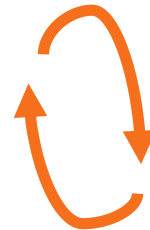




Eberswalde University
for Sustainable
Development

Governance, Administration and Management of Biosphere Reserves and Protected Areas

Prof. Dr. Erik Aschenbrnad



2 Intro: the definition of key terms

3 Organisation forms of Biosphere Reserves (BRs) and Protected Areas (PAs)

4 Weber's characteristics of bureaucracy

5 Good government and good governance

6 Landscape governance legal foundation

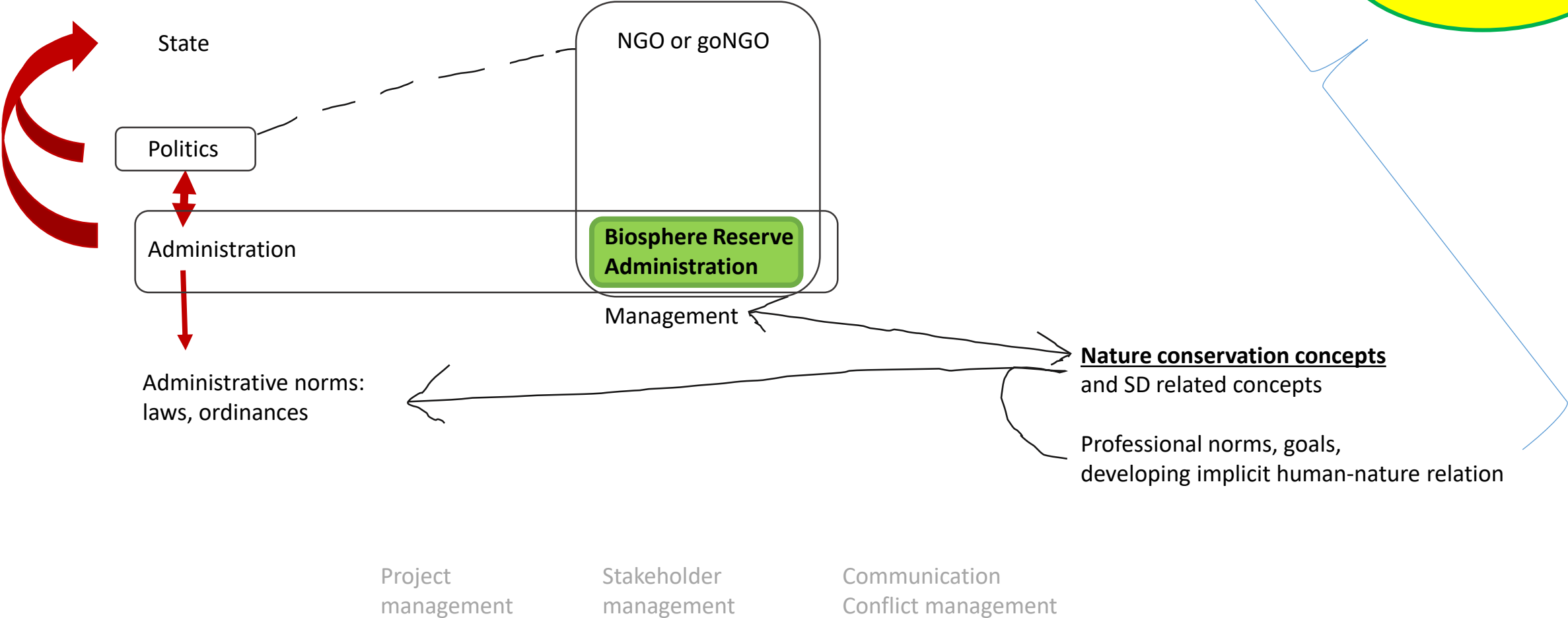
7 Landscape governance fragmentation

6 Landscape governance legal foundation

Learning Objective: Understanding BRs as part of or in relation to state administration. Reflecting on their role in landscape governance

International context
Conservation law

Understanding
BR and PA in
landscape governance



**Landscape governance with Protected Areas (PAs)–
example of a legal foundation**

Some important facts about the legal organisation of German large PAs

National categories of PAs

Federal nature conservation act: spatial categories
(legal definition of protected area categories)

Chapter 4

Protection of special parts of Nature and Landscape

...

§23 Nature conservation areas

§24 Nationalparks, National Nature Monuments

§25 Biosphere Reserves

§26 Landscape protection areas

§27 Nature Parks

§28 Nature monuments

§29 Protected parts of landscapes

§30 Protected Biotopes

Authorities

16 German States:

Supreme nature conservation authority
(ministry)

Upper nature conservation authority
(mostly special nature conservation agencies)

Lower nature conservation agency
(mostly regional district administrations)

→ §23 & §26 are constitutive for the legal definition of §24, §25 and §27

Some important facts about the legal organisation of Germany

National categories of PAs

Federal nature conservation act: spatial categories (legal definition of protected area categories)

Chapter 4

Protection of special parts of Nature and Landscape

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§24 Nationalparks, National Nature Monuments

§25 Biosphere Reserves

§26 Landscape protection areas

§27 Nature Parks

§28 Nature monuments

§29 Protected parts of landscapes

§30 Protected Biotopes

→ **§23 & §26 are constitutive for the legal**

§ 24 National Parks, National Monuments of Nature

National parks are legally binding, uniformly designated areas to be protected which

1. are extensive, largely unfragmented and of special character,
2. fulfil the **requirements of a nature conservation area in a greater part of their area**, and
3. are, in a predominant part of their area, in a condition not or only slightly influenced by man or are capable of developing or being developed into a condition which ensures the most undisturbed possible course of natural processes in their natural dynamics.

