

The Obligation to Improve the Protection of Biodiversity within the Legal Framework: Bara Reva as an example

Obaveza unapređivanja zaštite biodiverziteta u zakonskim okvirima: Bara Reva kao primer

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Abstract: Bara Reva is located in the close vicinity of the capital and largest city in Serbia, on the left bank of the Danube River. The area represents a mosaic of natural habitats and is part of a riparian forest area that plays a significant role in protection against floods and strong winds. Bara Reva is the complex of habitats of important and protected plant and animal species, among others the white-tailed eagle and otter. Due to its natural values, the wider territory around this territory is protected as an Internationally Important Area for Birds named "The confluence of the Sava into the Danube" and belongs to an ecologically significant area of the Ecological Network of Serbia. In addition to the existing legal system with clear obligations to protect nature and improve its values, the researched area is exposed to negative anthropogenic pressure. This great swamp, with 80 ha of forest, is threatened by inadequate activities, logging and planning the construction of a waste disposal facility. In the paper, all laws and by-laws related to the regulation of activities in this riparian area were analyzed, inadequacies were pointed out and possibilities for improving the protection of Bara Reva were given.

Keywords: Bara Reva (swamp Reva), conversion of land, environmental impact assessment, riparian zone, habitat destruction.

Sažetak: Bara Reva se nalazi u neposrednoj blizini glavnog i najvećeg grada u Srbiji, na levoj obali Dunava. Područje predstavlja mozaik prirodnih staništa i deo je vlažnog šumskog područja koje ima značajnu ulogu u zaštiti od poplava i jakih vetrova. Bara Reva je stanište značajnih i zaštićenih biljnih i životinjskih vrsta, između ostalih orla belorepana i vidre. Zbog svojih prirodnih vrednosti, šira teritorija oko bare je zaštićena kao Međunarono značajno područje za ptice pod imenom „Ušće Save u Dunav“ i pripada ekološki značajnom području Ekološke mreže Srbije. Pored postojećeg pravnog sistema sa jasnim obavezama u zaštiti prirode i unapređivanju njenih vrednosti, istraživano područje je izloženo negativnom antropogenom pritisku. Neadekvatnim aktivnostima, sečom šuma i planiranjem izgradnje postrojenja za prepadu građevinskog otpada, ovo stanište, sa 80 ha šume je ugroženo. U radu su analizirani svi zakonski i podzakonski akti koji se odnose na regulisanje aktivnosti u ovom riparijalnom području, ukazano je na nedostatke i date su mogućnosti unapređivanja njegove zaštite.

Ključne reči: Bara Reva, konverzija zemljišta, procena uticaja na životnu sredinu, riparijalno područje, uništavanje staništa.

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INTRODUCTION

The swamp Bara Reva is located in the east of Belgrade, on the left bank of the Danube River, at about 1200 m from the edge of the river bank, and less than 7 km away from the Republic Square by air. The area of Reva with surroundings represents a mosaic of habitats dominated by alluvial willow forests and poplar plantation forests. Forest vegetation was formed in conditions of intense flooding of river valleys. Bara Reva and its surroundings belong to an ecologically significant area of the Ecological Network of Serbia (ZZPS, 2023) called „Ušće Save u Dunav“ (the Confluence of the Sava into the Danube). In 2019, under the same name, the entire territory was declared an internationally Important Bird Area (IBA), with a surface area of 9926 ha, with a final code RS040 (BirdLifeInternational 2023). In the Regulation on the ecological network ("Official Gazette of RS", No. 102/2010), this area is numbered RS017 as an important area for birds. The criteria that this territory fulfils to be considered as IBA include, among others, the fact that it represents the habitat of significant populations of globally endangered species (A1) and populations of species of global significance (A4), the species that are significant for protection (B1), for the region (B2), for EU (C2) etc. (BirdLife-International 2020).

