

No sustainable conservation of biodiversity without connectivity. ECONNECT as a project also aims at analysing the legal barriers and opportunities of the law for the creation of ecological networks across the Alps.

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The preservation of biodiversity by the creation of ecological networks is one of the recent steps in nature protection policies. "*Ecological corridors are linear connection elements allowing the passage of species between different living spaces, thus enabling genetic exchange between populations*"¹. In the Alpine arc this strategy concerns especially the creation of ecological connectivity between protected areas. It means that measures have to be taken outside the protected areas. This new challenge is appearing step by step on the legal stage and affects not only the nature protection laws but also others fields like spatial planning and agriculture. This contribution presents the problems dealt with in the ECONNECT Project (European Territorial Cooperation Alpine Space Programme).

The concept of ecological corridors in law

In the International nature protection law, two kinds of networks can be distinguished: administrative networks² (administrative cooperation between protected areas), like for instance the network of the protected areas which are certified with the European Diploma, and the networks with an ecological connectivity between them. The concept of ecological corridor, as we understand it now, appeared in law with a Recommendation adopted in 1989³ within the framework of the *Bern Convention*⁴. The basis of the *Emerald Network* was set up with the Recommendation n°3 adopted in September 1996, some months after the adoption of the *Pan-European Biological and Landscape Diversity Strategy*⁵. Currently most of the international conventions dealing with biodiversity conservation take into account, within the recently adopted documents, the need to improve ecological connectivity⁶. As regards the Alpine area, Article 12 of the Protocol Conservation of Nature and the Countryside of the **Alpine Convention** requires the creation of an **ecological network through the Alps** by the Contracting Parties. Article 12 also demands **cooperation between protected areas**. The harmonising of the management of cross-border protected areas is one of the steps for the realisation of ecological networks. Furthermore specifications supporting ecological connectivity can be found in the different protocols to the Alpine Convention (mountain farming, mountain forests, spatial planning and sustainable development, spatial planning, etc.). The ECONNECT Project aims at implementing Article 12 of the Protocol Conservation of Nature and the Countryside.

On the European level the EU Member States are obliged to create the Natura 2000 Network. The specifications regarding the Natura 2000 Network are interesting for this research as many of the Natura 2000 areas are already protected areas. This network is the sum of the areas protected under the Habitats Directive and those protected under the Birds Directive *but* it has also to be a *coherent ecological network*. For that purpose the Habitats Directive recommends in Article 10 to also take into account landscape features. Non-EU Member States, like Switzerland, participate (not a legal obligation) by realising the Emerald Network⁷

¹ See in this volume the contribution of Thomas Scheurer Guido Plassmann, Yann Kohler and Marie-Odile Guth.

² Like for instance in the framework of the Ramsar Convention or in the framework of the World Heritage Convention.

³ Recommendation No. 16 (1989) of the standing committee on areas of special conservation interest (Adopted by the Standing Committee on 9 June 1989).

⁴ Convention on the Conservation of European Wildlife and Natural Habitats or Bern Convention, adopted in 1979.

⁵ Pan-European Biological and Landscape Diversity Strategy adopted in 1995 at the Ministerial Conference "Environment for Europe" (Sofia, Bulgaria, 23-25 October 1995).

⁶ See for instance the Guidelines on the management of the Ramsar areas adopted in 2002.

⁷ There is no legal obligation for the Contracting Parties to the Bern Convention to create the Emerald Network because it was created by a Recommendation. This prescription is not integrated in the Bern Convention. There is also a coordination between these two ecological networks.

The integration of this concept of protected area networks in the national legal frameworks varies from State to State. This topic was explored in the National Assessments of the Legal Framework of Protected Areas produced for the first International Workshop organised within the scope of ECONNECT's Work Package 6. The assessments analysed the situation in the national nature protection laws as well as in the spatial planning legal acts.

A multisectoral and multilevel challenge

As Guido Plassman et al. stated: "[many] nature protection measures can contribute to ecological networks, provided they are promoted and supported by policy-makers at local, regional, and national level in a coherent way"⁸. From a legal point of view this corresponds to the problem of the integration of environmental requirements in others policies. The taking into account of the environment in other policies corresponds to one emerging legal principle: the principle of integration⁹, which is also the cornerstone of the Alpine Convention Article 4 of the Protocol on Nature Protection to the Alpine Convention about "[t]aking account of the objectives [of the Protocol] in other policies" refers to this principle. In the ECONNECT Project the different policies of the Alpine States regarding biodiversity preservation (especially spatial planning, agriculture, landscape policy, etc.) will be analysed. For each Pilot region, an assessment will be carried out to identify those kinds of measures that already support or could support ecological connectivity.

Trans-border cooperation of protected areas as a contribution to ecological connectivity

The existing protected areas are especially important for the creation of ecological networks in the Alps since more than 25% of the Alpine area are protected. Some protected areas are located near State borders and a trans-border cooperation is essential for the creation of ecological networks. The **ECONNECT Project** thus aims at supporting trans-border cooperation by identifying the legal barriers and by proposing legal solutions to improve cooperation across borders. If cross-border cooperation between protected areas is already existing it needs to be institutionalised. The research will focus on different Pilot regions which bring together protected areas. The National Legal Framework of protected areas was analysed during the First International Workshop within the scope of Work Package 6. In a second step the differences between the National Frameworks will be analysed. It will also be evaluated in which manner a new European legal instrument – the European Grouping of Territorial Cooperation (EGTC)-, which aims at supporting the territorial cooperation between EU Member States, could improve the trans-border cooperation between protected areas. The Member States have to adopt national measures in order to implement the regulation. This emerging national legal framework will be investigated. One pilot area composed of the French National Park Mercantour and the Italian Natural Park Alpi Marittime is already on the way to set up such an alliance.

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⁸ See in this volume the contribution of Thomas Scheurer Guido Plassmann, Yann Kohler and Marie-Odile Guth.

See for instance Nathalie Herve-Fournereau, "Le principe d'intégration", in Yves Petit (s. direc.), *Droit et politiques de l'environnement*, La Documentation française (Ed.), 2009.