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Status quo and problems of
Safeguarding historical
Landscape in the Federal
Republic of Germany

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Status quo and problems of the safeguarding of historical landscape in the Federal Republic of Germany

In the FRG there are not special laws to protect historical landscape but it is possible to safeguard those areas with the current laws of nature protection.

The following summary shows the place of nature protection in relation to country maintenance. It is equal to landscape protection and country regulations (?pattern). The function of nature protection to be used may be defined in detail as follows:

Nature protection has the function to safeguard landscape and parts of landscape worthy to be safeguarded, as well as species of endangered animals and plants and their living space, due to cultural, scientific, social and economic reasons. This can be done by means of general landscape safeguarding, areas of landscape safeguarding and national parks, protection of parts of landscape, nature monuments and species. There is nature protection in the open space as well as in populated districts.

Nature protection comprises protection categories of different character, as mentioned in detail:

- 1.— nature monuments, p.e. special trees (single trees) rocks etc.,
- 2.— parts of landscape, p.e. groups of trees, groves, etc.
- 3.— general safeguarding of landscape
- 4.— landscape reserves, p.e. glacial relicts (?), valley pastures etc.
- 5.— areas of nature protection, p.e. moors as former economic systems,
- 6.— nature parks, p.e. the Luneburger Heide as a historical nature reserve,
- 7.— national parks, p.e. the banks of sands at the North Frisian coast will soon be declared as a national park.

Safeguarding of species and biotops:

The following categories serve to safeguard historical landscape:

The area of landscape safeguarding and the nature reserve, whereby laws regarding nature reserve are stricter. Large historical areas are put under nature protection by means of nature parks and national parks.

In the following the structure of authorities is mentioned by which the use of nature protection is practised.

Technical administration:

By means of the Federal Law for nature protection of november 1976, the Federation receives the skeleton competency in the field of nature protection. This competency covers

only a general way of acting, executive decisions and the necessary acts of administration are given to each "land" of the Federal Republic. In this case the authorities of nature protection are competent, which means administrative with three degrees.

Their differentiation is as follows:

(see chart 2)

The supreme nature protection authority

This is the highest degree of the administration department.

After being informed by the higher nature protection authority it is authorized to fix a nature reserve or a nature monument geographically. In the "lands" of Lower Saxonia and North-Rhein-Westfalia the Ministries of Education are the competent authorities.

In Schleswig Holstein the competition is given to the Minister for Food, Agriculture and Forestry; in Bavaria to the Ministry of the Interior.

The higher nature protection authority

This represents the institution of the middle level. It has the function to realize impulses of the lower nature protection authority, to prove and to transmit these impulses to the supreme nature protection authority, asking for authorization.

In Lower Saxony the district presidents or the presidents of the administrative districts from Brunswick and Oldenburg take charge of this function in Schleswig Holstein this charge is given to the Minister for Food, Agriculture and Forestry, in Bavaria to the governments.

The lower nature protection authority

It examines impulses given by the population, wishing to declare a region as nature reserve or landscape reserve; moreover there are collaborators looking to discover those regions. In Lower Saxonia there are towns or the counties in charge of this function. In Schleswig Holstein and in Bavaria the charge is given to district authorities.

There are special offices collaborating with the administrative authorities and giving advices. These nature protection offices have the following functions:

- Investigation, scientific exploration, continuous observation and control of the native nature.
- Determination of safeguarding measures, suggestion to protect nature monuments and other parts of the native nature which are worthy to be conserved.
- Asking for general appreciation for the idea of nature protection.

There are again three degrees of special offices (fields), as p.e. in Lower Saxonia:
The regional administration office of Lower Saxonia.

It is special office for nature-, landscape- and bird protection contacts constantly the supreme nature protection authority.

District office for nature and landscape protection:

There exist eight special offices in Lower Saxonia which advice the higher nature protection authority.

Charge is given to a district commissioner whose work is honorary.

County office for nature and landscape protection.

There exist 75 regional offices whose commissioners' work is honorary, too. They correspond to the lower nature protection authority.

As shown above, each land is charged with competency for safeguarding of historical landscape. Consequently financial questions are settled by them, too.

By means of the promulgation of the Federal Law for nature protection of Nov '76, as a skeleton law, all responsibilities of nature protection, including all secondary functions are given to the Federal Land.

Financing of all measures is done by the "lands", that is the district receives funds due to a special key. Ordinarily, measures regarding landscape and nature protection which are intended from the communities, that means form the basis, are subsidized by the district president.

Future problems for safeguarding:

Although the above described systems of nature protection has been satisfactory up to date, the following points may show some problems concerning the future safeguarding of historical landscape:

- the historical landscape has to be seen as a real value of land-use of the landscape, that means its function should be the same as that of agriculture, developed areas etc.
- It is necessary to prove if the using of historical landscape could be combined with other utilizing functions. It should be possible to coordinate recreational activities and scientific using with the historical landscape. This would be effective in many cases concerning future protection.
- Furthermore there should be paid attention to methods and development of valuation skeletons, to receive a scientific established basis as fundamental view. There exist beginnings in this matter, as the elaboration of Montag shows.
- A real substance must be given to already existing historical landscape. There is above

all the question if these areas should be accessible to the general public, a question that only could be answered after knowing exactly the capacity, that means which number of visitors could be allowed to such an area. As an example may be stated the Lüneburger Heide, where a strict prohibition of motorcar cycling was necessary, to save the substance of this landscape. Visitors are conducted over special footpaths. Beside hiking there is the possibility of coach-driving and riding.

