



JENNIFER DUBRULLE

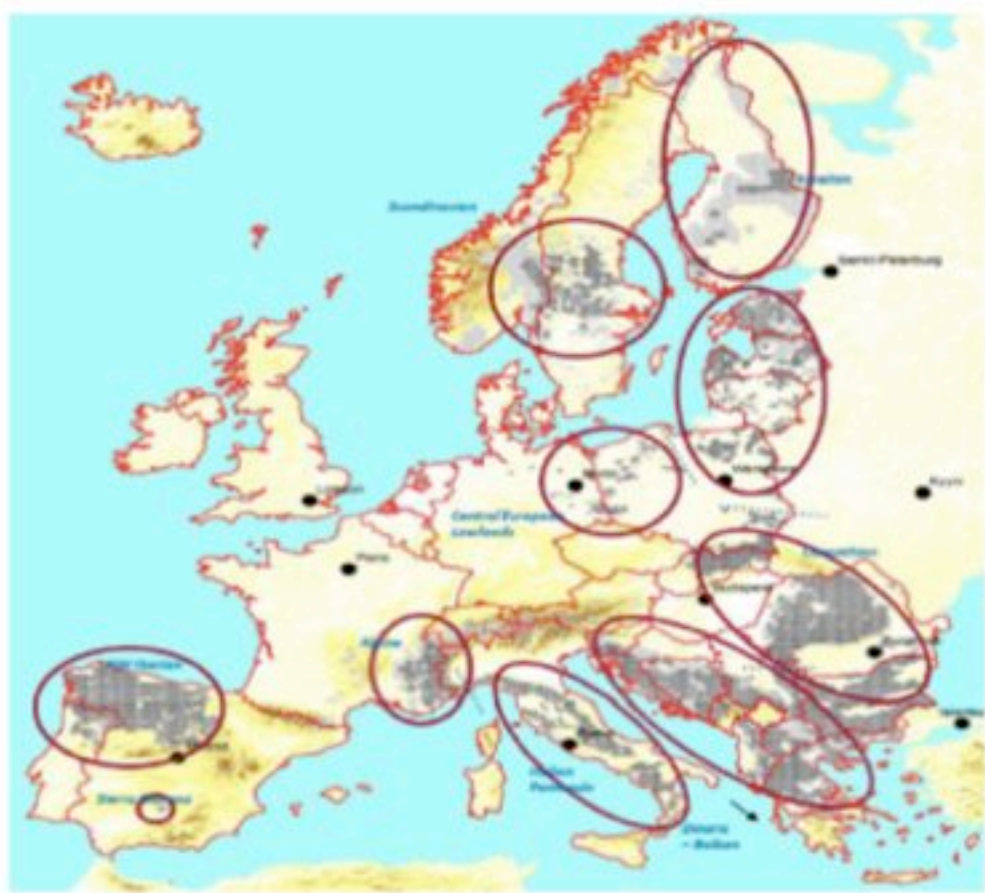
# MANAGING EUROPEAN LARGE CARNIVORES AT THE TRANSBOUNDARY POPULATION LEVEL:

## THE ADDED VALUE OF THE ALPINE CONVENTION AND CARPATHIAN CONVENTION REGIMES

### INTRODUCTION

Most European populations of brown bear (*Ursus arctos*), grey wolf (*Canis lupus*) and Eurasian lynx (*Lynx lynx*) are shared by two or more countries. It is widely accepted that conservation planning for these species should be adjusted to the biological unit of each population, rather than to international frontiers. Detailed criteria for such transboundary population level management (TPLM) are set out in the Guidelines for Population Level Management Plans for Large Carnivores (Carnivore Guidelines). I analyse the role of the applicable international legal framework as regards the implementation of TPLM. Chief instruments are the Bern Convention on European Wildlife Conservation and the EU Habitats Directive. For two sets of large carnivore populations, the Alpine and Carpathian ones, additional legal instruments are in place, that is the Alpine and Carpathian Conventions with their Protocols on biodiversity. Using the Carnivore Guidelines as benchmark, I assess to what degree each of the mountain regimes serves as a forum for operationalising TPLM. A comparison is made on these counts with populations that are only covered by the Habitats Directive and/or Bern Convention.

