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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE AND NATURAL HABITATS

Standing Committee

35th meeting Strasbourg, 1-4 December 2015

REPORT ON THE ADVISORY VISIT AND STAKEHOLDERS' SEMINAR TO THE POLONINY NATIONAL PARK

16-17 September 2015

Document prepared by Robert Brunner

Introduction

The National Park Poloniny (further NP Poloniny) was awarded the European Diploma (ED) in 1998. Renewals in 2003, 2008 and 2013 were aligned with various conditions and recommendations, which have only been partly implemented by the diploma-holding authorities during the last 17 years. In summer 2015 the Council of Europe was invited to join a field trip together with a UNESCO World Heritage evaluation to the National Park Poloniny on 16 September 2015 and to participate in a stakeholders' seminar in Snina on 17 September 2015.

The expert's visit in September 2015 was not intended to be a regular appraisal visit, but an advisory one building on the reports of earlier appraisals and the discussions in various meetings at the Council of Europe. The report aims to reconsider all measures proposed by the Slovak authorities to perpetuate the ED at least for the full period, beside the fact that the Group of Specialists twice recommended the withdrawal of the ED.

The programme of the advisory visit and the seminar is included in the annex.

I would like to thank the Ministry of Environment of the Slovak Republic, namely State Secretary Mr. Ján Ilávsky, the Poloniny National Park administration, the State Nature Conservancy of the Slovak republic, Mr. Michal Adamec, and all other participants who made the visit possible, and shared their experience and knowledge.

INITIAL SITUATION

The various steps from the award to the latest discussion on the NP Poloniny case can be summarised as follows:

- 1998 Award of the ED to NP Poloniny by the Committee of Ministers (18 Sept.);
- 2003 First renewal of the ED by the Committee of Ministers (28 May) with conditions;
- 2008 Second renewal of the ED by the Committee of Ministers (2 July) with conditions;
- 2012 Third renewal (without appraisal) by the Committee of Ministers (20 June);
- 2012 Extraordinary on-the-spot appraisal (8 to 11 October);
- 2013 Opinion of the Group of Specialists to urge the Slovak authorities to fulfill the conditions; otherwise the Council to withdraw the ED;
- 2015 Group of Specialists proposes the withdrawal of the ED (4 May).

The reason why the expert's visit to NP Poloniny was not a full appraisal, but an advisory visit was that after the proposal of the Group of Specialists to withdraw the ED¹ before the end of the period, the Ministry of Environment of the Slovak Republic presented a progress report² on the fulfilment of Resolution (2012)19³ concerning the latest renewal of the ED for the NP Poloniny. Shortly after the 2012⁴ renewal, an extraordinary appraisal was carried out in October 2012, which concluded with a number of conditions and a timetable for further steps, but also stressing the urgent need for immediate action. ⁵

¹ Council of Europe, T-PVS/DE (2015)09, 4 May 2015

² Council of Europe, T-PVS/DE (2015)15, 7 September 2015

³ Council of Europe, Resolution CM/ResDip (2012)19, 20 June 2012

⁴ The renewal for the period 2013-2018 was adopted by the Committee of Ministers with the same conditions and recommendations as in 2008, following the revised regulations for the ED of 2008 (CM Res/Dip(2008)3). No appraisal carried out.

⁵ Council of Europe, T-PVS/DE 2013(5), 27 February 2013

After the award of the ED in 1998 (Resolution (98) 26) the first renewal in 2003 (Resolution ResDip(2003)2) mentioned five conditions, and the renewal 2008 (Resolution CM/ResDip(2008)3) again contained five conditions, which were fully repeated⁶ in the renewal 2013 (Resolution CM/ResDip(2012)19).

The extraordinary appraisal in October 2012 aimed to "analyse the difficulties encountered to implement the conditions and recommendations laid out in the 2012 renewal."

According to the last appraisal in 2012 the Group of Specialists, in its meeting in March 2013, expressed the opinion that it "strongly advises, if the necessary measures are not taken within the period allocated (note: according to the expert's appraisal), that the Standing Committee recommends the withdrawal of the ED before the end of its period of validity."

Finally, in its meeting in March 2015 the Group of Specialists proposed to the Standing Committee the withdrawal of the ED awarded to the NP Poloniny since no action had been taken by the responsible authorities.

