

# Convention on the Conservation of European Wildlife and Natural Habitats



Standing Committee

## **Recommendation No. 71 (1998) concerning guidelines for the protection and management of habitats through private or voluntary systems**

*(Adopted by the Standing Committee on 4 December 1998)*

The Standing Committee of the Convention on the Conservation of European Wildlife and Natural Habitats, acting under the terms of Article 14 of the convention,

Conscious of the need to involve the private sector and non-governmental organisations in action undertaken to promote the protection of flora and fauna wildlife habitats, in particular those listed in Appendices I and II to the convention, and to safeguard endangered natural habitats in accordance with the provisions of the Rio Declaration on Environment and Development and of Agenda 21 (Chapter 27) adopted in Rio on 14 June 1992;

Considering that private organisations and voluntary systems of habitat conservation and management can contribute to cost-effective conservation and have a multiple effect;

Considering that these organisations can provide an effective contribution to nature conservation, particularly when their staff is supported by a qualified scientific team, their acquisition and management strategies are based on nature conservation criteria and objectives, they work in collaboration with a variety of public and private entities at local, national and international level; they encourage public participation and are active in the field of environmental education;

Being of the opinion that these organisations should therefore be deemed to perform a public service and, in certain circumstances, qualify for grants or loans;

Considering that it is essential to involve in the action taken to protect and manage habitats the main users of such habitats (farmers and foresters) as well as other users of nature, hunters and fishermen who practise their sport in compliance with the legislation in force, insofar as their activities are of great economic significance for habitat conservation and have a considerable influence on countryside management practices;

Having regard to Articles 1, 2, 3 and 4 of the convention and to its Resolution No. 1 (1989);

Conscious that most of the obligations under Articles 1, 2, 3 and 4 of the convention are binding upon the Contracting Parties as to the results to be attained while allowing them a choice of the means to be used for that purpose;

Noting that the status of voluntary habitat conservation and management is often determined by each state's legal, political and popular culture, with some countries maintaining that public ownership is the most appropriate method of nature conservation - private organisations in that case playing a complementary role - while others have firmly established private systems as an integral part of national conservation policy;

Recognising that some means of action have proved particularly effective in the states in which they have been applied and that the experience derived therefrom should be brought to the attention of all Contracting Parties;

Conscious of the need to promote the conservation and positive management of habitats, in the context of the Pan-European Biological and Landscape Diversity Strategy as endorsed by Ministers of the Environment at Sofia on 25 October 1995;

Recommends that Contracting Parties examine the possibility, for the purposes of the convention, of adopting measures such as those mentioned as examples in the appendix to this recommendation to promote the conservation of flora and fauna wildlife habitats, in particular those listed in Appendices I and II to the convention, and to safeguard endangered natural habitats;

## **Appendix: Examples of measures**

### *1. Measures relating to acquisition and management of land for habitat conservation*

Given the need for acquisition and land management policies to be based principally on scientific criteria and for regulatory measures to support private conservation of non-statutory sites,

*Facilitate*, where appropriate, the acquisition of land for nature conservation, targeted at natural habitats of regional, national or international importance or which have special nature conservation value;

*Strengthen* the legal status of non-statutory sites, which are managed for nature conservation to prevent expropriation by public agencies for other purposes than conservation;

*Eliminate* legal obstacles (limited duration, prohibition on the insertion of positive management clauses) to the use of leases for private conservation and *promote* the institution of habitat management contracts;

*Ensure* that where habitat management is delegated to third parties, management practices comply with an agreed management plan, preferably in respect of the whole landholding so as to protect the integrity of the site;

*Encourage* the funding of acquisitions from diverse sources, including corporate partnership, and *promote* access to information on available sources of funding;

*Encourage* charging systems under which users of natural resources contribute to the conservation of such resources;

*Promote* innovative mechanisms for habitat conservation.

### *2. Measures relating to conservation mechanisms for land owned by third parties*

Given the use which can be made of property law instruments, such as easements and covenants, and contractual mechanisms (management agreements and payment schemes) to promote private conservation of habitats by individuals or associations;

Given the possibility for public and private sectors to work together for conservation through a variety of formal or informal mechanisms,

*Develop* mechanisms encouraging third parties to conserve their land, insofar as such mechanisms are cheaper than acquisition and have the added advantage of mobilising new sectors of society to contribute to conservation;

*Provide*, where necessary, for an exception to legislation on easements and servitudes to remove the requirements of contiguity and benefit to the dominant tenement; *authorise* the donation of easements to approved conservation bodies; and *support* this reform by fiscal provisions to encourage individuals to grant nature conservation easements;

*Promote*, where appropriate, a mechanism for the long-term dedication of natural areas for conservation by means of an entry in the land register;

*Incorporate* within management agreements and conservation payment schemes, including agri-environmental measures adopted by member states of the European Union, measurable targets for the management of priority habitats;

*Simplify* the administrative arrangements of such schemes; avoid duplication with other funding programmes; ensure they are supported by adequate advisory services; *co-ordinate* such schemes with sectoral legislation to ensure that conservation initiatives, such as hedge replanting, are not cancelled out by territorial planning programmes such as land consolidation; *promote* more sympathetic policies of funding for extensive agricultural practices;

*Ensure* that public and private bodies combine their respective strengths in formal or informal partnerships to promote nature conservation.

### 3. *Measures relating to legislative support for private habitat conservation*

Given the difficulties that may be encountered by private organisations in controlling human activities in areas under their ownership and/or management and conserving the wider countryside,

Given the possibility for Contracting Parties to enable non-governmental organisations to play a constructive role in administrative and legislative procedures and law enforcement and the need to establish an optimal balance between regulatory and voluntary systems of conservation,

*Strengthen* legislative support for private nature conservation with due regard for other interests;

*Allow* recognised non-governmental organisations to participate actively in planning procedures and other administrative procedures relating to territorial development;

*Allow* recognised non-governmental organisations to use the courts to secure better enforcement of existing laws and, where appropriate, to obtain reinstatement of damaged habitat and, as necessary, adequate ecological compensation.

### 4. *Measures relating to tax policies to promote private habitat conservation*

Given that tax incentives may encourage donations of money or land to private conservation organisations and the ecologically sensitive management of land,

*Adapt or reform*, where necessary, the fiscal system to eliminate disincentives to habitat conservation and introduce a positive tax regime for donations of land or money for nature conservation;

*Give* sympathetic consideration to granting tax exemptions in respect of land managed principally for nature conservation;

*Encourage* the donation of land of nature conservation value to the state, local authorities or approved private organisations in lieu of inheritance tax and the right to a tax exemption for managing such land in accordance with an approved plan.

### 5. *Measures relating to the involvement of the voluntary sector in the management of land for habitat conservation*

Given that public support and involvement is essential to the successful management of protected habitats by government, private sector and non-governmental organisations,

*Promote* the added value of involving volunteers and local communities in the practical management of protected habitats;

*Recognise* the role the voluntary sector can play in building the capacity of volunteers and local communities to contribute to the management of protected habitats;

*Develop* partnerships between land managers and voluntary sector organisations which will implement training and capacity building programmes for volunteers and local communities;

*Take care* that budgets for protected habitat management include provision for supporting the development of a sustainable contribution by volunteers and the local community.