



Workshop on:  
European Protected Areas and UNESCO Designations

## **UNESCO Designations an overview of current legal issues**

**Gianfranco Tamburelli**

National Park of Abruzzo, Lazio, and Molise, 2010

**Dolomiti - 2009**

## **“World Heritage Site” and “Biosphere Reserve”**

Both these designations were launched at the beginning of the '70s, and the legal framework, as well as the political and cultural connotations, have changed considerably since then at the international, and also at the regional and national levels.

# Environmental Law

## Principle of sustainable development

From the early '90s PAs have been increasingly perceived as laboratories for the testing of models of sustainable development, enabling the achievement of the fundamental aims of habitat and biodiversity conservation

**Internationally designated and recognised sites  
(at least 13 international conventions and programmes)**



*Natural/Mixed World Heritage sites*



*Biosphere Reserves*

**.. different legal regimes and management priorities**

**Some other conventions and programmes encourage  
establishment of PAs**

*Article 8 of the Convention on Biological Diversity*



# Conference of the Parties to the Convention on Biological Diversity

IX Meeting, Bonn, 19–30 May 2008

Invites the UNESCO and the Ramsar Convention on Wetlands to further their activities in relation to the ecosystem approach in particular, inter alia, within the **World Network of Biosphere Reserves, World Heritage Sites,** and Wetlands of International Importance as appropriate, **as ecosystem-approach research and demonstration sites;**

*Decision IX/7 - Ecosystem Approach*

***“The World Heritage Convention is fast approaching a number of important milestones, including its 40<sup>th</sup> anniversary in 2012, the potential inscription of the 1000<sup>th</sup> property on the WH List .. ”***

*In view of this, the WH Committee (Quebec, 2008), decided to initiate a process of reflection on the future of the WH Convention (the ‘Future Process’).*

The WH Convention, besides the merit of having introduced the category of Natural WH sites (some of them indicated as 'in danger'), it has favoured the elaboration of the notion of 'cultural landscape'.

However, it does not contain some of the new principles of environmental law, in particular that of '*sustainable development*'.

## Biosphere Reserves

1968 – UNESCO – Intergovernmental Conference of Experts “on the scientific basis for the rationale use and conservation of the resources of the biosphere”.

This was the first conference to examine ways of reconciling the conservation and use of natural resources, thereby ***foreshadowing the present-day notion of sustainable development***

The term  
**Biosphere Reserve**

“Biosphere Park”

UNESCO accepts countries using this term internally, in their language (e.g. in Austria: “Biosphären Park”)

In some areas in discussion or even in use: “Biosphere Region”



## Convention Concerning the Protection of the World Cultural and Natural Heritage

Paris, 23<sup>rd</sup> November 1972  
entered into force 17<sup>th</sup> December 1975

**It is one of the first truly global  
Conventions**  
- currently 187 States Parties -

# World Heritage List – New Sites

2010

The WH Committee has inscribed **21 new sites** in the ***World Heritage List***, including 15 cultural, 5 natural and 1 mixed properties.

Three countries, Kiribati, Marshall Islands and Tajikistan, have sites added for the first time

One existing natural site has also been recognized for its cultural values and thus becomes a mixed site.

The WH Committee also added four sites to the ***List of World Heritage in Danger*** and removed the ***Galapagos Islands*** (Ecuador) from this List.

## **new natural sites**

**2010**

**China Danxia (China)**

**Pitons, Cirques and Remparts of Reunion Island (France)**  
(the property covers more than 100,000 ha or 40 % of La Réunion, an island comprising two adjoining volcanic massifs.. south-west of the Indian Ocean)

