

EU 2030 Biodiversity Strategy – ELO reaction on 10% Strict protection target

The EU 2030 Biodiversity Strategy proposes that 30% of the total land area should be protected (at present 26%) and that 10% of EU land should be under strict protection.

ELO questions the top-down approach taken by defining a fixed percentage of protection. It would have been logic to form a pragmatic, reality-based method of aggregating quantitative and qualitative criteria, reflecting known regional and local habitat specificities, starting from ambitious objectives. Based on fact and figures such an approach would have led to a coherent and reasoned numerical target. Starting from this theoretical quantitative approach by proposing a 10% target without even knowing how strict protection will be defined, the EC is missing the opportunity to work on those habitats really in need of strict protection and missing the early involvement of the relevant stakeholders.

At this stage, it is unclear where (Natura 2000? Specific protected areas?) and on what kind of habitats this strict protection will be applied. However, this new status can have serious consequences for land managers, farmers and all-rural communities. These uncertainties are already causing a form of nervousness. This apprehension is understandable when we know that this level of protection could affect up to 50 % of Natura 2000 areas (If we consider that the 10% strict protection could be fully applied in Natura 2000 which at present represents 18% of the total land surface of the EU) many of which are privately owned. Within the Natura 2000 framework biodiversity would benefit more from effectively protected areas than from strictly protected.

In this context, the EC technical note introduced in the NADEG process is problematic. It states that “*strictly protected areas should be occupied by naturally-occurring habitats and species and have a sufficient size, in themselves or together with buffer zones with a lower level of protection, to ensure the non-disturbance of natural processes upon which they depend. Extractive activities, such as mining, fishing, hunting or forestry, are not compatible with this level of protection...*” [p.13 of the technical note on criteria and guidance for protected areas designations, NV.D.3/JC.].

The Natura 2000 network is based on an agreement with EU land managers allowing sustainable use including socio-economic, cultural and ecologic objectives. The EC’s intention to automatically exclude certain activities and a prescriptive approach towards the type of ecosystems which should be under this level of protection is contradicting the spirit of the EU legislator.

Both the EC Communication on the EU Biodiversity Strategy for 2030 and the Council’s Conclusions on the EU Biodiversity Strategy for 2030 recognise that “*strict protection does not necessarily mean the area is not accessible to humans, but leaves natural processes essentially undisturbed to respect the areas ecological requirements*” and that “*the stricter level of protection may allow for certain human activities, which are in line with the conservation objectives of the protected area*” respectively. These activities are often considered beneficial in terms of both socio-economic and cultural values as the sites’ ecological requirements.

Areas under Natura 2000 can and should be managed. The management of forests situated in Natura 2000 can indeed be done in function of multiple functions, e.g., timber production,

hunting, recreation etc. in addition to nature protection and has been recognized in the guideline Natura 2000 and Forests¹. As far as sustainable hunting and fishing are concerned, those practices do not have to contradict conservation objectives. They even can contribute to conservation objectives with a positive impact on biodiversity². Numerous sites, including species and habitats, are even entirely dependent on the continuation of such activities for their long-term survival. Sustainable hunting is an essential management tool for controlling wildlife overpopulation such as wild boars and large wide mammals in general. Furthermore, without adequate sustainably managed forests and other ecosystems are more likely to be at risk with regards to climate change changes, the control and prevention of pests and diseases, mega-fires and other natural disasters.

A blank restriction of uses will negatively affect private land ownership, property rights as well as the economic viability of important land-uses. Many landowners would see their ability to soundly manage natural resources being restricted and a significant reduction in their income. Whatever the limitations are, they must be proportionate to the objectives set, they must respect property rights, and entail a full right to compensation.

Such an approach is not only unable to capture the different regional, socio-economic and cultural conditions peculiar to each Member States, it also raises questions concerning the fair distribution among the member states. The EC should ensure scientifically-sound definitions and criteria, set with the Member States and the relevant stakeholders. The European Commission does not raise this important point and does not instruct how it will solve the difficult repartition between Member States and Biogeographical Regions. It raises also the issue of legal insecurity regarding national protected areas regulations. Indeed, in every Member States you will find specific rules regarding the way protected areas are managed. The consequences of having an EU wide prescription would bear important legal consequences. Ex: In Sweden and Germany, national parks are allowing sustainable hunting, fishing and forestry for example.

An impact study assessing not only the environmental but also the legal, economic and social consequences of the strict protection should be at the basis of every policy decision taken. Such an impact assessment should also include the links with the different policies such as the CAP (eco schemes, GAEC) and Farm to Fork.

Land managers and farmers have made a long-term commitment with the European institutions on Natura 2000. After more than 20 years of collaboration, they have finally become privileged partners. This contract with the countryside community will be in real danger if the European Commission is contradicting this long-term agreement to enable sustainable economic and social activities alongside environmental considerations in Natura 2000 areas and protected areas in general.

¹<https://ec.europa.eu/environment/nature/natura2000/management/docs/Final%20Guide%20N2000%20%20Forests%20Part%20I-II-Annexes.pdf>

² Refer to Wildlife Estates Label: <http://www.wildlife-estates.eu/>