

# Conversion of Natural Resources Into Profit The "Kučaj-Beljanica" National Park Case Study



photo: Kučaj-Beljanica / Miloš Golubović / Wikimedia

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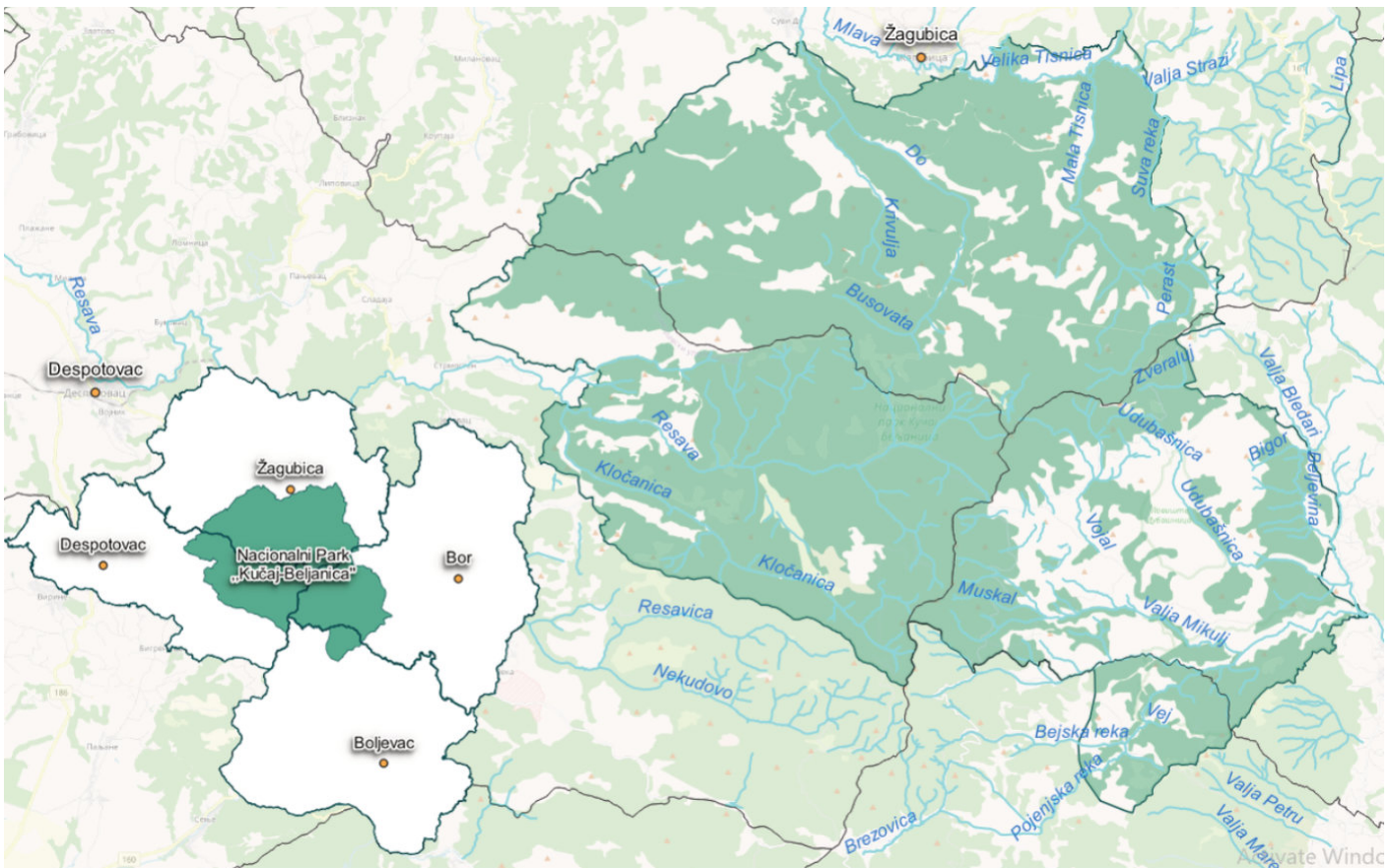




