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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

20th meeting

Strasbourg, 27 November – 1 December 2000

**CHAIRMAN'S DISCUSSION PAPER
ON THE STRATEGIC DEVELOPMENT OF THE
CONVENTION**

Document prepared
by the Chairman of the Standing Committee
of the Bern Convention

- The Standing Committee is invited to examine the present document, together with the reports of the two meetings of the Select Committee for the Strategic Development of the Bern Convention (documents T-PVS (2000) 19 and T-PVS (2000) 44) and the Monaco declaration found as appendix 2 to this document.

- The Standing Committee is invited to discuss the issues raised and, if appropriate, adopt the draft Resolution found in appendix 3 to this document.

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NOTE: A first draft of the present paper was written by the Chairman, assisted by the Secretariat. That draft was thoroughly discussed in two meetings of the Select Committee for the Strategic Development of the Bern Convention, receiving valuable inputs from the Bureau, from all the delegations present and by the General Director of Education, Culture and Cultural and Natural Heritage, Sport and Youth, Mr Klaus Schumann. Thus, the present version, although formally presented as a Chairman's discussion paper, it gathers views from a larger constituency, including governments, non-governmental organisations and the Secretariat.

1. Introduction

The Bern Convention is a living instrument. It has been in force over 18 years and in this long period it has helped frame and guide the legislation and policies in the field of biological diversity of its 43 Contracting Parties, including those of the European Community.

It has promoted European co-operation on biodiversity issues, gathered valuable environmental information and created a very complete and original monitoring system under the guidance of its active Standing Committee, which acts as Conference of Parties.

Like many other successful initiatives, the Convention needs to change to be able to serve more efficiently its parties and to meet more appropriately the goals for which it was created. Priorities in conservation in the early eighties may be no longer regarded as such in the eve of the new century. New organisations and instruments have appeared in the conservation arena and the Council of Europe and the European Community are very different organisations of that they were in 1982. Change in the Conventions' priorities is both unavoidable and necessary.

2. Development of the Convention in the 90s

After the fall of the Berlin wall and the change of the political map of Europe, the Convention, which was before mainly an instrument for Western European democracies, became a full European treaty. It has now been signed or ratified by practically all member states of the Council of Europe (with 4 exceptions), plus another two European states, Monaco and Azerbaijan, the European Community and 3 African states (Burkina Faso, Senegal and Tunisia). The challenge to the Convention comes from its possible overlap with the EU Habitats' Directive, and its potential as a mean to implement the Convention on Biological Diversity (CBD) in Europe.

Both instruments were concluded several years after the Convention came into force and thus are more modern and have a broader scope. The Habitats Directive precises more the obligations on habitats while CBD deals with new issues (e.g. agro-biodiversity, sharing of benefits of technology, biosafety).

In an international atmosphere characterised by a certain "downsizing" of government action –and likewise of the action of governmental international organisations - it becomes essential that the Convention integrates well its action with both treaties.

2.1. Habitats Directive

Regarding the EU Habitats' Directive, it seems obvious that –as an instrument largely inspired on the Convention- it has taken much of the attention of EU states in guiding conservation action on the matters dealt with by the Convention. Thus, the Convention is largely implemented in EU states through the implementation of the Habitats' Directive. This should not be a problem for future work of the Convention, but requires a very tight co-ordination of the activities of the Convention with EU programmes, to avoid disparities or incongruence. Such has been so far the case, as the Secretariats of both EU (the European Commission) and the Convention (Council of Europe) has established fluent and co-operative relations on most matters to be dealt jointly. In such perspective, the following activities are relevant:

- setting-up of the Emerald Network outside EU (on the basis of Natura 2000 schemes);
- preparation of a Memorandum of Co-operation with the European Environment Agency;
- co-ordination of Species Action Plans (Birds, Large Carnivores, Bats);
- treatment of case-files involving EU states;
- co-ordination of amendments of Bern Convention Appendices;
- co-ordination for the unification of reporting systems.

The creation, in 1993, of the European Environment Agency (EEA) is also an important element to take into account. The Council of Europe carried out during the seventies and eighties an important technical work focussed on the status of biological diversity in Europe. Such work is now the task of EEA and, in particular, of its European Topic Centre on Nature Conservation. Even if formally EEA has only 17 members, much of its work covers the whole of Europe. The conclusion of a Memorandum of Understanding between the Council of Europe and EEA, promotes co-operation on the following fields:

- common database on designated areas (including the Emerald Network);
- Red Lists and Red Books;
- collection and harmonisation of data on habitats and species for non-EU states;
- clearing house mechanism on biodiversity.

