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# Obstacles to Biodiversity Protection in the Process of Declaring Stara Planina Mountain a National Park

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# Introduction



Just five days into 2022, the public in Serbia was met with news not heard since 1986: the country could soon gain two additional national parks.<sup>1</sup> Specifically, on January 5, 2022, the Ministry of Environmental Protection published a notice on its official website announcing the initiation of the procedure to declare Stara Planina Mountain a national park and to change its protection status.

It is widely recognised that procedures for declaring protected areas, particularly in the Republic of Serbia, are often lengthy. However, in this case, an important safeguard applies, as Stara Planina retains its existing protection status throughout the procedure, as provided for under the Law on Nature Protection, which stipulates the following:

If a protection act has already been adopted for an area, and a notice regarding the initiation of a new protection procedure with revised protection regimes has been published on the official website of the Ministry, the area shall be deemed protected in accordance with this Law. Until a new declaration act is adopted, the protection regimes and measures specified in the protection study shall remain in force.<sup>2</sup>

**Although the area under protection has been expanded and the nature protection regimes significantly strengthened through this procedure, an adequate regulatory and institutional framework has yet to be established to ensure the effective implementation of biodiversity protection measures.**

<sup>1</sup> Official website of the Ministry of Environmental Protection: Notice on the Initiation of the Procedure for Declaring a Protected Area and Changing the Category of Protection in Stara Planina National Park, available at: <https://www.ekologija.gov.rs/lat/obavestenja/zastita-prirode/obavestenje-o-postupku-pokretanja-i-promene-vrste-zastite-u-nacionalnom-parku-%E2%80%9EStara-planina%E2%80%9D>  
Notice on the Initiation of the Protection Procedure in Kučaj-Beljanica National Park: <https://www.ekologija.gov.rs/lat/obavestenja/zastita-prirode/obavestenje-o-postupku-pokretanja-zastite-u-nacionalnom-parku-%E2%80%9EKucaj-beljanica%E2%80%9D>

<sup>2</sup> Article 42, paragraph 7 of the Law on Nature Protection ("Official Gazette of RS", Nos. 36/09, 88/10, 91/10, 14/16, 95/18 and 71/2021)

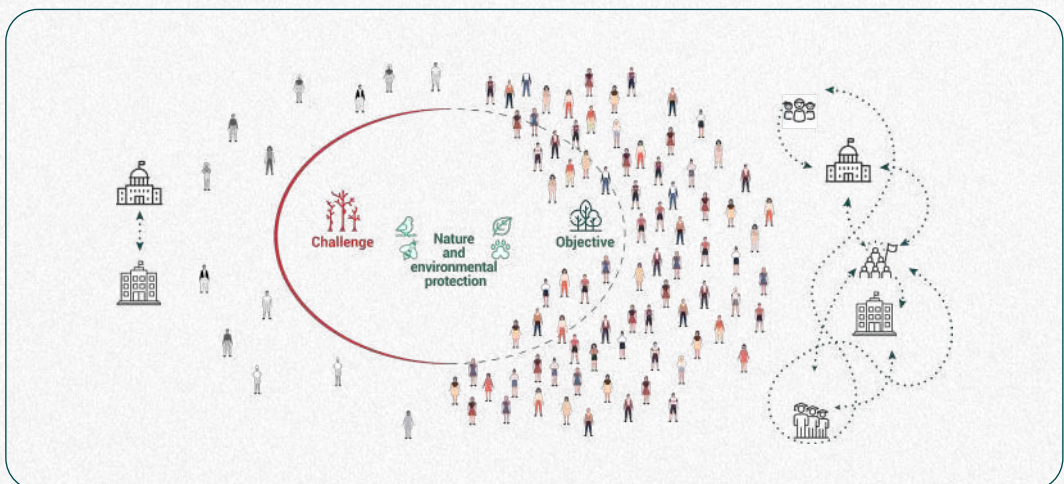
Does this mean that Stara Planina Mountain is already a national park and that there is no need to rush the official declaration?

This context is especially concerning in Serbia, where breaches of environmental regulations and protection measures are fairly common, often reflecting weak institutional and regulatory capacity and a disregard for the public interest. In recent years, both environmental and professional organisations, citizen associations, and even state institutions have documented numerous cases of irreversible environmental damage in protected areas, caused by illegal

construction, resource extraction, and commercial activities. Beyond non-transparent procedures, the lack of monitoring mechanisms, and suspicions of corruption, a recurring concern is the inefficiency or outright inaction of the institutions responsible for preventing environmental damage, addressing its consequences, and holding offenders accountable.

Accordingly, the project aims to engage closely with local communities in the Stara Planina area, establishing mechanisms for independent monitoring and public participation. These efforts are intended to support and promote accountable and inclusive management of the protected area and ensure the effective implementation of biodiversity conservation measures.

The main objective of this analysis is to identify the key challenges and irregularities that undermine the effective protection of biodiversity in the period leading up to the official declaration of Stara Planina National Park. This is particularly important given that the current managing authority, the public enterprise Srbijašume, oversees 56 other protected areas, raising legitimate concerns about its capacity to ensure the effective implementation of the stricter biodiversity protection measures now in place.





## Overview of Protected Areas in Serbia

Protected areas are territories subject to special land-use and management rules, established to protect and enhance their natural assets. They typically encompass well-preserved natural or semi-natural ecosystems and are distinguished by high levels of biological, geological, and landscape diversity. The purpose of designating such areas, as well as their core function, should be the protection of natural assets, in particular biodiversity. The primary rationale for establishing such areas and their core function should be the protection of natural values, i.e. biodiversity. In many cases, protected areas also include cultural and man-made heritage, such as cultural and historical monuments, traditional architectural heritage, religious sites, and similar features.

