

# **The Alpine Convention as an example of the role of non-governmental organisations (NGOs) in preparing an international agreement**

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*by*

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## **Preface**

Meetings of the official bodies of the Alpine Convention (Alpine Conference, Standing Committee, Working Groups) are attended not only by the delegations of the contracting parties but also by organisations with "observer status".

The following eleven organisations have official observer status with the Alpine Convention:

- ARGE ALP (Working Community of Alpine Regions, Central Alps)
- Alpe Adria (Working Community of Alpine Regions, Eastern Alps)
- COTRAO (Working Community of Alpine Regions, Western Alps)
- Arbeitsgemeinschaft der Alpenstädte (Working Community of Alpine Cities)
- AEM (Association des Elus de Montagne)
- FIANET (International Federation of National Associations of Cable Car Operators)
- Euromontana
- IUCN
- Club Arc Alpin CAA
- CIPRA (International Commission for the Protection of the Alps)
- ISCAR (International Scientific Committee for Alpine Research)

Not all of these observers are non-governmental organisations (NGOs).

## **The role of the NGOs**

The involvement of the NGOs in the Alpine Convention can be divided into the following three phases, with a degree of overlap between phases 2 and 3 in some cases:

1. First initiatives up to the drafting of the Convention  
(Elaboration of the basics, lobbying)
2. Drafting and ratification of the framework convention and the protocols  
(Specific proposals on content and wording, lobbying, information)
3. Implementation of the Convention  
(Information, model projects, networks, monitoring)

## **Phase I: First initiatives**

The initial proposal for a transnational agreement to be drawn up for the protection of the Alps came from CIPRA, the International Commission for the Protection of the Alps.

CIPRA is the oldest and biggest umbrella for non-governmental organisations in the Alpine space. The organisation was founded in 1952 and now has national agencies in all the countries of the Alps except for Monaco. About a hundred NGOs are affiliated to CIPRA. The secretariat is in Schaan, Liechtenstein.

The idea of an Alpine Convention is as old as CIPRA itself, that is fifty years. At the constitutive conference held in 1952 in Rottach-Egern am Tegernsee in Germany, the founding members of CIPRA defined the “*Creation of a cross-border Alpine Convention*” as one of the main goals of their work. The idea was not yet mature, however, and in the following decades CIPRA concentrated on organising conferences related to the subject.

A number of attempts to create transnational guidelines for the Alps remained mere declarations of intent, as in the case of the following:

- The Action Plan for the Alps drawn up in Trent, Italy in 1974 by the IUCN (International Union for the Conservation of Nature and Natural Resources)
- The Final Declaration of the Conference of Alpine Regions held in Lugano in 1978
- The Guideline for the Development and Protection of the Alpine Area produced by ARGE ALP (Working Community of Alpine Regions) in 1981

In 1986, Walter Danz and Fritz März as representatives of CIPRA Germany were encouraged by “a good glass of Franconian wine” enjoyed in Munich to revive the idea of a convention for the Alpine space as a binding agreement in international law. Their thinking was modelled on the North Sea Convention (Declaration on the Protection of the North Sea, 1984) and the Ramsar Convention (Convention on Wetlands of International Importance especially as Waterfowl Habitat, 1971).

On 7 February 1987, the Board of CIPRA International adopted a proposal submitted by CIPRA Germany to prepare an Alpine Convention and thus lay the foundation stone for common environmental policymaking in all the countries of the Alps. In July of the same year, CIPRA Germany submitted a first position paper on the Alpine Convention, and a process of hearings was initiated throughout the Alps.

At a meeting held on 13 March 1988 in Kochel, Germany, the Working Party of Alpine Socialists issued a Call for a Convention for the Protection of the Alps. Unlike CIPRA, however, the Alpine Socialists did not make any specific proposals for the text of such an agreement.

CIPRA’s original idea of developing an Alpine Convention through a low-level approach, i.e. via the regions, did not work out. CIPRA therefore decided to promote the need for an Alpine Convention at the national and European levels (EU). On 15 April 1988, the European Parliament unanimously approved a proposal to the Commission submitted by MEP Ursula Schliecher for a draft convention for the

protection of the Alpine space to be drawn up with the participation of CIPRA (who had in fact initiated the proposal).

