

CONSERVATION OF PROTECTED AREAS AND THE SUSTAINABLE DEVELOPMENT OF RURAL TOURISM – CHALLENGES IN BUSINESS LAW REGULATION

ABSTRACT: Rural areas possess natural capacities for tourism development and an authentic tourism offer, the value of which has been increasingly recognized by a growing number of tourists in recent years. This paper focuses on a more precise definition of the concept of rural tourism, the concept of sustainable development, the legal treatment of the protection of natural assets and the parameters that define them more closely, as well as on clarifying the mutual influence and interdependence between the environment and rural tourism. A significant characteristic of rural tourism is certainly the aspiration to minimize the impact on the ecological elements of the areas visited by tourists. This principle is particularly important in situations where the tourism offer includes protected natural values and protected natural areas. An increasingly popular aspect of tourism offers includes the consumption of domestic, indigenous products, as well as familiarization with the customs and culture of the local population. It is clear that such forms of tourism are associated with visits to protected natural areas. What is of paramount importance in such situations is the existence of environmental awareness among all participants, as well as the preservation of protected areas and a

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healthy environment, as a necessary starting point for the development and improvement of tourism in general, and rural tourism in particular.

Keywords: *sustainable development, rural tourism, tourism industry, environment, protected areas.*

1. Introduction

The right to a healthy environment is one of the fundamental human rights. However, through its activities, humans alter the natural environment, often in ways that disrupt natural balance. The preservation and protection of the environment “represent an imperative in contemporary society. The environment is, in essence, one of the pillars of sustainable development, and in this context it can be emphasized that sustainable development implies finding a balance between social development, economic progress, and environmental protection” (Matijašević Obradović, 2017, p. 21). According to Article 3 of the Law on Environmental Protection (2004), “the environment is a set of natural and created values whose complex mutual relationships constitute the surroundings, that is, the space and conditions for life.”

Tourism is an economic activity that records continuous growth. Owing to globalization and its effects, tourism experienced strong expansion in the second half of the twentieth century and at the beginning of the twenty-first century. It may be stated that “every society has its habits, and tourism, as one of them, represents a mass socio-economic phenomenon with numerous positive effects” (Matijašević Obradović, 2016, p. 26). Tourism is often viewed “as goal-oriented, planned and motivated behavior, where expectations of the traveler play the most important role in the decision-making process regarding travel” (Wall & Mathison, 2006). Precisely because of this characteristic, tourism may also be regarded as a point of contact between urban and rural environments.

Jovičić (2000) emphasizes that tourism is one of the most efficient ways of valorizing natural assets and cultural heritage, and that tourism is not an irreversible consumer of natural elements; rather, with controlled tourism development, the development of a particular area can also be achieved. This is of particular importance bearing in mind that the objectives of the Law on Nature Protection (2009), as defined in Article 2, include: “the protection, preservation and enhancement of biological (genetic, species and ecosystem), geological and landscape diversity; harmonization of human activities, economic and social development plans, programs and projects with the sustainable use of renewable and non-renewable natural resources and the long-term preservation

of natural ecosystems and natural balance; sustainable use and/or management of natural resources and assets, ensuring their function while preserving natural values and ecosystem balance; timely prevention of human activities that may lead to permanent depletion of biological, geological and landscape diversity, as well as disturbances with negative consequences for nature; determination and monitoring of the state of nature; improvement of the condition of degraded parts of nature and landscapes.” It should also be emphasized that, pursuant to Article 3 of the Law on Environmental Protection (2004), a protected natural asset represents a preserved part of nature with special values and characteristics (geodiversity, biodiversity, landscapes, scenery, etc.), which has permanent ecological, scientific, cultural, educational, health-recreational, tourism and other significance, and as such enjoys special protection as a public interest asset.

The Law on Tourism of the Republic of Serbia (2019), in Article 2, prescribes that the regulation of relations in the field of tourism is based, inter alia, on the principle of sustainable tourism development as a “harmonized system of technical-technological, economic and social activities, founded on economic development, preservation of natural and cultural assets, and the preservation and development of the local community.” Considering that “rural areas in Serbia cover about 85% of the territory and are home to more than half of the total population (55%), with a population density of 63 inhabitants per square kilometer” (Matijašević Obradović & Bingulac, 2015, p. 86), the following sections of the paper will focus on a more precise definition of rural tourism, the concept of sustainable development, the legal treatment of natural asset protection and the parameters that define them more closely, as well as on clarifying the mutual influence and interdependence between the environment and rural tourism.