As a significant bird guardian, this territory is Proposed Special Area of Conservation (pSAC). Ušće Save u Dunav (with Pančevački rit), with a total area of 10874 ha, is Proposed Site of Community Importance (pSCI), as well as a Proposed Special Protection Area (pSPA) with a surface area of 14287 ha. These categories of sites mean that the territory is proposed to be part of the NATURA 2000 network (European Commission, 2023a). The establishment of this network is an obligation within the implementation of Chapter 27 on the nature protection (EU for Serbia 2023).

As a pSCI, it stands out due to the presence of three habitat types and 11 species. Characteristic habitat types are: 91E0 - Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, *Alnion incanae*, *Salicion albae*), 91I0 - Euro-Siberian steppic woods with *Quercus* spp. and 91F0 - Riparian mixed forests of *Quercus robur*, *Ulmus laevis* and *Ulmus minor*, *Fraxinus excelsior* or *Fraxinus angustifolia*, along the great rivers (*Ulmion minoris*). The first two habitat types are priority habitats (European Commission, 2023b) designated under the Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, No L 206/7 (called the Habitats Directive). Among the species,

there are: *Aspius aspius* L. (asp fish), *Castor fiber* L. (European beaver), *Emys orbicularis* L. (European pond turtle), *Gymnocephalus baloni* Holcík & Hensel (Danube ruffe), *Lycaena dispar* Haworth (large copper), *Pipistrellus pygmaeus* Leach. (soprano pipistrelle), *Stylurus (Gomphus) flavipes* Charpentier (yellow-legged dragonfly). Most of these species are listed in the Annex II - Animal and Plant Species of the Community Interest whose Conservation Requires the Designation of Special Areas of Conservation as well as in the Annex IV – Animal and Plant Species of Community Interest in Need of Strict Protection of the Habitats Directive. Reva swamp is also inhabited by strictly protected wild plant species European white water lily (*Nymphaea alba* L.) and yellow water-lily (*Nuphar lutea* (L.) Sm. subsp. *lutea*). According to the Rulebook on the Declaration and Protection of Strictly Protected and Protected Wild Species of Plants, Animals, and Fungi („Official Gazette of the RS”; No. 5/2010, 47/2011, 32/2016 and 98/2016), species *Pelophylax kl. esculentus* L. (edible frog) and *P. lessonae* Camerano (pool frog) are protected, species *Emys orbicularis* L. (European pond turtle), *Natrix natrix* L. (grass snake) and *Natrix tessellata* Laurenti (dice snake) are strictly protected.

As a pSPA, it stands out for the occurrence of 69 Natura 2000 Annex Bird Species and 153 Other Bird Species from 2000 until 2021 (EU for Serbia 2023; <https://ebird.org/hotspot/L2886356>). Most of the bird species of the importance for the NATURA 2000 network are listed in the Annex I (regarding the species of special conservation measures concerning their habitat in order to ensure their survival and reproduction in their area of distribution) of the Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (called the Bird Directive). Species *Aythya ferina* L. (common pochard), *Clanga clanga* Pallas (greater spotted eagle) and *Streptopelia turtur* L. (European turtle dove) are vulnerable, according to the IUCN category (EU for Serbia 2023). Recently, four active white-tailed eagle (*Haliaeetus albicilla* L.) nests have been found (National Geographic, 2023; Udruženje građana "Bela čaplja 1165", 2023). This species is listed in the Annex I - Strictly protected wild species of plants, animals and fungi of the abovementioned Rulebook.

In the Detailed regulation plan of the economic zone between the SMT road, Pančevački put and the Danube, city municipality of Palilula, adopted by the Assembly of the City of Belgrade (Official Gazette of the City of Belgrade No. 124) at the end of 2018, Bara Reva is recognized as important for

the conservation of the healthy condition of vulnerable, rare and endangered types of habitats, for the protection of wildlife species of national and international importance as well as for the maintenance and improvement of the functional and spatial connection of its parts. Furthermore, it is confirmed in the Plan that, after mapping and evaluation of biotope, Bara Reva is a wetland of over 118 species of flora and fauna, out of which 44 species of fauna are protected by the Law on Ratification of the Convention on the Conservation of European Wildlife and Natural Habitats ("Official Gazette of RS - International Agreements", No. 102/2007). As such, Bara Reva is evaluated as a highly valuable biotope from the aspect of biodiversity conservation, which is confirmed in the Plan.