Modern protected areas in Serbia, established primarily for the purpose of nature conservation, began to emerge in the period immediately following the Second World War. Certain forms of protection had existed earlier, but they were not primarily aimed at protecting nature. For example, Obedska Bara enjoyed a degree of protection as early as 1874, but mainly as a royal hunting ground. The first nature reserve, Velika and Mala Ripaljka on Ozren Mountain

near Sokobanja, was declared in 1949. Several other reserves, largely forest reserves, were also designated that same year. The early development of protected areas in Serbia was marked by the establishment of small-scale reserves, typically covering only a few dozen hectares. These sites were mostly created to protect specific rare species, distinctive natural features such as waterfalls and caves, or habitats with characteristics of old-growth forests. Larger protected areas were established only later, during the 1960s, with the designation of the first national parks. Serbia's oldest national park is Fruška Gora, declared in 1960, covering approximately 27,000 hectares. It was followed by Đerdap National Park, declared in 1975, and then by Tara and Kopaonik National Parks, both declared in 1981. The most recently established national park is Šar Planina, formally declared in 1986, but operationally established only in 1993, following the adoption of the Law on National Parks of the Republic of Serbia.

Even prior to this, a number of smaller protected sites already existed within the Stara Planina area, primarily nature reserves and natural monuments, all of which were subsequently incorporated into the territory of the Stara Planina Nature Park. Covering 142,000 hectares, Stara Planina Nature Park became by far the largest protected area in Serbia.

The next significant expansion of protected areas took place during the 1990s and in the early 2000s. At that time, a new Law on Nature Protection introduced additional categories of protected areas, most notably nature parks and landscapes of outstanding features. These categories generally covered larger areas shaped by visible interactions between people and nature, including traditional livelihoods and long-established forms of natural resource use.

One of the nature parks established during this period was the Stara Planina Nature Park, which was declared in 1997 by a Government Decree of the Republic of Serbia.<sup>3</sup> Following a revision of the Decree on protection, the area of the nature park was reduced in 2009 to 114,000 hectares, primarily to accommodate the development of a ski resort in the area. Despite this revision, Stara Planina has to this day remained the largest protected area in Serbia in terms of surface area.

Today, Serbia has 470 protected areas, covering a total of 832,953 hectares, or 9.41% of the country's territory. The largest share consists of natural monuments (307), followed by 62 nature reserves, 33 protected landscapes, 22 nature parks, and 5 national parks.<sup>4</sup>



**Figure:** Map of protected areas (green) and ecologically significant areas (red hatching) in the Republic of Serbia. Source: Institute for Nature Conservation of Serbia.

<sup>3</sup> Decree on the Protection of the Stara Planina Nature Park ("Official Gazette of RS", No. 19/97)

<sup>4</sup> Excerpt from the Central Register of Protected Areas of the Institute for Nature Conservation of Serbia. Available at <https://zzps.rs>.



# Legal Framework for Protected Areas in the Republic of Serbia



The primary legal act governing protected areas is the Law on Nature Protection.<sup>5</sup> Adopted in 2009, the Law has since undergone several amendments; however, these have not substantially affected provisions related to protected areas. As a result, the legal framework for protected areas has remained largely unchanged for more than 15 years.

It should be noted that the key principles for the protection of natural assets are also set out in the Law on Environmental Protection, which serves as the overarching legal framework in this field.<sup>6</sup> This Law defines protected areas as protected natural assets of general interest, to be managed in a manner that ensures their permanent conservation and enhancement. It also prohibits any activities jeopardizing the environmental capacity, natural balance, biodiversity, hydrographical, geomorphological, geological, cultural and landscape values, as well as any other activities that degrade the quality or characteristics of the protected natural asset. The Law on Environmental Protection also envisaged the adoption of a

separate law governing nature conservation, namely the Law on Nature Protection.

Under the Law on Nature Protection, protected areas are those with distinguished geological, biological, ecosystem and/or landscape diversity and are therefore, through an act of protection, designated as protected areas of general interest. The Law identifies both the categories of protected areas and the types of protected areas.

Protected areas, depending on their values and significance, shall be sorted into three categories:

- I category** – protected area of international, national, i.e. exceptional significance;
- II category** – protected area of provincial/regional, i.e. high significance;
- III category** – protected area of local significance.

The criteria for assessing protected areas and determining their categories are set out in a separate Rulebook.<sup>7</sup> In essence, the

<sup>5</sup> Law on Nature Protection ("Official Gazette of RS", Nos. 36/09, 88/10, 91/10 – corr., 14/16, 95/18 – other law, and 71/21).

<sup>6</sup> Law on Environmental Protection ("Official Gazette of RS", Nos. 135/04, 36/09, 36/09, 72/09, 43/11, 14/16, 76/18, 95/18, 95/18 and 94/24).

<sup>7</sup> Rulebook on the Criteria for Evaluation and the Procedure for the Categorisation of Protected Areas ("Official Gazette of RS", No. 103/13).

categorisation of protected areas primarily determines the procedure for designation, the competent authority responsible for adopting the designation decision, and the authority that acts as the formal founder of the protected area. For Category I protected areas, this is the Government of the Republic of Serbia. For Category II, the competent authority is either the Provincial Government or the Government of the Republic of Serbia. For Category III, the designation is made by one or more local self-government units. National parks are the only exception, as they are designated through a different procedure. While they are, in substance, Category I protected areas, they are declared by a special law adopted by the National Assembly.<sup>8</sup>

The types of protected areas are determined based on the characteristics and values of the specific protected area, as well as the intended conservation approach and management model. The Law defines seven types of protected areas:

- ✦ National Park;
- ✦ Nature park;
- ✦ Landscape of Outstanding Features;
- ✦ Special Nature Reserve;
- ✦ Strict Nature Reserve;
- ✦ Natural Monument;
- ✦ Protected habitat.

For each of these types, the Law sets out their general characteristics and the basic protection measures and related restrictions.

Each protected area may be divided into zones with three different protection regimes.

- ✦ I degree protection regime: the strictest level of protection, under which all forms of use are prohibited;
- ✦ II degree protection regime: where certain activities may be carried out, but only for the purpose of conserving and improving natural values;
- ✦ III degree protection regime: where the sustainable use of natural resources is permitted, provided that it does not compromise natural values.

A protected area may contain all three protection regimes within its boundaries, but it is not required to do so. It may also include only two regimes, or even a single regime across its entire territory.

Protection regimes are further regulated by the Decree on Protection Regimes, which sets out additional prohibitions and restrictions on activities within the relevant protection zones in protected areas.<sup>9</sup>

<sup>8</sup> Law on National Parks ("Official Gazette of RS", Nos. 84/15 and 95/18).