## Conversion of Natural Resources Into Profit The "Kučaj-Beljanica" National Park Case Study

The mountainous area of Kučaj - Beljanica is located in eastern Serbia and is the largest uninhabited area in the territory of the Republic of Serbia. This jewel of untouched nature is bordered by the Žagubička valley in the north, the Bor-Zaječar depression in the east, the Rtanj mountain and the Čestobrodica pass in the south,

and the Velika Morava river in the west. Little is known about the fact that this area is the largest limestone massif and reservoir of drinking water in Serbia, or that forests, rainforests, caves, strict nature reserves, and other natural monuments alternate in this natural environment.



*Figure 1: Location of the preliminary border of the Kučaj-Beljanica National Park within the borders of the Republic of Serbia (graphic representation create with the Openstreetmap database and Q-gis software)*



At the beginning of January 2022, the general public in the Republic of Serbia was delighted with the news that in the near future, in addition to Fruška Gora, Đerdap, Tara, Kopaonik, and Šar Planina, the country could become richer for one more national park. Namely, on the website of the Ministry of Environmental Protection, a notification was published about the initiation of the procedure for the protection of the National Park "Kučaj-Beljanica". The procedure officially recognized the area as a landscape worthy of the highest degree of protection.<sup>1</sup>

However, the news about the initiation of the procedure for the protection of the "Kučaj-Beljanica" National Park did not seem to reach the address of the Ministry of Construction, Transport, and Infrastructure, which published different plans for territorial development of this area on its website almost three and a half months later. Namely, the spatial plan of the Kučajska planina tourist destination has been put on [public consultation](#), a planning act that proposes and confirms numerous solutions that directly endanger the fundamental values upon which the future national park is based.<sup>2</sup>

## Context and Genesis - Nature Park or National Park?

Although the first monuments of nature in the area were declared in 1949, it was only in 2013 that the first Conservation study of the Kučaj-Beljanica Nature Park was prepared by the Institute for Nature Conservation of Serbia. The preparation of this study was the first step towards recognizing the Kučaj-Beljanica area as a protected natural asset, and the initiation of the protection procedure was imminent. However, the Ministry of Environmental Protection, for unknown reasons, had not officially initiated the

procedure of protection of the subject area for many years.

Four years after the Serbian Institute for the Protection of Nature submitted the study for the protection of the "Kučaj-Beljanica" Nature Park to the Ministry of Environmental Protection, the first indications appeared that this area will receive a higher level of protection and status of national and international importance, i.e. that it will be declared a National Park.

*"The latter extensive, long-term research by the experts from our Institute confirmed that the mountainous area Kučaj-Beljanica has the characteristics of a national park." And the very idea of making it official, "has been going on for about twenty years". These were the words of Dragana Petras, the coordinator of the conservation study of the "Kučaj-Beljanica National Park".<sup>3</sup>*

On July 30th, 2020, the website of the Ministry of Environmental Protection finally published a [notice](#) regarding the initiation of the procedure for the protection of the "Kučaj-Beljanica" Nature Park, based on the Conservation study prepared by the Serbian Institute for Nature Conservation in late 2013.<sup>4</sup>

Although the news that the nature park will cover as much as 87,644.00 hectares seemed good, the circumstance that this area is no longer discussed in the context of the new national park seemed confusing and disappointing.

