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
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
Different legislation…

Immovable Heritage Decree

1) Inventories: few legal consequences
2) Decision to protect
   → Monument, cultural landscape, archaeological 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 Verbeek 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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