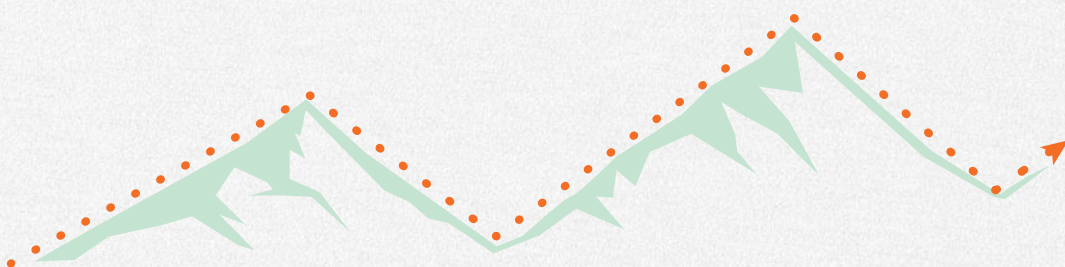
<sup>9</sup> Decree on Protection Regimes ("Official Gazette of RS", No. 31/12).



## Procedure for Declaring a Protected Area

For a given area to be designated as a protected natural asset, several procedural steps must be completed. The process begins with the submission of an initiative for protection. Such an initiative may be submitted by nature conservation stakeholders, including any organisation or individual. Neither the procedure for launching an initiative nor the mandatory content of its supporting justification is clearly defined.

In practice, proponents typically address the competent institute for nature conservation or the ministry responsible for environmental protection, which then considers whether to pursue the initiative further.<sup>10</sup> The decision-making process regarding the initiative is also not clearly defined in the legislation, and in practice the decision is typically taken by the competent institute for nature conservation. If the institute issues a positive opinion, the initiative is included in the Plan for the Protection of Natural Assets, which is prepared and implemented by the institute.



<sup>10</sup> For the territory of the Autonomous Province of Vojvodina, the competent authority is the Provincial Institute for Nature Conservation, based in Novi Sad. For the rest of the Republic of Serbia, the competent authority is the Institute for Nature Conservation of Serbia, headquartered in Belgrade, with a regional office in Niš.

## Procedure for Declaring Protected Areas under the Law on Nature Protection

The next step in the designation process is the initiation of the preparation of a protection study for the area concerned. Under the Law on Nature Protection, this study may be prepared only by the competent institute for nature conservation. The protection study serves as the scientific and professional basis for the proclamation of the area as a protected area. Its content is prescribed in detail by the Law and includes the following elements:

- ✦ rationale for the proposal to initiate the protection procedure;
- ✦ description of the natural, man-made and landscape features of the natural asset with thematic cartographic enclosures;
- ✦ ground values of the natural asset;
- ✦ assessment of the state of the environment in the area;
- ✦ proposed protection regimes, including cartographic presentation based on data from the real estate cadastre, data from the cadastre of research and exploitation grounds and areas, mineral resources and groundwaters;
- ✦ description of borders, the concept of protection and improvement;
- ✦ potential for sustainable development;
- ✦ stakeholder analysis and documentation on aligning conservation needs with stakeholders;
- ✦ management arrangements;

- ✦ assessment of socio-economic effects of protection, development and sustainable use;
- ✦ required staffing and technical capacity of the managing authority;
- ✦ where applicable, a proposal for the managing authority.

The competent institute is required to inform the interested public, including the local population, landowners and users of the area, about the process of preparing the protection study. However, the Law does not prescribe how the institute should notify the public. The preparation of the study includes field research, the collection and analysis of spatial planning and other relevant documentation, consultations with stakeholders, data collection and processing, and the preparation of maps. The process may take several years.

Once the study has been drafted, the institute submits it to the ministry responsible for environmental protection. The ministry reviews the study and, where necessary, returns it to the institute for additional input or corrections. Once the study has been finalised, the ministry formally initiates the protection procedure, which includes publishing the procedure, together with an excerpt from the study, on the ministry's website. From the moment the study is published online, the area is considered protected in accordance with the Law on Nature Protection. The Law further specifies that, until the area is officially declared, i.e. until the act of protection is adopted, the protection measures set out in the study apply. This regulatory approach



is intended to prevent undesirable activities or interventions in the area while the formal designation process is still ongoing. At the same time, however, such provisions give rise to a range of practical challenges and implementation issues.

Based on consultations with stakeholders, the main problems identified were:

- ✦ the absence of a designated management authority during the protection procedure, meaning there is no body responsible for implementing protection measures and carrying out oversight in the protected area. Although the protection study may propose a managing authority, it has no formal mandate until the act of protection is adopted;
- ✦ insufficiently defined arrangements for informing and involving stakeholders in the ongoing protection procedure;
- ✦ the lack of clearly defined time limits for the duration of the protection procedure.

The final steps in declaring a protected area include drafting the act of protection, conducting a public consultation, and adopting the act. The Law does not specify a deadline by which the ministry must draft the act of protection or organise the public consultation process. In practice, it is not uncommon for an area to remain “stuck” at the stage of an initiated protection procedure for several years, with little or no publicly available information on the progress or timeline. This is precisely the

case with the ongoing procedure to declare Stara Planina National Park.

The draft act of protection and the public consultation notice are also published on the ministry's website. The public consultation period lasts at least 20 days and must include at least one organised public hearing. Once the consultation has closed, the ministry and the institute review the comments and observations received and revise the protection study accordingly. The procedure then involves obtaining opinions from other relevant ministries, in cases where the protected area is to be declared by the Government or the Provincial Government. Once these opinions have been collected, the act of protection is submitted for adoption to the competent authority. Following its publication in the official gazette of the competent authority, the area becomes formally protected.



## Management of protected areas

Effective management of a protected area requires a formally designated body responsible for carrying out these functions. Under the Law, the managing authority of a protected area may be any legal entity that meets the necessary professional, staffing and organisational requirements to perform activities related to the conservation, enhancement and promotion of natural and other values. In practice, this means that a wide range of entities may be appointed as the managing authority of a protected area, including a public institution, a local self-government service, a tourism organisation, a public or private enterprise, a civil society organisation, a religious institution, and others. Management responsibilities may either be assigned to an existing organisation or entrusted to a newly

established entity created specifically for the purpose of managing the protected area. National parks constitute an exception in this regard, as they are established through a special law – namely the Law on National Parks. To date, a separate public enterprise has been established for each national park, with the primary mandate of managing the park.

