

Measuring progress in nature conservation against the CBD and PEBLDS

Final report
GREEN ACTION, Croatia

Reported by: Jagoda Munic and Petra Duric, January 2005

1. The situation of CBD/PEBLDS in the country

CBD/PEBLDS are transposed into Nature Protection Law (Official Gazette 70/05) and Law on Genetically Modified Organisms (Official Gazette 70/05). Good side of Nature Protection Law is that it is harmonized with international Conventions and partly approximated with EU legislative. What still need to be bettered is part of the Law concerning protected areas that is copied from the old law and not harmonized with international conventions. Law on Genetically Modified Organisms is deficient concerning public participation and right on information about GMOs.

In 1999 Croatian Parliament affirmed National Strategy and Action Plan for protection of biological and landscape diversity (NSAP, Official Gazette 81/99).

National Focal Points for Croatia are Ms. Jasminka Radovic (CBD Primary NFP, CHM NFP, Head of Expertise Division, State Institute for Nature Protection), Department for the Protection of Natural Heritage (CBD Secondary NFP, State Agency for the Protection of Cultural and Natural Heritage), H.E. Mr. Miomir Zuzul (CBD Secondary NFP, Ambassador, Permanent Representative, Permanent Mission of Croatia), Dr. Milorad Mrakovcic (SBSTTA NFP, Faculty of Science, University of Zagreb), Dr. Toni Nikolic (Global Taxonomy Initiative NFP, Assistant Professor, Dept. of Botany, Faculty of Science, University of Zagreb), Nature Protection Department (Access and Benefit Sharing NFP, Ministry of Environmental Protection and Physical Planning). Cartagena Protocol on Biosafety National Focal Point is Mr. Davorin Markovic (Cartagena Protocol Primary NFP, Head, State Institute for Nature Protection). In Croatia there is no CBD Committee.

Green Action has relatively good communication with National Focal Point for CBD, Ms Jasminka Radovic from State Institute for Nature Protection. Only problem is that State Institute for Nature Protection, as central expert body for systematic and coordinated gathering of data on nature protection as basis for creating and planning of nature protection, is very busy and generally has little time for meetings. But when we approached them they usually managed to find time for a meeting in a reasonable time period and they usually promptly answer to e-mails. They are also keeping us informed about their Seminars, workshops, etc. and they usually contact Green Action for consultation and public participation processes.

State Institute for Nature Protection in May 20005 finished implementing **LIFE III Project "Building-up the National Ecological Network (CRO-NEN)"**. NEN, once established, will be included in PEEN that is facilitated by the European Centre for Nature Conservation. Specific objectives of this Project were:

- To train nature protection authorities on implementation of Croatian obligations in the accession process to the European Union and develop methodology for presenting National Ecological Network to local population and all stakeholders;
- To make a map of national ecological network as a part of the Pan-European Ecological Network and as basis for EU Program NATURA 2000;
- To develop a broad network of adequately trained associates for gathering data and biodiversity monitoring as a basis for the establishment of National Biodiversity Monitoring Programme in Croatia.

Map of National Ecological Network is not yet printed/available (except as part of promotional materials) because existing version is only first draft that is yet to be sent for comments to all interested parties. After commenting, the final proposal will be sent to the Ministry of Culture and to the Government of Republic of Croatia in whose authority is to proclaim National Ecological Network (NEN) (according to the Croatian Nature Protection Law). Part of this project was the Seminar "Monitoring of Biodiversity" held on 10 and 11 March 2005. Green Action participated on the first day ("***Building up the National System for Monitoring Biodiversity (NSMB)***"), which dealt with the Natura 2000 process, availability of data about species and habitats in Croatia, creating a network of cooperatives - experts and amateurs with the mission of systematic data-gathering and monitoring of biodiversity state in Croatia, etc.