**Phoenix Islands Protected Area (Kiribati)**

**Putorana Plateau (Russian Federation)**

**Central Highlands of Sri Lanka (Sri Lanka)**



**The Pitons, Cirques and Remparts of Reunion Island site coincides with the core zone of La Réunion National Park**



**2010**

## **extended World Heritage Sites**

**Ngorongoro Conservation Area**  
(United Republic of Tanzania)

**Pirin National Park**  
(Bulgaria)

**Monte San Giorgio**  
(Italy)

**Monte San Giorgio was inscribed on the List in 2003**

The **World Heritage List** includes 911 properties that form part of the cultural and natural heritage having outstanding universal value

**704 cultural**

**180 natural and**

**27 mixed properties**

**in 151 States Parties**

Since 1992, significant interactions between people and the natural environment have been recognized as **cultural landscapes**

**66 Cultural Landscapes  
have been inscribed on the WH List**

**Cultural landscapes are those where human interaction with natural systems has, over a long period, formed a distinctive landscape. These interactions arise from, and cause, the development of cultural values.**

Managing these values, with their material, physical evidence and their non-material associations, so that they remain of outstanding universal value, is a particular challenge for WH cultural landscape managers.

WH Series n 26 - Cultural Landscapes, March 1, 2010

**WH designation** is recognized globally as a marker of excellence, and has proved to be a useful instrument for concrete action.

Significant achievements over the last four decades include the laying down of key strategic directions in the form of the 'Global Strategy for a Balanced, Representative and Credible WH List' and embodied in the "5 Cs" of

**Credibility,**  
**Conservation,**  
**Capacity-building,**  
**Communication, and**  
**Communities.**

## WORLD HERITAGE / DELISTING

When all avenues for remedial action have been exhausted and the integrity and outstanding universal value of a site or property has been irreversibly compromised, the site is delisted.

Two sites have been delisted: one natural and one cultural site.

\* **The Arabian Oryx Sanctuary (Oman)** site was removed from the List in 2007 as a result of the reduction in size of the sanctuary and plans to proceed with hydrocarbon prospection .. seen as destroying the outstanding universal value of the site.

\* **The Dresden Elbe Valley (Germany)** was removed from the List in 2009 as a result of the building of a four-lane bridge in the heart of the cultural landscape .. the property failed to keep its outstanding universal value as inscribed.

## **The sustainable development principle**

The WH Committee has recently stated that *it would be desirable to further consider, in the implementation of the Convention, policies and procedures that maintain the outstanding universal value of properties, and also contribute to sustainable development*

(34<sup>th</sup> session WH Committee, Brasilia, 2010)

**In Europe, there are 37 Natural 37 WH Sites,  
some cultural landscapes,  
and a few mixed properties**

**3 on the List of World Heritage in Danger  
- on 34 properties –**

**Georgia**

**Bagrati Cathedral and Gelati Monastery (2010)**

**Historical Monuments of Mtskheta (2009)**

**Serbia**

**Medieval Monuments in Kosovo (2006)**

**Belovezhskaya Pushcha National Park / Białowieża Forest** — shared between Poland and Belarus — 1979, 1992

## **Europe**

**Caves of Aggtelek and Slovak Karst (Slovenský Kras)** — shared between Hungary and Slovakia — 1995, 2000

**High Coast and Kvarken Archipelago** — shared between Sweden and Finland — 2000, 2006

## **6 Trans-boundary Natural WH Sites**

**Pyrénées / Pirineos: Monte Perdido / Mont Perdu** — shared between France and Spain -1997, 1999

**Waddenzee** - coastal tidal region in the Netherlands, Germany and Denmark, though only parts of the sea in the Netherlands and Germany are on the list - 2009

**Monte San Giorgio**, shared between Switzerland and Italy - 2003, 2010



**The Italian sites inscribed  
on the WH List are 45**

**3 sites are part of the 'natural',  
1 is in the category 'mixed'**

## Italy - Tentative List

39 properties

### Natural

2010

- Massif du Mont-Blanc

(inscription as trans-boundary natural heritage, with France et Suisse)