On 24-25 June 1988, CIPRA and the German League for Nature and Environment (DNR) organised an international conference in Lindau on Lake Constance on the subject of "Environmental policy in the Alpine space". In retrospect Franz Speer of the German Alpine Club says: *"What subsequently proved to be crucial was the insistence of the Latin countries that the Alpine Convention should not have a purely conservation function. They were facing problems of depopulation and abandoned farmland whereas the countries of the northern Alps were witnessing a boom in tourism and new development projects. As a consequence, the formulation "Convention for the protection of the Alps" was replaced by the term "Alpine Convention"*. The Lindau conference generated a very positive response in the media.

In 1989, following a positive decision taken by the Council of Ministers of the Free State of Bavaria in January, Klaus Töpfer as German Minister of the Environment invited his fellow ministers in the other countries of the Alps to attend the first Alpine Conference. In advance of that conference, the CIPRA Annual Meeting approved a "Guideline for an Alpine Convention". At the first Alpine Conference, which was held in Berchtesgaden on 9 October 1989, the assembled Ministers of the Environment took up the proposals submitted by CIPRA and drafted a basic resolution comprising 89 articles. The ministers set up a working group of senior civil servants who were instructed to draft a framework convention on the basis of the Resolution of Berchtesgaden. Austria agreed to chair the Working Group and to organise a second Alpine Conference in 1991. On 7 November 1991 the great day came, and ministers of the Alpine countries Austria, France, Germany, Italy, Liechtenstein and Switzerland, and the Commissioner for the Environment at the EU signed the Convention on the Protection of the Alps. Slovenia and Monaco followed as parties to the agreement in 1993 and 1994 respectively.

**Conclusions from phase I:** In 1986 CIPRA International, as an NGO active throughout the Alpine region, revived the idea of an Alpine Convention. The initiative was successful because CIPRA did not restrict itself to making a general appeal to national governments. With CIPRA Germany leading the way, the organisation produced some well researched fundamental documents, based in part on polls conducted in the countries of the Alps. The reliable and very specific results of this work were translated and published in several languages of the Alps. A breakthrough was achieved at the conference in Lindau, which received the media coverage needed to generate greater public awareness for the subject. Political contacts and lobbying also proved decisive, in particular with members of the European Parliament and the Council of Europe, the Working Community of Alpine Regions (Arge Alp), the government of Bavaria and the German Minister of the Environment, who initiated the first Alpine Conference in Berchtesgaden in 1989.

## **Phase II: Drafting and ratification of the protocols**

The first draft protocols drawn up by the working groups of senior civil servants were disappointing, with provisions mainly representing the lowest common denominator among the contracting parties and formulated in very general terms with no binding force. Wherever a delegation had reservations about an article, an even vaguer formulation was substituted.

At its Annual Meeting in Schwangau in October 1992, CIPRA International confronted the senior civil servants with a comprehensive analysis of the weaknesses of the Alpine Convention process so far and made the following specific demands relating to form and content with the aim of getting the Alpine Convention back on track:

1. The countless discretionary provisions in the protocols must be replaced by binding formulations. The contracting parties are to enter into specific obligations and not make mere declarations of intent.
2. Instead of accepting the lowest common denominator, the protocols should be targeted at the highest standard applied by any one of the parties to the agreement with binding timelines for implementation by all parties.
3. The resident populations of the Alpine countries must be offered greater participation in the development of the Alpine Convention and more involvement in the decision-making processes.
4. A Permanent Secretariat as the driving force behind the protocols and implementation of the Convention is an urgent requirement.
5. A continuous flow of information throughout the Alps is needed in order to build a common Alpine awareness.
6. A rethink is required in European regional policy with regard to the Alps. Funding programmes based on ecological principles are a logical solution.

Today, ten years after the Schwangau meeting, these requirements are unfortunately just as urgent as ever.