This Project has a priority on national agenda since the map of the National Ecological Network would be the basis for NATURA 2000 and the implementation of this project is one of the obligations Croatia has to meet in the accession process to the European Union. As the Croatian government is very eager to join the EU, Natura 2000 is high on their list of priorities, but as they want to speed up process as much as possible, there is a fear about quality of data and job done due to the time pressure. List of sites for NATURA 2000 and expert clarification attached to each locality is currently under preparation and when finished it will go through consultation process (expected in 2007).

On 15 September 2005 implementation of **UNDP/GEF Project "Preparation of the Third National Report on Biodiversity" for Republic of Croatia** started. State Institute for Nature Protection is implementing this project for Croatia and project duration is six months. Drafting of this Report is an obligation as being Party to the Convention on Biological Diversity. As Croatia has not submitted Second national report now it is necessary to make this Third national report as complete as possible. The report should cover all aspects of use and protection of biodiversity and it demands involvement of all relevant state and public institutions – therefore State Institution for Nature Protection plans to involve many different stakeholders in the process and they are sending questionnaires based on questions from original report format compiled by the CBD Secretariat. They have contacted all relevant state institutions (Ministry of Culture; Ministry of Environment, Physical Planning and Construction; Ministry of Foreign Affairs and European Integration; Ministry of Science, Education and Sports; Ministry of Sea, Tourism, Transport and Development); public institutions (Croatian Environment Agency, National and Nature Parks, Croatian Waters, Croatian Forests etc.); academic and science institutions (Croatian Academy of Sciences and Arts, Faculties in Zagreb, Split and Osijek, science institutes, natural museums) and NGOs. Green Action also filled in the questionnaire and so gave input in the Third National Report on Biodiversity.

The **4th Biodiversity in Europe Conference** will be organized in between 22-24 February 2006 in Croatia. Green Action will try to participate on the event.

2. Project activities

2.1 Summary of activities

During the project period Green Action was monitoring and commenting the following laws: new Law on GMOs, new Nature Protection Law, new Hunting Law proposal.

Green Action was also lobbying for the designation of Mura-Drava-Danube Biosphere reserve. The lobbying is done through the campaign "Save the Drava" (partners are WWF; Drava League, DOPPS; Drava Federation, Green Action) and is still going on.

As part of Campaign on the River Drava Green Action together with WWF Croatian NGO The Drava League, Euronatur and The Drava Federation from Hungary lobbies against its destruction by gravel excavation and river regulation.

Through the Seminar "Implementation of CITES and problem of poaching in the Green Belt Velebit area" we did awareness raising on CITES and ways of active implementation of CITES.

New law on Genetically Modified Organisms

In April 2005 Green Action sent an Open letter to the Croatian Parliament in which the Parliament was asked for postponing the voting on the final draft of GMO law proposal in order to consider our comments and improve it before voting. In this letter it was stated that for Croatia it is not necessary to produce GM food or grow GM crops. Improvement of public participation in decision-making process, more transparency and better access to information was asked. Also it was demanded that law should be more precise on means of involving public in decision-making process. 22 citizen associations and NGOs supported this open letter. On this issue Green Action also had actions in front of the Parliament and on these "Silent actions" about 10 of our activists had tape across their mouths that symbolized public without right to vote or to be informed on introduction of GMOs. Press release and relevant materials were given to Parliamentarians during action.

The CBD, Cartagena Protocol, Directive 90/219/EEC on the contained use of genetically modified micro-organisms, Council Directive 98/81/EEC (Amending Directive 90/219/EEC) and Directive 2001/18/EC (Directive on deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC) were taken in consideration during preparations of GMO law proposal. Importance of public participation is also stressed in Article 23 on Public awareness and participation of Cartagena Protocol on Biosafety.

Green Action found these tools useful for comparison to see how much this new law proposal is in line with CBD and other international conventions and to lobby for some important issues we have found inadequate to be improved.

