

The Alpine Convention: A Model for Other Mountain Regions?

Across the mountain regions of the world, there are increased calls for and moves toward transfrontier cooperation. The region in which formal cooperation is best developed is the Alps, with three working communities of regional governments in the western, central, and eastern Alps and the Alpine Convention. The Convention has been widely cited as a successful example of regional cooperation. But does it provide a model that could be followed in other mountain regions?

Four decades of preparation

In 1952, the International Commission for the Protection of the Alpine Regions (CIPRA; since 1990, the International Commission for the Protection of the Alps) was founded by representatives of four Alpine states (Austria, France, Italy, and Switzerland), German nature protection and mountaineering organizations, and the International Union for the Conservation of Nature (IUCN). In its founding documents, CIPRA called for a convention to protect the Alpine environment and its natural resources. The process took nearly 4 decades, during which CIPRA was restructured to include only nongovernmental organizations (NGOs), and really only gathered momentum in 1987, when CIPRA and IUCN prepared a position paper and surveyed 350 governments, associations, and experts throughout the Alps. In 1988, Bavarian, Alpine, and European political bodies offered their support, and experts from the Alpine countries, the Council of Europe, and the European Communities prepared a draft convention. The German Federal Ministry of Environmental Protection and Nuclear Safety further developed the draft and organized the 1st Alpine Conference of Environment Minis-

ters (Berchtesgaden, October 1989), where representatives of the Alpine states and the European Community presented reports on the state of the Alpine environment and agreed to make preparations for a convention and additional protocols.

Further preparation of the convention was presided over by Austria, which hosted the 2nd Alpine Conference (Salzburg, November 1991), where the "Convention on the Protection of the Alps (Alpine Convention)" was signed by Austria, France, Germany, Italy, Liechtenstein, Switzerland, and the European Community. Slovenia took part in the negotiations on behalf of Yugoslavia but did not sign. Following the break-up of Yugoslavia, Slovenia was invited to sign the Convention and did so in 1993. In 1994, Austria, Liechtenstein, and Germany ratified the convention so that it entered into force in March 1995. Also in 1994, France hosted the 3rd Alpine Conference, at which Monaco was invited by the existing parties to become a signatory through the signature of a protocol to the convention. France and Slovenia ratified the convention in 1995, the European Union (EU) in 1996, Switzerland in 1998, and Italy and Monaco in 1999.

Objectives, structures, and functions

The preamble to the convention begins by recognizing the special natural and cultural diversity of the Alps; that they are "an economic, cultural, recreational, and living environment in the heart of Europe, shared by numerous peoples and countries"; that they are essential not only for those living in the mountains but also for those outside; that they are a vital habitat for many species; that there are significant differences in many aspects

of the Alpine states; that human impacts on the environment are increasing and difficult to repair; but that there is a "need for economic interests to be reconciled with ecological requirements."

Article 1 begins by defining the Alps according to a map that is annexed to the convention. Article 2 states that "a comprehensive policy for the preservation and protection of the Alps" should be based on the precautionary and "polluter pays" principles and cooperation "after careful consideration of the interests of all the Alpine States, their Alpine regions and the European Economic Community, and through the prudent and sustainable use of resources." To achieve these objectives, the parties shall act in the following areas: population and culture, regional planning, prevention of air pollution, soil conservation, water management, conservation of nature and the countryside, mountain farming, mountain forests, tourism and recreation, transport, energy, and waste management. For each area, a specific objective is stated; implementation is to be defined in protocols.

The remaining articles consider research and monitoring; legal, scientific, economic, and technical cooperation; the organs and functioning of the Conference of Contracting Parties (CCP), including the possibility of setting up a permanent secretariat; amendments and protocols; and signature, ratification, denunciation, and notifications. The convention says nothing about how budgets should be prepared or financial decisions made. Neither does it state how implementation of the convention and its protocols will be evaluated nor does it give the means for resolving conflicts or disputes.