In the run-up to the biennial Alpine Conferences, CIPRA has repeatedly drawn the attention of the ministers to the problems of working without a secretariat, problems which cannot be solved on the basis of the two-year terms of the rotating chair. In most cases a lot of time is wasted because it takes almost a year before a new chair can build up a functioning administration and resume actual work. This situation also caused year-long delays in harmonising the language of the various protocols, as there was no efficient administrative unit to handle the task. Moreover, until recently the convention texts were only available on the CIPRA website. Today, after more than ten years, the contracting parties intend to select a location for the Permanent Secretariat of the Alpine Convention at the seventh Alpine Conference in Merano.

CIPRA has been represented at all sessions of the Working Groups and the Standing Committee devoted to the texts for the protocols. In many cases CIPRA has tried – with reference to the goals formulated in the framework convention – to have more specific provisions incorporated in the texts.

As far as the Tourism Protocol is concerned, CIPRA has obviously not achieved its goal. FIANET, the International Federation of National Associations of Cable Car Operators, has been much more successful than CIPRA International with the result that no significant restrictions have been placed on non-ecological winter tourism

including helicopter tourism. CIPRA tried in vain to persuade the countries of the Alps to put an end to the international race to build more and more winter sport installations.

CIPRA has been more successful with the Energy Protocol. In 1996, when the Working Group presented a text based purely on a scenario of increasing energy production, the CIPRA representatives got up and left, slamming the door behind them. Thanks to the CIPRA protest, the Energy Protocol was renegotiated. CIPRA submitted its own draft protocol, which was the product of a text drawn up at a workshop in Turin followed by a round of internal consultations in all the countries of the Alps. Most of the concerns voiced by CIPRA subsequently found their way into the text of the protocol, albeit in diluted form: reduced levels of greenhouse gases such as CO<sub>2</sub>, introduction of the principle of true costs in the field of energy, protection and/or rehabilitation of aquatic ecosystems, protection of drinking water, and nature and landscape protection areas, improvements to overhead electric transmission lines to protect birdlife, priority for energy conservation, and promotion of renewable energies. A ban on nuclear power and large-scale industrial plants in the Alpine space were the only proposals made by CIPRA that did not find their way into the Energy Protocol. All in all, CIPRA's protest and commitment to the subject can be said to have paid off.

In the case of the Transport Protocol, too, CIPRA consistently urged the contracting parties not to lose sight of the goals of the framework convention, namely to reduce the hazards and impacts of traffic in general. In this context CIPRA made a number of specific proposals to terminate the years of dispute relating to the primary road network in the Alps. Whereas Germany and Italy wanted to have all options left open, Austria called for a ban on the construction of new motorways through the Alps. The proposals made by CIPRA to ensure a real reduction in the impacts of traffic on the environment and resident populations on the transit routes were in vain. One of the suggestions was for a Working Group of the Alpine Regions to be established and mandated to draw up an acceptable text. CIPRA also submitted its own draft text for the Transport Protocol in 1996. Unfortunately no meetings of the Working Group were held and the whole Alpine Convention process seemed to be in jeopardy. In the following two years CIPRA tried to persuade the contracting parties to resume negotiations on the Transport Protocol. To this end representatives of Austrian NGOs (Transitforum, Austrian Alpine Club, CIPRA) travelled to Bonn and managed to persuade the German delegation to resume talks. Liechtenstein took over the chair of the Working Group, and within a very short period of time a viable text was produced. Only the old question of the construction of new primary roads could not be solved. CIPRA continued to work behind the scenes for as restrictive a text as possible. At the end of March 2000, the Standing Committee finally managed to agree on a text that everyone felt they could live with. The formulation provides for a ban on the construction of new transalpine primary roads, but permits the construction of primary roads for domestic Alpine traffic as long as the risk/benefit analysis is positive and no alternatives exist or can be created for transport by rail or waterway. In the summer of 2000 the Transport Protocol was again called into question in Italy and in Austria. Thanks to the efforts and powers of persuasion of CIPRA Austria, CIPRA Italy and the Austrian Alpine Club, it was possible to get everyone to toe the line. But at the sixth Alpine Conference on 31 October 2000 in Lucerne, it was again touch and go whether the protocol would be signed. Thanks to the skilful chairmanship of the Swiss and some diplomacy on the part of CIPRA, this hurdle was finally taken, too.