New Nature Protection Law

Green Action prepared comments on the proposal of the new Nature protection law and was advocating for better lawmaking with reference of national commitments under the CBD. Most of the comments have been incorporated in the second reading and the law was adopted in May 2005. Green Action found CBD as a tool useful for comparison to see how much it is in line with Convention and to lobby for the most important issues for improvement.

New Hunting Law

Green Action prepared a position paper on the new law proposal in May (much worse in comparison with former law) and issued a press release in the media about it. The position paper has been sent to the Parliamentarians and Green Action negotiated with one parliamentarian to present our position during the debate. It was broadcasted on TV and radio stations and published in some daily papers. The topic caused reaction from public, too, as people were phoning Green Action and providing examples and data on poaching and law violation. The action has been successful, as only due to our work the law proposal was not adopted in the fast procedure, but slowed down in the normal procedure, meaning that it would go through two to three more readings and this gave us time to better prepare comments and advocate for better lawmaking.

In November proposal of new hunting law was adopted in the second reading in the Parliament. This version was substantially bettered in comparison with former version and some Green Action comments are integrated within it. The work on the hunting legislation involved extensive media work (TV, radio shows – live debate with hunters and newspaper interviews) and lobbying work with politicians and Parliamentarians. We attended the meeting of the Parliamentary committees and presented our positions, which is a great success, as a very influential hunting association was influencing the law heavily (they were present in the drafting committee to prepare the law). The legislation is still lacking quite a lot of provisions to eliminate poaching (such is regarding the legal possession of various hunting tools), but as the Croatian Hunting legislation is so influential it is nearly a miracle to influence the law and change articles from the position of environmental NGOs. This is a big step forward in this country. It is also important to know, that only due to our activities the theme has become a topic in the media including TV and this is leading to the awareness raising among local authorities and communities. In providing analysis of the legislation we connected different experts to provide better input, they are WWF Mediterranean Policy Office, WWF Hungary, Friends of the Earth Europe, CEEWEB, Ornithological Society, Euronatur and animal protection NGOs in Croatia.

Biosphere Reserve Mura-Drava-Danube Designation

The lobbying is done through the campaign “Save the Drava” (partners are WWF; Drava League, Birdwatching and Bird Study Association of Slovenia (DOPPS); Drava Federation, Green Action) and is still going on, we have been preparing new application form with help of DOPPS from Slovenia. We got mainly negative response from the National Man and Biosphere Committee, as they fear another protected area without proper management and protection on the field. That is why it was decided to more lobby neighbouring countries’ MAB committees, in

order to get as much support as needed. Mura and Drava are also proposed to enter the Natura 2000 network, and even are proposed to be protected at national level as Regional Park.

The main argument for protection is the conservation of rare floodplain habitats and species, and not only because of its species diversity, but also of its landscape diversity.

Campaign on River Drava against its destruction by gravel excavation and river regulation

As part of campaign on river Drava against its destruction by gravel excavation and river regulation, Green Action together with WWF, Croatian NGO the Drava League, Euronatur and the Drava Federation from Hungary is fighting against these activities that are in contradiction with Croatian Environmental Impact Study (EIS) and Croatia's Biodiversity Strategy.

During this campaign **Fact sheet about gravel extraction and river regulation** as basic information material is disseminated. In this fact sheet it is stated that gravel extraction and river regulation works are in contradiction to the conclusions of the Croatian Environmental Impact Study (EIS) and Croatia's Biodiversity Strategy. Also this represents a violation of international conventions to which Croatia has committed itself in order to protect and restore the unique river ecosystem - among others also Convention on Biological Diversity. Activities on the river are also in conflict with EU environmental law: the EU Habitats Directive (92/43/EEC), the Birds Directive (79/409/EEC) and the Water Framework Directive (2000/60/EC) and thus contradict Croatia's ambitious program for EU approximation.

Nature protection authorities started to react on all Nature Protection Act violation and our goals / preservation of Mura and Drava as such, become also state objective.