2.2. Convention on Biological Diversity

In respect of the co-operation with the Convention on Biological Diversity (CBD), still much needs to be done. The Committee of Ministers of the Council of Europe has given its agreement to the signature of a Memorandum of Co-operation with the United Nations Environment Programme (UNEP) –in its capacity as Secretariat of CBD- and the Council of Europe –in its capacity as Secretariat of the Bern Convention-, but not much co-ordination of programmes has been done in the past. This was mainly due to the fact that the weight of traditional “conservation” issues in the programme of CBD has been relatively a small part of its working agenda, and also to the fact that the Bern Convention has been hesitant to adapt its programmes to take some issues that have become priorities in CBD’s work, notably

- genetically modified organism (GMOs);
- agro-biodiversity;
- marine biodiversity;
- sustainable development (tourism and environment, agriculture and environment);
- introduced and invasive species
- forest biodiversity.

Some of these issues (such as **GMOs**) do not fit well into the matters covered by the Convention and the Standing Committee has been reluctant to duplicate work to create an overlap that would add little to the (difficult) discussion at the world level. All other issues mentioned above are well within the scope of the Convention but are sometimes being dealt within other fora.

Such is the case of protection of **forest biological diversity** a component of the Helsinki-Lisbon process of ministerial conferences on Forests. There would still be room for the drafting of a European Convention on Management and Protection of Forests and their Biological Diversity, specially after the lack of progress on a world forest convention. Such European Convention, made on the model of the Ramsar Convention on Wetlands, might even be developed as a protocol of the Bern Convention or, even better, could be included in the programme of the Helsinki-Lisbon process. In any case it seem appropriate that both forestry and conservation Ministries be involved in their drafting.

Also **sustainable development** and the taking into consideration of biological diversity into sectoral policies (tourism, agriculture, transport, regional planning) fully fall within the scope of Articles 2 and 3 of the Convention. In the past, these issues have been dealt within the framework of another Council of Europe's Steering Committee (CO-DBP) as well as in the Pan-European Ecological and Landscape Diversity Strategy but this share of tasks might be reconsidered in the future. These issues are, anyway, an important component of the case-file system.

Agro-biodiversity clearly is a subject that can and should be dealt with by the Convention, focussing first on the protection of wild species in agricultural systems.

As for **marine biodiversity**, there is certainly room for a Bern Convention initiative on conservation of marine biodiversity, in close co-operation with all the regional seas Conventions (Mediterranean Convention, Black Sea Convention, Oslo-Paris, Baltic Convention, Arctics' CAAF) as well as other appropriate programmes, conventions and agreements (in particular those related to cetaceans of the Convention of Migratory Species and the habitat work of EEA).

The experience of the Convention on **introduced and invasive** species and their control is wide and it should continue work in this field so as to feed with ideas and experiences the work of the CBD.

3. Future's perspectives within Council of Europe

Another main difficulty the Convention has to face is the concentration of the work of the Council of Europe in areas other than the environment sector. This will be presumably translated in a decrease of available resources, both in funds and in staff. Although it is unlikely the Council of Europe does not keep a certain support to the Convention, as the Committee of Ministers has always shown satisfaction by the work done since 1982, this is to be more limited than in the past, given concentration of resources in the priorities (Human Rights, Political Cohesion, Democratic Stability, Culture) of the organisation.

Reductions of resources are planned in the Environment sector (about a third of the workforce and 40 % of the budget) so it is presumed that the Convention may also be affected, not being able to maintain the staff (3 administrators and 2,5 secretaries fulltime) and funds (121,000 €) that the Convention had at the last meeting of the Standing Committee). Most likely the Convention will have to adapt to less than 2 administrators and 2 secretaries fulltime and less than 100,000 € per year. Voluntary contributions from states may help funding the rest of programme, up to an annual budget for activities of around 250,000 € but the limitation of staff will make necessary the "outsourcing" of more technical activities.

A new European Landscape Convention will be opened for signature in the year 2000 and even if it will not have an immediate effect on the resources attributed to environment, in the long term it may have to be managed by the same Secretariat as the Bern Convention.

In addition to that, the Council of Europe is reviewing its present committee structure in the environment field and the proposals from the General Director go in the sense of concentrating most tasks into only one committee: the Standing Committee to the Convention. Appropriate legal solutions will be searched to allow the full participation of the 4 Council of Europe states that are not yet Contracting Parties (at least in the discussion of some Council of Europe business). Thus, the Standing Committee would likely be asked to play a more political role, leaving aspects that are more technical to a possible scientific committee and its outside partners.

It is understandable that the Convention will not be able to work on the same manner as in the past. Changes are needed both in its working methods, its focus and its present activities.