(2) The objective of national parks shall be to ensure, in a major part of their area, the most undisturbed possible course of natural processes in their natural dynamics. 2 To the extent permitted by the purpose of protection, national parks shall also serve the scientific observation of the environment, natural history education and the experience of nature by the population.

(3) National parks shall be protected in the same way as nature reserves, taking into account their special conservation purpose and the exceptions required by their large size and settlement.

Some important facts about the legal organisation of Germany

National categories of PAs

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Chapter 4

Protection of special parts of Nature and Landscape

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§23 Nature conservation areas

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→ **§23 & §26 are constitutive for the legal**

§ 25 Biosphere reserves

(1) Biosphere reserves are areas that are to be protected and developed in a uniform manner and which

1. are large-scale and characteristic of certain types of landscape,
2. fulfil the requirements of a **nature conservation area in substantial parts of their area**, and in most other respects of a **landscape conservation area**,
3. serve primarily to conserve, develop or restore a landscape characterised by traditional diverse use and the diversity of species and biotopes which has historically grown therein, including wild and formerly cultivated forms of economically used or exploitable animal and plant species, and
4. serve as examples for the development and testing of economic practices that are particularly protective of natural resources.

(2) Biosphere reserves also serve, insofar as their protective purpose permits, research and observation of nature and the landscape, as well as education for sustainable development.

(3) Biosphere reserves are to be developed via core zones, buffer zones and development zones, taking into account the exceptions required by their large size and settlement, and are to be protected in the same way as nature conservation areas or landscape conservation areas.

(4) Biosphere reserves may also be designated as biosphere areas or biosphere regions.

Nature Conservation Areas (German: Naturschutzgebiete)

According to § 23 para. 1 BNatSchG, nature conservation areas (NSG) are "legally binding areas in which special protection of nature and landscape in their entirety or in individual parts is required

- for the conservation, development or restoration of biotopes or communities of certain wild animal and plant species,
- for reasons of science, natural history or regional history, or
- because of their rarity, special character or outstanding beauty" (BfN, 2021).

BfN (2021). Naturschutzgebiete. <https://www.bfn.de/themen/gebietsschutz-grossschutzgebiete/naturschutzgebiete.html>



■ Naturerschutzgebiete

Quellen: Bundesamt für Naturschutz (BfN), 2019
nach Angaben der Länder
Geobasisdaten: © GeoBasis-DE / BKG 2018


Nature Conservation Areas (German: Naturschutzgebiete)

“They are usually designated by the higher nature conservation authorities at the regional councils, occasionally also by the supreme and lower nature conservation authorities of the Länder by decree or ordinance.

From a spatial planning perspective, nature conservation in these areas has a priority function. **Alongside the national parks, they form important areas for the conservation of biodiversity in Germany” (BfN, 2021).**

BfN (2021). Naturschutzgebiete. <https://www.bfn.de/themen/gebietsschutz-grossschutzgebiete/naturschutzgebiete.html>