Seminar "Implementation of CITES and problem of poaching in the Green Belt Velebit area", Croatia

The work of (Convention on International Trade in Endangered Species of Wild Fauna and Flora) CITES contributes to the work of the Convention on Biological Diversity on conservation and sustainable use of biodiversity. The Conference of the Parties to the CBD has recognized the importance of cooperation and synergy with other Conventions and the Secretariat of the Convention has entered into memorandum of cooperation with, among others, CITES *in order to cooperate and coordinate activities with a view to facilitating the exchange of relevant information and experience and enhancing synergies in areas of mutual interest* (Decision VI/20 on cooperation with other organizations, initiatives and conventions).

During work on the Green Belt Velebit project (joint Green Action and WWF Mediterranean Policy Office initiative for the long-term conservation and sustainable development) poaching was recognized as one of the threats to

biodiversity, especially poaching of wild birds. Therefore the seminar **“Implementation of CITES and problem of poaching in Green Belt Velebit area”** was held on 10 of November 2005 in Gospic as one of the GA and WWF activities taken in order to reinforce hunting legislation with anti-poaching measures, provide customs officers with better tools to counter poaching and increase rejection towards poaching among local stakeholders. On the seminar representatives from responsible Ministries presented how to actively implement CITES, what the role of inspection is in this implementation and how CITES is transposed in Nature Protection Law. Also the new Hunting Law proposal, which was at that time in the Parliament for second reading was presented. It was also a great opportunity for Green Action and the audience to discuss main issues of the Law with representatives from the Ministry of Forestry, Agriculture and Water Management and helped Green Action to prepare comments on the proposal. Then Green Action presented the problem of poaching in the Green Belt Velebit area as introduction into the discussion.

The seminar was very well attended (about 40 people), which indicates people's awareness of and interest in the problem of poaching (another indicator is the vivid discussion during the seminar). Participants came with different backgrounds: they were hunters, rangers from Nature and National Parks, local NGOs, foresters, County officials and customs officers. It also got a lot of media coverage (broadcasted at Croatian Television, local radios and local news addition).

2.2 Assessing the potential of the use of CBD/PEBLDS by NGOs

2.2.1 Assessment of these tools in general

CBD objectives, namely the “conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources” and PEBLDS goals, “The PEBLDS is fulfilling its role as facilitator for European biodiversity issues, in close collaboration with other strategic frameworks, in particular the European Commission biodiversity strategy, as well as facilitating CBD implementation in the pan European region; Participants in the PEBLDS process have improved financial, human, scientific, technical, and technological capacity to implement the PEBLDS and the CBD.; National biodiversity strategies and action plans and the integration of biodiversity and landscape concerns into relevant sectors serve as an effective framework for the implementation of the objectives of the PEBLDS and the CBD.; There is a better understanding of the importance of biodiversity, landscape, PEBLDS and of the CBD in the pan European region, and this has led to broader engagement across society in implementation.” are well defined and clear and can be used in many general cases when these objectives (conservation, sustainability) are violated in order draw attention to this fact.

Strategic objectives of the CBD are ambitious and are well covering the issue of conservation of biodiversity from all angles. They are also good at anticipating potential problems – lack of capacities, financial and technological problem of developing and small countries, integration of biodiversity concerns in all relevant sectors. Problem is in their implementation on national level. As for usefulness –

they can be (and are) used as reference point for development of strategies and action plans.

Ecosystem approach as a strategy for the integrated and sustainable management of land, water and living resources is very detailed and is one of the most applicable parts of the CBD in practice as it goes for the specific issues that are often met in practice (issues as participation of all stakeholders; decentralization of management; economic context; recognition of constant changes and fluctuation in ecosystems; ecosystems management; long-term visions, plans and goals; recognition of indigenous and local knowledge; involvement of all sectors of society and scientific disciplines) and gives good implementation guidelines on each of 12 Principles.

