

# THE MANAGEMENT OF CULTURAL HERITAGE AND NATURE: COMPLEMENTARY OR CONFLICTING REGULATIONS?

Lise Vandenhende – EELF 2017 - Copenhagen

# LEGAL FRAMEWORK FOR THE PROTECTION OF CULTURAL HERITAGE AND NATURE

# INTERNATIONAL AND REGIONAL LEGISLATION

## Cultural heritage

- UNESCO
  - World Heritage Convention
  - Convention for the safeguarding of intangible heritage
- Convention of Granada, Convention of Valletta, Faro Convention and the European Landscape Convention

# CULTURAL HERITAGE IN THE EUROPEAN UNION

## Cultural heritage

- Art. 6 TFEU
- European Year of Cultural Heritage 2018, the European Capitals of Culture and the European Heritage Label
- Directive 2014/60/EU on the return of cultural objects unlawfully removed from the territory of a Member State

# NATURAL AND CULTURAL HERITAGE IN FLANDERS

→ Different legislation...

## Nature Decree

- 1) General measures: *“everyone who acts on nature, or gives an instruction hereto, has the obligation to prevent, limit or if not possible restore harm to nature”*
- 2) Territorial measures
  - Flemish Ecological Network and an Integral Interwoven and Supporting Network
  - Natura 2000
  - Nature reserve

# NATURAL AND CULTURAL HERITAGE IN FLANDERS

→ Different legislation...

## Immovable Heritage Decree

- 1) Inventories: few legal consequences
- 2) Decision to protect
  - Monument, cultural landscape, archeological site, urban sites
  - More binding obligations

# WHEN HERITAGE PROTECTION AND NATURE MANAGEMENT MEET

# THE CONTRIBUTION OF HERITAGE PROTECTION TO NATURE MANAGEMENT IN GENERAL

At the international level

- World heritage and biodiversity

- Inscription on the World Heritage list based on criteria vii to x

- “be outstanding examples representing significant on-going ecological and biological processes in the evolution and development of terrestrial, fresh water, coastal and marine ecosystems and communities of plants and animals;”*

- “contain the most important and significant natural habitats for in-situ conservation of biological diversity”*

- World heritage and CITES

- e.g. Mana pool, sapi and Chewore Reserves in Zimbabwe



# THE CONTRIBUTION OF HERITAGE PROTECTION TO NATURE MANAGEMENT IN GENERAL

At the regional level

- Management objectives in the decision of protection
- Art. 14 Nature Decree: general duty to maintain

# DUAL LISTING: DOUBLE PROTECTION

Example: Het Zwin in Belgium

# DUAL LISTING: CONFLICTING INSTRUMENTS

## - Falconry

*Art. 9, par. 1, c): “Member States may derogate from the provisions of Articles 5 to 8, where there is no other satisfactory solution: [...] c) to permit, under strictly supervised conditions and on a selective basis, the capture, keeping or other judicious use of certain birds in small numbers”.*