In Serbia, the largest share of protected areas is managed by state-owned forestry enterprises, primarily PE Srbijašume and PE Vojvodinašume. Given that all national parks are also managed by public enterprises, it can be concluded that public enterprises are responsible for managing the vast majority of protected areas in Serbia in terms of overall coverage. Cases where civil society organisations manage protected areas are rare (e.g. the Special Nature Reserve Zasavica, the Landscape of Outstanding Features Pčinja Valley, and the Landscape of Outstanding Features Gradac).

The Law also provides for the mandatory establishment of a council of users in national parks, intended to promote cooperation on the protection and sustainable use of natural values and resources, while ensuring that the interests of local communities and other users of the protected area are taken into account. In practice, however, the establishment of functional councils of users in national parks remains at an early stage. Based on available information, only Tara National Park and Đerdap National Park have established councils of users that are operational in practice.

The institute may propose a managing authority in the protection study; however, the final selection and formal appointment are made through the act of protection for the area concerned. The key management instrument for a protected area is the management plan, adopted for a period of ten years.

The Law on National Parks also provides for the establishment of an expert council, a professional and advisory body tasked with monitoring and reviewing programmes and projects related to nature



conservation and the sustainable use of natural resources. In September 2021, the Ministry of Environmental Protection launched a public call for the appointment of expert council members for all national parks; however, there is no publicly available information indicating whether any of these councils have actually been established.



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# Initiation of the Procedure for the Protection of Stara Planina National Park



Stara Planina was designated as a Nature Park in 1997 and has been managed by the public enterprise Srbijašume ever since. Following the 2009 revision, it became clear that further adjustments to the protection framework were needed for this area — the largest protected area in Serbia. The reasons for initiating the revision of the protection of Stara Planina Nature Park, as set out in the Rationale for the proposal to initiate the revision of protection within the protection study, include the following:

- ✦ the long period that has elapsed since the previous revision;
- ✦ changes in national legislation governing environmental and nature protection;
- ✦ the ongoing process of harmonising national legislation with EU requirements,
- ✦ new scientific evidence gathered through multi-year research.





The Institute for Nature Conservation of Serbia began the research required for preparing the protection study in 2017, and the work continued until 2021. Based on consultations with stakeholders, it appears that the revision process was not initially launched with the intention of upgrading the area's status to that of a national park; rather, this decision was taken later, during the course of the process.

Following the completion of the study, it was published on the website of the Ministry of Environmental Protection on 5 January 2022, formally launching the procedure to designate Stara Planina as a national park. Almost four years have now passed, yet no publicly available information has been provided regarding the status of the procedure or the expected timeline for the park's official declaration.

### Overview of Core Values by Site within Zones under Protection Regime Level I

Site (protection regime) under the new study	Existing level of protection (2009 Decree)	Ground values
<b>Janošica</b>	III	Representative landforms, nesting sites of rare and endangered birds (Golden eagle, rock partridge).
<b>Orlov - Hajdučki kamen</b>	I	Distinctive landforms, nesting of rare and endangered bird species (western capercaillie, Tengmalm's owl, pygmy owl), and high, even-aged beech stands.
<b>Golema reka - Dupljak</b>	I (in a smaller area)	Distinctive landforms; high spruce and beech forests, dwarf mountain pine; several endemic plant species, protected bird species (short-toed snake eagle, horned lark, pygmy owl).
<b>Babin Zub</b>	I (in a smaller area)	Specific geomorphological features, numerous strictly protected plant and animal species, and several habitat types prioritised for protection (forest and grassland habitats).
<b>Martinova Čuka - Vražja glava - Tri čuke</b>	I (in a smaller area)	Well-preserved stands of Balkan maple and beech, dwarf mountain pine, numerous plant and animal species and habitats prioritised for protection, distinctive geomorphological features and waterfalls.
<b>Jeganjski venci</b>	III	Beech forests with old-growth characteristics.
<b>Bratkova strana</b>	I (in a smaller area)	High fir, spruce and beech forests, wet peatland habitats, numerous strictly protected plant and animal species.
<b>Plato Koprena</b>	I (in a smaller area)	High fir, spruce and beech forests, wet peatland habitats, round-leaved sundew ( <i>Drosera rotundifolia</i> ), numerous strictly protected plant and animal species.
<b>Srebrna glava</b>	II	High beech forests, rare and endemic flora and fauna species: <i>Cardamine amara balcanica</i> , <i>Trollius europaeus</i> (globeflower), adder ( <i>Vipera berus</i> ), common lizard ( <i>Zootoca vivipara</i> ), short-toed snake eagle ( <i>Circaetus gallicus</i> ), horned lark ( <i>Eremophila alpestris</i> ).

Since national parks are declared by law, the declaration of Stara Planina National Park would require the drafting and adoption of a new Law on National Parks.

In the protection study, the Institute for Nature Conservation of the Republic of Serbia proposed PE Srbijašume, the current manager of the Stara Planina Nature Park, as the managing authority for the future national park. This represents a notable exception to established practice, as separate public enterprises have traditionally been established specifically to manage national parks.



### Overview of core values by site in zones under protection regime level I

- ✦ Highly pronounced geodiversity, reflected in a wide range of geological formations, structures and processes, as well as well-preserved fossil remains and intrusive rocks. As a result, a large number of geoheritage sites have been identified within the area;
- ✦ Stara Planina Mountain is one of Serbia's most important hotspots of genetic, species and ecosystem diversity, with the following recorded:
  - 1,742 plant species;
  - more than 50 distinct plant communities, and 45 species of reptiles and amphibians;
  - 15 native fish species;
  - 262 bird species, of which 163 are breeding species.
- ✦ Rich cultural and historical heritage, including numerous heritage objects, traditional ensembles and villages subject to certain forms of protection. The area also contains extensive traces of prehistoric, ancient and Roman archaeological remains.