4. Some suggestions for the future

- on activities

The following main activities are currently done under the Convention:

- monitoring of obligations, reporting and standard-setting;
- specialised groups of experts;
- setting-up of the Emerald Network;
- case files (including on-the-spot appraisals);
- administrative meetings and tasks (meetings of the Standing Committee and Bureau, amendments, etc.);
- contribution to other processes (notably CBD, the Pan-European Biological and Landscape Diversity Strategy, PEBLDS).

Monitoring of obligations, reporting and standard-setting – Article 14 states that “*the Standing Committee shall be responsible for following the application of this Convention*” and thus one of the main tasks of the Committee and its Secretariat has been to monitor that the provisions of the Convention are fulfilled by Parties. Several instruments have been used in two processes, including reporting (biennial and 4-years reports), elaboration of analysis of how some states were implementing the Convention (i.e. reports on Nordic states), and reporting on follow-up of recommendations.

Part of the work of Groups of experts and the establishment of a “case file” procedure has also permitted a useful monitoring work, detecting gaps or dysfunctions in the implementation of the Convention.

Standard setting, mainly through the many recommendations and resolutions, has permitted to improve the interpretation and implementation, helping better define obligations on a large variety of issues covered by the Convention. All these mechanisms should be

continued. Further monitoring of the implementation of the Convention in other states should be carried out (following the Nordic states example).

Case Files – They should be maintained as an important and powerful mechanism to verify the compliance of obligations. Case files are one of the main reasons why non-governmental organisations have kept a steady interest in the Convention. The activity is to be considered a priority and maintained as such, improving some of its aspects and changing somehow their perspective. Now file cases are presented as complaints when a Party is presumed not to be respecting the Convention. They could be viewed as a sign that something is not working properly, so the Party concerned may require some assistance from the Standing Committee, so as to be able to reach the “standards” set in the Convention. This will bring a much more positive atmosphere into the discussion of files and guide assistance. In many cases, the Convention may act (and has indeed acted) as an “honest broker” between governments and non-governmental organisations on conflict cases, with positive negotiation results. On-the-spot appraisals are very useful tools in that perspective. Their use should be encouraged and increased. Secretariat staff should take part in the appraisals to take care of possible political negotiations. Positive examples of case files should be promoted.

More transparency is required from the Secretariat, the Bureau and the Standing Committee as to the stage in which the different files are dealt with, and on the reasons for opening, or not opening, individual cases. The Secretariat will submit regularly to the Standing Committee and Bureau an annotated listing of all complaints received and on the progress of each case. This information will be public or available on request.

Groups of experts – The present number of groups cannot be maintained unless parts of their tasks are assigned to outside partners. Even at the present frequency of meeting (which has been changed from 2 years to 3 years), the system will collapse by lack of Secretariat staff. The Standing Committee would propose arrangements with outside partners so that those organisations may carry out the technical work that would be requested by the Committee. It is proposed that the Standing Committee maintains some of these groups (see document T-PVS (99) 5 revised for more detail) and keeps its ability to create “*ad hoc*” groups when required, as permitted by Article 14, paragraph 2, of the Convention.

Certain tasks of current expert groups can be delegated to NGOs or scientific institutions. For example, BirdLife International could follow-up action plans for birds, Planta Europa could do the same for plants, LCIE for large carnivores, SHE for amphibians and reptiles, etc.

This “outsourcing” of the groups to reliable technical partners does not mean that the Convention will lose all control of what these groups do, as in the negotiation of arrangements, it will be ensured that states will be able to participate in those groups on an official basis, if required.

To help “connect” those groups with the Standing Committee it would be useful that, as most other biodiversity-related conventions, the Standing Committee creates a “Scientific Committee” (with all Parties and observers represented) that would deal with technical matters. To avoid creating more bureaucracy and costs, the Scientific Committee might meet the day before the Standing Committee and its Chairman report to the Standing Committee. This arrangement will permit the Standing Committee concentrate on more political issues.

Setting-up of ecological networks – The Emerald Network is a priority for the Bern Convention in the medium-term future. It is politically relevant as an instrument to assist Central and Eastern European states which are candidates to EU to prepare for Natura 2000. For other states, it is important in the “standard-setting” perspective, as it will be possible to develop a common European approach to the protection of natural habitats.

As the Emerald Network forms the core area of the Pan-European Ecological Network, it is also most coherent that both activities are tightly co-ordinated, a wish that has been expressed by several states and Secretariat’s top management. The Council of Europe will propose – already for year 2001 – that the same committee manages both networks together. That will avoid overlap and exploit synergies, as in the next 5 years the Pan-European Ecological Network is likely to develop mostly conceptually while the Emerald Network will be in a more advance stage of development, having already started identification and designation of sites. In the middle-term, once the Emerald Network is fully built, more emphasis will be put into the practical development of the Pan-European Ecological Network.