### TRANSBOUNDARY POPULATIONS



Grey Wolf - Canis Lupus (8/10)

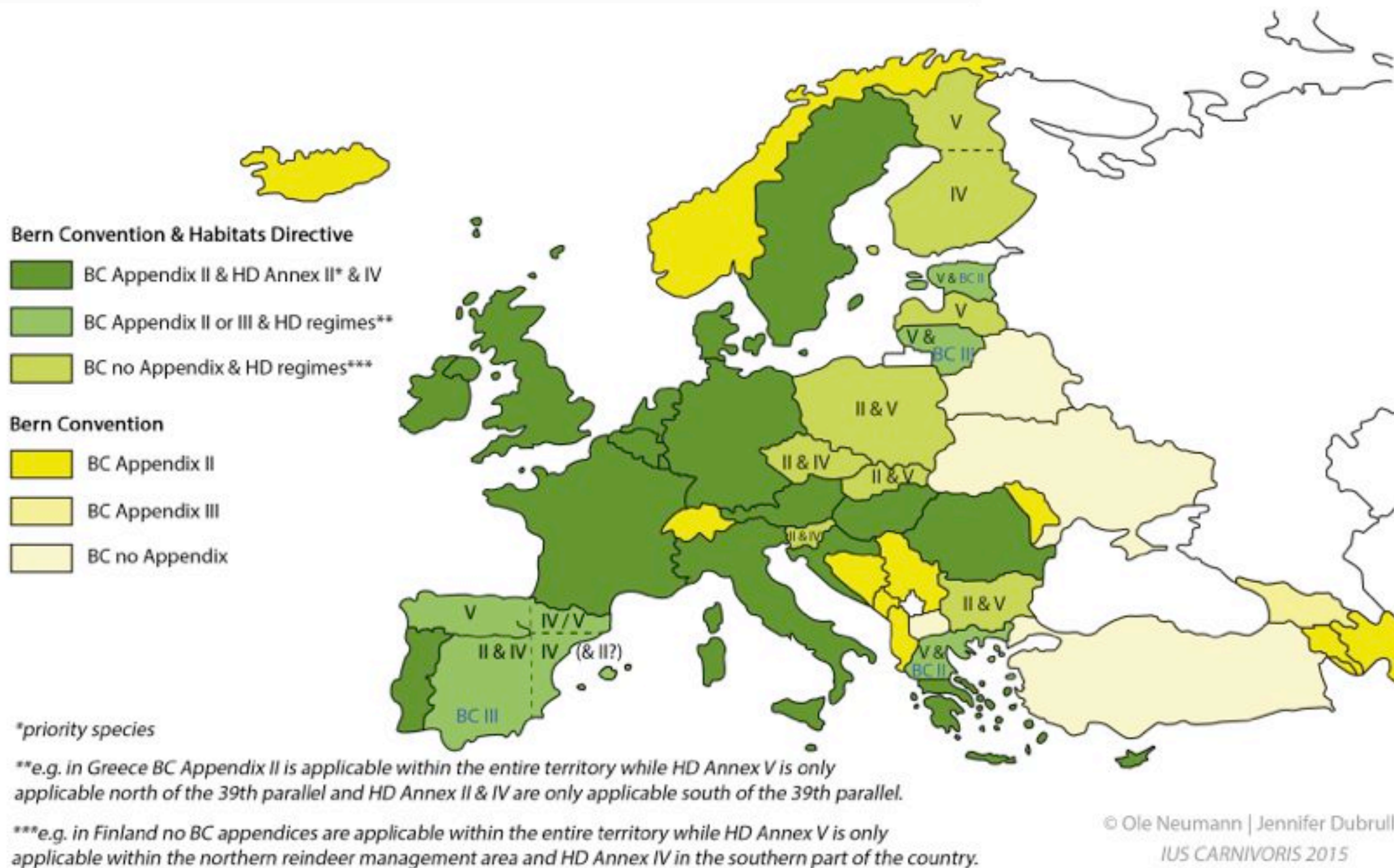
### THE ALPINE AND CARPATHIAN CONVENTION TO THE RESCUE?

