meeting of the Conference of the Parties.
3. The text of any proposed protocol shall be communicated to the Parties at least six months before such a meeting.
4. The Conference shall decide to open the protocols for signature unanimously or upon affirmative vote of at least two-thirds of the Parties present and voting. Only Parties to the Convention may become Parties to the protocols.

Article 21: Amendments to the Convention

1. Amendments to this Convention may be proposed by any Party.
2. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. The Conference shall adopt the Amendments unanimously.
3. Draft Amendments to this Convention shall be communicated to the Parties at least six months before such a meeting.
4. The amendments to the Convention shall be subject to ratification, approval or acceptance. The amendments shall enter into force for all Parties on the ninetieth day after the date of deposit of the instrument of ratification, approval or acceptance by at least two-thirds of the Parties.

Article 22: Right to Vote

Each Party to this Convention or to any protocol shall have one vote.

Article 23: Settlement of Disputes

1. The Parties shall settle disputes concerning the interpretation or implementation of the Convention, its protocols and annexes by negotiation.
2. Upon failure of reaching an agreement by negotiation, the Parties shall appoint a mediator.

3. Upon failure of settling the dispute by mediation, the Parties shall resort to binding arbitration in accordance with the following procedure:

- a. The Parties to the dispute shall appoint one arbitrator each.
- b. The arbitrators so appointed shall designate, by mutual consent, a neutral arbitrator as Chairperson who shall not be a national of any of the Parties to the dispute.
- c. If any of the Parties does not appoint an arbitrator within three months of the appointment of the first arbitrator, or if the Chairperson has not been designated within three months of the matter being referred to arbitration, the Chairperson of the Governing Council shall designate the arbitrator or the Chairperson or both, as the case may be, within a further period of three months.
- d. The arbitral body shall have jurisdiction to hear and determine any matter arising from a dispute.
- e. The arbitral body shall determine its own rules of procedure.
- f. The Parties to the dispute shall be bound by the arbitral decision.

Article 24: Financial contributions

1. Each Party shall contribute to the ordinary budget of the Convention.
2. The Conference shall define the scale of contributions to the ordinary budget.

Article 25: Signature

This Convention shall be open for signature from ... to ... at the Depositary.

Article 26: Ratification, Acceptance or Approval

1. This Convention and any protocol to it shall be subject to ratification, acceptance, or approval by the Signatories. Instruments of ratification, acceptance, approval and accession shall be deposited with the Depositary.
2. The Convention shall be open for accession by other non signatories within the geographical scope of the Convention as stipulated in Article 3.

Article 27: Accession

This Convention and any protocol shall be open for accession by States within the geographical scope of the Convention, as stipulated in Article 3, from the date on which the Convention or the protocol concerned is closed for signature. The instruments of accession shall be deposited with the Depositary.

Article 28: Entry into Force

1. 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. Any protocol shall enter into force on the ninetieth day after the date of deposit of the number of instruments of ratification, acceptance, approval or accession, specified in that protocol, has been deposited.
3. For each Party which ratifies, accepts or approves this Convention or accedes thereto after the deposit of the fourth instrument of ratification, acceptance, approval or accession, it shall enter into force on the ninetieth day after the date of deposit by such Party of its instrument of ratification, acceptance, approval or accession.
4. Any protocol, except as otherwise provided in such protocol, shall enter into force for a Party that ratifies, accepts or approves that protocol or accedes thereto after its entry into force pursuant to paragraph 2 above, on the ninetieth day after the date on which that Party deposits its instrument of ratification, acceptance, approval or accession, or on the date on which this Convention enters into force for that Party, whichever shall be the later.

Article 29: Withdrawals

1. Any Party may withdraw from the Convention at any time after two years from the date on which this Convention has entered into force for that Party, by giving written notification to the Depositary. The withdrawal shall become effective six months after the date of the receipt of the notification by the Depositary.
2. Any Party which withdraws from this Convention shall be considered as also having withdrawn from any protocol to which it is party.

Article 30: Depositary

1. [...] shall assume the functions of Depositary of this Convention and any protocols.
2. The Depositary shall notify each Party and Signatory 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, its protocols and amendments thereto for any Party;
 - d. Any notification of withdrawal from the Convention or its protocols;
 - e. The date on which withdrawals become effective for any Party;
 - f. Any modification of the geographical scope of the Convention, pursuant to Article 3.

Article 31: Authentic Texts

1. The original of this Convention, done in English, shall be deposited with the Depositary.
2. The Depositary shall transmit certified copies of the original to all States that have signed the Convention or deposited instruments of accession to it.
3. As soon as this Convention enters into force, a certified copy thereof shall be transmitted by the Depositary to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

Done at [Belgrade] on this [...] day of [...], two thousand and seven.

For
The Republic of Albania

For
The Republic of Bosnia and Herzegovina

For
The Republic of Bulgaria

For
The Republic of Croatia

For
The Hellenic Republic

For
The Former Yugoslav Republic of Macedonia

For
The Republic of Montenegro

For
The Republic of Serbia