In any case limited financial and human resources will be available at the Council of Europe for this task, so that appropriate arrangements would have to be searched with an outside partner, such as the European Environment Agency (EEA), for the transfer of technical responsibilities involved in the setting-up of the Emerald Network. Appropriate financial and administrative arrangements could be reached in the framework of the Memorandum of Co-operation of EEA with Council of Europe. Greater responsibility could be also requested from interested states, particularly those that are candidates to EU and have the possibility to have this work financed through “approximation” funds

Administrative tasks – They are linked to the legal obligations set up in the Convention (meetings of Standing Committee, notifications of signatures, amendment of appendices, presentation of new Parties). These activities cannot be easily modified or reduced, as they assure the smooth “running” of the Convention’s legal machinery. The structure of the meetings of the Standing Committee is examined, to make them more performant, by “exporting” technical matters to the Scientific Committee, by reducing drastically the number of issues in the agenda and by preparing a more “political agenda”. A shortening of meetings will also be examined.

Contribution to CBD and PEBLDS – The Convention will also rise its political profile by making more sound contributions to the main political processes it is linked to, the Convention on Biological Diversity and the Ministerial Conferences “An environment for Europe” (through the Pan-European Biological and Landscape Diversity Strategy).

Reporting of the Convention work to CBD and participation in its technical committee, SBSTTA is essential. Reporting on Convention activities relevant to PEBLDS will also help improve its political visibility. Chair, Bureau members or Secretariat are involved in representing the Convention on relevant occasions.

New activities suggested

“Troubled areas” – In the last years, as a result of military conflict, humanitarian and ecological catastrophes, the conservation of biological diversity was threatened in different

parts of Europe: from Kosovo to Chechnya; from oil spills in France or Greece to pollution on Andalusia or the Tisza river.

The Bureau has already proposed that a special budget line should be made available to enable direct expert monitoring of the situation in “troubled areas”.

Agrobiodiversity – This new activity is of particular relevance and will be developed in the future, focussing on wild species, so as to better contribute to one of the main subjects in CBD. This work is to be co-ordinated with the Conference on Agriculture and Biological Diversity hosted by France in the framework of the Pan-European Strategy.

Marine biodiversity – A political initiative should be encouraged, in co-ordination with the relevant European institutions and, in particular with regional seas conventions, to devote more conservation attention to marine biological diversity, given the extremely small extent of protected marine areas, the loss and degradation of important habitats and the threats on many species, both those commercially exploited and rare species. The Bern Convention could play a complementary role in this field by way of its special system of case-files.

- **on methods**

The new circumstances recommend a change in methods, which has to affect the whole of activities.

Some ways to improve efficiency, without losing effectiveness would be the following:

Meetings of the Standing Committee.

The structure of the meeting of the Standing Committee needs to be examined, to make them more performant. This can be achieved by delegating technical matters to a Scientific Committee, by reducing drastically the number of issues in the agenda and by concentrating attention on issues of more strategical and political interest.

Groups of experts

The Groups of experts could be entrusted to outside partners as explained above. It is proposed that a Scientific Committee deals directly with the reports from the Groups of experts and the Standing Committee endorses its work.

Emerald Network

The Secretariat could concentrate its work in the administrative aspects of the setting-up of the network, leaving the more technical aspects (through the appropriate agreements) to the European Environment Agency and other partners. The Scientific Committee will play an important role in this context. The states wishing to build Emerald Network should also be invited to become more active in the process, looking for appropriate finances (perhaps available in other financial institutions or programmes, including those of the EU for approximation and for third states)

- **on emphasis**

The programme of the Bern Convention could be more tightly linked to that of the Convention on Biological Diversity, enlarging the traditional scope of the Convention into new areas, if this is accepted by the Standing Committee, which could consider adopting some recommendations in this sense.

The tasks assigned to the Bern Convention might change in the future, depending on the readiness of the Standing Committee to enlarge its scope and on the evolution of the environment sector at the Council of Europe, including other Committees.

The Committee needs to be ready to accept new tasks related with the scope of the Convention that may be proposed by the Council of Europe (such as the European Diploma, other ecological networks and other issues), so as to become the main Council of Europe Committee on the environment field.

- **on resources**

Given the foreseen reduction of resources from Council of Europe for the coming year, the Committee needs to explore at one of its next meetings a more lasting financing of the Convention, by way of a partial agreement, formal dues or otherwise.