With this in mind the concerned authorities of the Slovak Republic delivered a progress report and invited the Council of Europe to participate in a UNESCO World Heritage evaluation.

The annual reports 2013 and 2014 on the ED have been considered.

TERMINOLOGY

Recently, the competent authorities of the Slovak Republic decided to categorise the NP Poloniny⁹ as a Category V protected area following the category system of the International Union for Conservation of Nature (IUCN). It is therefore important to take a closer look at this category system as it has consequences on the management of the respective protected area and the intensity of (sustainable) use of natural resources. This is also important as the chosen category and the associated management have to be assessed in line with the conditions and principles of the ED.

Protected area – IUCN definition

A protected area is a clearly defined geographical space, recognised, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values.¹⁰

Only those areas where the main objective is to conserve nature can be considered as protected areas. Protected areas should aim to maintain or ideally increase the degree of naturalness.

 $Category\ V-Protected\ landscape/seascape-IUCN\ definition^{11}$

Protected landscapes are areas where the interaction of people and nature over time has produced an area of distinct character with significant ecological, biological, cultural and scenic value; and where safeguarding the integrity of this interaction is vital to protecting and sustaining the area and its associated nature conservation and other values.

The primary objective of protected landscapes is "to protect and sustain important landscapes/ seascapes and the associated nature conservation and other values created by interactions with humans through traditional management practices." ^{12,13}

⁶ It was the first time that no appraisal took place according the revised regulations for the ED of 2008

⁷ LETHIER Hervé, On the spot appraisal Poloniny NP, October 2012, T-PVS/DE (2013)5

⁸ Adopted by the Group of Specialists at its meeting on 26th March 2013

⁹ The terminus National Park is defined by national law and not necessarily in coincidence with the IUCN terminology

¹⁰ DUDLEY, N. (Editor) (2008), Guidelines for Applying Protected Area Management Categories. Gland, Switzerland: IUCN, p. 8

¹¹ DUDLEY (2008), p. 20f.

¹² DUDLEY (2008), p. 20

¹³ A minimum of 75 % of the area have to be managed according to the primary objective

Other objectives mentioned by IUCN are inter alia to provide conservation opportunities in heavily used landscapes; to provide opportunities for enjoyment and well-being; to provide natural products and ecosystem services; and to act as model for sustainability.

Even if/Although Category V – Protected landscape might fit the NP Poloniny better than Category II – National Park, the above-mentioned objectives have to be reflected in a management plan, which is still an important issue.

THE APPLICATION AND AWARD 1998

The relevant conclusions of the evaluation carried out after the application in 1997 by Mr. Ch. Zimmer¹⁴ can be summarised as follows:¹⁵

- Draw up a development plan for the NP Poloniny on the basis of the MAB plan;
- Make available sufficient financial and human resources;
- Increase the area of forest reserves and other forests returning towards primeval forests;
- Draw up a strategy and specific development plan defining the different categories of forest and their management taking account of the maintenance or restoration of natural associations and habitats;
- Restore the forests that were clear-cut;
- Pay particular attention to the ecosystem of watercourses, especially their fish and invertebrate fauna.

The Secretariat added inter alia that:

- The upgrade as National Park might guarantee a higher level of protection;
- The authorities responsible for the park should play more than an advisory role in the management of hunting.

Comment:

The expectation that the upgrading of the landscape protected area might intensify the efforts to increase the quality of protection was not realised. No strategy was ever implemented to make the area a national park of IUCN Category II. With the recent decision to classify the area as a protected landscape of IUCN cat. V, it is confirmed that the stricter regulations for cat. II will not apply.

But it can also be stated that there is no evidence in the various documents that the Slovak authorities ever promised to implement the stricter regulations of a national park in terms of IUCN, or even thought about it. However, even under the criteria for protected areas in Category V, human interventions should be limited, and according to the ED criteria, forestry and other forms of intervention should be restricted.

With regard to the conclusions of 1998 and later appraisals, the authorities failed to provide a management plan (development plan). A forestry plan of 2000 was criticised during the 2003 appraisal, and the recommendations to increase forest reserves and restore clear-cut areas were hardly ever considered despite some reforestations and natural succession.