### Comparative Overview of Existing and Proposed (New) Protected Areas

Protection status	Total area	Area under Protection Regime Level I	Area under Protection Regime Level II	Area under Protection Regime Level III
Nature Park (2009)	116.009	7.850	35.897	76.171
National Park (2022)	114.322	3.680	20.159	90.493



## Protection Regimes in Stara Planina National Park

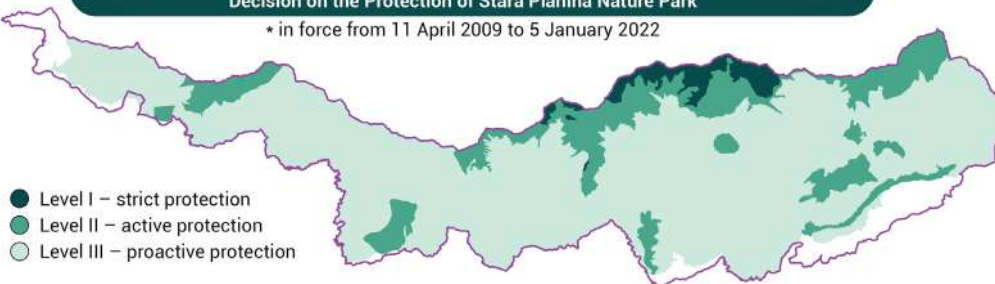
The protection study for Stara Planina National Park proposes significant changes to both the external boundaries of the protected area and the boundaries of the internal zones subject to different protection regimes.

As shown, the area covered by Protection Regime Level I has doubled under the new study, while the area under Protection Regime Level II has increased by 75%. Level I protection zones now account for

almost 75% of the total area. The share of areas subject to Level I protection varies considerably across Serbia's other national parks. For example, Fruška Gora National Park has only 3% of its territory under this regime, Đerdap has 8%, Tara 13%, and Kopaonik 12%. Although the proposed Level I coverage for Stara Planina remains below the overall average, it nevertheless represents a clear and positive shift towards stronger protection of the area.

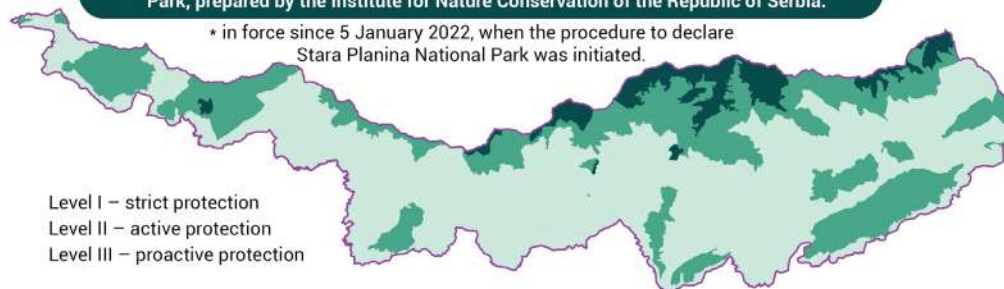
Previous nature protection regimes established under the Government of Serbia's Decision on the Protection of Stara Planina Nature Park

\* in force from 11 April 2009 to 5 January 2022



New nature protection regimes established in the protection study for Stara Planina National Park, prepared by the Institute for Nature Conservation of the Republic of Serbia.

\* in force since 5 January 2022, when the procedure to declare Stara Planina National Park was initiated.





This brief overview clearly shows that the protection study for Stara Planina National Park introduces changes to the protection regimes applied to sites that contain the area's key conservation values. Such changes would also require adjustments in management practice at these locations, particularly in relation to protection measures, monitoring and oversight, and the prevention of undesirable impacts and activities.



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# Consequences of Prolonged Delays in Declaring Stara Planina National Park



Finalising the procedure for declaring a national park should not be seen as an end in itself, but rather as the first step in a broader set of actions required to ensure the area is effectively protected. It is clear that such territories are particularly vulnerable in the period leading up to formal designation, when the conditions needed to initiate and implement most protection measures are not yet in place. Given the exceptionally long duration of the procedure (almost four years), combined with legal ambiguities surrounding the management of areas under an ongoing protection procedure, there is a real risk of significant damage to their core conservation values.

## Continuation of “Regular” Activities

One of the most pressing challenges is the absence of a clearly defined managing authority for areas that are formally under a protection procedure. Although in the case of Stara Planina, it is often assumed that PE Srbijašume will act as the de facto manager during this transitional phase, this arrangement is difficult to implement in practice. According to representatives of PE Srbijašume, the enterprise applies the new protection measures in areas where it holds user rights. However, enforcing

these new protection measures is far more challenging in areas used or owned by others, particularly where protection regimes have been revised or where land has only recently been incorporated into the boundaries of the protected area. Another major practical obstacle is the lack of on-site marking of the new boundaries and zoning. As long as the boundaries of the protected area and its internal zones are not clearly delineated in the field, other users and stakeholders cannot reliably determine whether they are operating within the protected area or within a particular protection regime. In practice, boundary marking is expected to occur only once a managing authority is formally appointed, as the obligation to mark boundaries will be introduced through the act of protection. In the absence of an adopted act of protection, sites newly included in the protected area, as well as those subject to revised protection regimes, remain difficult to safeguard through legal mechanisms. Without a binding act specifying concrete prohibitions and restrictions, enforcement remains limited. This is particularly problematic given that many of the key conservation values located in Level I protection zones are highly sensitive to pressures such as illegal logging, poaching, disturbance, and the use of motor vehicles.

**Delays in completing the procedure also postpone the establishment of the council of users and the expert council, both of which could significantly strengthen management by providing professional and advisory support and fostering closer cooperation with local stakeholders.**

With weakened oversight and enforcement capacity during this interim period, the risk of significant degradation of these core values increases considerably.

A second major issue is the very limited level of awareness among local communities, land users and other stakeholders regarding the new situation created by the initiation of the protection procedure. Although the area is formally

considered protected, this appears to be known only to a very small circle of actors – primarily the managing enterprise and a limited number of key users. Notably, representatives of local self-government units often have little to no information about the current status of protection in the Stara Planina area.

The public enterprise Srbijašume had already faced significant challenges in monitoring and oversight within the Stara Planina Nature Park, given the sheer size of the area. While the overall change in surface area may seem modest, the reconfiguration of protection zones has created additional operational burdens, both due to difficult terrain and limited access, as well as because existing staffing and technical capacities are insufficient to ensure effective field control.