- Archipelago of La Maddalena and Islands of Bocche di Bonifacio

- Island of Asinara

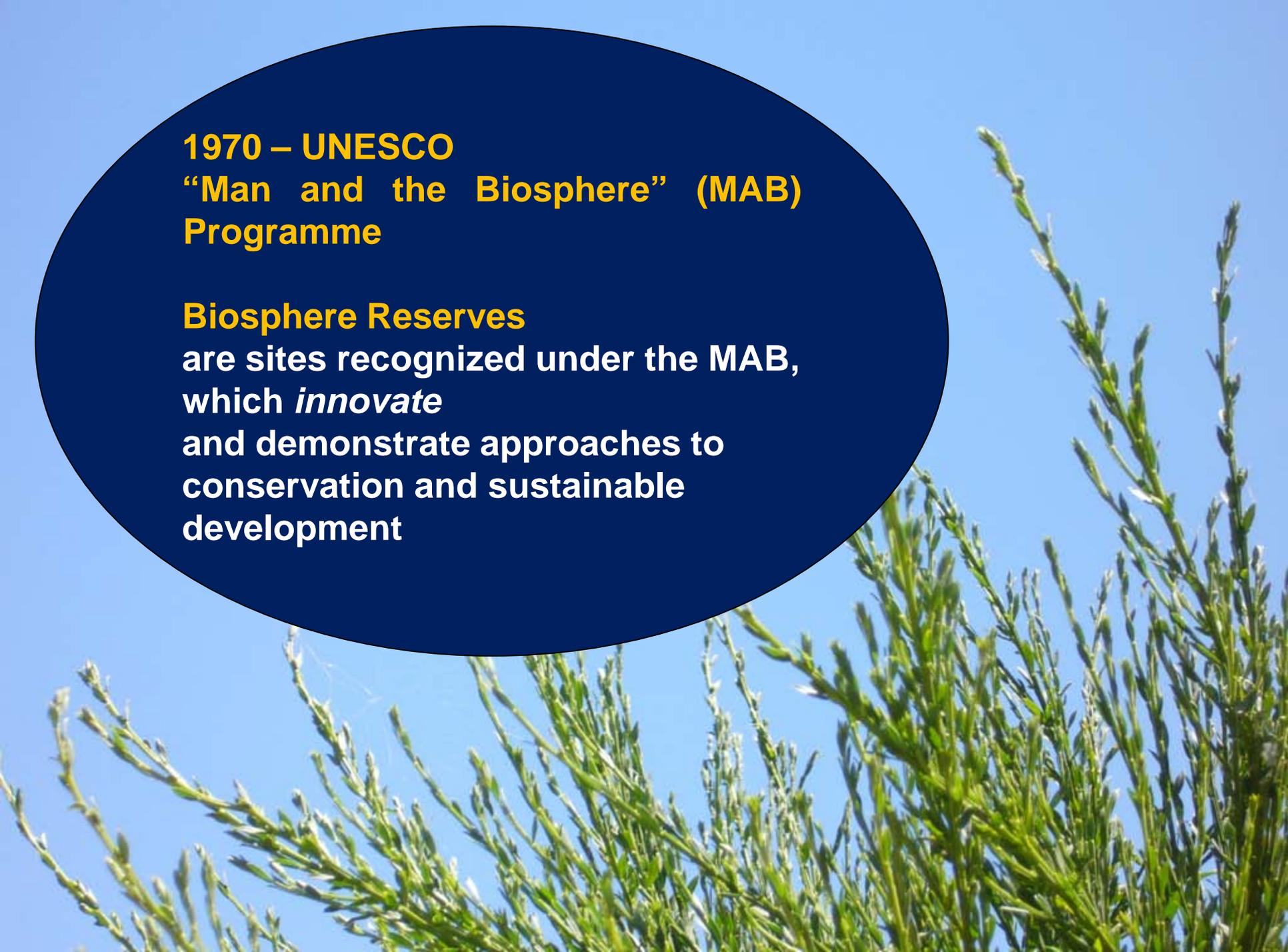
- The Cetacean Sanctuary

- Ponds in the Bay of Oristano and the Sinis Peninsula Island of Mal di Ventre

### Natural / Cultural

- The Marble Basin of Carrara

- The Transhumance: The Royal Shepherd's Track



**1970 – UNESCO  
“Man and the Biosphere” (MAB)  
Programme**

**Biosphere Reserves**  
are sites recognized under the MAB,  
which *innovate*  
and demonstrate approaches to  
conservation and sustainable  
development