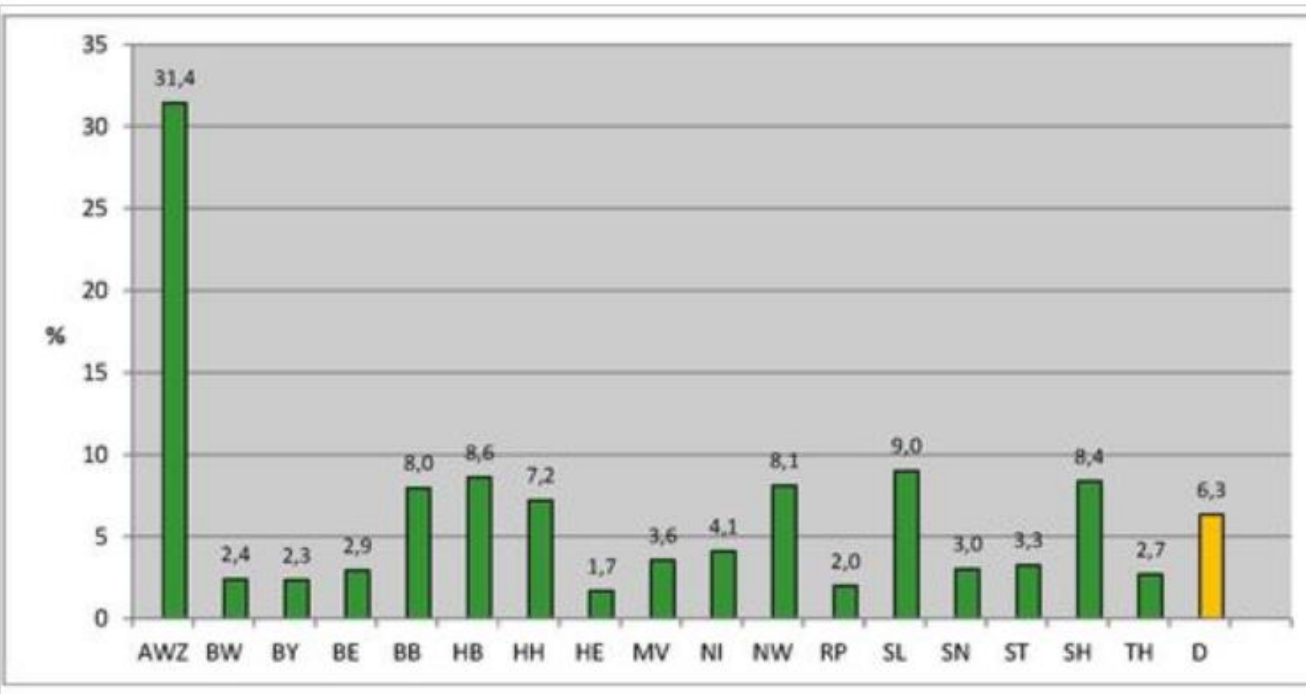


 Naturschutzgebiete

Quellen: Bundesamt für Naturschutz (BfN), 2019
nach Angaben der Länder
Geobasisdaten: © GeoBasis-DE / BKG 2018

Nature Conservation Areas (German: Naturschutzgebiete)

- 12/2017: 8.833 NSG
- Average size: 297 ha
- **60% smaller than 50 ha** → not sufficiently buffered



■ Naturschutzgebiete

Quellen: Bundesamt für Naturschutz (BfN), 2019
nach Angaben der Länder
Geobasisdaten: © GeoBasis-DE / BKG 2018

Abb. 1: Flächenanteil der Naturschutzgebiete in der AWZ, den Bundesländern und in Deutschland, Stand: 31.12.2017

Landscape Conservation Areas (German: Landschaftsschutzgebiete)

- 12/2017: 8.788 LSG
- Main objective: maintain *character* of landscape

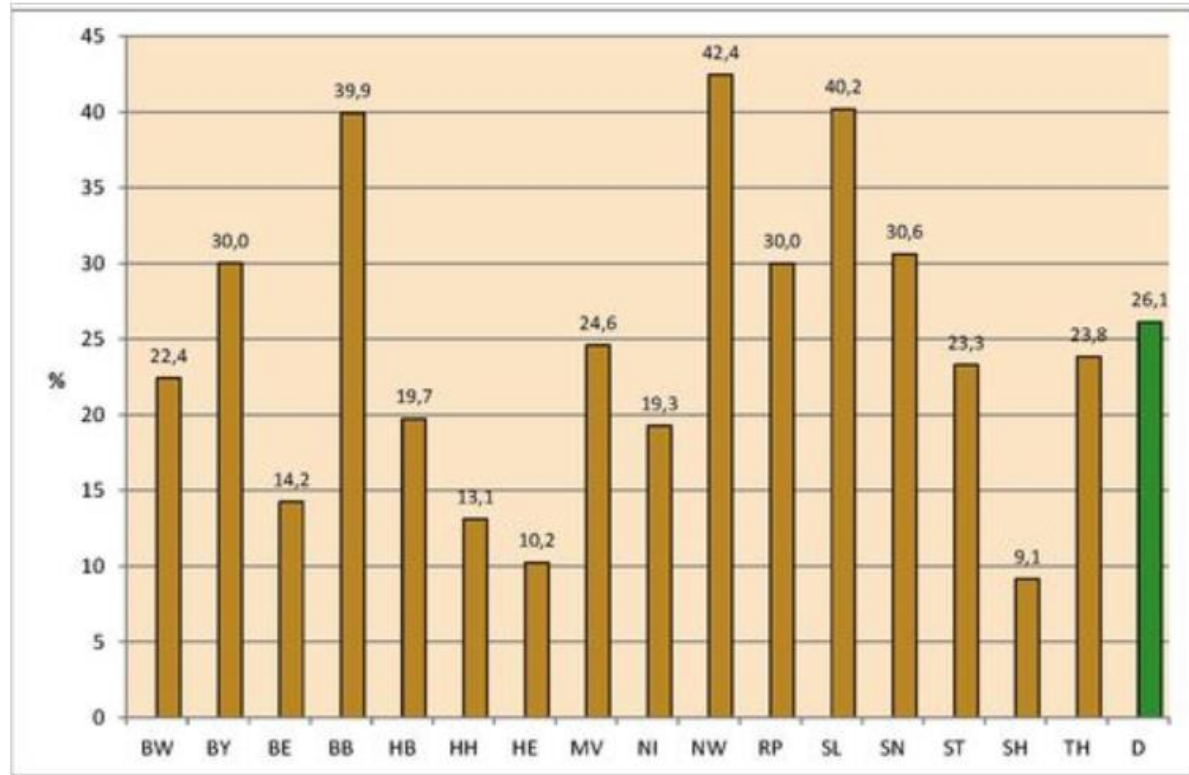


Abb. 1: Flächenanteil der Landschaftsschutzgebiete in den Bundesländern und in Deutschland, Stand: 31.12.2017