Crucially, the geographic scope of the mountain regimes is not defined by state boundaries but coincides approximately with the occurrence of the carnivore populations.



### LEGAL FRAGMENTATION UNDER THE BERN CONVENTION AND HABITATS DIRECTIVE

#### Wolf Canis lupus - Bern Convention & Habitats Directive



**Bern Convention** - By default wolf populations are listed under Appendix II (strictly protected species). In Georgia, Lithuania and Spain wolves are listed under Appendix III (protected species). Belarus, Bulgaria, Czech Republic, Finland, Latvia, Macedonia, Poland, Slovakia, Slovenia, Turkey and Ukraine made reservations to the application of Appendix II.

**Habitats Directive** - By default wolf populations are listed under Annex II (area protection) and IV (strictly protected species). There are some notable exceptions: Bulgaria, Poland and Slovakia (Annex II & Annex V), Estonia, Latvia and Lithuania (only Annex V), Finland (not in annex II; wolves in reindeer husbandry zones in Annex V instead of IV), Greece (wolves north of 39th parallel only in annex V) and Spain (wolf north of river Duero not in Annex II and in Annex V).

**All Alpine wolves are listed under:**  
- Annex II and IV of the Habitats Directive with the exception of the non-EU microstates (Liechtenstein, Monaco) and the non-EU Member State Switzerland  
- Appendix II of the Bern Convention with the exception of Slovenia, for which no Appendix is applicable

**All Carpathian wolves are listed under:**  
- Annex II and IV of the Habitats Directive with the exception of Poland, Slovakia (Annex II & V applicable) and the non-EU Member States Serbia and Ukraine  
- Appendix II of the Bern Convention with the exception of Poland, Slovakia, Czech Republic, Serbia and Ukraine, for which no Appendix is applicable

### THE CARNIVORE GUIDELINES AS THE BENCHMARK FOR OPTIMAL TRANSBOUNDARY LARGE CARNIVORE MANAGEMENT

CRITERION 1 - A SHIFT OF FOCUS FROM THE MANAGEMENT AT THE NATIONAL LEVEL TO THE POPULATION LEVEL				
BERN CONVENTION		HABITATS DIRECTIVE		
Indications management at the population level				
Article 10 & 11 of the Bern Convention - Contracting Parties cooperate where this would enhance the effectiveness of required conservation measures		European Commission Guidance Document on Strict Protection - exceptions from the derogation of strict protection are evaluated at the population level		
Recommendation's adherence to the Carnivore Guidelines		European Commission's adherence to the Carnivore Guidelines		
Indications management at the national level				
2005 study on wolves - requires good conservation status must be maintained at the national level and at the population level		Intrinsic structure Habitats Directive - reporting on conservation status of species at the national level - favorable conservation status must be safeguarded at a minimum at the national level		
ALPINE & CARPATHIAN CONVENTION		ECJ does not grant Member States much leeway for relying on conservation efforts abroad, focusing rather on their own performance		
The mountain regimes require large carnivore management to be conducted at the population level.				

