

5. Nature Protection

OVERVIEW

In the nature protection sector reporting period is marked with a further marginalisation of decisions and measures in nature protection and prioritisation of building and construction projects.

There is a big political pressure on nature protection institutions (from state institutions to protected areas managers) which leads to limited communication and exchange of information (among institutions, between institutions and CSOs) and, as a consequence, poor implementation of legislation, lack of financial support from the state etc.

Additionally, as an effect of direct political pressure on experts' work in the institutions, it has been noticed that very active professionals, trained and skilled on implementation of Acquis, are leaving institutions. This very negative trend will slow down processes of EU integration in nature protection sector, and put under risk implementation of IPA projects.

At the same time, there is lack of capacities within Ministry of Agriculture and Environmental Protection for nature protection. There is a lack of personnel but also lack of knowledgeable and skilled staff to deal with EU integration issues among employees (most of the job is done by one person).

Financing nature protection is a problem. It is interlinked with the issue that initiated Fund for environmental protection is still not operational. Following new developments, and communication between Ministry of Agriculture and Environmental Protection and Ministry of Finances, the structure of new Fund will not be in favour for nature protection.

RATIONALE

Developments

There have not been significant developments in the nature protection sector.

Limited progress is done in increasing percentage of protected areas by establishing new areas. Implementation of CITES (the Convention on International Trade in Endangered Species of Wild Fauna and Flora) is progressing.

There is a progress in announcing and holding public consultation process for nature protection laws. Government has slightly improved practice of public participation. Some formal prerequisites like announcing and public presentations of new documents have been performed but it is still far away from efficient and fully transparent consultation process. Public Consultations for Law on Nature Protection and Law on National Parks were organized. Results of public consultations are published on the website of Ministry of agriculture and environmental protection. Still, there is a space for improvement especially in early involvement of civil society in the process and in facilitating dialogue (e.g. allowing free expression of opinions during public presentations).

Challenges

Officially it is assessed that Birds and Habitats Directives are almost fully transposed but amendments are needed, especially harmonization with legislation of other sectors. There is a need for better

definitions and improvement of certain terminology, to clarify roles and responsibilities etc. A commitment to implement nature protection legislation is missing.

Government is doing little on establishment of Natura 2000. All plans and actions for Natura 2000 are related to EU funds, which demonstrate lack of interest of the Government for this field. It is expected that IPA project which, will technically and practically support establishment of Natura 2000 in Serbia (EuropeAid/133834/C/SUP/RS), will boost the process.

The department for nature protection within the Ministry of Agriculture and Environmental Protection has established working group for Natura 2000 and invited representatives of civil sector to participate. But, there is no clearly defined what is the aim, scope and model of work for this working group. In January 2015, UNDP have initiated development of Directive Specific Implementation Plan for Birds and Habitats Directives. One consultative meeting was hold and structure of plan discussed. But there is no clear connection of this plan with other plans and programmers of the Ministry and other responsible institutions.

The document which illustrates the situation with Natura 2000 in Serbia is an “Assessment of State of Implementation and Identification of Steps towards Special Protection Areas and potential Sites of Community Importance Designation in Serbia” done under ECRAN (**Environment and Climate Regional Accession Network**). One of the recommendations in this document is: “A real challenge is the nonexistence of a roadmap to implement Natura 2000. It causes a lot of misunderstandings and unrealistic expectations (mainly the underestimation of the level of difficulty of the task). The MAEP should start with elaboration of the roadmap including negotiation with partners, and approve the roadmap officially as soon as possible”.

The Law on National Parks was adapted after very long process of consultations. Public debates were organized on the territory of all national parks and also in Belgrade, in October 2014. After that there was a long period of silence and the Law was adopted in September 2015 after passing number of consultations and amendments in the National Parliament. Implementation of new law will be real challenge for Serbian authorities, especially in national park Sar Planina which is located in Kosovo.