According to the Annual Plan of Protection of Natural Goods for 2022, wetlands (as well as forests) are recognised as ecosystems with the highest biodiversity that play an important role in the establishment of ecological networks and green infrastructure of urban areas (ZZPS, 2022). Wetland habitats of Bara Reva represent one of the most important for biodiversity and reproductive centres for amphibians and reptiles. Field research confirmed that there are several nests of pond turtle with eggs and a large number of young field lizards. As stated by the mentioned Annual Plan, the completion of the study on the protection of Bara Reva is planned and should be protected as a Protected Habitat of the Category II. In accordance with the mentioned Annual Plan and the Plan of General Regulation of the System of Green Areas of Belgrade („Official Gazette of the City of Belgrade”, No. 110/2019), Bara Reva is part of this system. The ecosystem services of the Reva swamp have been rated the highest (which means, among other things, that the area preserves high biodiversity and is suitable for recreation) (ZZPS, 2022).

From the point of view of the tourist offer, an important fact is that Bara Reva is located on the international cycling route EuroVelo6, which is one of the most popular EuroVelo (The European cycle route network) routes (EuroVelo, 2023).

The land along the coast of the whole riparian area is unstable and dynamic, because of long-term flooding. The entire territory is characterized by a high sensitivity of the landscape and is unfavourable for buildings, especially in the riparian zone where the construction of the port is planned (ZZPS, 2022). In the last couple of years, the area of the Reva swamp and its surroundings has come into the public spotlight, due to construction plans, some activities in the implementation, but also activism in preventing further actions.

1. MATERIALS AND METHODS

The paper presents all the activities that took place in Bara Reva in the last few years, as well as all relevant legally valid documents related to the researched area. Implementation, i.e. deviation from existing legal regulations, was discussed.

The activities were presented due to the important influence they have or could have on the observed area. For the purpose of this analysis, available newspapers reportages and social media content were used.

Review and analysis of national legal documents which regulate the protection of habitats, water and species were used. As a starting point, ratified international conventions were chosen, then national laws and bylaws. In the end, key EU habitat and wildlife protection directives were analysed, as standards and guidelines that are, partly, currently being implemented in the Republic of Serbia, for the purpose of defining and establishing the NATURA 2000 ecological network and the main objectives of nature/biodiversity protection.

Eight legal documents were recognized as the most relevant to the protection of wet natural habitats. These documents are (inter)national legally binding acts. Theoretical legal analysis (Chynoweth, 2008; Hoecke, 2011) of norms was made. A brief overview of the most relevant provisions concerning the protection of the Reva swamp and its surroundings is presented in the Results. Recommendations are given in the chapter Conclusion.

2. RESULTS AND DISCUSSION

2.1. *Anthropological Challenges Facing Bara Reva*

Despite the fragility and environmental importance of Bara Reva, the construction of a facility for treatment, keeping and reuse of non-hazardous construction waste on a part of this area was planned in 2020. Namely, the location that was chosen for the construction of this facility is located North-East from the broader centre of Belgrade, very near to Bara Reva and approximately 500 m from the River of Danube. It is planned to treat non-hazardous waste that would be generated during construction, demolition and reconstruction of buildings, construction and repairation of infrastructure as well as throughout the production of construction products and semi-products at the territory of the City of Belgrade (Petrović, 2020). The construction works at the aforementioned location started in 2021, causing negative reactions of the citizens that live nearby and who, besides scientists, are completely aware of environmental importance of Bara Reva (Mirković, 2021). Soon after the construction

works started, the citizens organized series of gatherings and protests with the aim to draw the attention of relevant stakeholders to this issue, raise their environmental awareness and stop the deterioration of the natural beauty of this area (FoNet, 2021). After series of protests, organised by ecological non-governmental organisations and environmentalists, the construction works were stopped, but without public decisions presenting plans for future activities in this area.