■ Landschaftsschutzgebiete

Quellen: Bundesamt für Naturschutz (BfN), 2019
nach Angaben der Länder
Geobasisdaten: © GeoBasis-DE / BKG 2018

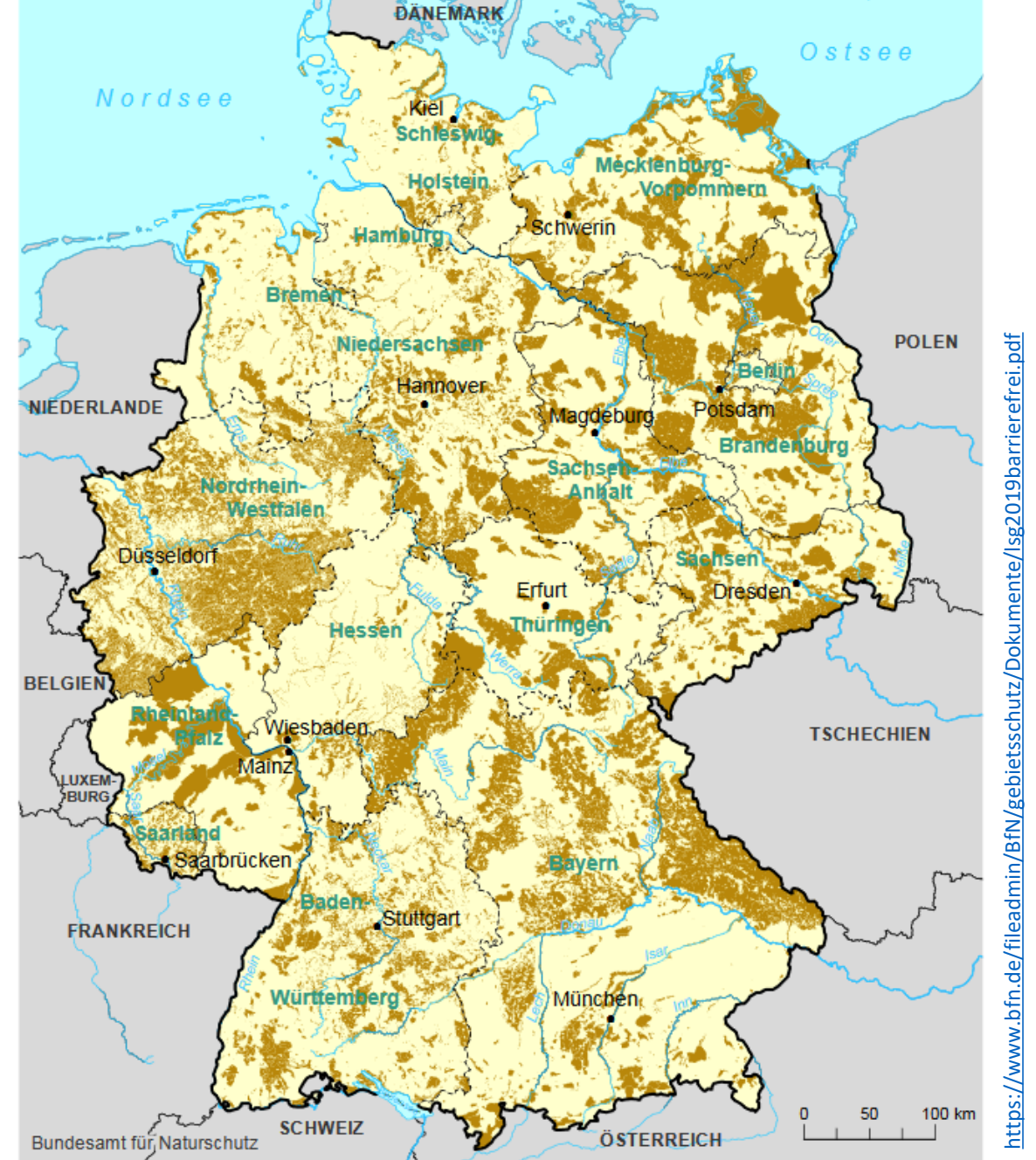
Landscape Conservation Areas (German: Landschaftsschutzgebiete)

- “The designation as a landscape conservation area can be for
- ecological ("preservation, development or restoration of the performance and functionality of the natural balance or the regenerative capacity and sustainable usability of the natural assets") or
 - aesthetic reasons ("diversity, uniqueness and beauty of the landscape") or
 - due to the cultural-historical significance (if historical developments have shaped the landscape) or
 - for recreational purposes (cf. § 26 para. 1 BNatSchG).

Not all three conservation purposes must be fulfilled at the same time, but at least one must be fulfilled.

Landscape protection areas are usually designated by ordinance of the nature conservation authorities” (BfN, 2021).