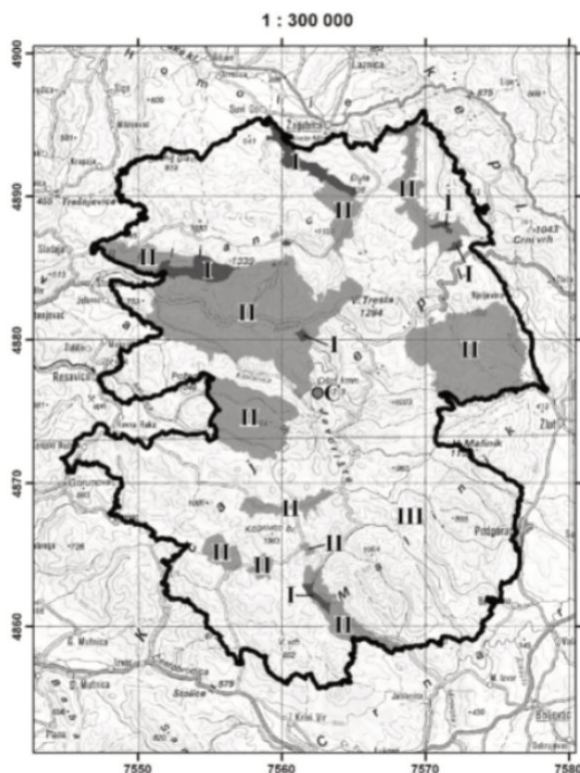
<sup>1</sup> Ministry of Environmental Protection, Notice on the procedure for initiating protection of the "Kučaj-Beljanica" National Park, January 5th, 2022: <https://www.ekologija.gov.rs/obavestjenja/zastita-prirode/obavestjenje-o-postupku-pokretanja-zastite-u-nacionalnom-parku-kucaj-beljanica-0>

<sup>2</sup> Ministry of Construction, Transport, and Infrastructure, Public insight into the draft plan of the special purpose area of the Kučajske planine tourist destination: <https://www.mgsi.gov.rs/lat/dokumenti/javni-uvod-u-nacrt-ppppn-turisticke-destinacije-kucajske-planine>

<sup>3</sup> Source: Dnevni list Novosti, Kučaj-Beljanica new National Park, J Matijević, May 27, 2017: <https://www.novosti.rs/vesti/naslovna/reportaze/aktuelno.293.html:667376-Kucaj-Beljanica-novi-nacionalni-park>

<sup>4</sup> Ministry of Environmental Protection, Notice on the procedure for initiating the protection of the "Kučaj-Beljanica" Nature Park, July 30th, 2020: <https://www.ekologija.gov.rs/lat/obavestjenja/zastita-prirode/obavestjenje-o-postupku-pokretanja-zastite-parka-prirode-%E2%80%99Ekucaj-beljanica%E2%80%99D>

## THE "KUČAJ-BELJANICA" NATURE PARK



### Legend





-  The „Kučaj-Beljanica“ Nature Park boundary
-  I degree protection regime
-  II degree protection regime
-  III degree protection regime

Figure 2: Excerpt from the study of the protection of the "Kučaj-Beljanica" Nature Park, Map of the protection regime (Serbian Institute for the Protection of Nature, 2013)

The change of this situation, however, was soon hinted at by the director of the Serbian Institute for Nature Conservation, Aleksandar Dragišić, MA, when presenting the work of this institution in 2020, pointing out the following:

"The total area of protected natural assets is 678,237 ha, which represents 7.66% of the territory of Serbia... To increase the area under protection, it is particularly important to initiate the procedure for obtaining the status of a protected area for the „Kučaj-Beljanica“ Nature Park, as part of a zone characterized by the highest quality of nature, with the characteristics of wilderness that includes the highest level of forestry, according to international standards, an expert opinion and the creation of an expert study for the protection of nature by the associates of the Serbian Institute for Nature Conservation, as well as through the publication on the Ministry of Environmental Protection website".<sup>5</sup>

These words became especially important after December 14th, 2021, when the Thirteenth International Conference, held in Brussels, decided to open cluster 4 - "Green Agenda and Sustainable Connectivity" within the process of negotiations on Serbia's accession to the European Union. Part of the cluster includes the negotiation regarding chapter 27 - Environment and Climate Change, which highlights compliance with international directives, efficient management, and increasing the number of protected areas as priorities.<sup>6</sup>

A little more than a week after the opening of Chapter 27, the Serbian Institute for Nature Conservation submitted to the Ministry of Environmental Protection the Conservation Study of the "Kučaj-Beljanica" National Park (hereafter "Study"). Less than two weeks later, on January 5th, 2022, the Ministry of Environmental Protection announced the procedure for initiating the conservation of the Kučaj-Beljanica National Park.