What causes the concern for the future of Bara Reva is stated in the aforementioned Detailed regulation plan (Official Gazette of the City of Belgrade No. 124/18). Namely, the construction of a port with specialized terminals for bulk cargo (aggregates) is planned, and in order to achieve this, one of the possible measures would be the "abolition" of Bara Reva.

Next concern for Bara Reva is the decision of the Assembly of the City of Belgrade adopted on the session that took place on February 21st 2023, by which hypothec is approved on the parcels 1035/2 and 1034/7 in Krnjača, which are public property of the City of Belgrade (Decision of the Assembly of the City of Belgrade No. 4-29/23-C, dating 21.02.2023 on granting consent for the establishment of a mortgage, Official Gazette of the City of Belgrade No. 5/23). Bara Reva is located on the second of the aforementioned parcels - parcel 1034/7. The reason for the mortgage is the tax debt that Public Service for the Communal Economy in Lazarevac (Javno preduzeće za komunalnu privredu (JPKP) „Lazarevac“) owes to the Ministry of Finance of the Republic of Serbia. If this public utility company failed to fulfil their obligations and pay their debt to Ministry of Finance, the city authorities could sell the parcel to an investor (Nova ekonomija, 2023). The debt of JPKP Lazarevac was made in the period between 2010 and 2020, but, at the moment, this Service is fulfilling their tax obligation which is the reason why they were given the opportunity for debt reprogramming. According to the local authorities, the reason why the hypothec was made on the parcels that do not belong to the municipality of Lazarevac, where JPKP Lazarevac is located, but on the parcels that belong to another municipality (Palilula) is the lack of parcels of sufficient size on the territory of the municipality of Lazarevac (Novosti, 2023).

Activists of several environmental nongovernmental organisations planted several young trees of basswood and fig, creating a small park nearby the Bara Reva at the end of February 2023. The intention of environmental activists is to create

Belgrade Danube Park at this location, as a natural ecological oasis (Mediji, 2023).

2.2. *International Legal Documents relevant to the protection of the Bara Reva*

Convention on Biological Diversity

Serbia has confirmed the ratification of the umbrella convention for biodiversity – Convention on Biological Diversity (CBD), of the United Nations from 1992, in 2001 by Law on ratification (Official Gazette of the FRY - international agreements, No. 11/2001). The CBD emphasizes “the in-situ conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings” (Preamble). Article 7 obliges the Contracting Parties to identify the biological diversity components important for conservation and sustainable use with regards to the indicative list of categories set down in Annex I – Identification and Monitoring. This Annex regards to habitats which contain high diversity, large number of endemic or threatened species or wilderness; required by migratory species of social, cultural or scientific importance, etc. Article 8 requires the Contracting Parties to provide in-situ conservation and calls upon the obligatory safeguarding of habitats and establishment of a system of protected areas. It prescribes the identification of those ecosystems and habitats that contain high diversity or are important for nature from many different aspects (Annex 1,1). Freshwater habitats are considered some of the most biodiverse and ecologically significant (Céréghino et al., 2014; Biggs et al., 2017; Hill et al., 2018) and the Reva swamp meets several criteria according to its values. The researched area is protected under the CBD, respectively, by the corresponding national law on the ratification of the CBD, which was mentioned above.

The importance of the CBD for the protection of small waterbodies is also in stimulating the development of international partnerships, in the promotion of sustainable use and management of natural resources (Bélair et al., 2010). In this sense, a whole spectrum of different cooperation is possible with the aim of improving the protection of the wilderness of this riparian area and promoting its tourist offer.