BfN (2021). Landschaftsschutzgebiete. <https://www.bfn.de/themen/gebietsschutz-grossschutzgebiete/landschaftsschutzgebiete.html>



■ Landschaftsschutzgebiete

Quellen: Bundesamt für Naturschutz (BfN), 2019
nach Angaben der Länder
Geobasisdaten: © GeoBasis-DE / BKG 2018

<https://www.bfn.de/fileadmin/BfN/gebietsschutz/Dokumente/lsg2019barrierefrei.pdf>

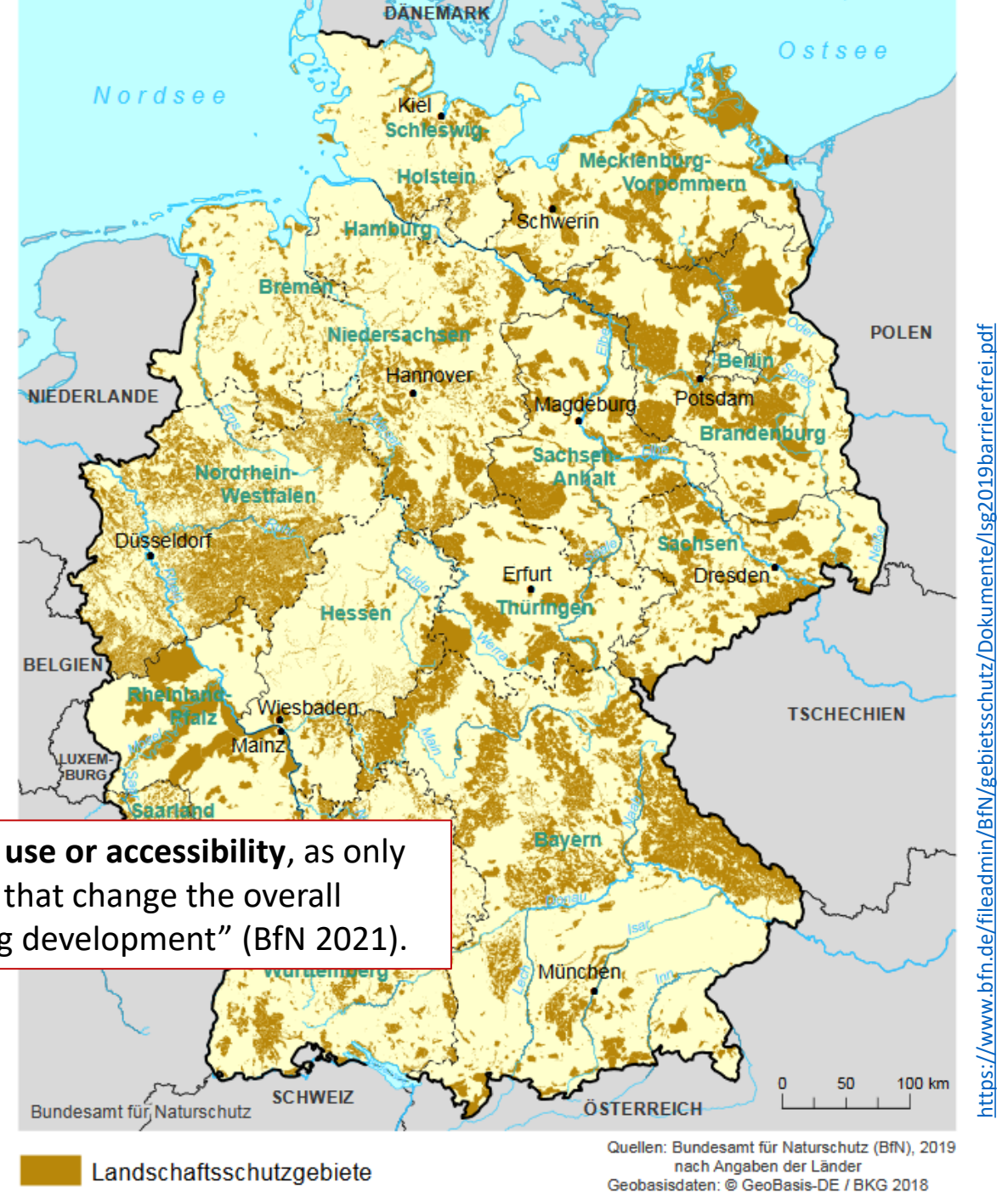
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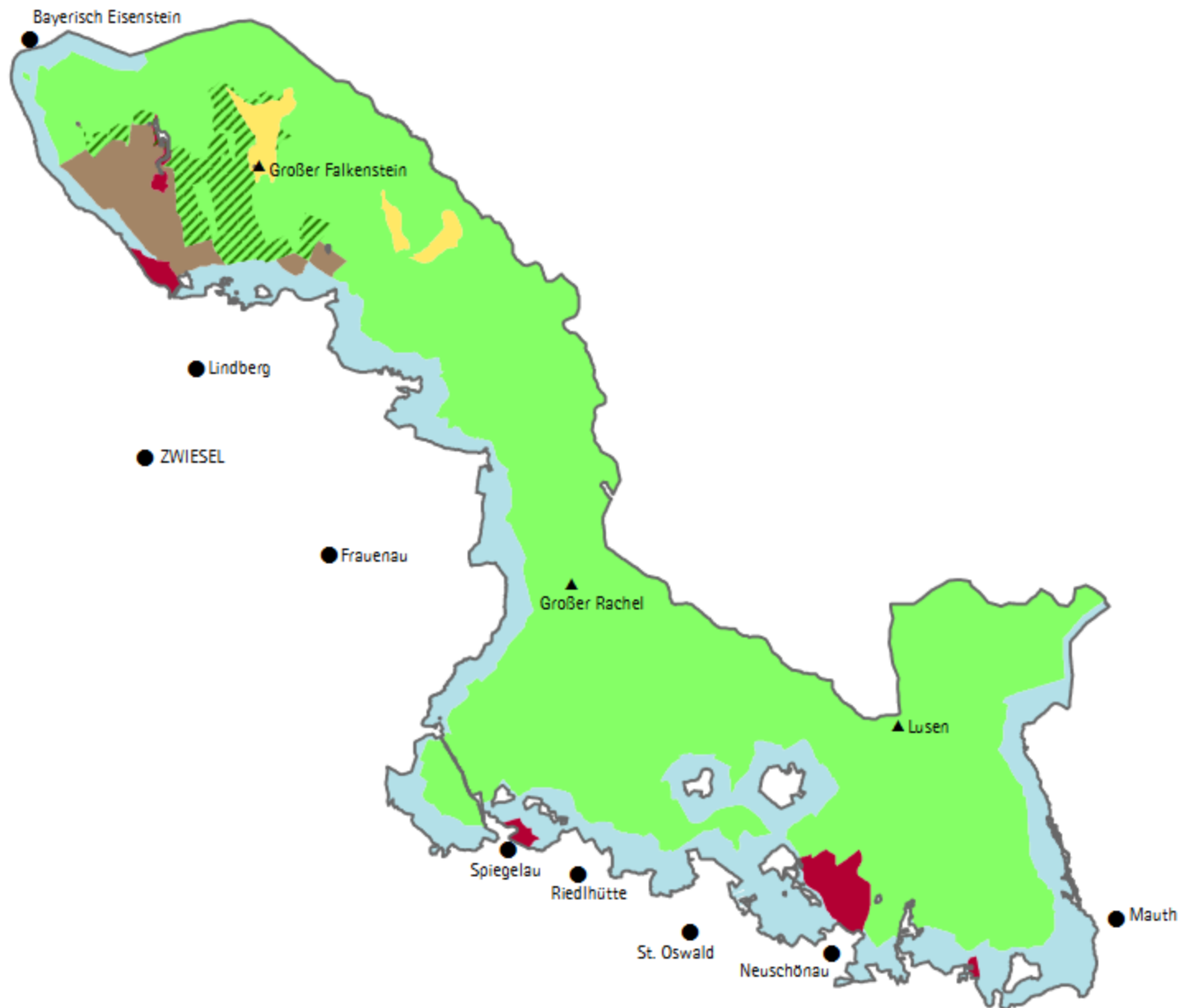
Not all three conservation purposes must be fulfilled at the same time, but at least one must be fulfilled” (BfN 2021).