<sup>5</sup> Source: Serbian Institute for the Protection of Nature, Nature Protection in 2020, December 31st, 2020: <https://www.zzps.rs/wp/zastita-prirode-u-2020-godini/?script=lat>

<sup>6</sup> Negotiating position of the Republic of Serbia for the Intergovernmental Conference on the Accession of the Republic of Serbia to the European Union for Chapter 27 - Environment and Climate Change, 2019



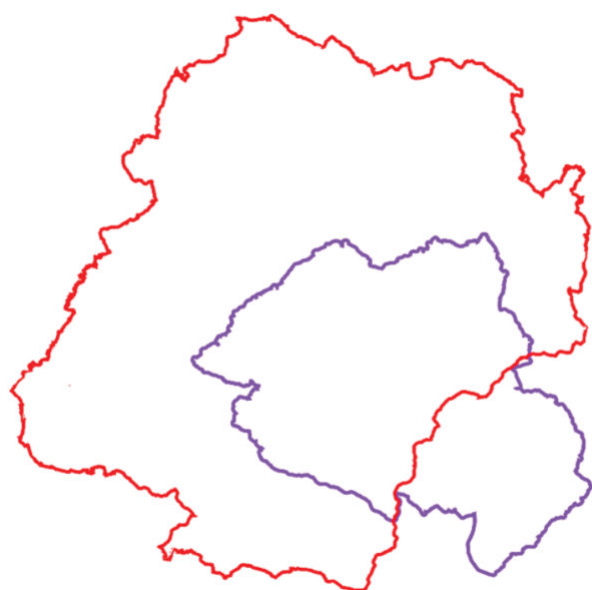
However, the planning, arrangement, and use of this area as a future national park does not have to wait for the adoption of such a regulation, since the Law on Nature Protection stipulates the following in Article 42, paragraph 6: *“An area for which the procedure of protection has been initiated, is deemed protected pursuant to this Law, until the passing of the proclamation act, measures prescribed in the Conservation Study shall be applied”*. In fact, this means that the protection that applies to the declared national parks is fully applied to those areas that have entered the designation process, and thus to the "Kučaj-Beljanica" area.

## Prioritization of Touristic Activities

Until recently, the subject area was regulated by the Decree on the Spatial Plan of the Special Purpose Area of the Kučaj-Beljanica Natural Property (which covers a wider area). This Decree integrates the nature protection regimes established by the previous study of the conservation of the "Kučaj-Beljanica" Nature Park, which was completed in 2013. However, by initiating the conservation procedure until the adoption of the act on the establishment of the "Kučaj-Beljanica" National Park, which in this case would mean the adoption of amendments to the Law on National Parks, measures prescribed by the National Park Protection Study made in 2021 are applied across this territory. It should be noted that the Study of the Conservation of the National Park significantly expanded the areas under nature protection regimes of the I and II degree, including a large number of localities that were, until

then, classified under lower protection regimes.

On April 15th, 2022, the public insight into the spatial plan of Kučajska planina Tourist Destination ("Space Plan") was officially announced - a planning act whose coverage covers approximately 70% of the space reserved for the future national park. Concerned about the speed with which this planning act was "harmonized" with the recently prepared Study, as well as the indicative title of the Spatial Plan, the RERI expert team analyzed the published documentation to determine, among other things, the degree of harmonization of the Spatial Plan with the Conservation Study. It was soon established that there was no material for this type of analysis since the existence of the Study in question was completely neglected by the Spatial Plan.



- Scope of the Spatial Plan

(Source: Graphic appendix to the Draft Plan: reference map 1, Special purpose of the space)

- Preliminary border of the "Kučaj-Beljanica" National Park (Source: Conservation Study, graphic attachment: Map of the protection regime)

Figure 3: Overlap of the scope of the Draft Plan, with the preliminary border of NP Kučaj-Beljanica

Namely, the Conservation Study, despite significant overlap with the scope of the Spatial Plan, is not mentioned in the documentation base at all, it is not integrated into graphic attachments, nor is it referred to in any part of the text of the planning act.