As for guidelines on national condition – in Croatia CBD is transposed (at least to some extent) into Nature Protection Law (Official Gazette 70/05) and Law on Genetically Modified Organisms (Official Gazette 70/05). Nature Protection Law is harmonized with international Conventions and partly approximated with EU legislation, but the problem still remains with the section of the Law concerning protected areas that is copied from the old law and not harmonized with international conventions. The Law on Genetically Modified Organisms is deficient concerning public participation and right on information about GMOs. CBD is incorporated in the National Environmental Strategy and National Biological and Landscape Diversity Protection Strategy with an Action Plan (Official Gazette No. 81/99).

We could say that CBD and other international treaties that Republic of Croatia is party are transposed (at least partially) in the Laws and will be even more as Croatian strategic goal and will of politicians is to join the EU as soon as possible, and for this we have to harmonize our legislation with the EU's. However, implementation of these laws (and political will for it) is another and more problematic issue.

2.2.2 Opportunities – in general and particularly in the project

CBD and PEBLDS can be used as a **reference guide when commenting new law proposals** (as Green Action has done in case of Croatian Nature Protection Law, Law on GMOs, Law on Hunting) and lobbying with politicians (e.g. Parliamentarians) for changes so that important issues that are found inadequate would be bettered in line with these tools.

In Croatia there is a **network of environmental NGOs** called Green Forum. The Network exists since 1998, has annual meetings and is communicating via e-mail list at need. This network is an opportunity for spreading information and knowledge among NGOs and coordinating work on important national issues.

As one of project activities **project web page** was made as part of Green Action web page (www.zelena-akcija.hr). On this web page general information about the project, articles about project activities, general information about CBD, PEBLDS and PEEN with links and documents can be found both in English and Croatian. This way information about CBD and PEBLDS are available to all interested.

During lobbying for improvement of Law on GMOs **position paper and open letter** signed by 22 citizen associations and NGOs were disseminated. During

lobbying for improvement of Hunting Law, **comments** on this law were disseminated. In the case this method combined with other activities (**Seminar, extensive media work, newspaper interviews, lobbying work with politicians and Parliamentarians, attending meetings of the Parliamentary committees**) lead to substantially bettered version in comparison with former version and some Green Action comments are integrated within it.

Within the campaign on River Drava against its destruction by gravel excavation and river regulation, we disseminated **Fact sheet** with reference to the violation of international conventions to which Croatia has committed itself in order to protect and restore the unique river ecosystem - among others also the Convention on Biological Diversity. Also Little Tern **County Tour** was organized in order to promote importance of conservation of Little tern (*Sterna albifrons*), endangered species whose habitats are directly threatened by the destruction of Drava River. The event was organized in all county centres in Croatia along the river Drava in the period from 30th May till 3rd June 2005. These activities received a lot of media coverage and information material and leaflets about Little tern were disseminated among the local inhabitants.

With the **CBD Focal Point** in Croatia – Ms Jasminka Radovic from the State Institute for the Nature Protection we met once and exchanged more e-mails during the project. We have a good previous and present cooperation with her and the State Institute for the Nature Protection.

2.2.3 Obstacles - in general and particularly in the project

In general in Croatia there is **a problem of implementation of signed Conventions and treaties**. As there is strong political interest of the Government to join EU as soon as possible, we are signing relevant Conventions and treaties, but there is little political will (and finances) for taking on the responsibilities and commitments that come out of these Conventions and treaties.

Problem with commenting law proposals by NGOs is **that Croatia has not yet signed the Aarhus Convention**. NGOs have no legal possibility to participate in the legislation process and can be part of a working group only if they are called to participate. Also there is no legal way for an NGO to see law proposals before they are put on the Government's web page – usually just a short time before the reading in the Parliament, so it is difficult to prepare good comments in short notice. In order to prepare comments in time it is necessary to receive text of the law proposal through the unofficial channels (we need to have “insiders” to give us draft versions) which is not always possible.