2. The Importance of the Development of Rural Tourism and the Concept of Sustainable Development in Contemporary Theory and Legal Acts

Tourism “plays a key role in local economic development” (Rogerson & Rogerson, 2014; Karampela, Kizos & Spilanis, 2016, p. 161). Tourism may be “primarily viewed as an economic sector that simultaneously promotes economic growth and equality, as it involves the use of local inputs—local goods as well as the engagement of the local workforce” (Mansury & Hara, 2007, p. 213). In less developed regions, “the local community may derive very significant socio-economic benefits from tourism, and the development of this economic sector may represent an important turning point for further

development at the local level” (Zhenhua, 2003, pp. 465–466). In this context, rural tourism may be defined as “tourism of rural areas, whose primary resource is the natural environment and a healthy living environment” (Cvijanović, Matijašević Obradović & Škorić, 2017, p. 871). This is particularly important to emphasize given that significant opportunities for tourism development in Serbia are precisely linked to rural areas.

Rural areas are attractive to tourists, “among other reasons, because they offer a wide range of recreational and leisure opportunities” (Ružić, 2012, p. 219). Bearing in mind that as much as 75% of the world’s poor live in rural areas, and that more than one third of rural areas are located in arid and semi-arid regions (Chaudhry & Gupta, 2010), the view may certainly be supported that “the introduction of new non-agricultural activities (particularly rural tourism) may generate additional income, enabling improvements in quality of life and the prevention of demographic decline in rural areas” (Popescu, 2008, p. 13). Accordingly, “rural tourism is recognized as a tool for the revitalization of rural areas” (Roselyne, Morteza & Babu, 2012, p. 37), and as a development concept “that goes beyond and transcends the framework of a specific form of tourism” (Malinić, Gajić, Vujadinović & Šabić, 2022, p. 378).

As the foundation of any future practical action aimed at the development of tourism in general, and rural tourism and ecotourism as increasingly prevalent forms of tourism in particular, theoretical positions and orientations presented in contemporary literature are emphasized. These positions are unanimous in highlighting the importance of the aforementioned forms of tourism supply, especially in terms of ecological improvement of specific localities and their economies (Todorović & Bjeljic, 2007; Pavlović & Đorđević, 2013; Udovč & Perpar, 2007). Consequently, tourism is “often initiated as an alternative that can potentially contribute to more positive development by attracting visitors, population, and investments, thereby creating new employment and income opportunities in rural areas” (Asa, Lundmark & Pettersson, 2016, p. 20; Halseth, Markey & Bruce, 2010).

Within the concept of sustainable development, “emphasis is placed on the broader context of social development and the role of the local community. In addition to economic issues, this context includes social issues and, over time, environmental concerns, with the aim of maximizing the development potential of each area and improving the quality of life of the local population” (Malinić et al., 2022, p. 376). The concept of sustainable rural development “began to be applied in the 1980s. At its core, it is interactively linked to and conditioned by the trend of reducing poverty in underdeveloped regions worldwide” (Počuča, Matijašević Obradović & Drašković, 2017, p. 1249).

Within the promotion of sustainable agriculture and rural development, “emphasis is primarily placed on: the environment, rural development organizations, development communications, education, local population (local stakeholders), science and technology” (Simonović, 2008, p. 4). It is concluded that rural tourism and ecotourism “could lead to a new relationship between the environment, work, and leisure, in terms of the sustainability of rural areas” (Fagioli, Diotallevi & Ciani, 2014, p. 166).

According to theoretical perspectives, “rural areas of Serbia possess a solid basis for planning and developing rural tourism; however, it should be borne in mind that the level of its development cannot be uniform across the entire country, given that rural areas differ in terms of climatic characteristics, landscapes, population density, economic activities, as well as the problems and challenges they face” (Malinić et al., 2022, p. 379).

According to the conclusions of the SWOT analysis of tourism in the Republic of Serbia, conducted on the basis of an analysis of the state of the tourism sector, comparisons with identified competitor countries, an analysis of development documents and official policies of the Republic of Serbia, and assessments of reports by relevant international institutions on the state, directions and prospects of economic and tourism development in the Republic of Serbia, as presented in the Tourism Development Strategy of the Republic of Serbia for the period 2016–2025 (2016), the following emerges: (1) the Republic of Serbia possesses the necessary strengths for tourism development—an attractive and diverse natural environment, authentic gastronomy and cultural heritage, as well as the largest city in the region with a recognized destination image for conferences, events and entertainment; (2) the legal framework provides the basis for a modern and efficient organization and development of tourism and related industries; (3) despite a solid legal foundation, the sector remains insufficiently regulated, with serious capacity deficiencies in tourism governance and national marketing, and delays in implementing necessary public investments, which has slowed product development and commercialization; (4) the weaknesses of tourism in the Republic of Serbia largely stem from internal constraints that must be eliminated in the short term.