For years, CIPRA has been appealing to the Alpine Conference and the Standing Committee to recognise the need for a Population and Culture Protocol to ensure that the Alpine Convention addresses not only the economic and ecological problems but also socio-cultural aspects. The national governments unfortunately resisted the proposal. For that reason CIPRA organised a conference on the subject in 1999 and also produced a compendium of relevant materials and a position paper. It is still unclear whether the ministers will finally agree to establish a working group to prepare a text for this much needed protocol at the seventh Alpine Conference in November 2002.

**Conclusions from phase II:** CIPRA has tried – with varying degrees of success – to influence the texts proposed for the protocols. To this end CIPRA has supplied the delegations with specific proposals in all four languages of the Alpine Convention. Although many of the points raised by CIPRA have been accepted, they have been incorporated in overly discretionary language. When the Alpine Convention process threatened to collapse altogether because of the Transport Protocol, CIPRA was not content to merely admonish the parties and propose alternative formulations; CIPRA made direct contact with the various delegations and was thus able to prepare the ground for fresh negotiations and ultimately for a viable solution. The media releases produced by CIPRA met with little response due to a lack of interest in the Alpine Convention on the part of the general public in most of the countries.

### **Phase III: Implementation of the Alpine Convention and the protocols**

At the third Alpine Conference, which was held in Chambéry in December 1994, CIPRA presented a first specific **plan of action**. This was done because CIPRA felt implementation of the Alpine Convention could not begin early enough. Only when the Alpine Convention has a positive impact on the daily lives of the people living in the Alps will it become a significant tool for protection and sustainable development there.

In 1996 CIPRA submitted a revised **plan of action**. The plan provided for two specific measures for each protocol that were either of the greatest urgency or capable of rapid implementation. They included measures to preserve biodiversity in the mountain environment, to strengthen regional economic circulation and to reduce the volume of car traffic in tourism resorts. CIPRA also proposed the creation of an Alpine Convention Seal of Approval and regular publication of positive and negative examples in the form of a White Paper and a Black List. A corresponding section was created in the “CIPRA Info” newsletter. In many of the model projects developed and also in the fight against destructive plans, member organisations of CIPRA play a key part at the local level.

Implementation of the Alpine Convention is not a top-down activity for the ministries but a bottom-up activity for the local communities and regions. For that reason CIPRA, in co-operation with the Alpine Research Institute (AFI) in Garmisch-Partenkirchen, launched **Alliance in the Alps** as a pilot project with 27 Alpine communities in 1996. The Alliance in the Alps network gave the communities an opportunity to adopt specific measures as a trial implementation of the Alpine Convention and its protocols. In this context they perform a specially developed eco-audit and select two main fields of action in which they wish to make a special effort

to improve. At the same time the network is a platform for knowledge sharing so that the participating communities can learn from each other and generate synergies. In the follow-up to the CIPRA conference on the role of the local authorities in the Alps that was held in Bovec, Slovenia in autumn 1997, the communities formed a association and invited other local authorities to join. In the meantime a total of 140 local authorities are affiliated to the network.

As the Alpine Convention was concluded as an international agreement at government level, public awareness was minimal. In 1993/94 CIPRA organised an information campaign on the subject of the Alpine Convention throughout the Alps in order to draw attention to the significance of the Convention for the individual regions of the Alps and for Europe as a whole and to generate acceptance and encourage active involvement on the part of the general public. The work on the campaign, which was financed largely out of EU funds, covered the following main items:

- Organisation of national and international media conferences
- Production and distribution of a mass-circulation newssheet with ten regional editions in the four languages of the Alpine Convention
- Proposing and contributing to special supplements on the “Alps as a Living Space” in leading dailies, namely “Süddeutsche Zeitung” (D), “Tages-Anzeiger” (CH), “Dolomiten-Zeitung” (I) and “Der Standard” (A)
- Regular media work for radio, television and the press
- Development of a media programme for the future

The information campaign showed that transnational PR work for the Alpine space is feasible. The campaign brought a huge number of people into contact with the Alpine Convention for the first time and thus made a significant contribution to raising public awareness of the Convention. On the other hand, it quickly became clear to all concerned that a one-off information offering could not do justice to the complexity of the subject. Unfortunately there were no funds available to follow up with a continuous broad-based information effort throughout the Alpine area. With the exception of Austria, the agents and contracting parties of the Alpine Convention completely neglected all public relations work for many years.

CIPRA International, with its limited finances, has been able to fill the information gap to some extent. The organisation has worked on a regular basis to process information and commentaries on the Alpine Convention and disseminate them via the channels it has at its disposal such as the quarterly newsletter “CIPRA info” and the CIPRA website. The texts of the protocols in all four languages of the Alpine Convention are still only available on the website of CIPRA International. Since March 2002 CIPRA has also been publishing a weekly electronic newsletter by the name of “www.alpmedia.net”, again in four languages plus a monthly summary in English. Subscription to the newsletter is free.

In 1994 Austria established an Alpine Convention office with a clear mandate in terms of communications work, the only country to have done so to date. The office was not conceived as a kind of advertising agency for the Alpine Convention but as a clearing house for relevant information. At first the main activity at the Austrian office was publication of a quarterly newsletter plus regular media releases and the organisation of conferences for opinion-leaders. Later, more and more people and groups with specific concerns started contacting the Convention office for help and advice.

**Conclusions from phase III:** The most important initiatives for implementation of the Alpine Convention, namely the creation of Alliance in the Alps as a community network, were taken by the NGOs. At an early stage already, CIPRA presented specific action plans which not only made demands of the authorities at all levels but also formulated the contributions to be made by the NGOs to solve the various problems. A further key contribution made by the NGOs has been to maintain a regular supply of well researched information on the subject of the Alpine Convention. This work, which is fundamental to acceptance of the agreement and participation on the part of the general public, is something that all the contracting parties except Austria (and Liechtenstein through its great financial support of CIPRA) have so far grossly neglected.

## **Summary**

In the middle of the 1980s, the NGOs took the initiative to draw up an Alpine Convention.

They urged the contracting parties to produce protocol texts with more demanding targets and more binding provisions. Their success was limited.

In the mid-1990s, the NGOs launched the first pan-alpine implementation projects in the framework of the Alpine Convention in the form of a local community network called Alliance in the Alps. No comparable initiatives were taken at government level with the exception of the Alpine Network of Protected Areas.

When the Alpine Convention process was stymied over the subject of transport policy in the middle of the 1990s, it was the NGOs who found a way round the dichotomy and with the help of shuttle diplomacy prepared the ground for a resumption of negotiations.

Only the NGOs have so far provided a regular supply of information throughout the Alps on the importance of the Alpine Convention. In doing so they have brought home the message of the Alpine Convention to wide sectors of the general public.

In short, without the NGOs the Alpine Convention process would never have got off the ground, and if it had it would have collapsed long since or would have maintained an ethereal existence at a far remove from the everyday problems of the people living in the Alps.

The strong commitment shown by CIPRA to an international agreement is not without its dangers, however. The NGOs risk being instrumentalised by the authorities, i.e. the longer the process lasts the more likely they are to find themselves saddled with tasks, such as public relations, that are properly the responsibility of the state. Close involvement with and financial reliance on national governments can lead to a process of domestication (voluntary censorship) and dependency. And finally, it sometimes happens that the general public identifies the NGOs fully with an agreement which they support in terms of its general thrust but reject with regard to many of the details. To that extent, support for an international agreement on the part of the NGOs is something of a tightrope act. As hardy mountain people ourselves, we are aware of the various risks that can lead to a fall. The danger of a serious accident is our constant companion.