# ICC

**The ICC** is composed of representatives of 34 States

The role of the Council is: a) to guide and supervise the MAB Programme; b) to review the progress made in the implementation of the Programme; c) ... d) ... to co-ordinate the international cooperation of Member States participating in the MAB Programme; e) ... ***to consult with international non-governmental organizations on scientific or technical questions***

***De facto***, the MAB Council also decides upon new BRs and takes note of recommendations on their periodic review reports

**There are 564 sites worldwide in 109 countries**

They are *of course* under national sovereign jurisdiction,  
yet share their experience and ideas nationally,  
regionally and internationally  
within the World Network of BRs

## **In Europe there are 200 BRs in 30 countries**

Austria, Belarus, Bulgaria,  
Croatia, Czech Republic, Denmark,  
Estonia, Finland, France,  
Germany, Greece, Hungary,  
Ireland, Italy, Latvia,  
Montenegro, Netherlands, Poland,  
Portugal, Romania, Russia,  
Serbia, Slovakia, Slovenia,  
Spain, Sweden, Switzerland,  
Turkey, Ukraine, United Kingdom

**Biosphere Reserves  
which are wholly or partially Ramsar Wetlands**

(last updated: 21 April 2009)

**Austria, Czech Republic, Denmark, Estonia , France, Germany**

**Hungary, Ireland, Netherlands, Poland, Portugal, Romania**

**19 - Countries**

**Romania / Ukraine**

**Danube Delta**

(transboundary BR in 1998

Romania, Danube Delta – 1991 / Ukraine, Kyliiske Mouth – 1995)

**Russian Federation, Slovakia, Spain, Switzerland, Ukraine, UK**

# Biosphere Reserves which are wholly or partially WHs

Austria Belarus Bulgaria Czech Republic Germany Hungary  
Montenegro Poland Serbia

Russian Federation / Mongolia

Poland / Slovakia / Ukraine

**East Carpathians (1998), Primeval Beech Forests -Carpathians (2007) -**

Primeval Beech Forests of the Carpathians, Slovakia and Ukraine

- the site was inscribed on the WH List as it represents an outstanding example of undisturbed complex temperate forests

(this site covers also the Slovakian and Ukrainian parts of the East Carpathian BR, while it excludes the Polish part of this tri-country BR)

Romania / Ukraine

**Danube Delta (1991)** (Romania only).

The WH site covers most of the core area of the Romanian part.



**1997) (1998) Cilento and Vallo di Diano  
Cilento and Vallo di Diano National Park  
with the Archaeological sites of Paestum and Velia  
and the Certosa di Padula  
(the WH site is a cultural landscape)**

**List of BRs**  
**which are wholly or partially WH sites and Ramsar Wetlands**  
 (last updated: 24 August 2009)

**Austria - Bulgaria - Czech Republic - Hungary – Slovakia - Spain**

<b>Romania / Ukraine</b>	<b>Biosphere Reserve</b>	<b>World Heritage Site</b>	<b>Ramsar Wetland</b>
	Danube Delta (1979 and extension 1992 of Romanian part; addition of Ukrainian part (Dunainsky) to make a transfrontier BR in 1998	Danube Delta (1991) (Romania only)	Danube Delta (1991) (Romania)  Kyliiske Mouth (1995) (Ukraine)

1995

**Seville Strategy** for Biosphere Reserves towards the 21<sup>st</sup> Century

Statutory Framework for the World Network of Biosphere Reserves

The establishment and management of BRs must be guided by the Seville Strategy principles