The CCP is the primary decision-making body and meets every 2 years. The chairmanship and location of these meetings should change after each ordinary meeting. Slovenia convened the first ordinary meeting in February 1996 and acted as the first president of the CCP until the second ordinary meeting (5th Alpine Conference) in Bled, Slovenia, in October 1998, when the parties agreed that Switzerland should take over the presidency. As well as the parties, the United Nations and its agencies, the Council of Europe, all European countries, cross-border associations of Alpine territorial authorities, and relevant international NGOs may attend the meetings of the CCP as observers.

The CCP is supported by a standing committee of delegates of the Contracting Parties. Signatory states that have not ratified the convention have observer status at meetings and take full part in discussions. The Alpine working communities and specified NGOs also attend as observers. The committee appoints working groups to formulate protocols and recommendations, examines and harmonizes draft protocols and proposes these to the CCP, and prepares for its ordinary meetings.

The convention states that a permanent secretariat may be set up; locations in at least five countries have been proposed. To date, secretariat functions have been assumed by the president of the CCP; in effect, Slovenia provided the secretariat for 4 years, and Switzerland has now taken over. The move to Switzerland inevitably resulted in a break in continuity and the loss of much of the expertise accumulated in Slovenia. For these and other reasons, a permanent secretariat is clearly needed. There is, however, no unanimity between the parties. Some do not see the need, are wary of giving up power on delicate issues, or are not very willing to contribute to the ongoing costs of a secretariat in a different country.

Implementation

Although the Alpine Convention is a framework convention in which the parties accept general principles and obligations, leaving their implementation to be defined in protocols with a greater policy content, both Italy and Switzerland took 7 years to do so. While Italy has the largest proportion of the Alps, its capital is far away and the mountains are not of great significance in national policy-setting. Both chambers of parliament approved the convention in 1997, but modification of some passages in the law meant that the process had to be repeated, with final ratification in 1999.

In contrast, while Switzerland is largely mountainous, delays in ratification derived mainly from the mountain cantons' lack of support, mainly because they perceived that the convention is slanted toward environmental protection rather than economic development. After some years of stalemate, an agreement was struck between the federal government and the mountain cantons in 1996, when the federal government agreed to financial measures to the cantons' benefit. Even after this, political connections to other controversial issues in parliament resulted in further delays before Switzerland's ratification in late 1998 and acceptance of the presidency in early 1999.

After initial signature, ratification is only the first stage toward implementing a convention, especially one whose success depends largely on its protocols. Negotiation of some protocols began even before the convention entered into force. The lead was generally taken by countries with specific interests and experience in a topic. Seven thematic protocols (nature protection and landscape management, mountain agriculture, regional planning and sustainable development, mountain forests, tourism, soil protection, and energy) have so far been prepared and signed by two or

more parties. The most recent protocols remain unsigned by a number of parties, even though they were involved in their negotiation, and Austria has not signed any thematic protocols. The main work at present relates to the protocol on transport. No work has yet been done on protocols on population and culture, air pollution, waste management, or water management.

On one hand, signed protocols are a measure of the success of implementation, even if none, except the one dealing with the addition of Monaco as a party, has yet been ratified. On the other hand, the sequence of preparation of protocols has led to certain difficulties, given that the convention has strategic aims and that harmonization is needed both between protocols and between these and national (and EU) legislation. Some topics identified in Article 2 and/or addressed in existing protocols are rather general, such as population and culture, regional planning and sustainable development, nature protection, and landscape management. Others address natural resources (soils, water, air), and the remainder are more specialized and sectoral (agriculture, forests, energy, tourism and recreation, transport, waste). Considerable effort is now being made to attempt to harmonize the existing protocols.