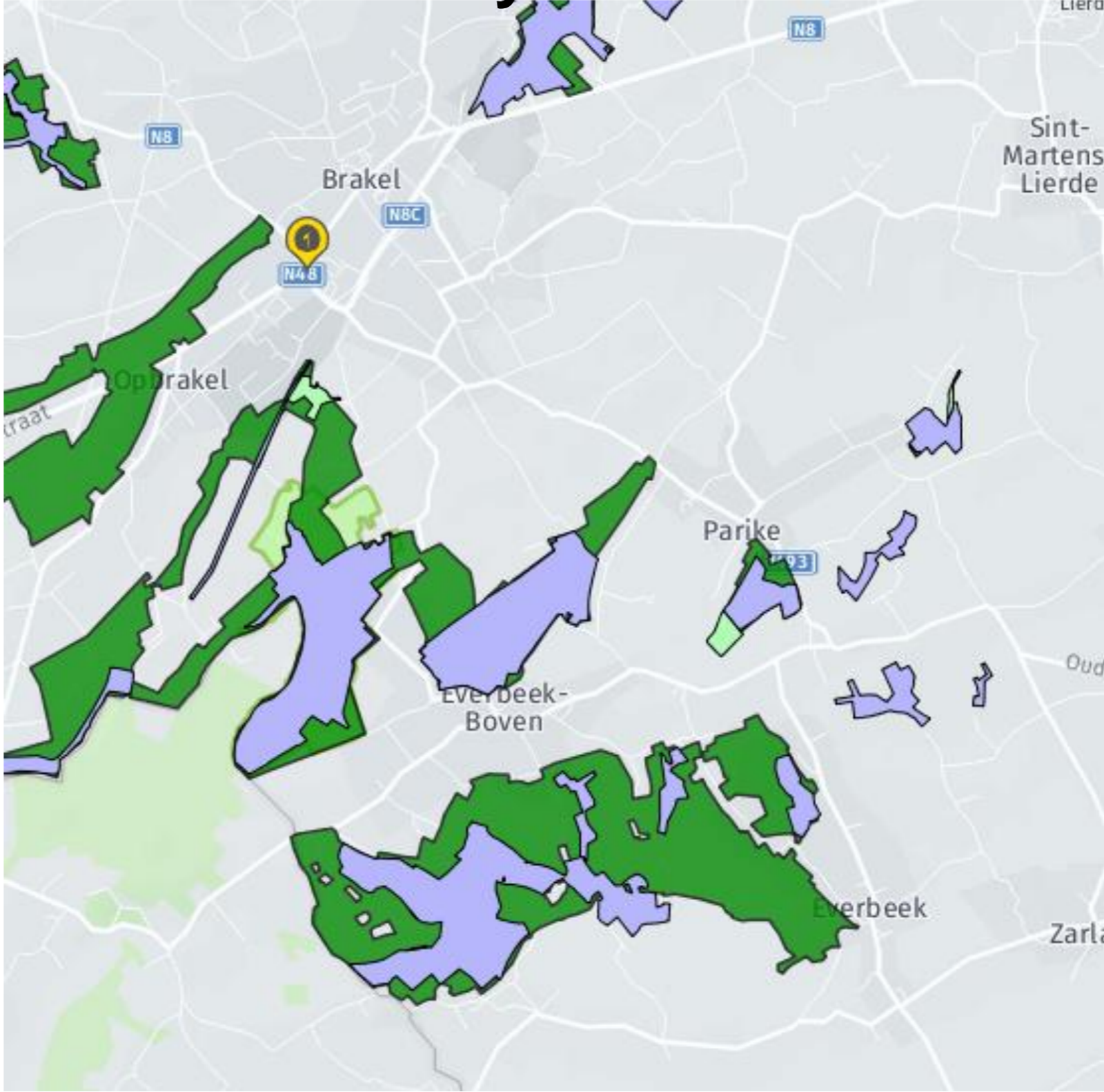
## - Sonian Forest

# COMPLEMENTARY OR CONFLICTING REGULATIONS?

# COMPLEMENTARY OR CONFLICTING

- Often complementary or at least coexisting
- If conflicting:
  - Mainly cultural landscapes
    - Monuments and built sites are less susceptible

# Hayes Forrest and Verrebeek Valley



# GUARANTEES FOR THE INTEGRATION

- At the international level:

- ✓ Attending on meetings
- ✓ Biodiversity Liaison Group
- ✓ Memorandum of Understanding (MoU)

⇒ if conflicting no problem for nature

- At the national level:

- ✓ Advisory opinions
- ✓ Natural and cultural values as part of objective assessment framework for spatial planning
- ✓ Immovable heritage master plan
- ✓ Integrated management plans

⇒ Not flawless:  
- fragmentary  
- non-binding

# TOWARDS A SHIFT IN COMPETENCES IN FLANDERS?

→ Different competences:

Competences of the Regions (art. 6, §1 BWHI):

- Spatial planning:

...

7° monuments and landscapes

- Land-use en nature management



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