THE RECENT STATUS

With the decision of the Slovak authorities to categorise the NP Poloniny as protected landscape, it seems to be consequential to use group B of the ED criteria for the evaluation, namely:

B. The objective of the protected area is to preserve biological and landscape diversity, together with harmonious and sustainable development of socio-economic and educational functions.

¹⁴ Council of Europe (1998), Východné Karpaty Landscape protected area, Evaluation report by Ch. Zimmer, PE-S-DE(98)64

¹⁵ The awarding document 1998 does not contain conditions but only recommendations

Furthermore, the applicant area has to meet inter alia the following criteria:

- permanent human occupation and socio-economic activities must be conceived in such a way as to uphold the principles of sustainable development; they must not damage the integrity of the natural and cultural values of the protected area;
- hunting and fishing may be tolerated providing that it is subject to a strict regulation to avoid weakening the animal population.

As the advisory visit was not meant to verify all improvements since the last appraisal on the spot because of the limited time frame, the report has to lean on the appraisal of October 2012, the progress report of the Slovak Ministry of Environment, the annual ED report of 2013 and the presentations during the visit. The five conditions of 2008, extended in 2012 until 2018, were reviewed by the Council of Europe expert in 2012.

Condition 1 - Finalise and adopt the management plan of the park within two years of the renewal

Bearing in mind the recent period of the ED, the management should have been adopted latest by 18 September 2015. As per the conditions of prior renewals (2003 resp. 2008), the management plan should have been in place by 2010 at the latest.

Yet the management plan is still only a draft and subject to further discussions. According to the Poloniny¹⁷ road map it will not be officially adopted before April 2016, provided that the ongoing discussions will be completed in due time and no major changes will be made.

As a revised version of the management plan incorporating the results of the discussions with stakeholders will not be available before December 2015, only a draft version can be evaluated at present. During the advisory visit and the seminar in Snina in September 2015, it became clear that representatives of communities as well as of landowners' associations are still opposing restrictions deriving from the national park partly for financial reasons.

The draft follows the general guidelines for management plans of protected areas in Slovakia. It includes a very detailed and broad description of habitats, species and historical facts. The draft management plan does not contain a general vision on the future development of the area, which would allow evaluating the intended further development. A table of proposed measures is attached to the draft document, even if the very general and generous time frames (e.g. "2015 to 2025" or "continuous") allows a rather broad interpretation. For example goal F.1.1. -Increasing the core World Natural Heritage area by 405 ha is timely unlimited ("continuous"), F.1.8 - A change in management framework guidelines is also described as a continuous task, which can be interpreted as open to various interests and permanently under discussion. But it should also be noted that the draft contains criteria to measure the achievement of the objectives.

To summarise condition 1, it can be said that the condition was not fulfilled within a proposed timeframe. The management plan is still a draft and subject to change, which does not guarantee to meet all requirements of the ED. An additional evaluation of the final version of the management plan would be necessary before the official adoption in spring 2016.

Condition 2 – Start working on devising a blueprint for forestry and hunting management in the diploma-holding area, taking greater account of the biological imperatives dedicated by its European significance, within one year of the renewal.

Again, the set time limit has been exceeded.

Forestry: Under the new nature protection law and the categorisation of protected areas in Slovakia according to the IUCN category system, the NP Poloniny is classified as Category V – Landscape protected area. Nevertheless, protected areas have to follow various principles. One of these general principles is that protected areas must prevent, or eliminate where necessary, any exploitation or management practise that

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¹⁶ Depending, that the current period for the ED runs from 18 September 2013 to 18 September 2018

¹⁷ Document provided by Státna ochrana prírody Slovenskej Republiky (sopr) – www.sopsr.sk

will be harmful to the objectives of the designation. ¹⁸ According to the IUCN definition this would mean stopping all human interventions unless they are sustainable, traditional and in balance with the landscape and the people. To be fair these principles and criteria have to be interpreted according to the local situation, but it still has to be secured that the protected area is not subject to commercial exploitation. This corresponds to the criteria of the ED as declared under specific criteria (B), saying that all activities must be conceived in such a way as to uphold the principles of sustainable development; the must not damage the integrity of the natural values of the protected area. ¹⁹

According to the progress report, the whole Poloniny area is protected by the third level of protection or higher, ²⁰ and clear-cuttings are not permitted in the NP. The Ministry of Environment of the Slovak Republic confirmed that in general exceptions from these regulations are possible, but do not apply in the NP Poloniny.