Given that “the environment and tourism are connected by very strong interactive links” (Počuča & Matijašević Obradović, 2020, p. 17), one of the key issues in planning rural tourism is undoubtedly environmental protection. In this regard, it is necessary to review the legal treatment of the protection of natural assets and the parameters that define them, as elements of sustainable rural tourism development in Serbia.

3. Legal Treatment of the Protection of Natural Assets as an Element of Sustainable Rural Tourism Development in Serbia

According to Article 3, item 3 of the Law on Environmental Protection (2004), “natural values are natural resources consisting of: air, water, land, forests, geological resources, flora and fauna.” The same article defines a protected natural asset as “a preserved part of nature with special values and characteristics (geodiversity, biodiversity, landscapes, scenery, etc.), which has permanent ecological, scientific, cultural, educational, health-recreational, tourism and other significance, and therefore enjoys special protection as an asset of public interest” (item 4). Article 4, item 60 of the Law on Nature Protection (2009) defines natural values as “parts of nature that deserve special protection due to their sensitivity, vulnerability or rarity, for the purpose of preserving biological, geological, morphological and landscape diversity, natural processes and ecosystem services, or for scientific, cultural, educational, health-recreational and other public interests.”

The International Union for Conservation of Nature (IUCN) has defined basic categories of natural assets “which serve as guidelines for the categorization of protected areas at the global level. These guidelines relate to six management categories. For each management category, a definition and management objective, categorization, and mode of management of the protected natural asset are provided” (Avramović & Ilić Petković, 2018, p. 78). The following table presents protected natural assets according to this categorization.

Tabela 1. Protected Natural Assets According to the International Union for Conservation of Nature Classification

Category	Name	Purpose of Protection
I (Ia and Ib)	Strict Nature Reserve / Wilderness Area	Managed mainly for scientific purposes or to protect wilderness.
II	National Park	Managed primarily to protect ecosystems and for recreation.
III	Natural Monument	Managed primarily to protect specific natural values.
IV	Habitat / Species Management Area	Managed through active interventions
V	Protected Landscape / Seascape	Managed primarily to protect landscape values.
VI	Managed Resource Area	Managed mainly for the sustainable use of natural ecosystems.

Source: Avramović, 2014, p. 46

According to Article 27 of the Nature Protection Law (2009), the following categories of protected natural assets are distinguished: protected areas (strict nature reserve, special nature reserve, national park, natural monument, protected habitat, area of exceptional characteristics, nature park); protected species (strictly protected wild species, protected wild species); and movable protected natural documents.

The categorization of protected areas in the Republic of Serbia, depending on the value and importance of the protected area, is carried out in three categories, as shown in the table below.

Table 2. Categorization and Declaration of Protected Natural Assets in Serbia

Category	Protected Natural Asset	Declared by
I	Protected area of international, national, or exceptional importance	Government of the Republic of Serbia
II	Protected area of provincial/regional or great importance	Government of the Republic of Serbia / Competent authority of the Autonomous Province
III	Protected area of local importance	Competent authority of the local self-government unit
IV	National park	Law

Source: Avramović, 2014, p. 48

The evaluation of a protected natural asset for categorization “is based on the following criteria: 1) intrinsic properties of the asset, which include: authenticity and autochthony (degree of originality); representativeness (degree of relic, endemic, uniqueness in its kind and rarity); diversity (richness of natural phenomena, events, and processes); integrity (functional unity); landscape attractiveness; age; and preservation of the asset; 2) function and significance of the asset, which may include: ecological; cultural-historical; educational; scientific-research; developmental, etc.; 3) endangerment of the protected natural asset, characterized by: uniqueness (rare in its type or occurrence, or with limited geographic distribution); typicality (representative of its type in a specific space and time); and preservation (in terms of originality)” (Avramović, 2014, p. 48).

According to Article 28 of the Nature Protection Law (2009), protected areas are those “that have significant geological, biological, ecosystem, and/or landscape diversity and that are important as habitats for bird species and other migratory species in accordance with international regulations may be declared as protected areas of general interest. Protected areas may

be transboundary, connected with protected areas of neighboring countries. The management plan and protection measures for a protected area that is transboundary with a neighboring country are established by agreement with the competent authorities of that country, with the consent of the Ministry.”