## The Consequences of Neglecting Nature Protection Measures

Since, contrary to the positive regulations of the Republic of Serbia, the Study did not serve as a binding documentary basis for the Spatial Plan, the draft of this planning act inevitably led to a gross violation of the measures prescribed by the Study. Namely, numerous planning solutions that this act envisages or confirms due to the threat they pose to the protection of fundamental values on which the "Kučaj-Beljanica" National Park is being established are explicitly prohibited by the Conservation Study.

Some of the mentioned solutions are as follows:

### 1. Construction of the Beljanica Ski Resort

This planning act determines the construction of the first phase of the Beljanica ski resort complex, which is adapted to a capacity of approximately 2,000 tourists and includes the construction of two ski lifts with two accompanying ski trails and one specialized ski trail, 5 themed polygons with catering facilities, a technical base, restaurants, and boarding houses. The mentioned infrastructure and superstructure can significantly burden protected and forested areas.

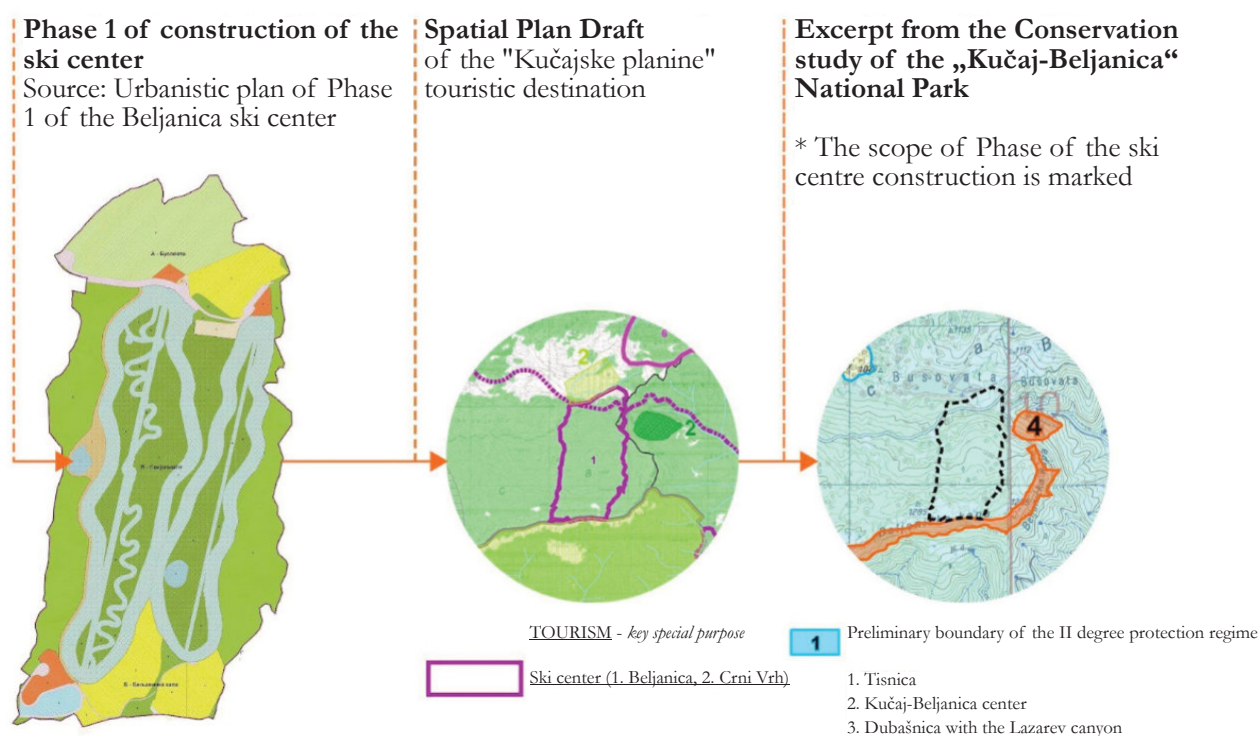


Figure 4: Implementation of the detailed regulation plan for the first phase of construction of the Beljanica ski resort within the draft Space Plan and marked coverage within the map of the protection regime of the Protection Study of the "Kučaj-Beljanica" National Park



