

## Deutscher Rat für Landespflege

# Gebietsschutz in Deutschland: Erreichtes – Effektivität – Fortentwicklung

### Summary

#### Conclusions and recommendations

(Übersetzung: Faith Gibson-Tegethoff)

Placing sections of the landscape under protection is one of the oldest, best-known and most important means of nature conservation for safeguarding biological diversity and the ecosystems of specific natural areas. Correspondingly, this instrument has been further developed and expanded on the most diverse levels. Today there are more than 20 categories of area protection or conservation area ratings of very different legal content that can be categorized as:

- Conservation areas under German nature conservation law,
- Conservation areas based on EU law,
- Protected landscapes based on other German legal provisions,
- Conservation areas and nature conservation measures based on international as well as regional, bilateral agreements and programmes,
- Conservation area ratings of official offices,
- Ratings (conservation area proposals) of non-official offices.

Without even going into the actual quality of the individual categories for attaining nature conservation objectives, the large number of designations suggests that quite obviously too much of a good thing has been done in the field of conservation area types and terms. Streamlining and simplification are therefore indicated as well as a hierarchy of related categories or a ranking according to their standing from a higher geographical (or political) perspective, e.g. according to European, national, *Land* or regional significance, whereby the respective higher category encompasses those below it (cf. article by BLAB in this book). In political, administrative structure and also association policy reality, however, it is evidently extraordinarily difficult, if not impossible, to implement a relevant rearrangement. Regardless of this, it is necessary in any case to carry out contextual improvements, at least for the most important conservation categories of the Federal Nature Conservation Act.

In the category of *nature protection areas* specific provisions on the minimum size according to habitat systems and to required buffer zones should be striven for. In the future functional ecosystem connections must be better considered in establishing and expanding the areas. The uses should be subordinated to the area-specific nature conservation objectives. Differentiated management and development plans must be created, and their implementation ensured through regular status or success controls. In addition, a national, higher planning process must take place with the objective of more representatively designing Germany's region-specific natural treasures through the conservation area system.

According to the earlier legal provision, the development idea was underrepresented in the *national park* category. This deficiency was eliminated in the 2002 amendment of the Federal Nature Conservation Act by the distinct strengthening of the development idea and the possibility of establishing target national parks, which is very welcomed in such a densely populated and traditionally intensively-used country such as Germany. With regard to the representation of natural landscapes and ecosystems in the German national park system we admittedly ascertain that neither the large natural areas nor the most important large ecosystems of Germany are represented suitably and completely by national parks. Noticeable deficiencies here are the beech forests, as well as oak forests and moor regions of the northern German lowland, the beech, fir and spruce forests of the Black Forest and the large rivers.

The category of *biosphere reserves* by planning as a special category of conservation for large-area, nationally significant cultural landscapes as a counterpart to national parks could be substantially improved. The framework concept for the respective region and in particular the management and development plans for individual partial areas, which in many cases urgently need conservation-oriented further developments, are decisive for the value of this category. In view of the relative shares of area of core, management and development zones in the existing areas, additional demands should be made to considerably expand the area shares of the core zones and to permanently establish naturally tolerable and more sustainable management means in the usually larger sized development zones.

For the category of *landscape conservation areas* it is necessary to formulate or word more precisely the respective conservation purposes in the ordinances and to regulate the development of more naturally tolerable and more sustainable uses with ecological model functions. This, in turn, requires that substantial management and development plans tailored to the natural area be drawn up, implemented and monitored on the basis of relevant landscape inventories. Furthermore, zoning plans are needed for large landscape conservation areas.

With regard to representation, the German area protection "system", if we can even call it that, is unsatisfactory. In spite of all the efforts made, Germany has yet been unable to develop a qualitatively and quantitatively sufficient and balanced conservation area system. On one hand there are historic reasons for this, for instance the focus "of nature conservation" practiced over many decades on *uniqueness* giving too little weight to that which is *typical of natural landscapes*; secondly there are diverse political reasons. In spite of all politically motivated

deficiencies, certain improvements in coherence have occurred in the course of implementation of the FFH Directive in Germany.