According to official data from the Institute for Nature Conservation of Serbia in 2021, based on applied institutional nature protection measures over seven decades, the area of protected areas in Serbia was 678,237 ha, or 7.66% of Serbia’s territory. In 2021, there were 471 protected areas: 5 national parks, 18 nature parks, 21 areas of exceptional characteristics, 70 nature reserves, 6 protected habitats, 315 natural monuments, 36 areas of cultural and historical significance protected under previous environmental and cultural heritage laws, as well as 1,784 strictly protected wild species and 860 protected wild species of plants, animals, and fungi (Institute for Nature Conservation of Serbia, 2021).

According to analyses presented in the United Nations Development Program (UNDP) in Serbia, “Serbia covers 8,836,100 ha, divided into three major natural complexes. Serbia’s status as one of the biodiversity centers in Europe is largely determined by its geological age, geomorphological composition, climatic conditions, and especially its role as a refuge for numerous species during the Ice Age. Thus, the Balkan and Pannonian regions preserve numerous endemic-relict floral elements from previous geological periods” (Flores & Obradović, 2015, p. 9).

According to the Rulebook on the Criteria for Evaluation and Procedure of Categorization of Protected Areas (2015), protected areas are “areas with significant geological, biological, ecosystem, and/or landscape diversity and are declared protected areas of general interest by an act of protection. In addition to the stated values, habitats of bird species and other migratory species significant under international regulations may be declared protected areas of general interest.” Evaluation, i.e., determining the value and importance of a protected area, according to this rulebook, “is carried out in relation to the expression of the main natural features, phenomena, and processes of interest for area protection, as well as the function and purpose of the area. Accordingly, protected areas are categorized into three categories: of exceptional (international, national), of great (provincial/regional), and of local importance” (Institute for Nature Conservation of Serbia, 2025).

According to Article 6 of the Rulebook, a protected area can be classified as Category I – of exceptional importance if it meets the following criteria: it has attributes of originality and authenticity that make it a unique or exceptionally rare space, natural object, or phenomenon in Serbia, and/or

represents in whole or contains a unique or particularly prominent example of Serbia's natural heritage in terms of biological, geo-geographical, and landscape values and expression of the main characteristics of these values, such as size, abundance, shape and appearance, structure and composition, age, preservation, and more, and/or clearly expresses exceptional diversity and interdependence of the living world, abiotic factors, and human influence, and/or ensures effective spatial and functional integrity in relation to strategic objectives of nature protection and sustainable use in Serbia, and/or creates an extraordinarily impressive image of beauty, interest, and excitement in nature, and allows for strong perception and experience, and/or includes or represents part of officially established internationally significant areas, and/or allows for functions and purposes of interest for Serbia, primarily for scientific research, educational activities, preservation of cultural heritage of exceptional importance, and implementation of sustainable development projects of strategic importance.

A strict nature reserve, natural monument, or habitat is included in Category I if it meets at least three of these criteria; a special nature reserve, nature park, or area of exceptional characteristics if it meets at least four criteria; a national park if it meets all seven criteria.

According to Article 7, a protected area can be classified as Category II – of great importance if it meets the following criteria: it has attributes of originality and authenticity that make it a specific or rare space, natural object, or phenomenon in an autonomous province or region, and/or represents a very significant representation of Serbia's natural heritage, unique or exceptionally rare in the province or region, by biological, geo-geological, and landscape values and expression of main characteristics of these values, such as size, abundance, shape, appearance, structure, composition, age, preservation, and more, and/or reflects high diversity and interconnection of life communities, plant and animal populations, and natural factors, as well as special beauty and landscape features characteristic for the province or region, and/or ensures effective spatial and functional integrity in relation to long-term goals of nature protection and sustainable use in the province or region, and/or allows functions and purposes of interest for the province or region, primarily scientific and educational activities, preservation of cultural heritage of great importance, and implementation of sustainable development projects of provincial/regional importance.

Category II includes a strict nature reserve, natural monument, or habitat if it meets at least two criteria; special nature reserve, nature park, or area of exceptional characteristics if it meets at least three criteria.

According to Article 8, a protected area is classified as Category III – of local importance if it meets the legal requirements for protection, has values of interest to the municipality or city, and does not meet the criteria of Articles 6 and 7 of this Rulebook..

The Institute for Nature Conservation of Serbia maintains the Central Register of Protected Natural Assets in accordance with the Rulebook on the Method and Content of Maintaining the Register of Protected Natural Assets (2010).