The Bonn Convention

Convention on the Conservation of Migratory Species of Wild Animals, so-called The Bonn Convention, of the UNEP/CMS Secretariat, from 1979, defines habitat as “any area in the range of a migratory species which contains suitable living conditions for that species” (Article I). According to this Convention, neither habitat’s type and size, nor

its persistence matter as long as it is suitable for migratory wild animals. Article III prescribes that Parties that are Range States of a migratory species listed in Appendix I of the Convention (Endangered migratory species) shall endeavour to conserve and restore those habitats which are important for in removing the species from danger of extinction. Article IV of the Bonn Convention refers to "Migratory Species which have an unfavourable conservation status and which require international agreements for their conservation and management, as well as those which have a conservation status which would significantly benefit from the international cooperation that could be achieved by an international agreement". These species are listed in Appendix II of the Convention. This provision obliges the Parties to "take action with a view to concluding agreements for any population or any geographically separate part of the population of any species or lower taxon of wild animals, members of which periodically cross one or more national jurisdiction boundaries". In Article V Paragraph 5, the Convention obliges Parties to provide in these agreements "prevention, reduction or control of the release into the habitat of the migratory species of substances harmful to that migratory species", as well as to provide "maintenance of a network of suitable habitats appropriately disposed in relation to the migration routes".

Serbia is obliged to apply all the mentioned obligations prescribed by this Convention to the Reva swamp, according to the Law on Ratification of the Convention on the Conservation of Migratory Species of Wild Animals ("Official Gazette of RS - International Agreements", No. 102/2007).

International Convention on the Protection of Birds

This convention was adopted in 1950 in Paris and entered into force in 1963. The Socialist Federal Republic of Yugoslavia ratified it in 1973 through the Law on Ratification of International Convention for the Protection of Birds (Official Gazette of SFRY, No. 6/1973). The convention regulates the protection of wild birds, especially migratory ones. The contracting parties are obliged to prohibit the application of methods that these birds are endangered or exterminated, to protect the places in which they nest and to create the list of birds that have to be treated in a particular manner. The Convention also prescribes that is necessary to facilitate and enhance the establishment of reserves to conserve the safe habitats of birds. The Republic of Serbia, as one of the parties to this Convention, is obliged to fulfil the obligations prescribed by its above-mentioned law, out of which is one of particular importance for the protection of birds under the

circumstances and risks that might appear at the location of the Bara Reva: According to article 4, it is forbidden to conduct: "the removal or destruction of nests under construction or in use or taking or damaging, ... destruction of eggs or their shells or broods of young birds in the wild state, during the season in which a particular species is protected and particularly during its breeding season". Having in mind the construction works that took place in 2020 and intentions of the city authorities to build a waste management facility at the location of the Bara Reva, which are stopped now, it is significant to highlight that this article of the Convention protects the nests of wild, and especially migratory birds that actually might be damaged if the construction works continued. According to article 11 of this convention and national law, the contracting parties are obliged to encourage and enable the creation of bird reserves. In this regard, it is important to protect existing, natural bird habitats, which Bara Reva is.

The Bern Convention

Convention on the Conservation of European Wildlife and Natural Habitats, shortly named The Bern Convention, signed in Bern by the Council of Europe in 1979, contains norms that could be considered relevant for the protection of natural habitats as homes of endangered species. The Article 3 prescribes the implementation of measures aimed at improving national policies for the conservation of endangered habitats. The Article 4 is also dedicated to the protection of habitats, where each Contracting Party shall develop requirements in their policies for the protection of areas.

As Serbia has ratified this Convention in 2007 by the Law on Ratification ("Official Gazette of RS - International Agreements", No. 102/2007), the mentioned articles are valid and also refer to the researched area. According to this Law, other relevant legal documents and political goals, (such as complying with the provisions of Chapter 27), the Bara Reva is a part of the Ecological network of Serbia (ZZPS, 2023).