2008

The **Madrid Action Plan** builds on the Seville Strategy and aims to raise BRs to be ***the principal internationally-designated areas dedicated to sustainable development*** in the 21<sup>st</sup> century

**The Madrid Action Plan** also recommends that Biosphere Reserves benefit from ***“an enhanced legal recognition where appropriate”*** and that ***“States be encouraged to include BRs in their own legislation”***

(Target 11, action 11.1)

# **XXII International Coordinating Council (ICC) MAB Programme**

***.. identify existing legislations that include specific provisions for biosphere reserves***

***.. or to elucidate reasons why countries have not enacted such legislation***

**(21<sup>st</sup> ICC, Republic of Korea, 25-29 May 2009)**

**2010**

***a model law was drafted as an example for all countries, to be adapted nationally***

**(30 countries replied to the survey)**

**(SC-10/CONF.201/9, Paris, 26 April 2010 – UNESCO)**

**(22<sup>nd</sup> ICC, Paris, 31 May – 4 June 2010)**

## **Model Law on BRs**

***Considering:***

***That Biosphere Reserve territories constitute privileged sites for the application of the **principles of international environmental law*****

## Model Law on BRs

*Considering:*

*... That complementarity between BRs and other systems of PAs must be sought*

**Valle del Ticino**



## **Article 1 - Definition**

Biosphere Reserves are areas of terrestrial and coastal/marine ecosystems or a combination thereof, which are established to promote a well-balanced relationship between human beings and biosphere *and to provide an example of this well-balanced relationship.*

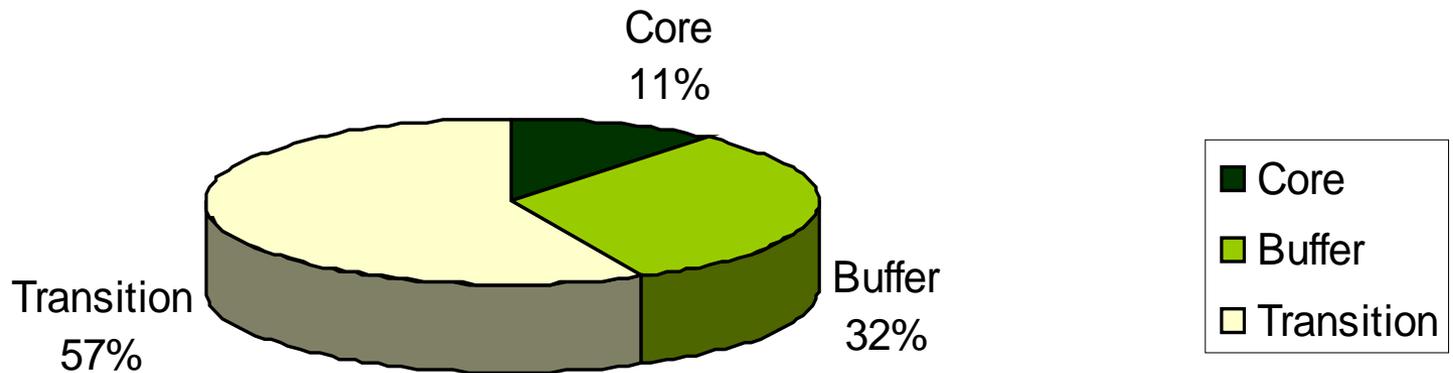
## Article 5 - Functions

BRs constitute tools of adaptive and integrated management that aim to associate conservation and sustainable development. They combine the three following functions:

- 1) **Conservation:** *To contribute to the conservation of landscapes, ecosystems, species and genetic variation.*
- 2) **Development:** To foster economic and human development, which is socio-culturally and ecologically sustainable.
- 3) **Logistic:** To support for demonstration projects, environmental education and training, research and monitoring related to local, regional, national and global issues of conservation and sustainable development.