As such long-term solution may take long to implement or might be rejected by governments, a short-term solution involving an increase of voluntary contributions is envisaged. This may take the form of “suggested voluntary” contributions to all Parties, following Council of Europe scale.

Lack of staff for next year will mean that voluntary contributions from Parties should take into account staff costs. The possibility to delegate a national expert to work in the Secretariat should be further explored.

A small budgetary committee should be formed during meetings of the Standing Committee.

Appendix 1

Biodiversity in Europe.

An International Conference in preparation for the next Conference of the Parties of the Convention on Biological Diversity
(19-23 March 2000, Riga, Latvia)

*Statement by the Chair of the Standing Committee of the Bern Convention
(Council of Europe),*

Dr. Gerard C. Boere (The Netherlands).

Madame Chair (Marianne von Weissenberg, Finland), ladies and gentlemen,

This session of the conference deals with co-ordination and co-operation between the various organisations, both GO and NGO within Europe. I am pleased to be given the opportunity to say a few words on behalf of the Bern Convention. The Bern Convention, often seen as the European CBD, was developed in the seventies and came into force almost 10 years earlier than the CBD. That, at the same time, is its strength and weakness. The traditional field of work is species and habitat conservation, thus taking the lead on Theme 11 of the Pan European Biodiversity and Landscape Diversity Strategy.

Recently, there is a substantial development by the Bern Convention, in the field of protected areas through the work on the establishment of the Emerald Network, particularly within the Non EU countries in Central – and Eastern Europe, many countries became already a Party, but also for countries like, Iceland, Norway and Tunisia.

With its long and outstanding report series and Action Plans on the conservation and management of species and species groups, the Bern Convention and its Experts Groups contribute substantially to the conservation of biodiversity in Europe.

Yesterday I already mentioned that the Bern Convention has a very concrete system of monitoring its implementation by the Parties via the so-called file system. This is based on complaints against Governments. This monitoring system is probably better than for any other biodiversity-related treaty except the EU with its Court procedure. It is a very transparent procedure, also very much NGO driven and thus contributing to a broad public awareness about the Bern Convention.

The file system, although based on species related issues, touches at the same time strongly on the integration of conservation and ecology into other sectors of society; the latter is a major priority for the CBD. To mention a few examples and the intensive debates which sometimes have taken place:

- Bat and bear conservation in relation to high way construction in Luxembourg and Greece.

- Sea-turtle conservation and management and tourism on beaches in Greece, Cyprus and Turkey.
- Lynx and Wolf management versus sheep herding in Norway.
- Hamster conservation and agriculture in France, the Netherlands and Germany.
- Birds and windmills in Spain
- Badger management and veterinarian problems in the UK and Ireland.

These all were test cases and in depth discussions on aspects of sustainable development and conservation in the broadest sense and not just the conservation of a species or individuals of species. Sometimes governments adjusted their plans or postponed them in favour of conservation even if it takes many years as with the famous Zakynthos file.

New developments are the conclusion of MoU's with CBD and EEA. Then there is of course the very intensive co-operation with the European Commission on issues related to the Bird -and Habitat Directives which are so closely related to the work of the Bern Convention..

To further update the work of the convention, the last Standing Committee decided to establish a small Task Force with a ToR, to look at the outcome of the Riga Meeting and CoP5 of the CBD and advise the next Bern Convention Standing Committee meeting on further steps to improve the functioning of the convention on a Pan European level and in implementing CBD goals within Europe.

Of course there is the limitation for the convention as being a legal instrument (compared for instance with the PEBLDS); there are limited resources but several countries provide substantial voluntary contributions. There is also the wish of the Standing Committee that the Bern Convention should not deal in depth with issues which are better taken on in other fora; for instance GMO/GMS's.

Madam chair,

Many times over the last days, participants of the meeting emphasised the importance of implementation of the CBD goals on a pan European level. I hope that I have been able to show that the Bern Convention in a practical and pragmatic way and within its clear and strong niche, contributes substantially to biodiversity conservation on a Pan European level both in its traditional strong work field of species conservation and area protection, but also in the broader sense when discussing the concrete cases via the file-system.

With the assistance of the Task Force the work by the Bern Convention will be further elaborated, updated and modernised in the near future and joint work-plans with the CBD and others will be developed.

Thank you Madam Chair.