Agreement on the Conservation of African-Eurasian Migratory Waterbirds

One legal document dedicated to the conservation of migratory waterbirds and their habitats across Africa, Europe, the Middle East, Central Asia, Greenland and the Canadian Archipelago is an intergovernmental treaty - Agreement on the Conservation of African-Eurasian Migratory Waterbirds (Official Journal of the European Union L 345/26). This act is valid in Serbia according to The Law on Confirmation ("Official Gazette of RS - International

Treaties", number 13/18). By this Law, the Reva swamp is protected as a part of the migratory route of migratory birds.

Law on Nature Protection and by-law documents

The umbrella national law related to nature protection is the Nature Protection Act ("Official Gazette of RS", no. 36/2009, 88/2010, 91/2010 - amended, 14/2016, 95/2018 - other laws and 71/2021). The aim of this Law is, among others, the harmonization of human activities with the sustainable use of natural resources, as well as "the timely prevention of human activities and activities that can lead to the permanent impoverishment of biological, geological and landscape diversity, as well as disturbances with negative consequences in nature" (Article 2). Article 5 prescribes 8 principles of nature protection, among which is the principle of cooperation, as well as the principle of direct application of the international law. Article 7 states that the protection of nature is carried out by public participation in decision-making on nature protection, as well as by the involvement of local communities in monitoring the state, protection and improvement of the nature. All plans and programs on the arrangement and use of natural resources and ecological networks must be adopted after the acceptability assessment. Also, a legal entity, an entrepreneur and a natural person are obliged to rehabilitate or recultivate the area after the cessation of activities (Article 8). All plans, programs and activities require an act on the conditions of nature protection (Article 9). If damage to nature occurs during the implementation of the activity, Article 13 prescribes the obligation for the project holder to eliminate harmful consequences.

Several provisions of the Law on Nature Protection have not been complied with in the execution of activities on the territory of the Bara Reva in the past few years. In addition to the already mentioned articles, the harmful consequences of forest cutting and rubble unloading on the territory of the Bara Reva have not been assessed or removed. Article 15 - protection of species, was violated, primarily in the obligation to "avoid pollution or damage to habitat quality", "restoration of destroyed biotopes" and others. Avoidance or reduction of negative impact on habitat types has not been achieved, although it is an obligation from Article 16 of this law. The protection of forest, wetland and water ecosystems prescribed by Article 18 has also not been achieved.

Article 38 regulates ecological networks as guardians of the habitats of wild species of flora and fauna, and especially birds, and significantly contributes to the coherence of the ecological network

NATURA 2000. Considering that the Bara Reva belongs to an ecological network, article 39 is violated, because an adequate protection of this swamp has not been done. Furthermore, in dealing with the territory of the Bara Reva, provisions for the protection and preservation of wild species (Article 71) and their habitats (Article 72) were not respected.

Provision of data related to the state and protection of nature, as well as public participation in plans for the use of natural values, which is prescribed in Articles 115 and 116, were not complied with. Inspection supervision over nature protection measures was not carried out in the case of the Reva swamp, which is prescribed by Article 119, as well as Articles 120 and 121. Not a single sentence has been imposed for offenses or misdemeanours, although there is a legal basis for this, according to Articles 125 and 126.

As stated in the Regulation on the ecological network ("Official Gazette of RS", No. 102/2010), and its Article 9, spatial and urban plans, programs and the basis of the use of natural resources must be harmonized with the management plans of parts of the ecological network. In the case of the Bara Reva, this was not respected, because the activities that have been carried out in the past few years in the area of the Reva swamp were harmful to this part of the network called Ušće Save u Dunav. Measures to protect the ecological network, which are found in Annex 3 of the aforementioned Regulation, were also violated. The measures include, among others: the prohibition of habitat destruction and disturbance as well as the destruction and disturbance of wild species; the ban on changing the use of areas under natural and semi-natural vegetation and the ban on changing the morphological and hydrological features of the area on which the functionality of the corridor depends.