“Most landscape conservation areas **contain hardly any restrictions on use or accessibility**, as only the **overall character of the area is to be preserved**. Therefore, actions that change the overall character of the area are prohibited; this applies in particular to building development” (BfN 2021).

BfN (2021). Landschaftsschutzgebiete. <https://www.bfn.de/themen/gebietsschutz-grossschutzgebiete/landschaftsschutzgebiete.html>



Zonierung



- ▲ Berggipfel
- Nationalparkgemeinden
- Zonierung Stand: 01.11.2019
- Naturzone
- Entwicklungszone 2a
- Entwicklungszone 2c
- Randbereich
- Erholungszone
- ▨ Naturzonenerweiterung 2019
- Nationalparksgrenze

0 1 2 3 4 5 Km

© 2019 Nationalparkverwaltung Bayerischer Wald



1.4 Zuständigkeiten

Standard (SOLL): Die Nationalpark-Verwaltung hat alle behördlichen Zuständigkeiten, die für die Verwirklichung der Schutzzwecke notwendig sind. Soweit andere Stellen darüber hinausgehend Zuständigkeiten im Nationalpark haben, berücksichtigen diese die Ziele und die Belange des Nationalparks bei ihren Entscheidungen im Einvernehmen mit der Nationalpark-Verwaltung.

Situation (IST): Der NLPV wurden die für die Umsetzung der NLP-Ziele notwendigen Zuständigkeiten als Untere Forst- und Untere Jagdbehörde übertragen. Sie hat aber keine Zuständigkeiten als Naturschutzbehörde und ist auch nicht Ordnungsbehörde. So können z.B. die hauptamtlich tätigen Ranger der NLPV (s. auch Kap. B.3.3 Rangersystem) bei Feststellung von Verstößen nicht ordnungsrechtlich einschreiten. Die NLPV hat auch keine Zuständigkeiten als Wasser- oder Fischereibehörde oder im Denkmalschutz (relevant für die Driftanlagen an Fließge-

EUROPARC DEUTSCHLAND

Februar 2013

ENDBERICHT DES EVALUIERUNGSKOMITEES ZUR EVALUIERUNG DES NATIONALPARKS BAYERISCHER WALD

13

wässern). Die Belange des NLP werden in wesentlichen Punkten durch andere, im NLP zuständige, Behörden beachtet. Allerdings achten beide Landratsämter die Belange des NLP nicht oder nur teilweise, insbesondere hinsichtlich der Ahndung von Verstößen gegen das Betretungsrecht (d.h. der Missachtung von Betretungsverboten).

