



WWF Adria
Zelinska 2
10 000 Zagreb
Croatia

Tel: +385 1 5509 623
Fax: +385 1 4577 229
adria.panda.org

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To Whom It May Concern:

WWF is one of the largest global non-governmental organizations with a mission to protect the environment and secure a future in which people live in harmony with nature. WWF Adria is an office of the global WWF Network working in the Western Balkans: Slovenia, Croatia, Albania, Bosnia and Herzegovina, Kosovo*, Montenegro, North Macedonia and Serbia.

As an interested party and a member of the civil society in IPA III beneficiary countries, WWF Adria is providing feedback to the proposed Regulation. This feedback is drafted with the four questions posed to civil society in mind, and is based on our experience of working across the region as well as benefitting from various EU funding mechanisms to support our activities.

The IPA III programme should be strengthened with additional themes, to ensure better alignment with the EU objectives (e.g. European Green Deal), and to support a more holistic approach to improving rule of law in the beneficiary countries.

Specifically, the Regulation needs to include the following strategic priorities:

- a. **Biodiversity.** Region covered by the IPA III instrument is extremely rich in biodiversity, and at the same time the protection and preservation of biological diversity is threatened with the planned infrastructure development. We propose that under the objectives of this instrument, a clear reference is made to the prevention and reversal of the loss of biodiversity in the region.

This intervention in the proposed Regulation should be made under:

- Article 3, point 2 (d), which should read as: „To strengthen economic and social development including through increased connectivity and regional development, agriculture and rural development and social and employment policies, to reinforce environmental protection and **prevent and reverse biodiversity loss**, increase resilience to climate change, accelerate the shift towards a low-carbon economy and develop the digital economy and society“.
- Article 6, point 2, which should read as: „Programmes and actions under this Regulation shall mainstream climate change, environmental protection, **conservation of biodiversity and reversal of its loss**, and gender equality and shall, where applicable, address interlinkages between Sustainable Development Goals, to promote integrated actions that can create co-benefits and meet multiple objectives in a coherent way“.

- b. **Human rights-based approach to conservation.** Elements of environment (water, soil, biodiversity, air) are at the foundation of human well-being, providing the basic needs for survival and socio-economic development. Therefore, sustainable management of natural resources is inextricably linked with human rights. Human rights-based approach to conservation is calling for participatory, inclusive and transparent decision-making in the area of environment / natural resources, including local communities and paying special attention to minorities and vulnerable groups. This principle evokes the values of EU acquis in relation to participation and transparency, and should also be recognized as a strategic priority in IPA countries.

This intervention in the proposed Regulation should be made under:

- Article 6, point 2, which should read as: „Programmes and actions under this Regulation shall mainstream climate change, environmental protection, conservation of biodiversity and reversal of its loss, and gender equality and **human rights-based approach to conservation**, and shall,

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

where applicable, address interlinkages between Sustainable Development Goals, to promote integrated actions that can create co-benefits and meet multiple objectives in a coherent way“.

The Regulation should also make provisions for additional important elements that should be recognized in several windows of the IPA programming framework, as follows:

- Window 1 – Rule of Law: specific recognition should be made for the topic of **environmental crime** (e.g. wildlife crime, wildlife trafficking, illegal use of natural resources). Due to low awareness and capacities of the relevant institutions, environmental crime is low on the agenda, many times going unnoticed or without proper legal treatment. There is a need for capacity building on this topic, and civil society organizations can play a significant role.
- Window 2 – Good governance: promotion of good governance should also include **environmental democracy**, meaning participative and transparent governance in the sphere of natural resources decision-making including all interested stakeholders, especially local communities and civil society organisations (i.e. application of the human rights-based approach to conservation).
- Window 3 – Green Agenda: specific provision should be made for **biodiversity conservation and reversing the loss of biodiversity**, as well as **nature based solutions**. In addition to explicitly promoting biodiversity conservation (note that in the last 50 years, the world has lost more than 60% of species), this would also support development of climate change resilience through improved ecosystem health across the region.

The IPA III Regulation proposal refers to the role of civil society organisations; however, it does not define participation opportunities. For example, in the past, the Regulation defined the establishment of Monitoring Committees where civil society would have a role as an impartial stakeholder. Also, the reference to the Partnership Principle as in the Cohesion Policy is missing in this proposal. WWF strongly believes that public participation in decision making is an integral part of the rule of law; in the Western Balkan countries, this practice needs to improve significantly. The IPA III Regulation must include stronger provisions for the involvement of civil society and other non-state actors in the decision-making processes. We propose that this be done by **introducing a separate article on public participation where the Partnership Principle would be elaborated in the context of IPA**.

Furthermore, the programming of the IPA instrument should be done with an open and meaningful involvement of the civil society. Such engagement should be ensured in (i) determining the concrete priorities and objectives that the EU will establish for cooperation with IPA partners, including setting indicators for evaluating progress and success, (ii) monitoring progress to attainment of targets (via indicators), and (iii) preparing strategic response by Instrument's beneficiaries. **These provisions should be elaborated under the article on public participation to be introduced** (see above).

Finally, in order to foster the interest among and increase application of civil society organizations, IPA III instrument should ensure that appropriate modalities of funding are available to civil society (e.g. grants). Those modalities need to take into account that most civil society organisations are project funded with tight budgets and restricted cash-flow, thus **offer higher co-financing rate by the Instrument and not require pre-financing from the civil society organizations**, even in cases of cross-border cooperation (as defined in this Regulation). In this respect, provision stipulated in Article 9 (3) on pre-financing requirement should not refer to civil society organizations.

Thank you for the opportunity to express our views on the IPA III Regulation; we stand ready for further elaboration of any points made herein.

Sincerely,



Petra Remeta

Conservation director, WWF Adria