Further progress can, on principle, be anticipated with the implementation of the ten-percent area approach of the Federal Nature Conservation Act for the establishment of a nationwide habitat system, if the latter is actually conceived and implemented in orientation to demand (logically supplementing previous, chiefly supply-oriented area protection). The fact that the explanations in the act are not concrete for directly effective action with regard to the qualitative and quantitative demands on the habitat system is problematic or at least makes things more difficult.

On the whole, from the evaluation of the effectiveness of area protection in Germany with regard to both individual elements and the overall system, the Council considers the following further-reaching necessities and makes the following demands:

Comprehensive and consistent nation-wide and extensively uniform nature conservation planning is necessary on all levels with the possibility of minimising conflicts from the outset, to take the place of nature conservation behaviour that is today still primarily passive and reactive. This involves:

- Target concepts that are drawn up according to a nationally uniform pattern, which account for natural landscape-typical and regional conditions ("regional landscape models").
- Distinct region-related target concepts with relevant management and development plans. These are absolutely essential for the management of conservation areas as well as for the implementation of success controls and must therefore be obligatorily foreseen and implemented at the least for all large conservation areas (national parks, biosphere reserves and natural (conservation) parks) as well as for all nature protection areas and NATURA 2000 areas.
- For "local" work, definitions of purposes and objectives should be made as precise as possible on the object level: when and where connected structures may be extensified, set up and expanded, where and where not successions are consciously permitted, where management measures are needed and what they are. It is necessary to word qualitative objectives (with regard to the respective protected assets).

Endeavours should be made to select representative areas on a uniform, national scale for the establishment of conservation areas that are

- internationally or nationally significant (i.e. uniform national basic principles),
- representative in the sense that they include the entire spectrum of biotope types, biocoenoses and species (i.e. safeguarding all areas

important for conserving all species and habitat diversity),

- representative in the sense that they are typical of the natural area and landscape,
- representative in a (bio)geographical sense.

The differentiated protection requirements are best served with graduated conservation area systems with areas selected for their national representation of the respective natural landscape. This type of conservation area system is categorized in:

- Core areas, which serve nature conservation exclusively, i.e. which also may not be subjected to a consideration with public interests under regional planning aspects. These core areas encompass on the one hand natural or semi-natural habitat systems, on the other hand semi-natural biotopes created by people and hence dependent upon traditional management. The management measures in conservation areas necessary for preserving biological diversity often go far beyond the capacities of pure nature conservation programmes and often require solutions that also actively involve the users of the land in the implementation of the conservation concepts. "Untouchable" areas must include all parts of the landscape, which, due to their assets, are rare, endangered or not or not easily regenerated, i.e. which interventions would irrevocably destroy. Legal protection of the core areas must be adapted to the respective object under protection. Chief suitable categories are nature protection areas and national parks as well as biosphere reserves (esp. their core areas). New establishments as regions of European significance under the FFH and EC Wild Bird Directives supplement this protection.
- Development areas must round off or replace the core areas – in a manner suitable for landscape ecology – there, where the present assets of the natural area are already greatly disturbed by anthropogenic interventions. Chronological continuity must also be ensured for development areas so that those conditions can develop that are important for preserving the biological diversity.
- This system must be supplemented with buffer zones and habitat system areas; in particular small conservation areas should be sheltered with sufficiently sized buffer areas.

The demarcation and establishment of conservation areas must be oriented chiefly to the functionality of the relevant ecosystem complexes. Protection of connected habitat systems and parts of a landscape, also of spatially loosely connected (partial) habitats of meta-populations, has priority over protection of isolated individual elements. Consideration should also be given to dynamic aspects (permitting succession on large areas, development areas), sufficient buffer zones and minimum dimensions for beneficial conservation of the areas.

Focal points must be set in nature conservation in view of the still limited financial resources and implementation deficiencies. With regard to area protection this means that funding must be used more for object-related "local" concepts in order to safeguard or improve the quality of the areas. Increasing the quality of existing areas should clearly be given priority over enlargement of areas, and the expansion or the optimization of

nature conservation in existing areas given priority over connecting or developing corridors between different areas.

In order to enable the staff of nature conservation administration and nature conservation associations to handle the diverse tasks of area protection management, simplification of administrative procedures and activities and the continued dispatch of specialists to carry out conceptual analyses in the regions and of the protected objects are urgently desired. Further development of computer-aided systems is necessary, aimed at generating updatable area data to help relieve local processors from routine work (key words: GIS, GIS Model Coupling).