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## Implementation of “New” Projects

Whether in urban or rural settings, or even in entirely uninhabited areas, the steady growth of modern societal demand for raw material extraction, the use of natural resources, infrastructure development, industrial expansion, the diversification of tourism, and many other aspects of socio-economic development requires continuous reassessment of how these territories are planned and managed. At the same time, any transformation of space must not be ad hoc or uncontrolled. Under the applicable legislation of the Republic of Serbia, any significant activity or intervention in the physical environment must be justified through a set of public planning documents, which the Law on the Planning System classifies as follows:

- ✦ Development planning documents (Development Plan, Investment Plan; Spatial Plan of the Republic of Serbia and other spatial plans, as well as general urban plans);
- ✦ Public policy documents (Strategy, Programme, Policy concept paper, and Action plan);
- ✦ Other planning documents (referring to specific plans adopted by the National Assembly, the Government of the Republic of Serbia, bodies of the Autonomous Province, and local self-government units within their respective competences and for the purposes of their functioning).

For the purposes of this analysis, and in the context of planning instruments of particular relevance to the future development of the Stara Planina National Park area, the focus will primarily be placed on spatial and urban planning. This is because spatial and urban planning constitutes a highly specific field that effectively serves as a bridge between the objectives set out in strategic documents and their practical implementation in real time and space. The mere intention to implement a particular project does not, in itself, cause harm to nature and the environment. However, once that intention is translated into concrete parameters such as the project's exact location, size, capacity and type, spatial and urban plans become the key instruments, setting them apart from other forms of planning documents. From the perspective of the administrative and territorial organisation of Stara Planina National Park, the area is covered by the following spatial plans:<sup>11</sup>

**Strategic spatial plans** (these are not directly implementable and therefore cannot serve as a basis for obtaining location conditions for the purpose of issuing building permits or other types of approvals for the execution of works):

- ✦ Regional Spatial Plan for the Area of the Nišava, Toplica and Piroat Administrative Districts (“Official Gazette of RS”, No. 1/2013);
- ✦ Regional Spatial Plan for the

<sup>11</sup> The term administrative-territorial division refers to territorial organisation as defined under the Law on the Territorial Organisation of the Republic of Serbia (“Official Gazette of RS”, Nos. 129/07, 18/16, 47/18 and 9/20), as well as to the regional division established by the Law on the Spatial Plan of the Republic of Serbia 2010–2020 (“Official Gazette of RS”, No. 88 of 23 November 2010).

Timočka Krajina Region ("Official Gazette of RS", No. 51/2011).

**Regulatory spatial plans** (the level of detail in planning solutions, as well as the precision of their textual and graphical presentation, allow them to serve as a direct basis for issuing location conditions required to obtain building permits. These documents are most commonly used to elaborate and regulate areas outside of settlements):

- ✦ Spatial Plan for the Area of the Stara Planina Nature Park and Tourism Region ("Official Gazette of RS", No. 115/2008);
- ✦ Other spatial plans for areas of special purpose, relating to

various infrastructure corridors (gas pipeline, transport network, electricity infrastructure, etc.);

- ✦ Spatial Plan of the Territory of the City of Zaječar ("Official Gazette of the City of Zaječar", No. 15/2012);
- ✦ Spatial Plan of the Municipality of Knjaževac ("Official Gazette of the Municipality of Knjaževac", No. 5/2011);
- ✦ Spatial Plan of the City of Pirot ("Official Gazette of the City of Niš", No. 39/2021).

Diagram of the overlap between the spatial plans of cities and municipalities and the existing Nature Park, in relation to the proposed boundaries of Stara Planina National Park



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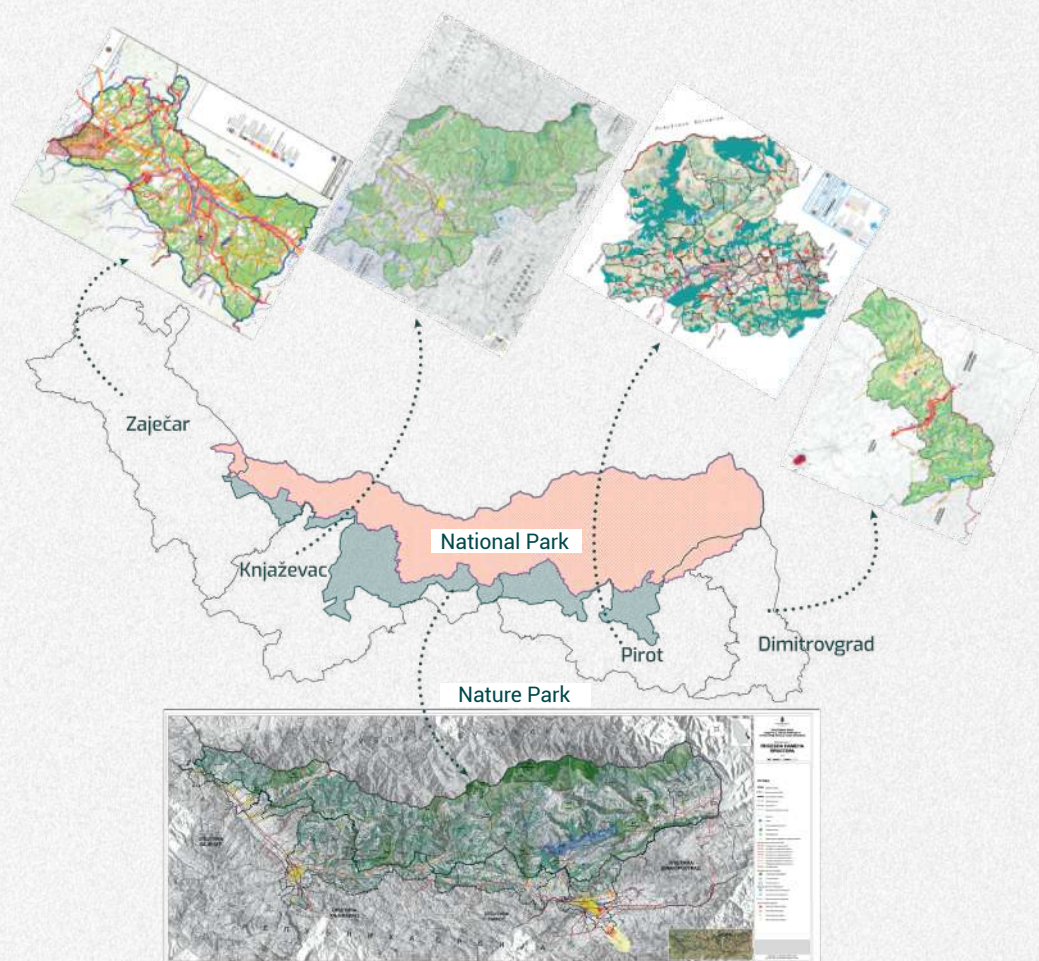