The annual logging in the area, managed by a state owned company, is approx. 112.000 m³ compared to approx. 193.000 m³ annual growth. The area of commercially exploited forests increased slightly by 234 ha to 17.985 ha (which is +0.78 %), whereas the protected forest was reduced by 113 ha (or -0.42 %). During the visit participants could see that logging was ongoing, woodland was covered with shrubs where logging took place several years ago. The area is under the 5th level of protection, which is the highest category, covers only about 7 % of the NP Poloniny.

As the advisory visit was not aiming to evaluate the present natural condition, this report refers to the broader appraisal of October 2012. Two maps in the extraordinary appraisal report show a remarkable enlargement of the productive zone where intensive logging is allowed.²¹ More recent maps are not available. Even if clear-cutting is not permitted in the NP Poloniny, interventions in the forest are still intensive and can be seen in contradiction to the purpose of the designation of the area. The adoption of selective felling methods and other nature-friendly management practices were confirmed, but commissioned only in July 2015.²² So no results could be shown. Nature-friendly management has been proposed, but is still under discussion.

Although some improvements can be expected according to the progress report, a stricter protection seems to be necessary. Logging areas can be found anywhere except in the strict protected areas. As already mentioned in the 2012 appraisal, preservation of forests in a more sustainable and protective way still needs to be improved.

Hunting: The specific criteria for the ED (B 3) stipulate that hunting and fishing may be tolerated providing that they are subject to strict regulation to avoid weakening the animal population, whereas the IUCN management criteria do not envisage any intervention except for the purpose of nature protection.

In general, hunting is permitted within the NP Poloniny according to a large-scale game management, which is obligatory. As the management plan mentions, hunting has a significant impact on the animal population, which is however administered separately from the goals of nature protection.²³ This seems to be a crucial point. Although a hunting board has been established that coordinates the management, and in which the NP Poloniny administration is involved, hunting is still in contradiction to the objectives of the NP.

Hunting management inter alia allows feeding in winter. Usually strict protected areas should preserve wildlife under natural conditions. Feeding is probably carried out to avoid browsing damage to the forest for economic reasons, but not necessarily for the survival of game species.

¹⁸ DUDLEY, N. (2008), p. 10

¹⁹ Criteria for the award of the European Diploma for protected areas

²⁰ According to the Law, there are five categories of protection with the 5th level as the strictest level.

²¹ See maps in Council of Europe, T-PVS/DE 2013(5), 27 February 2013

²² Council of Europe, Progress report 2015, T-PVS/DE (2015)13, p. 4

²³ Poloniny National Park Management Plan (draft), p. 49

Although there is a statement to "make the management interests of hunting subordinate to conservation interests and the improvement of natural assets, and ensure provisions are made for the specific function of Poloniny NP in the practising of hunting rights,"²⁴ this intention is still very general and neither mentions the instruments nor the hunting methods to achieve that principle. So far, no measures have been defined to reach the management plan's objectives. The designation of (large) areas, where hunting and possibly fishing are totally banned should be taken into consideration.

Summarising condition 2, it can be said that some progress was made, but the condition is not fully implemented. The hunting management does neither fully consider the management criteria of IUCN nor the specific criteria of the ED. Regarding the size of the hunting units, a revision might be useful, but should be valued as a recommendation rather than a condition.

Condition 3 - create a functional network of protected areas during the next period of validity, meeting international standards in this area and complying with the national Law on Nature and Landscape Protection (notably sections 28 and 30)

Several attempts were made to establish such a network, but with limited success. The next one will be the adoption of the nature reserve Borsukov Vrch, though definitely not before February 2016. Further extensions are still subject to discussion with landowners, for which the new possibilities to buy or lease land can be helpful, although no significant progress has been made. A network of protected areas along the border to Poland has been established, but it is rather small. This topic was also discussed with the UNESCO World Heritage programme as the site is part of the bilateral World Heritage jointly with Ukraine and is subject to further extensions.