For example, in October 2015, two days after the Law on National Parks was adopted in the National Parliament of Serbia, the workers of Public Company “National Park Sar Planina” which is under jurisdiction of Serbian Government, were arrested by Kosovo Police, accused for illegal cutting of the forest. Additionally, in the same period Serbian Government has issued “warning note” to investors interested to invest in Brezovica ski resort which is located in Sar Planina.

Another example is Decision on changing spatial plan of Kopaonik National Park (Official Gazette RS no. 32/2015 and 81/2015). This Decision as a consequence has a change in national park territory and gives possibility to investors to build in previously protected zone. One of the main arguments for change of the Plan mentioned in the Decision is need for enabling investments in and around the territory of the park.

Draft Law on Nature Protection - consultation with public was done and report on consultations was published on the website of the Ministry. A Law on nature protection is still missing elements for full transposition of Birds and Habitats Directive. Financing nature protection will remain weak point of the Law.

Although drafted in the same period above mentioned laws were having different dynamics of adaptation and they are not fully synchronized.

Regulation on Appropriate Assessment - for almost two years there is information about draft of the Regulation, but no text is available for public and no consultations were held.

Further challenges in nature protection sector are:

- Lack of dialogue between institutions and civil society on species and habitats protection and exclusion of civil society from decision making. One of the recent examples is related to the protection of Turtle Dove (*The Turtle Dove Streptopelia turtur is listed on Annex II/2 of the EU Birds Directive*) and the Common Quail (*The Common Quail Coturnix coturnix is listed on Annex II/2 of the EU Birds Directive as a species for which hunting is permitted. However, it has been identified as a bird species that has an unfavourable conservation status in Europe*). As both species are under serious danger of overhunting in Serbia, for many years CSOs are being advocating change of national regulation and ban hunting of these species. After a series of attempts, coalition of 50 nature protection NGOs succeeded, during last meeting with authorities (Ministry of agriculture and environmental protection - Directorate of Forestry, in charge of hunting) to have at least two years ban on hunting Turtle Doves (25 of June 2015). Decision of Minister was to be published in Official Gazette. But, approximately 15 days later, during a session with Serbian Prime Minister in the National Parliament of the Republic of Serbia, one parliamentarian raised a question of hunting Turtle Doves. He said “that Serbia will lose a lot of money because there is a group of people protection African birds, and pushing away business with foreign hunters”. Serbian Prime Minister said that “he doesn’t care for some birds, and Serbia should look for economic interests”. After this intervention, Ministry of Agriculture and Environmental Protection did not ban hunting and did not respect agreement with CSOs.
- Strengthening cooperation with other sectors (hunting, fishery, agriculture). Nature protection sector should be more involved in law drafting of other sectors (for example, during drafting of the new Law on agricultural land).
- Very weak implementation and enforcement of legislation, especially on local level. Due to the weak cooperation and absence of interest of local institutions (police, inspection, court) there is almost impossible to take legal action against illegal hunting (especially in case of use of various means, devices or methods of large-scale and non-selective capture, killing and hunting). Society for the protection and study of birds (Serbian Bird Life), has reported number of cases to local police, there were few “investigations” on the field, but no further measures were taken.

RECOMMENDATIONS

Key recommendations are:

- Amend the Law on National Parks through more efficient protection goals, management systems etc. in Sar Planina National Park. Strengthening articles related to the decision on borders of national parks, rules and procedures to change borders etc.
- Fully implement the principles of sustainable development and protection of nature protected areas from emerged energy projects with possible negative environmental effects.
- Amend the Law on nature protection and bylaws in relation to ecological network Natura 2000;
- Involve representatives of civil society organizations in working groups for law drafting and policy development;

- Strengthen capacities on local and national level for the implementation of legislation;
- Develop a system for sustainable financing of nature protection, dedicate funds from state budget for designation of Natura 2000 sites;
- Build capacities of police, inspectors and judges on species protection related regulations.