Lobbying for the Biosphere Reserve Mura-Drava-Danube designation is still going on, we have been preparing new application form with the help of DOPPS from Slovenia, but we got **negative response from National MAB Comity** as they fear of another protected area without proper management and protection on the field. That is why we decided to lobby more neighbouring countries MAB comities, as to get as much support as needed.

Campaign on River Drava against its destruction by gravel excavation and river regulation. Major obstacle were the big gravel excavation lobby and huge money involved that make our lobbying very hard, as well as the non-involvement of nature protection authorities in the campaign, but finally they started to react.

Text of the CBD is good to be called at in cases of general violation of its principles (for almost every environmental issue there is a violation of CBD) but it is **difficult to find Articles connected to specific cases** (e.g. poaching, forest roads) that could be quoted. In our campaign against poaching it was not possible to find useful articles (so we used CITES Convention which is linked to the poaching due to cross-border transport of poached animals).

Green Action prepared comments on the Nature Protection Law proposal with reference of national commitments under the CBD and most of the comments have been incorporated in the Law but this was done through **unofficial lobbying** of some politicians, who represented our positions.

CBD Focal Point Ms Jasminka Radovic, who works at the State Institute for Nature Protection (central expert body for systematic and coordinated gathering of data on nature protection as basis for creating and planning of nature protection) has many responsibilities (she is also responsible person for Natura 2000) and is difficult to arrange a meeting with her, but communication via e-mails works well.

3. Recommendations

Recommendations for NGOs

- CBD and PEBLDS are useful reference guides for preparation of the comments on law proposals, management and action plans to insure they are in line with principles of CBD/PEBLDS;
- CBD and PEBLDS are important tools that can be used for almost any environmental/nature conservation issue (as “this and this represents violation of Convention on Biological Diversity”). It is a bit more difficult to find particular articles connected to specific issue;
- If it is possible for NGOs it would be useful to use all opportunities for training (via workshops, seminars) on CBD/PEBLDS as these are quite complex tools for usage (one of the reasons why they are rarely used);
- Ecosystem approach as a strategy for the integrated and sustainable management of land, water and living resources is very detailed and is one of the most applicable parts of the CBD in practice and should be more often used;
- Examples of uses of CBD and PEBLDS should be available (e. g. on the Internet) for other NGOs to use them in their campaigns, lobbying work etc;
- Networking is important to spread information about funding possibilities for trainings and building capacities for work on CBD;
- CBD should be as much as possible present in the media so that authorities should be more aware of the need to implement goals of this convention in order to improve nature protection.

Recommendations for governments

- CBD Committee should be formed and NGOs should be part of this Committee;
- PEBLDS, CBD and other nature conservation conventions should be

- integrated in other laws besides Nature Protection Law and Law on GMOs;
- Intersectoral cooperation between different Ministries and Departments on nature conservation/environment should be improved;
 - Exchange and availability of information and data on biodiversity between institutions, NGOs should be improved, a central database is needed. This work has already began in State Institute for Nature Protection, but they have much trouble with gathering of data: there is a paradox that a state institution has to pay for information gathered by another state institution with money from the state, this should be better regulated.
 - More commitment for 2010 goal. It would be good if government would also work on public awareness on 2010 goal and would have the importance of stopping current biodiversity loss more in mind. Conserving biodiversity should be priority when considering new possibly dangerous projects;
 - Participation of Croatian NGOs in the upcoming "Biodiversity in Europe" Conference should be insured;
 - Web page about the progress of CBD related activities (and work of the CBD Committee when one is formed) should be made in order for the public to have access to these information;
 - Information materials about CBD, PEBLDS, etc. should be made by the responsible institutions and disseminated in order to make public more aware of existence and importance of this tools;
 - Capacity building training for NGOs on CBD and PEBLDS should be organized.