Evaluierung NP Bayerischer Wald (2013)

http://www.europarc-deutschland.de/wp-content/uploads/2014/09/14_Komitee-Bericht-Bayerischer-Wald.pdf

Translation Evaluation (deepl.com)

Criterion: Responsibility

Standard (TARGET): The national park administration has all the official responsibilities that are necessary for the realization of the conservation objectives. Insofar as other authorities have additional responsibilities in the national park, they take into account the objectives and concerns of the national park in their decisions in consultation with the national park administration.

Situation (ACTUAL): The NLPV has been assigned the responsibilities necessary for the implementation of the NLP objectives as **Lower Forestry** and **Lower Hunting Authority**. However, it has no responsibilities as a **nature conservation authority** and is also not a **regulatory authority**. For example, the full-time rangers of the NLPV (see also chapter B.3.3 Ranger system) cannot take regulatory action if violations are detected. The NLPV also has no responsibilities as a **water or fishery authority** or in **monument protection** (relevant for drift systems on creeks). The interests of the NLP are observed in essential points by other authorities responsible for the NLP. However, some district offices do not or only partially respect the interests of the NLP, especially with regard to the punishment of violations of the right of access (i.e. the disregard of prohibitions to enter).

Evaluierung NP Bayerischer Wald (2013)

http://www.europarc-deutschland.de/wp-content/uploads/2014/09/14_Komitee-Bericht-Bayerischer-Wald.pdf

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Translation Evaluation (deepl.com)

Criterion: Ownership

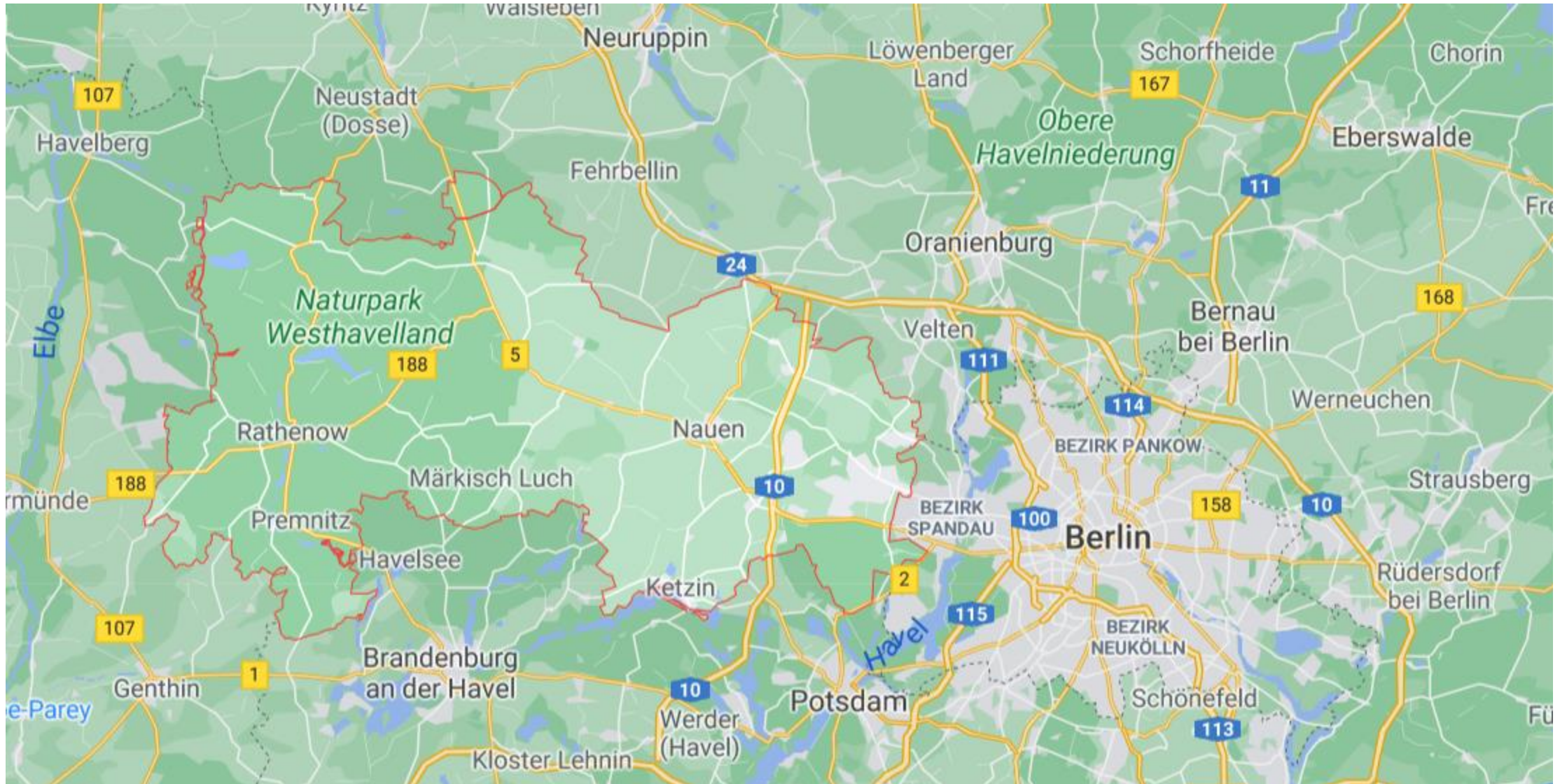
Standard (TARGET): The area of a national park is, as far as possible, fully owned by the public sector. Where this is not the case, permanent arrangements are made to ensure that the national park objective is achieved.

