



## COUNCIL OF EUROPE EUROPEAN LANDSCAPE CONVENTION

### *National Workshop on the implementation of the European Landscape Convention in Bosnia and Herzegovina*

#### *Drawing landscape policies for the future*

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#### **INTRODUCTION**

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#### **Implementation of the European Landscape Convention in Bosnia and Herzegovina with emphasis on the Republic of Srpska**

At its 56th session, held on April 23, 2009, the Presidency of Bosnia and Herzegovina issued the following decision: 01-011-1138-25 / 09 on the accession of Bosnia and Herzegovina to the European Landscape Convention and authorised Minister of Civil Affairs of Bosnia and Herzegovina, Mr Sredoje Nović, to sign the Convention. The convention was signed at the Council of Europe in Strasbourg on 9 April 2010. Bosnia and Herzegovina ratified the European Landscape Convention on 31 January 2012. Contact institutions for the implementation of the convention are the Ministry of Civil Affairs of Bosnia and Herzegovina, the Bureau for the Protection of Cultural Monuments, as part of the Federal Ministry of Culture and Sports and Republic Institute for the Protection of Cultural, Historical and Natural Heritage. As an operational body, the Ministry is responsible for communicating with international institutions, initiating activities under the convention and co-ordinating with other relevant authorities and interested parties.

The aim of the convention is to promote protection, management and planning of the landscapes and organise European co-operation on landscape issues. This is the first international treaty that refers exclusively to protection, management and strengthening of European landscapes. The convention applies to the entire territory of the Parties and covers natural, rural, urban and semi urban areas including land, inland waters and marine areas. A key aspect of the convention is the active role it gives to the public in terms of perception and evaluation of landscapes. Awareness-raising is key to

involving the public in decisions that reflect on its landscape.

**The Institutional framework for the management of biological and landscape diversity consists of:**

- International Regulations and Legal Framework of Bosnia and Herzegovina for the Preservation and Protection of Biological and Landscape Diversity;
- Institutions of the government sector;
- Institutions for the study, inventory and conservation of biological and landscape diversity;
- NGOs.

**The Legal framework for the protection of biological and landscape diversity of Bosnia and Herzegovina**

The legal framework for the protection of biological and landscape diversity consists of the B&H Constitution, the Federation of Bosnia and Herzegovina Constitution, the Republic of Srpska Constitution, the Statute of the Brčko District, and the sets of environmental laws at level of entities and Brčko District.

<b>Federation of B&amp;H</b>	<b>Republic of Srpska</b>	<b>Brčko District</b>
Law on nature protection	Law on nature protection	Law on nature protection
Law on environmental protection	Law on environmental protection	Law on environmental protection
Law on air protection	Law on air protection	Law on air protection
Law on water protection	Law on water protection	Law on water protection
Law on waste management	Law on waste management	Law on waste management
Law on Fund for environmental protection	Law on Fund for environmental protection	Law on communal activities

**Legislation of the Republic of Srpska in terms of landscape, review**

*Law on Nature Protection ("Official Gazette of the Republic of Srpska" No. 20/14)*

One of the fundamental principles of nature protection, according to the Law on Nature Protection, is the protection and preservation of landscape diversity.

*Article 13*

The Ministry of Spatial Planning, Civil Engineering and Ecology of Republic of Srpska and the local self-government units responsible for environmental protection shall, in accordance with this Law relying on the Strategy for nature protection and spatial planning documents, take care of the preservation of landscape diversity in their area.

#### *Article 14*

Professional activities on the nature protection and natural resources are performed by the Republic Institute for the Protection of Cultural, Historical and Natural Heritage, among which are:

- monitoring the status of landscapes, estimation of the preservation and degree of landscape vulnerability;
- providing expert assistance to protected area managers, local self-government units, citizen associations, groups of citizens and individuals to protect the landscape;
- inventory of individual elements of geological, biological and landscape diversity with statistical analyses and reports on their condition.