Diagram of the overlap between the spatial plans of cities and municipalities and the existing Nature Park, in relation to the proposed boundaries of Stara Planina National Park

As the above classification illustrates, the territory of Stara Planina National Park is shaped by a highly complex overlap of multiple planning instruments. This fragmentation inevitably creates serious challenges for effective monitoring and management across the area, particularly due to overlapping institutional mandates and insufficient coordination and communication among local-level authorities.

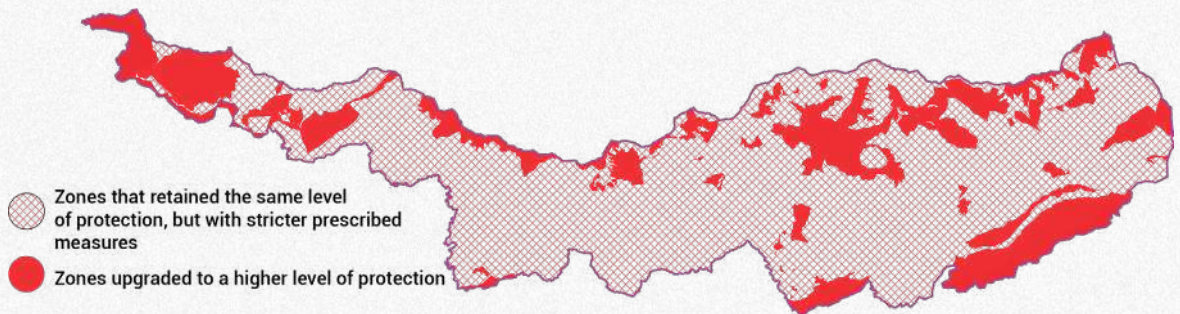
However, the list above also points to a far more significant issue: each of the spatial plans referred to was adopted before the procedure for declaring Stara Planina National Park was initiated. As a result, it is highly likely that these documents do not adequately incorporate the protection measures set out in the protection study. This concern is further compounded by the fact that most of these plans (all except



the Spatial Plan of the City of Pirot) were adopted more than a decade ago, while the most important of them (from a nature conservation perspective), the Spatial Plan for the Area of the Stara Planina Nature Park and Tourism Region, was adopted as long as 17 years ago.

There is little need to dwell on the many changes that have occurred within the areas covered by these planning documents over the past decade to reach a clear conclusion: updating these instruments is both necessary and urgent. Implementing outdated spatial plans is inherently problematic across all dimensions of a territory's development, including its social, cultural, economic and environmental sustainability. By way of example, most of these plans rely on population census data from 2002 and 2011, despite the fact that a new census was conducted in 2022. The most recent data indicate significant demographic shifts of direct relevance to the future development of the Stara Planina area, particularly the sharp decline in rural population, the increase in average age, and rising mortality rates.

From the perspective of implementing nature protection measures, significant changes have taken place over the past three years alone. By overlaying the maps showing the previous protection regimes established within the Nature Park with those introduced following the initiation of the procedure to declare the area a national park, the following thematic map can be produced:



The use of red in this graphic is deliberate, serving as a warning sign for particularly sensitive areas where the risk of adverse impacts on the area's core conservation values is especially high. These are zones whose expanded boundaries, protection level and overall scope are not reflected in the existing planning instruments. In practical terms, this creates a real risk that even formally "legal" works or activities, envisaged and justified under existing spatial and urban plans and approved by local self-government units, could significantly compromise or even cause irreversible damage to the area's natural values.



# Key Stakeholders in the Implementation of Future Activities within Stara Planina National Park



Given the scale and complexity of the measures required to ensure that the declaration and effective functioning of Stara Planina National Park proceed smoothly, it is essential not only to identify the key stakeholders, but also to clarify their respective roles and relationships within the protected area management system.

For the purposes of providing an initial outline of the stakeholder matrix, which should be further developed and expanded, stakeholders have been grouped into two broad categories: the public sector, and the civil society and the private sector. This categorisation is not intended to create rigid divisions between sectors. On the contrary, one of the key objectives of this analysis is to highlight the need for a multi-sectoral and participatory approach to nature conservation.



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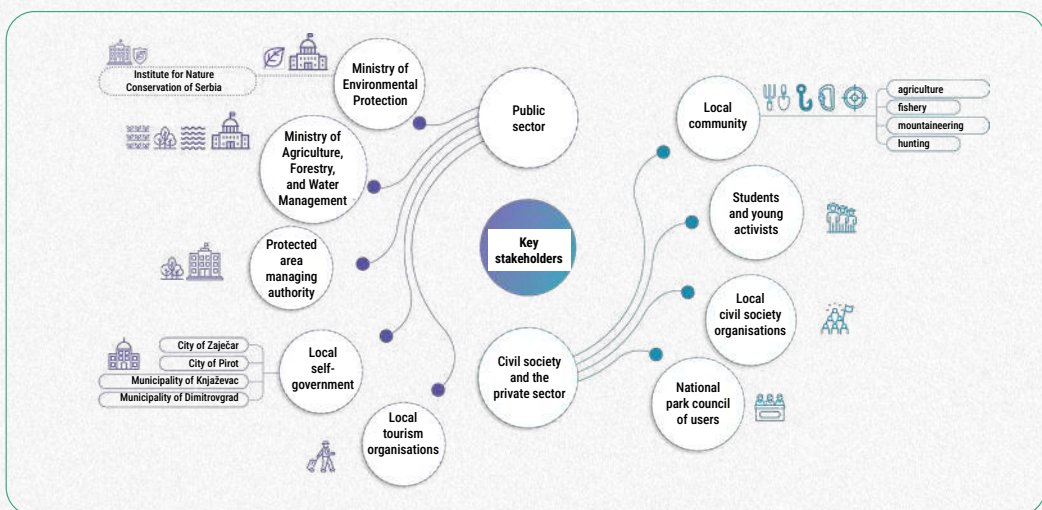
## Public sector