Priority areas for nature conservation should be bindingly introduced on all levels of regional planning, especially on the federal level. Since effective regional planning schemes, e.g. the Federal Transport Network Plan, are conceived and implemented on the federal level, but coordination is necessary that embraces all of the *Länder*, a system of "priority areas for nature conservation" from a federal perspective should be urgently striven for. The scope of the Federal Planning Programme for the Regions is one such possibility. The *Länder* in the LANA have advocated such regional planning arrangements since 1991 and the Ministerial Conference for Regional Planning made a resolution in 1993 (Ministerkonferenz für Raumordnung 1993) demanding a "grouping of ecologically important regions, which should encompass roughly 15 percent of the areas not used for settlement purposes". These demands were also supported by the EU-wide conservation efforts of the 1995 FFH Directive and decisively require concrete and nationally coordinated implementation. This kind of priority area system aims not only at safeguarding area claims for conservation area systems as such, but additionally aims at creating nature conservation-oriented steering possibilities for financial programmes of agriculture and forestry on all levels, from the EU to federal to *Länder* programmes. Uniform provisions for large conservation areas (national parks and biosphere reserves) are also necessary, whereby nationally uniform administration and control of large conservation areas is urgently desired. Also worth striving for is a closely linked nation-wide coordination of research in large conservation areas, e.g. the determination of research focal points, of monitoring methods as well as planning joint projects in regions that span the borders of the *Länder*.

For nation-wide uniform conservation area systems that also adapt easily to international or EU-wide conservation efforts the federal government must have a minimum level of shared decision-making rights, but also shared responsibility, in the selection and planning of conservation area systems. This implies a uniform basis for the compilation and forwarding of nature conservation information between the federal and *Länder* governments (agreements on data exchanging, securing in the Federal Statistics Act, development and agreement of binding methodical basic standards for habitat mapping and monitoring programmes, etc.).

For cross-border *Länder* national parks and large conservation areas (e.g. Wattenmeer, Harz) joint area administration is urgently needed. In the

established national parks the objectives of a national park must have unequalled higher consideration, i.e. in the short to medium-term all uses that are detrimental to the conservation objective must be consistently stopped. The representative inclusion of all semi-natural, large ecosystems in the interior in a nationwide national park concept requires, for example, the new establishment of:

- beech forest national parks with a broad spectrum of elevation levels and diverse site-specific, soil science prerequisites,
- water meadows along the large rivers actually marked by flooding regimes as well as
- moor national parks in the most important regional moor complexes.

Along with a more harmonious conservation area policy (with regard to quality and quantity) as well as the integration and consideration of the conservation areas in landscape planning and regional planning, intensified measures leading to perceptible progress in nature conservation are indispensable in numerous other environmental policy fields:

- Extensive and consistent return of the rate of area used and the restoration of fragmented, isolated and partitioned landscapes. The target of the "Green Cabinet" of today's average of 129 hectares per day to a maximum of 30 hectares per day by 2020 can serve as an orientation point. Possible measures are e.g.: restoring of sealed areas, concentration of buildings, mixing the use of areas, changing of financial aid and tax policies.
- Distinct reduction of the use of fertilizers and substance input, the eutrophication of soils, water and air, extensive prevention of soil erosion, hence easing the burden on the landscape. For agriculture this means using both mineral and self-produced organic fertilizers to meet the requirements. To restore nutrient cycles, mixed farms with livestock (< 2 large animal units per ha) and self-produced fodder cultivation should be promoted.
- Ceasing excessive farming intensities taking into account the regionally differing local and environmental conditions.
- Aligning uses to the natural requirements (differentiated land use under consideration of the local conditions adequately including primary land users, agriculture in particular).

These guidelines serve to ensure environmentally sound use in the area, to support the constancy of the landscape for the exchange of organisms and hence are the indispensable supplement to the strategy of nature conservation aimed at conservation areas.

Area protection is and remains the backbone of nature conservation in Germany. When its lack of effectiveness is lamented it is not mainly because the conceptual approach fails, but because its implementation in practice reveals deficiencies, for instance through political impediments or limitations to the required identification of areas, through a lack of or faulty region management and a lack of controls as well. The lamented decline of species in conservation areas quoted above may be considerable to a degree – but it remains by all means lesser than in not especially protected "utilized landscapes".