# THE RECENT TENDENCE TOWARDS LARGE ECOSYSTEMS

Percentage of areas in core, buffer and transition zones  
among the 187 third generation (post-Seville) biosphere  
reserves



## **Article 4 - National network of biosphere reserves**

Biosphere Reserves are integrated into a National Network of BRs, the objective of which is to promote exchanges of experiences and *the emergence of a common understanding of sustainable development.*

## **Article 14 - A unified national policy**

## **Article 7 - Models of sustainable development**

## Article 9 – Zonation

Biosphere Reserves must fulfil their functions regarding conservation, development and logistic support through an appropriate zonation including

one or several core area(s),  
one or several buffer zone(s) and  
one external transition area.

Zonation must reflect the long-term conservation objectives and take into consideration ecosystems services.

### **Core Areas**

Activities that are forbidden or subject to a prior authorization are defined according to regulations

### **Buffer Zones**

Activities that are forbidden or subject to a prior authorization are defined according to regulations

### **Transition Areas**

Activities that are forbidden or subject to prior authorization are defined according to regulations

## Article 13 - Authority of management of reserve

- 1) An institutional structure must be developed to manage, coordinate and integrate reserve programmes and activities.
- 2) This structure is meant to serve as a framework for local consultation. Economic and social stakeholders, private and public stakeholders, as well as other interests must therefore be represented within the structure ...
- 3) The structure can be of public or private legal nature.
- 4) The BR management authority must be consulted on projects or programmes that may affect BR territory.
- 5) The management authority can be composed of two related organs working cooperatively:  
**a governing board** that regroups various stakeholders,  
**a scientific board *that particularly seeks to promote interactions between research and policy management.***

## ***effectiveness***

**It is the responsibility of each country, through its MAB National Committee or Focal Point, to ensure that the BRs respond to the criteria and function properly.**

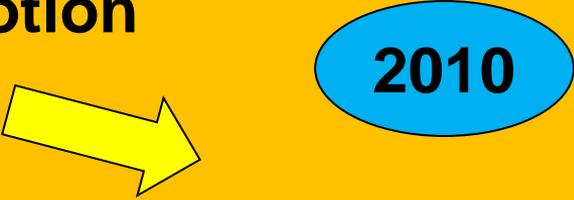
**In most countries it is not necessary to enact special national legislation for BRs but rather to use the existing legal frameworks for nature protection and land / water management.**

**UNESCO website**

**An increasing number of countries are now giving BRs a special legal status in order to reinforce their application.**

# Italy – Biosphere Reserves

Italy has not carried out any activity in this sector in recent years, but the process that led to the Decree of the Ministry of Environment on the establishment of the **MAB National Technical Committee** has been set in motion



2010

Provide technical – scientific support towards the implementation of the MAB Programme and the achievement of the objectives identified by its International Coordinating Council (ICC).

The board should ensure compliance with the tasks set for the activity of MAB National Committees by the Seville Strategy and Madrid Action Plan

Each BR has its own system of governance to ensure it meets its functions and objectives

UNESCO website

Usually a BR coordinator is named

It is necessary to set up an appropriate governance mechanism, for instance a committee or board, to plan and coordinate all the activities of all the actors concerned, each within their own mandate and competence.

*The management system of a BR needs to be open, evolving and adaptive in order for the local community to better respond to external political, economic and social pressures, which would affect the ecological and cultural values of the area.*

**BRs that are recognized by UNESCO's International Council of MAB are also subject to a periodic review every 10 years following procedures established by UNESCO**

**Can a BR be "de-designated"?**

**UNESCO website**

**In the event that a site designated as a BR does not satisfy the criteria, after a reasonable period of time the area will no longer be referred to as a BR of the World Network.**

**To date, this procedure has never reached this conclusion: however several countries have voluntarily withdrawn "non-functional" sites.**

# Conclusions

**The Future of PAs, WH Sites, and BRs**