A first need for harmonization is with respect to language. While a working language is used during the preparation of each protocol, versions in the four official languages (French, German, Italian, Slovene) should be agreed before signature and ratification. This has not always happened, and significant resources are required to ensure consistency. A second need for harmonization is with regard to content. This links partly to the first where difficulties in translation have occurred, resulting in textual inconsistencies between protocols. Most appear to match well with existing national and EU laws and

policies but, because of the order of preparation, there have been important inconsistencies between protocols that address the same issue from different perspectives. Thus, “backwards harmonization” has been needed, a process that not only uses much time and resources but creates problems when protocols have already been signed or significant resources have been devoted to evaluating how they match national legislation and policies. Ratification is a slow political process, and any inconsistencies may lead to greater delays.

Many inconsistencies appear to derive from the initial drafting of protocols by technical experts, with legal experts being brought in later, and also from changes in the personnel involved in this process. Two lessons may be learned. First, a clear sequence of negotiating and approving protocols would have been beneficial, starting with the general topics and then moving to the natural resources and sectors. Second, national delegations should have the necessary range of expertise and continuity in membership.

A further hindrance to implementation is exemplified by the drafting of the transport protocol, which has been more or less stalled since 1995. In contrast to most of the other protocols prepared to date, this has required the involvement of a large number of ministries, many subject to considerable pressures from an industrial lobby for which environmental protection is not a major concern. Furthermore, in many Alpine states, environmental protection is the responsibility of subnational entities rather than of the central governments that negotiate protocols. Equally, the Alps’ location as a mountain region with limited transport axes in the heart of Europe creates tensions between Contracting Parties with regard to trans-European transport axes. This issue has been avoided in one case by drawing the official map of the area to which the convention

applies to include Monaco but not the transport corridor to its north. However, the issue cannot be avoided with regard to the north-south axis except by building tunnels at great expense. Thus, as the issues addressed by protocols become more complex and tendentious and political forces with a European dimension come into play, progress on overall implementation has been further delayed.

Conclusions

Perhaps the Alpine Convention’s greatest success has been its contribution to widespread awareness that the Alps are a region with distinct environmental and cultural characteristics and of considerable European importance. Within the Alps, it has led to recognition that many issues cannot be solved only through national legislation; coordinated regional approaches and initiatives are essential. To date, such initiatives have largely been undertaken by the scientific community and NGOs rather than at the political and policy levels. Nevertheless, the Alpine Observation and Information System has started its activities, with the primary support of the European Community; and important meetings were held under the Slovene presidency.

Within individual states, the convention has led to some cooperation. This may be informal, for example, consultative meetings held in Switzerland before meetings relating to the convention, or formal, for example, the structure set up by the Austrian government to ensure wide consultation on issues relating to the convention. Yet, overall in the Alps, there is generally far to go in fostering cooperation between levels of government and other interested parties, partly because consultation during the negotiation and signature of the convention by national governments was rather limited.

For subnational entities, the convention can be a means for

obtaining resources from central governments to undertake actions that contribute to its implementation in domains under their jurisdiction. This could help to redress the concern expressed by many of these entities that they were left out of the initial stages of the convention. Yet these points may also link to one of its major limitations and the lack of progress in implementation. Parties may be wary of finalizing the harmonization of the protocols and of ratifying them because this may lead to increased demands on resources from constituent entities, a continual concern of any government, especially when many issues addressed in the convention are primarily under subnational jurisdiction.

Another reason for delay may be perceived risks of loss of national sovereignty, an issue that remains unresolved, while mechanisms for evaluating implementation and resolving disputes and conflicts remain undefined. Delays may also derive from the actual or likely loss of options for developing and implementing national laws and policies. Whether or not this is the case is open to debate, as the content of the completed protocols is generally compatible with and is often less strict than existing national and EU legislation and policies. However, the protracted negotiation over the transport protocol shows the tensions involved in implementation. In summary, the convention has begun to contribute to regional cooperation, but few of the expected impacts on environmental policy-making and implementation have been realized. For governments and NGOs other mountain regions, there are many lessons to be learned from nearly 5 decades of experience in the Alps.

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