An insight into the Study clearly shows that a of ski resorts is explicitly prohibited due to the regime of the second level of protection has been protection of fundamental values. established in that area, in which the construction

In order to protect the fundamental values of the II degree protection regime area, all prohibitions and limitations prescribed by the Nature Protection Law and the Decree on protection regimes are valid.

**The following is forbidden:**

- the construction of weekend houses and other family holiday facilities;
- the construction of ski centers;
- the construction of wind generators

Figure 5: Excerpt from the Protection Study of the "Kučaj-Beljanica" National Park

## 2. Construction of the Beljanica Hydro-Accumulation

The strict nature reserve "Klisura reke Resave" and the landscape of special natural beauty "Resava" were united by the study into the locality "Klisura Resave", which is fully included in the protection regime of the first degree. However, according to the Spatial Plan, a significant part of this locality is reserved for the construction of the "Beljanica" Hydro-accumulation, which means immersing a large area of the Resava gorge and creating an artificial lake with a volume of 40 million cubic meters. The construction of such a project is explicitly prohibited by the Conservation Study.

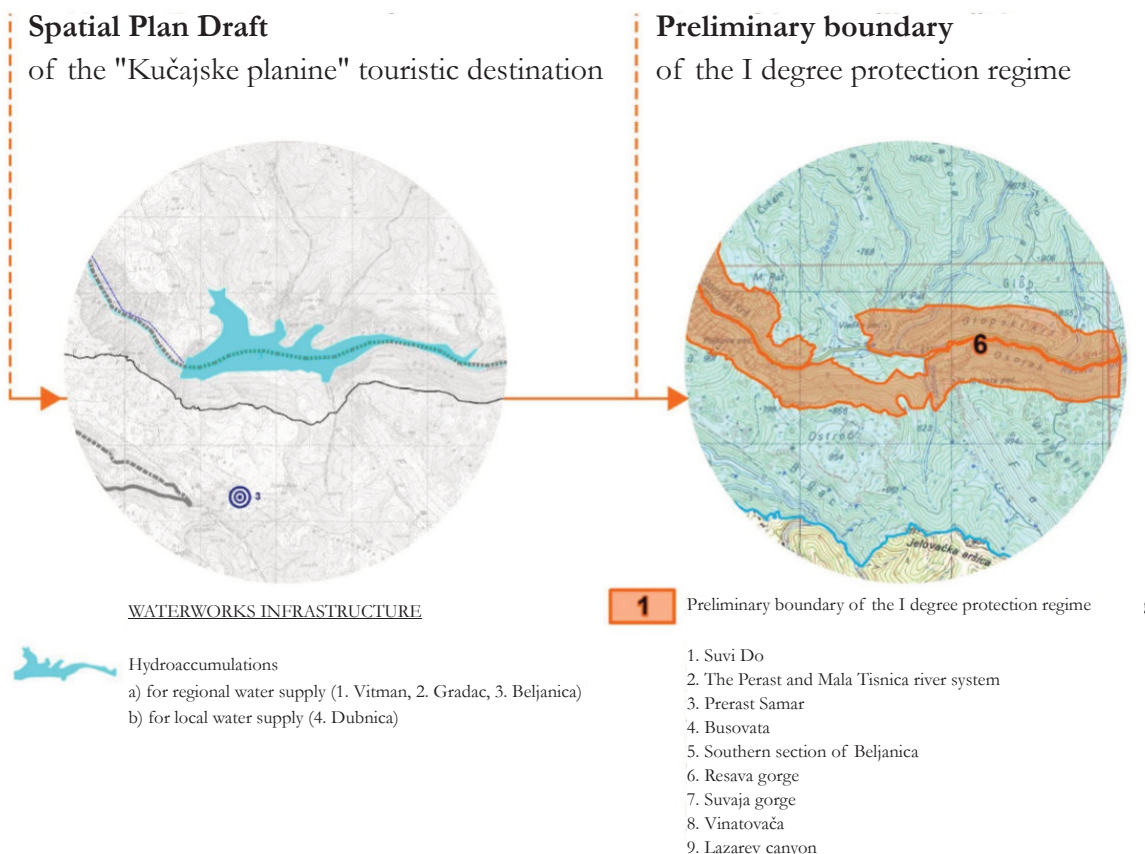


Figure 6: Area reserved by the Spatial Plan for the construction of the Beljanica hydro-accumulation and coverage within the protection regime map of the Conservation Study of the Kučaj-Beljanica National Park



An insight into the Study clearly shows that a natural resources and the construction of facilities regime of the second level of protection has been are explicitly prohibited due to the protection of established in that area, in which the use of fundamental values.

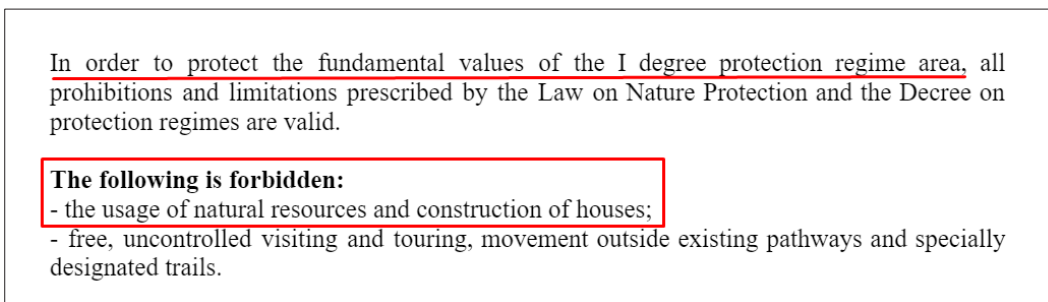


Figure 7: Excerpt from the Protection Study of the "Kučaj-Beljanica" National Park

### 3. Construction of the Supporting Infrastructure

The above-mentioned projects also include significant infrastructural equipment in terms of the construction of access roads, communal infrastructure, transformer stations and transmission lines, and facilities such as parking, heliports and restaurant-boardings are planned, which will cumulatively burden the established nature protection regimes. The application of planning solutions that would follow the adoption of such a planning act would jeopardize the fundamental values of nature protection on which the "Kučaj - Beljanica" National Park is established, and thus the essence of its existence.