Summarising condition 3, it can be noted that some progress has been made, but with significant delay with regard to the expectations.

Condition 4 – pursue the steps taken to purchase private forests and draw up a future purchasing plan with specific objectives, indicating the funding to be assigned to this purpose each year

Progress has been made. An amendment to the law enables the authorities to act, but depending on the will of landowners. It is up to the authorities to enforce negotiations. According to the progress report new instruments were defined by law in 2014 to either lease, purchase or exchange privately-owned land in the area. This important progress was reported to the Council of Europe via the annual report sent for 2014.

Condition 5 – set up a scientific programme inventorying and monitoring the large carnivore populations in the diploma-holding area

The draft management plan includes a very ambitious research programme, but of course with an expanded time frame. Some topics are already elaborated or at the final stage. However some programmes are running rather late.

Recommendations

Although recommendations are not binding, they provide ideas for improving the quality of the management. Out of the seven recommendations, no. 1, 4, 5 and 7 seem to be relevant for further decisions on the ED.

Recommendation 1 advises to give the management of the site greater responsibility in forestry and hunting matters. Although an inter-ministerial agreement was signed earlier in 2015 between the Ministry for Environment and the Ministry for Agriculture on the fulfilment of obligations related to UNESCO World Heritage, the responsibilities of the local site management can still be extended. More competencies are in the hands of the State Nature Conservancy.

²⁵ Council of Europe, Progress report 2015, T-PVS/DE (2015)13, p. 5

²⁴ Poloniny National Park Management Plan (draft), p. 58

Recommendation 4, to give full protection to wolves and ban shooting throughout the area of NP Poloniny, has been fulfilled, but only since 2014.²⁶

Recommendation 5, to strongly consider the designation of a hunting district within the park as a strict cynegetic reserve, might be worth discussing further. As laid out in the progress report, the Slovak authorities assess the hunting management in compliance with the national legislation. From the expert's point of view, it would be worth re-evaluating that point and making it a condition rather than a recommendation.

Recommendation 7, to start experimenting with the selective felling of beech forest in a state-owned woodland unit, shall be implemented after further discussions with forest owners. The proposal was prepared only in August 2015. The implementation should start immediately.

General conditions

Finally it should be mentioned that the regulations for the ED also encompass general obligations for diploma-holding areas.

According to Council Resolution CM/ResDip(2008)1, Article 6 (4), the ED-holding organisation or authority is obliged to use the logo of the ED on signposts, on publications and in visitors' buildings to raise awareness for the ED, and to record the reasons for awarding the resp. area. During the advisory visit no evidence of the logo could be found.

With regard to raising awareness for the ED the NP Poloniny should be committed to make a broader use of the logo on the websites of their respective areas and for common presentations as well as in new brochures, maps and leaflets to be published in the future, and whenever possible in visitor centres together with an explanation of the reasons for awarding the ED e.g. a link to the Council of Europe ED website.

CONCLUSIONS

As can be understood from various appraisal documents, most of the conditions dictated with the renewals of the ED in previous years were not fulfilled despite urgent requests from the Council of Europe. Additionally, annual reports were not delivered thoroughly.

A progress report explaining the recent status, outlining the problems encountered in implementing the conditions in due time, and describing further steps was delivered by the Ministry for Environment of the Slovak Republic only after an insistent warning in the proposal brought forward by the Group of Specialists in March 2015.

It is hardly comprehensible that, according to the progress report, various steps which are now being discussed were not brought forward earlier.

Except for strict protected areas, covering only approx. 7 % of the total area, the site is subject to major human interventions and the role of the NP Poloniny administrations is rather weak compared with the interests of the forest administration.

Along with the latest five conditions proposed in 2013 building upon the extraordinary appraisal of 2012, the fulfilment of the conditions is still not guaranteed or cannot be fully expected within a reasonable time limit.

Condition 1 – Management plan

A first version of a management plan has been drafted, but is still under discussion and subject to change. The future management is laid out in a very general form with an extended time frame. Measures, methods and instruments are not always described explicitly. The final version of the management plan cannot be expected before April 2016 and would require an additional evaluation.