Appendix 2



Convention on the Conservation
of European Wildlife and Natural Habitats

Standing Committee

Monaco Declaration on the role of the Bern Convention in the implementation of worldwide international instruments for the protection of biodiversity

The Participants in the Intergovernmental Symposium on the United Nations Conference on Environment and Development (UNCED), the Convention on Biological Diversity and the Bern Convention: the next steps,

Meeting in Monaco from 26 to 28 September 1994 under the auspices of the Council of Europe;

Aware of the inestimable value of the earth's biological and landscape diversity and being anxious to preserve it and ensure the sustainability of its use for present and future generations;

Recalling Recommendation No. R ENV (90) 1 of the Committee of Ministers to member States on the European Conservation Strategy, which states that a European conservation strategy should promote a culture which respects nature for what it is and not only for what monetary value can be placed on it;

Determined to act promptly and efficiently in order to apply the principles pronounced in Rio de Janeiro on 14 June 1992 by the United Nations Conference on Environment and Development, in the Declaration on Environment and Development, in the Declaration for a global consensus on the management, conservation and sustainable development of all types of forest, as well as the provisions of Agenda 21;

Emphasising most particularly the importance they attach to the need to base themselves on the principle of precaution and to adopt anticipatory and preventive policies;

*Observing that Agenda 21 mentions *inter alia* the "Management of fragile ecosystems" and the "Conservation of biological diversity" as fields of activity requiring specific and urgent action, and stresses that in the field of international cooperation, regional international organisations must contribute, along with the United Nations system, support and supplement national efforts made with a view to achieving the objectives which it outlines;*

Noting that Article 5 of the Convention on Biological Diversity specifies that "Each Contracting Party shall, as far as possible and as appropriate, cooperate with other Contracting Parties, directly or, where appropriate, through competent international organisations, in respect of areas beyond national jurisdiction and on other matters of mutual interest, for the conservation and sustainable use of biological diversity";

Noting that Contracting Parties have the responsibility in implementing the obligations of the Bern and Biological Diversity Conventions;

Noting that Article 23, paragraph 4 (h), of the Convention on Biological Diversity asks the Conference of the Parties to "contact, through the Secretariat, the executive bodies of conventions dealing with matters covered by this Convention with a view to establishing appropriate forms of coordination with them";

Observing that the Council of Europe provides the functions of the Secretariat for the Convention on the Conservation of European Wildlife and Natural Habitats adopted in Bern

on 19 September 1979, and includes the environmental dimension in its activities as a crucial and integral part of the national policies of its member States;

Noting that the Bern Convention includes in its appendices lists of protected species, which should secure a high level of conservation, and that the procedures making it possible to ensure that the Convention is implemented, enhance the role of non-governmental organisations and individuals as partners involved in sustainable development, in accordance with the principles set out in the Rio Declaration;

Recalling that the Lucerne Declaration of 30 April 1993 adopted by the second pan-European Ministerial Conference "Environment for Europe" makes reference to the active role that the Council of Europe should play in the area of conservation of biological diversity;

Noting that the Maastricht Declaration of 12 November 1993 of the Conference "Conserving Europe's natural heritage: towards a European ecological network" asks the Council of Europe to establish co-ordination machinery for developing a European Biological and Landscape Diversity Strategy, and to present information on the progress made in this area at the European Ministerial Conference on the Environment, to be held in 1995 in Sofia, as its contribution towards the Environmental Programme for Europe;

Noting that Recommendation 1241 (1994) on the application of conventions concerning the environment, adopted on 18 May 1994 by the Parliamentary Assembly of the Council of Europe, makes reference to the priority which should be given to improving the application of conventions concerning the environment and the special importance which should be attached to the Bern Convention;

Noting also that the Committee of Ministers of the Council of Europe recognised in its reply of 5 September 1994 to the Parliamentary Assembly, that "the Council of Europe, which provides the Secretariat of the Bern Convention adopted in 1979, has a crucial role to perform here in applying at regional level the principles and obligations set out at world level with regard to the conservation of biodiversity";

Noting that the 3rd Session of the Commission on Sustainable Development will review the progress made in the conservation of biological diversity and the sustainable use of its components;

Acknowledge that:

1. Regional international organisations should act with a view to favouring the application of the worldwide international instruments for the protection of biodiversity - in particular, the Convention on Biological Diversity, the Declaration on Environment and Development, the Declaration for a global consensus on the management, conservation and sustainable development of all types of forest, and Agenda 21;
2. The Council of Europe has a fundamental role to play in the implementation at regional level of the principles and obligations adopted at global level;
3. The Bern Convention, which to date has 31 Contracting Parties, 17 of whom are also already Contracting Parties or signatories to the Convention on Biological Diversity, constitutes an instrument of major importance for the conservation of biological diversity at regional level by reason of its objectives and its geographical coverage ;
4. The objectives of the Bern Convention are largely in line with the objectives set in Agenda 21 and the Convention on Biological Diversity. The scope of Article 14 of the Bern Convention is broad enough to deal with many aspects of the Convention on Biological Diversity related to biodiversity conservation, if the Standing Committee so wishes.