- Moreover it is very important to work out an exact program to maintain historical landscape. Only by means of an adequate control, safeguarding of the substance can be guaranteed.

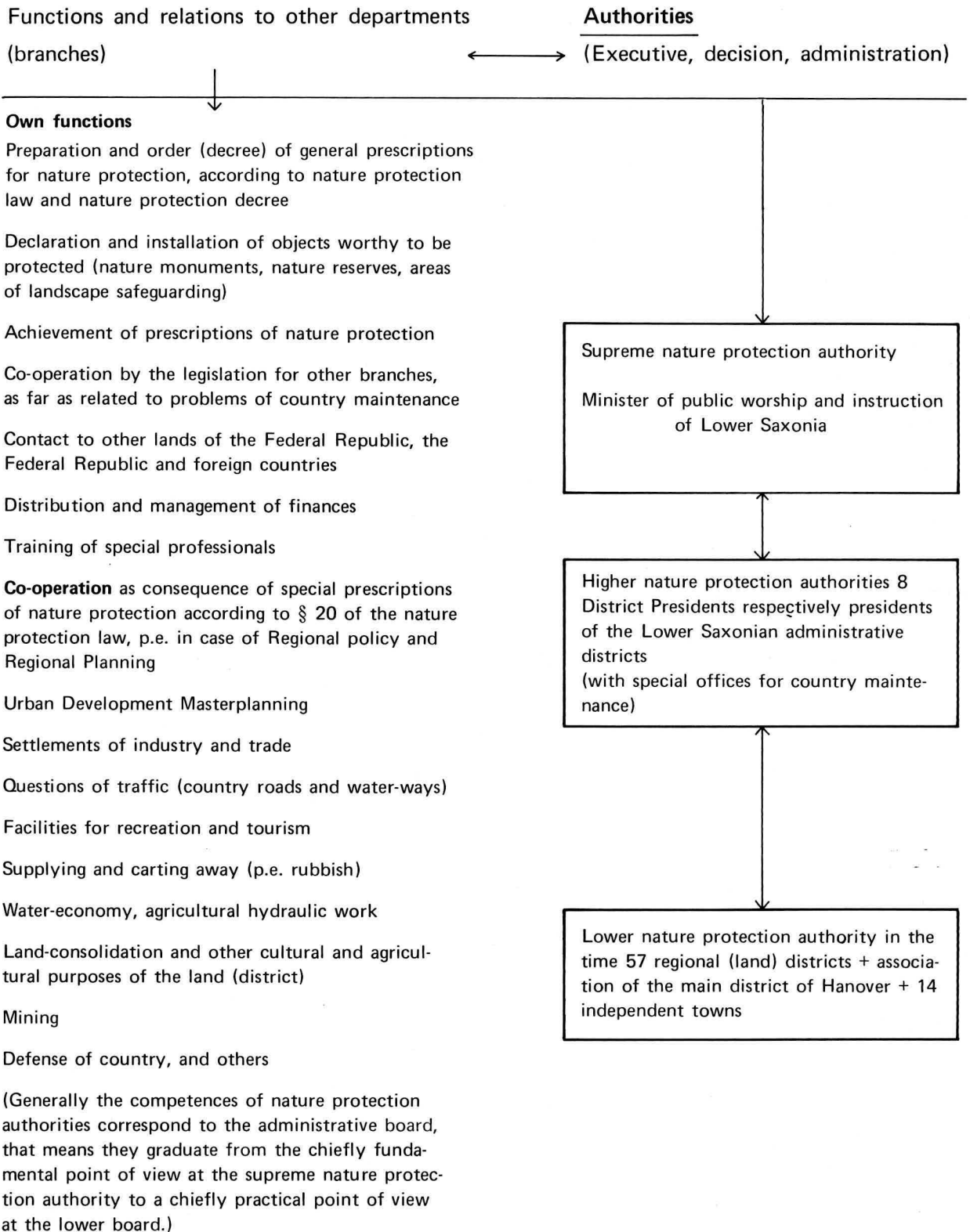
In the region of Lüneburger Heide sheep put the heather (*Calluna vulgaris*) flat. The rank growth of *Betula verrucosa* is prevented by means of cutting off.

- Another problem consists in demarcation of historical landscape. Its area has to be great enough in order to prevent outside disturbances for example emmissions and others. Moreover the boundaries should relate to the natural facts and not base upon administrative objections.
- The discussion on the new disposition of historical landscapes should be promoted.
- The information of the public regarding the structure and function of historical landscapes has to be pushed on.

The modern nature protection is only effective if it is backed by the voluntary cooperating public.

Dr. Hans Friedrich Werkmeister

Regulation and functions of existing public organization for nature protection and country maintenance in Lower Saxonia



Working of nature protection

Example Lower Saxonia

Special offices

special advise, preparation,
projecting

← → functions