Situation (ACTUAL): About 99 % of the NLP area is in public ownership (state area). A very small proportion of the NLP comprises communal or private land (approx. 1 %). The NLPV acts as the administrator of the state land. So far, there have been no problems in implementing NLP objectives on state-owned land. In contrast, there have been problems from time to time with implementation on communal land when important decisions have been made (e.g. salt spreading on communal roads, snow dumping). Regarding the enclaves in the NLP and their consequences, in particular the obligation of additional measures for bark beetle control stipulated in the NLP regulation (see also chapter B.1.6 Delimitation and allocation).

Evaluierung NP Bayerischer Wald (2013)

http://www.europarc-deutschland.de/wp-content/uploads/2014/09/14_Komitee-Bericht-Bayerischer-Wald.pdf

Example: Landkreis Havelland (Havelland administrative district)



<https://www.google.com/maps/place/Havelland/@52.6098508,12.4439394,9z/data=!4m5!3m4!1s0x47a8ddd52c4f8aef:0xb338e8d188fcfad4!8m2!3d52.603483!4d12.5052567>

County/district administration example:
state: Brandenburg/district: Havelland

Authorities with high relevance for protected area management

Lower water authority

- Permits and notifications under water law for the use of water bodies (water withdrawals, sewage treatment plants, boreholes for geothermal energy production)
- Installations on and in water bodies (e.g. jetties)
- Approval of sewer networks (wastewater and stormwater) Facilities for handling substances hazardous to water (e.g. oil-fired heating systems, petrol stations)
- Monitoring of watercourse maintenance, flood protection

Lower waste management and soil protection authority

- Contaminated sites
- Advice and monitoring of businesses / waste producers on the avoidance, recovery and proper disposal of hazardous waste
- Protection of soil from contamination / monitoring of sewage sludge utilization
- Enforcement of proper recycling and disposal of waste and end-of-life vehicles, prosecution under regulatory law
- Securing and recultivating abandoned landfills

Lower authority for agriculture, veterinary- and food control

- Agricultural subsidies
- Food monitoring
- Animal Health
- Agricultural affairs & administration;
- hunting and fishing

Lower forestry authority in BB:
Landesbetrieb (state enterprise)

- Permission: forest conversion/land use change
- Supervision for all ownership cat.
- Regulatory authority: Reporting, prosecuting, punishing, removing

Lower nature conservation authority

- Landscape planning
- Impact regulation and urban land use planning
- Exemptions and permits in protected areas
- Regulatory law
- Protected areas, biotope protection, contractual nature conservation
- Species protection, tree protection

Tabelle 2: Behördliche Zuständigkeiten der Nationalparkverwaltungen in Deutschland (Stand Februar 2013)

Nationalpark	UNB	ONB	ÖNB	UFB	OFB	UJB	OJB	OrdB	Gem	UFiB	NSFB
Schleswig-Holsteinisches Wattenmeer	x	x									
Niedersächsisches Wattenmeer	x										
Hamburgisches Wattenmeer			x								
Vorpommersche Boddenlandschaft	x			x				x			
Jasmund	x			x				x			
Müritz	x			x				x			x
Unteres Odertal											
Harz	x			x		x					
Hainich	x							x			
Kellerwald-Edersee	x			x		x				x	
Eifel				x							
Sächsische Schweiz											x
Bayerischer Wald				x		x					
Berchtesgaden				x		x					

x behördliche Zuständigkeit
 UNB: Untere Naturschutzbehörde
 ONB: Obere Naturschutzbehörde
 ÖNB: Oberste Naturschutzbehörde
 UFB: Untere Forstbehörde
 OFB: Obere Forstbehörde

UJB: Untere Jagdbehörde
 OJB: Obere Jagdbehörde
 OrdnB: Ordnungsbehörde
 Gem: Gemeinde
 UfiB: Untere Fischereibehörde
 NSFB: Naturschutz-Fachbehörde

Quelle: Nationalparkverwaltungen

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Nationalpark	UNB	ONB	ÖNB	UFB	OFB	UJB	OJB	OrdB	Gem	UFiB	NSFB
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Niedersächsisches Wattenmeer	x										
Hamburgisches Wattenmeer			x								
Vorpommersche Boddenlandschaft	x			x				x			
Jasmund	x			x				x			
Müritz	x			x				x			x
Unteres Odertal											
Harz	x			x		x					
Hainich	x							x			
Kellerwald-Edersee	x			x		x				x	
Eifel				x							
Sächsische Schweiz											x
Bayerischer Wald				x		x					
Berchtesgaden				x		x					

x behördliche Zuständigkeit
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 Gem: Gemeinde
 UfiB: Untere Fischereibehörde
 NSFB: Naturschutz-Fachbehörde

Quelle: Nationalparkverwaltungen

What degree of governance fragmentation is desirable for a Biosphere Reserve?