

## Country Paper-Austria

### Natura 2000- ÖBf's experiences and results of the study “Natura 2000 and property rights”

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Austrian Federal Forests (ÖBf) is responsible for managing a natural heritage covering 860.500 hectares. More than 50% of ÖBf's managed sites are affected by nature conservation issues. Due to that ÖBf runs two National Parks, manages main-part of the Biosphere Reserve's Wienerwald core zone (75%) and is actively participating in the IUCN Program Countdown 2010. By European Law 26 % of ÖBf's area (approx 220.000 hectares) are designated as Natura 2000 sites with impact on further management activities. From the very beginning (Austria became part of the European Union in 1996) ÖBf participated in multifarious working groups to be serious part in the Natura 2000 establishment process. As shown below the nomination process of pSCI and SPAs sites took place without proper integration and communication of the forest/land owners. In addition- due to the Austrian constitution-the identification and nomination of Natura 2000 sites was (still is) in the responsibility of Austria's 9 provinces that caused very different approaches of how to implement the Natura 2000 system. As a matter of fact Austria's overall Natura 2000 implementation process was insufficient managed from a long-term perspective. The aims of ÖBf's Natura 2000 activities were to integrate it's know-how in Protective Forest Management, Sustainable Forest Management, balancing diverse stakeholder interests on sensitive areas and managing declared conservation sites. ÖBf participated in the establishment process of 10 Natura 2000 Management Plans following both the bottom up approach (establishing management criteria in cooperation with the land-/forest owner) the top-down process (conservation status is trigger for the further process) and a participative approach (where landowner integration, compensation issues and public information is addressed). Further ÖBf participated as a main stakeholder when establishing a catalogue for compensation on forests in Natura 2000 areas. The catalogue was established together with Austrians chamber for agriculture (representing small- and medium-scaled forest owners) and supported with expertise from R&D experts. The compensation catalogue mainly deals with abandonment of forest management (temporary or total), restrictions of established forest management and market value mitigation.

Apart from that ÖBf was involved in carrying out a study dealing with the topic “Natura 2000 and property rights”. This study was ordered by the Institute of Forest Sector Policy and Economics (BOKU - University of Natural Resources and Applied Life Sciences, Vienna) to investigate the various problems while implementing the NATURA 2000 Directives in the established Natural Resource management system (specialised with the focus on forests). Results from this study could be of interest for State Forest Organizations involved in the Natura 2000 process.

Different groups in society make different demands on forests, of which many do not influence the aims of their owners, some even opposing their goals. Above all, this is especially true for the social goal of nature conservation. In many respects the aims of forestry and nature conservation are the same, in some critical areas, however, they show a stark contrast. This is the reason for long-lasting political conflicts about the use of forest habitats and the nature of property rights. The discussion about Natura 2000 is the most current example of the controversy between nature conservation issues and interference with property rights. When Austria became a member of the European Union, two nature conservation directives came into force (Directive on the Conservation of Wild Birds,

79/409/EEC and Council Directive 92/43/EEC on the conservation of natural habitats and of wild flora and fauna) which aim at the creation of a European network of nature conservation areas referred to as Natura 2000. In the course of a multi-stage process nature conservation areas shall be identified in order to ascertain the diversity of species in the member states of the European Union by conserving natural habitats as well as wild animals and plants; furthermore, it is the aim of Natura 2000 to conserve or to create sufficient surface areas and diverse habitats for species of wild birds. Due to the fact that the Austrian constitution demands provincial responsibility in cases of nature conservation, the Natura 2000 directives, which have to be integrated into provincial law but are lacking federal cooperation, have resulted in different identification strategies entailing various potential conflicts in connection with local politics. So far, the process of determining and reporting areas suitable for a coherent European nature conservation network showed that the many different Austrian identification strategies have led to different positions of people involved in the Natura 2000 process. Because of unclear terms used in the guidelines, obvious legal uncertainties and the exclusion of forest owners from the current discussion, conflicts have arisen between forest owners and their representatives on the one hand, and between sovereign nature conservation and nature conservation associations on the other hand. As from the point of view of forest policy science this situation is very interesting, it justifies the investigation of its causes and effects. The main focus was put on the opinions and beliefs of those people involved, which made possible predictions about potential future actions and restrictions. Based on an account of the fundamental principles of property and on the working hypotheses derived from it, a political situation analysis was carried out. 12 interviews with experts as well as the critical incorporation of public viewpoints of people directly concerned with the Natura 2000 process served as data. The interviews were carried out with the help of an interview guideline; interview partners included forest owners (divided into three different categories: forest landowner, forestry professional, and Austrian Federal Forests (ÖBf AG)), forestry representatives (Standing Committee of the presidency of the chambers of agriculture and Federal Association of Austrian Farm- and Forestowners), representatives of nature conservation associations (WWF, Österreichischer Naturschutzbund, BirdLife), as well as representatives of the nature conservation administration (nature conservation department of the office of provincial government and the official expert of the supreme nature conservation authorities, and nature conservation scientists (involved in both academic teaching and practical realisation). Issues of investigation were people's knowledge about Natura 2000, the way information was provided by the nature conservation authorities, the degree to which forest owners were included in the process of selecting and identifying suitable areas, the forest owners' and the nature conservation associations' concepts of property, possible and actual restrictions to property rights, possible changes of operational goals, forest owners' acceptance of Natura 2000, a change of the status of the nature conservation authorities in the course of the Natura 2000 process, as well as the influence of nature conservation associations on the nature conservation authorities during the identification process. It was the aim of the investigation method to analyse the people involved together with their opinions and beliefs in the context of their actions, focusing on the elaboration and description of "typical" features, which is, however, not statistically representative. The empirical analysis has shown that knowledge about Natura 2000 in general and especially knowledge about measures concerning forests is fairly limited as far as forest owners are concerned, while nature conservation associations are more familiar with these issues, and the nature conservation department of the office of provincial government knows most about Natura 2000. Furthermore, it was found that forest landowners and forest professionals do not find information about Natura 2000 provided by the nature conservation authorities sufficient and that the exclusion of forest owners in the determination and identification process resulted in their feeling that their rights of ownership had been violated. Moreover, it became apparent that nature conservation associations do not share their concepts of property rights with forest owners, questioning forest owners' rights when their management does not correspond to nature conservation goals. It could be shown that forest owners consider Natura 2000 as a limitation of their rights of ownership and that under certain conditions operational goals may be changed, although this may not

be the present intention of forest owners. It was empirically proved that the way in which the nature conservation authorities provided information about Natura 2000 has diminished forest owners' acceptance of these Directives. At the same time, the importance of the authorities in questions of nature conservation has also considerably declined in the eyes of forest owners. As to nature conservation associations' influencing the nature conservation authorities in the course of the determination and identification process, it can be said that a certain influence was exerted through the creation of media as well as political pressure causing a change in the authorities' behaviour. The detailed investigation of the Natura 2000 process up to now should be regarded as leading those involved in this process to a critical reflection of their actions and to think about possible alternatives in the further processes dealing with Natura 2000.