## Concluding Remarks

The subject analysis indisputably indicates a worryingly low level of coordination by the competent authorities as well as inefficiency in overcoming the conflicting interests of the spatial development of protected natural areas. The drafting and adoption of planning acts with incomplete documentation and an incorrectly determined current situation, non-compliance with the principles of usage and arrangement of space, principles of nature and environmental protection, strategic environmental assessment and prioritization of economic over other aspects of sustainable development pose a serious threat of devastation, degradation and final disappearance of the most important natural values.

During the public insight of the draft Spatial Plan, RERI sent remarks and suggestions to the Ministry of Construction, Transport and Infrastructure and thus, due to intensive and numerous omissions and illegalities appealed to the body to urgently start the proposed

draft until it is harmonized with the valid Kučaj-Beljanica National Park Conservation Study. Also, RERI pointed out to the Ministry of Environmental Protection that the eventual issuance of consent to the report on the strategic environmental assessment for this planning act would be illegal, for all the above reasons.

A public session of the Planning Commission is expected, when the interested members of the public will have the opportunity to get informed about the views of the drafters of the Spatial Plan and the SEA Report on the submitted remarks and comments, and if necessary to publicly explain them before the Planning Commission. According to Article 51 of the Law on Planning and Construction: "*In the event that after public inspection of the draft planning document, the competent authority or the planning committee determines that the adopted objections substantially change the planning document, it shall issue a decision ordering the developer*".



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