4. Connection and Interdependence of the Environment and Rural Tourism

As can be concluded from the previous discussion, “the goal of rural tourism development in Serbia is the development of a socially, economically, and ecologically sustainable product” (Petrović & Grujović, 2015, p. 57). In protected areas, various forms of tourism can develop, “which are not in conflict with sustainable development. Most often, these areas host tourist movements associated with sustainable tourism, ecotourism” (Vuković, Cvijanović & Gligić, 2008, p. 64), green tourism, rural tourism, etc. Observing certain principles, such as “raising awareness and respect for preserved nature and culture, as well as conserving and managing natural and protected areas, allows a tourist destination to achieve numerous benefits, both in terms of economic profit, ecological conservation of space, and building the destination’s image” (Vujović, Cvijanović & Štetić, 2012, p. 66).

Today, there is a general agreement that rural and ecotourism “represent the best way to help the local population and protected areas. It is an ideal component of a sustainable development strategy, where natural resources can be used as tourist attractions without harming the tourist areas” (Jegdić, 2010, p. 66).

For the success of any tourism initiative, key elements include: “low impact on natural resources in protected areas; respect for local culture and tradition; generation of revenue for the conservation of protected areas; educating all participants about their role in protection, and more” (Drumm & Moore, 2005, p. 15).

5. Conclusion

The generally accepted notion of rural space is that it encompasses all areas not classified as urban, whose main characteristic is agricultural production as the primary activity. Generally, rural space includes sparsely populated (or uninhabited) and undeveloped areas, forests, water areas,

karst and rocky terrain, mountains, agricultural land, and villages, as well as areas with low infrastructure. As such, rural space has natural capacities for tourism development and authentic tourist offerings, whose value has been increasingly recognized by tourists in recent years.

In recent years, we have witnessed rapid development of rural tourism, closely linked with ecotourism, whose principles regarding environmental protection, natural values, and conservation of protected areas are identical to those promoted by rural tourism.

This paper presents the concept and characteristics of rural tourism as a special form of tourism, which has become an increasingly important segment of overall tourism development in the early 21st century. The concept of sustainable development is further defined, as well as the legal treatment of natural asset protection and the parameters that define it, and the interrelationship between the environment and rural tourism is explained.

A key feature of rural tourism is the aim to minimize impact on the ecological elements of the areas visited by tourists. This principle is especially significant when tourist offerings include protected natural values and areas. An increasingly popular component of tourism offerings includes the consumption of local, authentic products and learning about the customs and culture of the local population. Clearly, this form of tourism is associated with visiting protected natural areas. What is most important in such situations is the ecological awareness of all participants, and the preservation of protected areas and a healthy environment as a necessary foundation for the development and improvement of tourism in general, and especially rural tourism.

Conflict of Interest

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OČUVANJE ZAŠTIĆENIH PODRUČJA I ODRŽIVI RAZVOJ RURALNOG TURIZMA – IZAZOVI PRIVREDNOPRAVNE REGULATIVE

APSTRAKT: Ruralni prostor ima prirodne kapacitete za razvoj turizma i autentičnu turističku ponudu, čiju vrednost poslednjih godina prepoznaje sve veći broj turista. Pažnja u radu usmerena je na bliže određenje pojma ruralnog turizma, koncepta održivog razvoja, zakonskog tretmana zaštite prirodnih dobara i parametara koji ih bliže određuju, kao i na pojašnjenje međusobnog uticaja i uslovljenosti životne sredine i ruralnog turizma. Značajna osobina ruralnog turizma svakako je težnja da se što manje utiče na ekološke elemente područja koje su turisti odlučili da posete. Ovaj princip naročito je značajan u situacijama kada turistička ponuda uključuje zaštićene prirodne vrednosti i prirodna područja. Sve popularnija sfera u formiranju turističkih ponuda uključuje konzumaciju domaćih, autohtonih proizvoda, kao i upoznavanje sa običajima i kulturom lokalnog stanovništva. Jasno je da se takav oblik turizma veže uz posetu nekim zaštićenim prirodnim područjima. Ono što je u takvim situacijama zapravo i najznačajnije jeste postojanje ekološke svesti svih učesnika, te očuvanje zaštićenih područja i zdrave životne sredine, kao neophodne polazne osnove za razvoj i unapređenje turizma uopšte, a naročito ruralnog turizma.

Ključne reči: *održivi razvoj, ruralni turizam, turistička privreda, životna sredina, zaštićena područja.*

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