Adopt the following Recommendations, which are an integral part of this Declaration:

I. RECOMMENDATION ON THE SCIENTIFIC AND TECHNICAL ASPECTS

The Participants recommend:

That the Standing Committee of the Bern Convention or the Contracting Parties, as appropriate

1. MAKE especially sure that the principles and obligations established at the global level in the worldwide international instruments for the protection of biodiversity are applied at regional level;
2. CONDUCT the research required for the identification and understanding of the components of biological diversity, especially with a view to:
 - updating the lists of endangered wild flora and fauna species with a view to amend, if necessary, the Appendices to the Bern Convention;
 - encouraging the conservation and traditional management of endangered varieties of domesticated and cultivated species in so far as they contribute notably to the conservation of wildlife;
 - identifying endangered terrestrial and aquatic natural habitats, including wetlands;
 - further implementing in coordination with NATURA 2000, EECONET and other initiatives, the objectives of Article 4 of the Bern Convention;
 - examining the scope of the Bern Convention regarding landscape features important for nature conservation;

3. IDENTIFY processes and types of activity which have or are likely to have an appreciable adverse effect on conservation and the sustainable use of biological and landscape diversity and monitor these with a view to avoiding this adverse effect, paying particular attention to the following areas: agriculture and forestry, water use, fisheries, coastal and rural development, tourism and recreation, transport, energy and industry;

4. EVALUATE the extent to which the obligations incurred by the Convention are implemented by Contracting Parties, aiming to secure that they:

- actually do protect habitats and conserve viable populations of species by taking the necessary legislative, administrative and management measures;
- take steps to promote voluntary protection of natural habitats through incentive measures;
- encourage education and the dissemination of information on the need to conserve species and their habitats;

5. INCLUDE in the activity programme of the Standing Committee the measures, appropriate for the Bern Convention, deriving from the Convention on Biological Diversity, regarding:

- the identification and the monitoring of the state of biological diversity;
- the *in situ* conservation;
- the *ex situ* conservation;
- the sustainable use of components of biological diversity;
- guidance on incentive measures;
- the impact assessment and the minimising of adverse impacts;

6. TAKE into consideration national and international experiences aimed at calculating the economic value of the components of biological diversity and natural heritage.

II. RECOMMENDATION ON STRATEGIC ASPECTS

The Participants, recognising the need to coordinate available information and avoid duplication, recommend:

That the Standing Committee of the Bern Convention,

1. INSTRUCT its Secretariat in conjunction with the relevant organisations and institutes, such as the World Conservation Union (IUCN), the World Conservation Monitoring Centre (WCMC) and the European Agency for Environment, to facilitate the mobilisation and exchange of information, from all publicly available sources, relevant to the conservation and sustainable use of biological diversity. This information may include, for instance :

- conventions and other international, global and regional instruments applicable to the geographical region concerned;
- legislative and regulatory instruments, and texts defining the national or subregional strategies, plans and programmes of the Contracting Parties;

- information on national systems of protected areas or areas where special measures are taken to conserve biological diversity;
 - guidelines adopted for the selection, establishment and management of protected areas or areas where special measures are taken to conserve biological diversity;
 - information on efficient and innovative techniques for the conservation of biological diversity and the sustainable use of its components;
 - data on measures to promote the protection of ecosystems and natural habitats, and the maintenance of viable populations of species in their natural surroundings; on environmentally sound and sustainable development in areas adjacent to protected areas with a view to furthering protection of these areas; and on the rehabilitation and restoration of damaged ecosystems and endangered species;
2. INSTRUCT its Secretariat to establish a network of partners and experts in the conservation of biodiversity, including legal aspects, in order to facilitate coordination of activities carried out in this area;
 3. INSTRUCT its Secretariat to participate in the preparations of the European Biological and Landscape Diversity Strategy to be submitted to the next European Ministerial Conference on the Environment in Sofia, in October 1995;
 4. REVIEW at regular intervals and in collaboration with the Conference of the Parties of the Convention on Biological Diversity the national policies of the Contracting Parties to the Bern Convention for implementing the parts of the Bern Convention and the Convention on Biological Diversity which are relevant to conservation of biological diversity and the sustainable use of its components;
 5. CONTINUE to use the procedures which make it possible to ensure that the Bern Convention is enforced (general and special reports; case-file system; follow-up of recommendations);
 6. BRING TO THE ATTENTION of the Conference of Parties to the Convention on Biological Diversity that the Bern Convention constitutes a fundamental regional instrument for the application of provisions of the Convention on Biological Diversity in matters relating to the conservation of biological diversity and the sustainable use of its components.