Condition 2 – Forestry and game management

²⁶ Council of Europe, Progress report 2015, T-PVS/DE (2015)13, p. 8

There is some doubt about whether the ongoing logging and the hunting regime are compatible with a protected area and the ED. Selective felling methods are still under discussion and hunting rights cannot be fully controlled by the national park administration.

Condition 3 – Functional network of protected areas

Some progress can be seen, but additional discussions are needed. This point could also be seen in connection with the UNESCO World Heritage site, and a similar and ongoing discussion about the protection of the primeval forest.

Condition 4 – Steps towards purchasing or leasing private land

The main progress was made in line with condition 4. Legal regulations are now implemented, but of course further steps depend on the goodwill of landowners.

Condition 5 – Scientific inventorying and monitoring programme

Some research studies are completed or at least ongoing. The drafted management plan also contains a very ambitious programme to be carried out in the coming years.

Even when considering the steps forward recently taken to adapt new provisions in order to increase the protection of the NP Poloniny, and recognising the efforts made to safeguard the protected area in line with international agreements and the criteria of the ED, it should be noted that:

- The necessary steps to fulfil the conditions imposed in the renewal of the ED are still substantial;
- At present a successful and complete implementation cannot be guaranteed;
- The time needed to implement all proposed regulations and conditions to meet the requirements cannot be estimated.

It is therefore recommended to continue the process of withdrawing the European Diploma from the National Park Poloniny.

ANNEX: PROGRAMME OF THE ADVISORY VISIT

15 September 2015 Arrival at Snina
First meeting with the World Heritage experts

16 September 2015 Field trip to the NP Poloniny
Meeting with majors, representatives of the forest agency, the NP Poloniny and the border police

Visit to the water reservoir and meeting with landowners

Dinner and discussion about the problems concerning World Heritage and European Diploma

17 September 2015 Seminar (the proposed programme was slightly changed) – see below

18 September 2015 Departure from Snina

PROGRAMME OF THE WORKSHOP

Gymnázium Snina, Assembly Hall

17th September 2015

Morning session

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9.00 am	Opening (doc. Ing. Ján Ilavský, State secretary of the Ministry of Environment SR)
9.15 am	Genesis of nomination of the Primeval Beech Forests of the Carpathians on the World Heritage List (prof. Hannes Knapp, expert, Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety, Germany)
9,30 am	World Heritage Designation: Categories / type of properties, OUV, Integrity, management and reporting (Dr. Pierre Galland, expert, Switzerland)
9.45 am	History of protection and nature values of the Poloniny National Park (Tomáš Didirka, Poloniny National Park Administration)
9.50 am	Making of public policy in nature and landscape protection in Slovakia (Ján Julény, Ministry of Environment of the Slovak Republic)
10.05 am	Impacts of nature protection and protected areas with international designations on the region from self-goverments point of view (representative of Villages from Uličská dolina Valey)
10.20 am	Representative of private land-owners
10.35 am	Representative of Forest and Agricultural Enterprise - LPM Ulič, š.p.
10.50 am	Coffee break
11.20 am	Carpathian Biosphere Reserve - the biggest part of the World Heritage property "Primeval Beech Forests of the Carpathians and the Ancient Beech Forests of Germany" (Vasyl Pokynchereda, Carpathian Biosphere Reserve, Ukraine)
11.35 am	Current Status of the extension of the serial World Heritage Site Primeval Beech Forests of the Carpathians and the Ancient Beech Forests of Germany" (Hanns Kirchmeir, E.C.O. Institute of Ecology, Austria)
11.50 am	European Diploma for Protected Areas (Robert Brunner, representative of the Council of Europe)

12.05 pm Implementation of Swiss and Norwegian financial mechanisms in the World Heritage

property (Andrea Mikulová, Lenka Zajaková, State Nature Conservancy of the Slovak

Republic Headquarters)

12.20 pm Consequences of establishment of Protected Areas to landscape and its inhabitants (Juraj

Koco, Private Owners of Immovable Assets Civil Association)

12.30 - 2.00 pm Obed / Lunch

Afternoon session

2.00 – 3.45 pm Discussion on presented topics

3.45 - 4.15 pm Coffee break

4.15 – 6.00 pm Discussion on results of the mission and formulation of conclusions