Within the public sector, stakeholders have been identified at both the central and local levels of governance. The central level includes the Ministry of Environmental Protection, the Ministry of Agriculture, Forestry and Water Management, and the Institute for Nature Conservation of Serbia, all of which play a key normative, planning and technical role in the process of declaring the national park. Particular emphasis is placed on the role of the protected area managing authority (currently PE Srbijašume, with the possibility of establishing a dedicated public enterprise for Stara Planina National Park) as the operational body responsible for implementing protection and management measures. At the local level, the public sector includes local self-government units (the cities and municipalities of Zaječar, Pirot, Knjaževac and Dimitrovgrad), which influence the area through spatial planning, local development policies, and mechanisms

for community engagement. Local tourism organisations should also be recognised as important stakeholders, given their central role in promoting the park's values and tourism potential.

## Civil Society and the Private Sector

The civil society and private sector include the local community and a wide range of interest groups, including farmers, fishers, hikers and hunters, as well as students, young activists, and local civil society organisations. A key element within this stakeholder landscape is the national park council of users, which provides an institutional platform for participation and dialogue between the managing authority and users of the area. The diagram below illustrates the multiple linkages and mutual interdependencies among these actors, reflecting both the complexity of the national park designation process and the need for stronger coordination, transparency, and meaningful engagement of all relevant stakeholders:





# Recommendations for Strengthening the Protection of Stara Planina National Park During the Ongoing Protection Procedure

## Legal Framework



The current situation regarding the Stara Planina Nature Park and the ongoing procedure for its designation as a national park have revealed several systemic deficiencies in the way protection procedures are initiated under the Law on Nature Protection. It is evident that the current legal framework does not provide sufficient clarity or precision for regulating this procedure. The first set of recommendations, therefore, focuses on improving the legal framework through targeted amendments:

- ✦ The primary recommendation is to draft and adopt a new Law on National Parks as soon as possible and to complete the procedure for declaring Stara Planina National Park. This would enable the formal appointment of a managing authority, provide a clear legal basis for the park's boundaries and applicable protection measures, and allow management measures to be implemented on a regular basis, including ranger services, oversight, boundary marking, and related measures;
- ✦ To ensure that protection procedures are implemented more effectively and efficiently, certain amendments to the Law on Nature Protection are needed:
  - designate a managing authority or responsible body mandated to implement protection measures during the protection procedure,
  - introduce clear time limits for the duration of the procedure,
  - define the conditions and procedure for discontinuing the protection procedure,
  - specify the manner and requirements for informing the public once a protection procedure is initiated, ensuring that all stakeholders are properly informed,
  - introduce a requirement for public consultation and stakeholder engagement before the procedure is formally initiated. Under the current framework, the initiation of the procedure triggers restrictions on the use of both public and private land, without ensuring that users and landowners have been adequately informed or given a meaningful opportunity to participate.

## Strategic and Planning Framework

Given that many of the threats leading to the degradation of the protected area, and to the impairment of its core conservation values, arise from spatial planning practices, the following set of recommendations focuses on this aspect:

- ✦ Pending the adoption of the spatial plan for the special-purpose area of Stara Planina National Park, existing spatial plans applicable to the area should be revised where necessary to ensure consistency with the protection study.
  - Decisions should be taken to initiate amendments to existing plans, or to draft new ones. In particular, these should reflect the updated boundaries of nature protection zones and formally incorporate the protection measures prescribed for each zone;
  - The spatial plans must also be aligned with relevant strategic and planning documents, as well as with up-to-date statistical data, expert analyses and studies produced after their adoption;
- ✦ However urgent the preparation of future spatial plans may be, it must not be carried out in a way that limits or undermines the right of the professional community, stakeholders and the wider public, particularly citizens' associations and civil society organisations, to participate in public consultations, presentations and planning commission sessions.
  - Ensure early public information, starting from the stage when decisions are taken to initiate the preparation of a planning document;
  - Make information on the place, time, format and opportunities for public participation widely available through official websites, local gazettes and electronic media;
  - Promote a range of participation methods, including surveys, roundtables, panel discussions, semi-structured interviews and other communication formats;
  - Avoid omitting early public consultation stages or shortening the timeframe for early public consultation;
  - Taking into account the scope and nature of the spatial plan, ensure that presentations and planning commission sessions are held in locations accessible to the majority of stakeholders;
- ✦ Where appropriate, allow the public more time to review and respond to the draft planning document than the statutory minimum;
- ✦ Ensure that the full documentary basis underpinning the planning document is made available during the public consultation on the draft.<sup>12</sup>

<sup>12</sup> Pursuant to Article 28, paragraph 4 of the Rulebook on the Content, Method and Procedure for the Preparation of Spatial and Urban Planning Documents ("Official Gazette of RS", Nos. 32/19 and 47/25).



## Governance Framework

The recommendations for improving the management of Stara Planina National Park during the ongoing protection procedure are limited and largely focus on strengthening cooperation and increasing stakeholder awareness:

- ✦ Strengthen the work of council of users of the Stara Planina Nature Park to improve user awareness of the current protection status and related developments;
- ✦ Hold regular meetings with key stakeholders (local self-government units, major land/resource users, local communities) to ensure information-sharing and support cooperation in the protection and enhancement of Stara Planina National Park;
- ✦ Prepare and disseminate informative materials outlining the current protection conditions and requirements, using a range of communication channels;
- ✦ Secure funding and capacity for strengthened field oversight and monitoring, particularly in newly expanded areas and in zones where protection regimes have changed;
- ✦ Develop partnerships with local civil society organisations active on the ground (hunting and fishing associations, biodiversity conservation organisations), to strengthen monitoring, reporting, and the prevention of harmful activities that directly threaten core conservation values.







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