III. RECOMMENDATION ON INSTITUTIONAL ASPECTS

The Participants recommend:

1. That the Standing Committee of the Bern Convention

CONSIDER the need for a mechanism for:

- regularly reviewing and assessing general trends and needs in the field of the conservation of biological diversity at the regional level;
- drawing up and following the guiding principles of a long-term strategic action plan;

2. That the Standing Committee of the Bern Convention and the Conference of the Parties to the Convention on Biological Diversity

ESTABLISH appropriate coordination mechanisms, in conformity with Article 23, paragraph 4 (h), of the Convention on Biological Diversity, so that both instruments may be applied and elaborated on together in matters relating to the conservation of biological diversity and the sustainable use of its components.

IV. RECOMMENDATION ON FINANCIAL ASPECTS

The Participants recommend:

1. That the Contracting Parties to the Bern Convention, the Council of Europe and the financial institutions involved

PROVIDE considerable financial support for the activities mentioned in the Declaration and its recommendations, which form an integral part of it.

2. That the Standing Committee of the Bern Convention

2.1 CONSIDER ways and means to strengthen the voluntary contributions' special fund of the Bern Convention, so that it may finance the Convention's work;

2.2 ADDRESS the problem of the funding structure of the Bern Convention;

2.3 EXPLORE the possibility to use other available funds to achieve the goals of the Bern Convention.



Appendix 3

Convention on the Conservation
of European Wildlife and Natural Habitats

Standing Committee

Draft Resolution No. 7 (2000) of the Standing Committee (examined on ... 2000) on the strategic development of the Convention on the Conservation of European wildlife and Natural Habitats

The Standing Committee,

Recalling that the Convention is one of the most successful treaties of the Council of Europe and its main legal instrument in the field of biological diversity. It has been signed or ratified by 43 States and the European Community, including 38 Council of Europe member states;

Recalling that in the 18 years since its entry into force in 1982, it has carried out a very substantial work in the field of conservation of biological diversity, both concerning threatened species and natural habitats. It has also developed a monitoring system based in complaints that is of great efficiency within biodiversity related treaties;

Recalling the Monaco Declaration (1994), which affirmed that the objectives of the Convention are largely in line with the objectives set in Agenda 21 and the Convention on Biological Diversity and acknowledged that regional international organisations should act with a view of favouring the application of the Convention on Biological Diversity;

Taking note of the priorities established by the Council of Europe on areas other than the environment sector so as to avoid overlap of environmental activities and favour a concentration of efforts and action around the Convention;

Reaffirming that its main role is to follow the application of the Convention and assist states in the implementation of the provisions of the Convention;

Recognising that it needs to take a more political profile, focussing less on technical aspects and opening up its scope to deal with the conservation of biological diversity from a perspective of sustained development, in line with articles 2 and 3 of the Convention,

Strategic aspects

RESOLVES TO

1. Play a more fundamental role in the implementation, at the European level, of the Convention on Biological Diversity and, in such perspective, adopt its work programme and engage in new tasks and responsibilities which may lead to that purpose;

2. Become more active on areas where, as a result of conflict or accident, biological diversity is under threat, creating the necessary mechanisms for fast on-the-spot intervention and assistance;

Programme

3. Give the highest priority to the monitoring of the implementation of the provisions of the Convention including setting of standards, and the appropriate assistance to states that have ratified. That includes the provisions regarding habitat protection and hence the setting up of the Emerald Network;

4. Maintain and reinforce its monitoring of the Convention through the “case file” procedure, promoting the use of on-the-spot appraisals as negotiation tools not necessarily linked to presumed violations of the obligations by Parties and improving the transparency on the reasons for the opening or closing of files;

5. Adapt its programme of activities in the mid-term to better follow the agenda of the Convention on Biological Diversity, including new aspects such as “agrobiodiversity” and “biological diversity and sustainable development” and re-inforcing work on introduced species;

6. Continue in a different way activities related to the specialised group of experts (monitoring of fauna and flora, action plans setting up of ecological networks), looking for appropriate synergies with other conventions, institutions (in particular EU and the European Environment Agency) and NGOs;

Methods

7. Create a Scientific Committee, to which all Parties and observers may attend;

8. Instruct the Secretariat and the Bureau to search for methods that may permit:

- A shorter agenda for meetings of the Standing Committee, more devoted to political aspects of the implementation of the Convention than to technical matters,
- A more efficient organisation of the groups of experts by reaching appropriate agreements with some privilege partners, including the European Environment Agency;

Resources

9. Continue, in the short term, to use the double system of Council of Europe funds and voluntary contributions for the financing of activities, while examining other possible solutions; create, in that context, a budget subcommittee to meet during Standing Committee meetings.