CRITERION 2 - THE DEVELOPMENT OF MANAGEMENT PLANS				
MANAGEMENT PLAN	BERN CONVENTION	HABITATS DIRECTIVE	ALPINE CONVENTION	CARPATHIAN CONVENTION
OBLIGATORY?	moral obligation	obligation of effort	obligatory	obligatory
DRAFTED BY	Contracting Parties	Member States	the Convention's Selected Partners	the Convention's Selected Partners

CRITERION 3 - DEVELOPMENT OF BEST MANAGEMENT PRACTICES	
BERN CONVENTION	HABITATS DIRECTIVE
<u>LEGALLY BINDING?</u>	<u>LEGALLY BINDING?</u>
No.	No.
<u>IMPLEMENTATION:</u>	<u>IMPLEMENTATION:</u>
Group of Experts on the Conservation of Large Carnivores in Europe Facilitation of TPLM (implementation by Contracting Parties)	EU Platform on Coexistence between People and Large Carnivores Facilitation of TPLM (terms of reference 2014) Selected Partner - LIFE programme
ALPINE CONVENTION	CARPATHIAN CONVENTION
<u>LEGALLY BINDING?</u>	<u>LEGALLY BINDING?</u>
Yes.	Yes.
<u>IMPLEMENTATION:</u>	<u>IMPLEMENTATION:</u>
Working Group Large Carnivores, Wild Ungulates and Society Platform (WISO) Facilitation of TPLM - common monitoring - common management measures for the entire Alpine region by 2016	Working Group on Conservation and Sustainable Use of Biological and Landscape Diversity Facilitation of TPLM - common monitoring - common management measures in transboundary pilot areas
Selected Partners - SCALP, Wolf Alpine Group, MALME, RowAlps, ALPARC,...	Selected Partners - BioREGIO Carpathians, CER1, S4C, CNPA, Platform on Ecological Connectivity,...

### CONCLUSIONS

Results indicate that, even if fully-fledged TPLM has not yet been achieved for any population, the two mountain regimes have distinct features that make them better equipped for achieving actual implementation of TPLM than the Bern Convention and Habitats Directive.

A first criterion of the Carnivore Guidelines requires a shift of focus from the management of transboundary populations on the national level to the population level. The drafters of the Bern Convention and the Habitats Directive focused obligations principally at the national level. Gradually measures were taken under both instruments to overcome this potential shortcoming by respectively adopting Recommendations (Bern Convention) and guidance (Habitats Directive) calling for TPLM. These instruments are not legally binding and therefore uncertainty remains whether population management must be carried out at the population level and/or at the national level. In contrast, the mountain regimes require large carnivore management to be conducted at the population level, through a combination of legally binding provisions and non-binding guidance, and the fact that the geographic scope of these regimes approximately coincides with the contours of the large carnivore populations concerned.

A second criterion requires the operationalization of TPLM through the development of management plans at the population level. The commitments to draw up TPLM plans enshrined in the Bern Convention's Recommendations are not legally binding. Whereas the Habitats Directive guidance requires TPLM plans to be drawn up this obligation is not binding either: it cannot be considered an obligation of result as a Member State cannot be held responsible for the failure to develop a management plan if one (or more) of its neighbours does not agree to develop such a plan. It is solely an obligation of effort. Conversely, for Contracting Parties of the mountain regimes stronger commitments apply regarding the development of transboundary management plans.

A third criterion of the Carnivore Guidelines requires that best management practices are developed and applied. The four international and European legal instruments under discussion set up structures to ensure actual implementation of TPLM. The Bern Convention's Group of Experts on the Conservation of Large Carnivores in Europe facilitates TPLM by monitoring Contracting Parties' implementation of this obligation. The terms of reference of the EU Platform on Coexistence between People and Large Carnivores provide that the Platform facilitates TPLM and the implementation of the LIFE programme, although this programme often attack threats at a local scale, might contribute to the population's viability too. The Carpathian Working Group on Conservation and Sustainable Use of Biological and Landscape Diversity develops common monitoring standards and BioREGIO Carpathians developed common management measures in transboundary pilot areas. The Alpine Working Group Large Carnivores, Wild Ungulates and Society Platform developed common monitoring standards and is expected to propose common management standards for the Alpine region by 2016.

DR. A. TROUWBORST

A.TROUWBORST@TILBURGUNIVERSITY.EDU

DR. F. FLEURKE

F.M.FLEURKE@TILBURGUNIVERSITY.EDU

J. DUBRULLE

J.S.V.DUBRULLE@TILBURGUNIVERSITY.EDU