The 2030 Sustainable Development Agenda (UN, 2015) contains 17 global sustainable development goals (SDG), among which the Goal 15 is directly aimed at nature protection (Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss). The activities carried out on the Bara Reva are not in accordance with the fulfillment of the Goal 15, which is the obligation of Serbia, both towards its natural values and citizens, and according to international legal documents to which it has committed itself. However, in accordance with the goals of sustainable development, defined in Agenda 2030, Serbia has mapped the national planning framework in relation to the goals of sustainable development (Vlada Republike Srbije

2022). According to this framework, the Goal 13 related to combating climate change and its impacts is poorly covered in terms of the trend of movement towards it reaching, with a decrease trend. Goal 15 is somewhat better, with a moderate progress.

Floodplains along riverbeds, which represent natural retentions from which water gradually drains, and, in addition to numerous ecosystem services, have a preventive effect and mitigate the effect of floods. Preservation of these areas, such as the Reva swamp, has priority, according to the Nature protection program of the Republic of Serbia for the period from 2021 to 2023 ("Official Gazette of RS", No. 53/2021).

In the Spatial Plan of the Republic of Serbia from 2010 to 2020 ("Official Gazette of the RS", No. 88/10), one of the basic goals of the further development relates to the preservation of nature and the sustainable use of natural resources. According to this Plan, the concept of the development of nature protection will be implemented both within the framework of protected areas and the protection of wild species, as well as the preservation of habitats of national and international importance and the establishment of an ecological network. Taking this into account, the Bara Reva had to be included in the defined preferred development and exempted from any land use change plans.

As stated by the Amendments and Supplements to the Regional Plan of the City of Belgrade ("Official Gazette of the City of Belgrade", No. 38/11), the area "Ušće Sava u Danube" (RS017BA - IBA) is fully protected, from the aspect of protection of plants, animals and their habitats, because in has to national as well as the international importance.

The Habitats Directive

Council Directive 92/43/EEC of the Council of the European Communities, from 1992, usually named The Habitats Directive is an umbrella legal document in protecting European habitats. Some natural habitat types of priority, listed in Annex I of the Directive, were found in the area of the Bara Reva. This is the reason why the Reva swamp, as a part of the wider territory Ušće Save u Dunav was declared as Proposed Site of Community Importance (pSCI) and a Proposed Special Protection Area (pSPA) (EU for Serbia 2023). The impact of the Habitats Directive is dominant (Boon & Lee, 2005), because non-member EU states have decided to follow the regulations prescribed in it. Thus, in Serbia, for example, a number of legal acts have been adapted for the preparation of the NATURA 2000 network and classification of its habitat types.

The Bird Directive

Directive 2009/147/EC of the Council of the European Communities, from 2009, best known as The Bird Directive, refers to protection of wild birds, their eggs, nests and habitats in the European territory of the Member States (Article 1). Certain species of birds are under the special conservation measures due to their habitats that are fragile and endangered. The Directive requires Member States to establish Special Protection Areas (SPAs), which does not require an approval by the European Commission to be designated (Lausche, 2011). Regarding habitats, Article 3 prescribes obligations of (re)creation of protected areas and biotopes, management of habitats inside and outside the protected zones. Particular attention shall be paid to the protection of wetlands (Article 4(2)). The NATURA 2000 network was established according to the Habitats Directive and the Bird Directive, which these two documents highlight as the most important in habitat protection in the EU. Bara Reva, due to its natural values and as a habitat for numerous species of birds, will belong to the mentioned ecological network at the moment when Serbia becomes a member of the EU.

3. DISCUSSION

In the past couple of years, some serious issues regarding environmental protection have been raised in Serbia. Despite the efforts and actual improvements that have been made on the path of European integrations and the adjustment of national environmental legislation to the EU standards, there seem to be some significant discrepancies between legal provisions and intentions of the legislator, on the one hand, and practice, that is, the (non)application of the same, on the other.