#### *Article 38*

- The landscapes, according to their natural and created characteristics, are classified into landscape types that express the diversity of natural and cultural heritage.
- Landscape protection implies the planning and implementation of measures to prevent unwanted changes, disturbances or degradation of significant landscape features, their diversity, uniqueness and esthetic values, enabling the traditional way of landscape utilisation.
- Within planning and landscaping, as well as in the planning and use of natural resources, it is necessary to ensure the preservation of significant and characteristic features of the landscape.
- Landscape protection, management and planning are based on the identification of landscapes and assessment of their significant and characteristic features.
- The Minister shall issue a regulation with the criteria for identification of the landscape and the manner of assessing their significant and characteristic features.

### **Law on Forests (“Official Gazette of the Republic of Srpska” No. 75/08)**

#### *Article 8*

An Environmental Impact Assessment is a preventive measure of environmental protection based on the development of studies, public consultation and the analysis of alternative measures in order to collect data and predict the harmful effects of certain projects on humans, flora, fauna, land, water, air, climate and landscape, material and cultural goods and interaction of these factors, as well as identify and propose measures that can prevent, reduce or eliminate adverse effects, given the feasibility of these projects.

### **Law on Cultural Heritage (“Official Gazette of the Republic of Srpska” No. 11/95)**

Treatment of cultural heritage within the territory of the Republic of Srpska is directed at unique monuments and monument sites, not treating the cultural landscape as their background. In the applicable law on cultural heritage there was no permanent category for cultural landscape. Natural and cultural heritage are treated separately, with negative results on planning documents. By defining the cultural landscapes in the Republic of Srpska, its spatial development would be of better quality. The protection of the rural architectural heritage, based on Recommendation (89) of the Council of Europe, must be improved and protection must be provided for the best examples of the rural architectural heritage, considering the possibility of their re-use. Rural heritage should also be treated through cultural landscapes.

## **The Strategy for nature protection of the Republic of Srpska**

A Strategy is the fundamental document which determines the long-term goals and guidelines for the preservation of nature and natural values, as well as the manner of their implementation in accordance with the overall economic, social and cultural development of the Republic of Srpska.

In addition to the general strategic goals, the Strategy also includes:

- guidelines for the preservation of landscape diversity;
- guidelines for the legislative and institutional framework;
- guidelines for education in order to preserve landscape diversity;
- action plans for the implementation of guidelines, identifying priorities and possible sources of funding, and
- international commitments in nature protection.

The guidelines set up in the Strategy are applied in the preparation of spatial planning documents and natural resource management plans.

## **Spatial Plan of the Republic of Srpska 2015-2025**

The landscape, to a great extent preserved, represents a significant potential, is increasingly valued today, in Europe and the world. The European Landscape Convention will serve as a basis for the regulation of the highest quality specific areas of the Republic of Srpska. Preserved landscape will be the subject of special attention to the administration at all levels.

A Spatial Plan is also the only document that deals with landscape terminology. Two terms in the Serbian language area applied: “pejzaž” and “predio”. According to the new categorisation and European terminology, the earlier division of “pejzaž” and “predio” has been replaced with a unique term - “predio” (landscape, German landschaft), which means the unique picture of the built and natural that we may see in front of us (European Landscape Convention). The term “predio” has been used in this plan, unlike the aforementioned laws.

## **Analysis of the strategic and planning documents at local level**

In order to assess the state of implementation of the European Landscape Convention in the Republic of Srpska, respectively in Bosnia and Herzegovina we have analysed 100 strategic and planning documents at the local level. We have analysed spatial plans, local environmental action plans, development strategies, tourism strategies and rural development strategies. On this occasion we found that the landscape issues are very limited in these documents. The landscape is generally mentioned in one sentence or paragraph, without guidelines for its identification, preservation, assessment, management etc.

The landscape is generally referred to with reference to:

- aesthetic character;
- protected natural areas based on the Nature Protection Act;
- urban planning and landscaping;

- integration with higher-order strategic documents in which there are also no clear guidelines;
- landscape in the service of tourism.

It is notable that the landscape category is often identified as a protected area, according to Law on nature protection. This is very often a misconception. In addition, there are no defined measures and recommendations for the identification, valorisation and preservation of landscapes, or for its management. The potential of the landscape for the needs of tourism and economic development is not, to date, recognised.