Numerous relevant legal documents of natural and international level speak in the favour of the protection and conservation of Bara Reva as a valuable habitat located in the middle of urban environment. However, at the same time, the construction activities that were initiated at this area and the latest decision on granting a hypothec on this location are causing reasonable concerns of environmental activists and experts as well as of the general public. At this moment, there are no any official updates about the future plans of the city authorities regarding the construction works that were initiated in 2021 and stopped after citizens' protests. Therefore, it can be concluded that the future of the protected species and their habitats at this location is uncertain. At the same time, there are no official channels through which the citizens, especially organisations dedicated to environmental

protection, could obtain accurate information about this issue.

The need to protect habitats such as Bara Reva in the era of environmental deterioration, and the need to raise environmental awareness about the importance of these habitats in urban zones, becomes obvious. The question is whether current legislative mechanism and political will provide enough space for such efforts to be successfully accomplished. Even if current legislative framework was enough comprehensive to provide for the protection of Bara Reva, the question could be raised whether relevant plans and actions taken in accordance with them at this location are completely in harmony with the principles of nature protection and conservation proclaimed in the aforementioned laws and international conventions.

Serbia still does not have developed system for evaluating biodiversity and ecosystem services (Nature protection program of the Republic of Serbia for the period from 2021 to 2023, "Official Gazette of RS", No. 53/2021). These assessments have not been done for the area of the Reva swamp either. For this reason, it is more difficult to represent the importance of the area and its benefits for the city of Belgrade to public policy creators and decision-makers.

Furthermore, mechanisms for economic evaluation of biodiversity, protected areas and ecosystem services and integration of these values into national policies, plans, budgets and strategies in relevant sectors have not been established so far (according to the same Nature protection program). This fact additionally slows down the process of adequate valorisation of the value of Bara Reva and its legal and practical protection.

As stated by the abovementioned Nature Protection Program, it is necessary to amend and supplement the Regulation on the ecological network in order to improve the way of management in order to establish a more adequate supervision and implementation of measures to protect the ecological network.

CONCLUSION

The legislative framework for nature protection is based on the Constitution of the Republic of Serbia, which guarantees citizens' right to a healthy environment, as well as their duty to protect and improve it, in accordance with the national law and confirmed international law and treaties. The situation related to the legal and practical protection of Bara Reva is such that on the one hand there are binding legal documents that guarantee the protection of this area, but on the other hand there are

by-laws in the form of decisions, as well as executed activities that significantly threaten the natural values of Bara Reva. In order to avoid such confusing situations in making legal decisions, it is necessary to change the decision-making process and to rely on raising awareness and more effective education of the population and politicians about the values and benefits that Bara Reva has, both for the preservation of biodiversity, and for citizens and the city through other ecosystem services. To achieve that, it is important to include experts from the areas of biology, environmental safety, environmental law, urban planning, sustainable development and other related fields of expertise in the decision-making process. This refers not only to the law-making process, but also to the process of adoption of other, so-called "sublegal" documents such as bylaws, decisions, rules and regulations etc. Furthermore, it is of essential importance to provide a sufficient level of transparency of the entire decision-making process, since the destiny of these environmentally valuable areas is a matter of public concern and the general and expert public should, hence, participate in it. That is the reason why, the media and social networks should be used as means to inform all stakeholders, including academic community, environmental organisations and associations as well as citizens, about the intentions of the authorities that might affect such particularly vulnerable areas. All interested subjects should be given the opportunity to express their opinion on the planned actions at areas such as Bara Reva, particularly if they claim to have arguments and information that would indicate that the safety of the area and the survival of protected species within it might be threatened. At this point, it should be highlighted that the cases such as Bara Reva clearly depict the necessity to provide a constant and stable balance between all stakeholders. However, in the era of dramatic environmental deterioration and devastating and often irreversible consequences of man-made ecological damage, the prevalence of the interest to protect natural habitats, especially in the middle of an urban area, should be indisputable. Accordingly, it should be applied in the case of Bara Reva, resulting in the adoption of new documents, banning the construction works that would be assessed as potentially harmful for the environment in this area and granting a hypothec for the same purpose at some other available location. That is how safe protection and improvement of the researched area would be ensured.

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