

THE ROLE OF THE CIVIL SOCIETY IN PROTECTING THE NATURAL AREAS – BETWEEN LEGISLATION AND IMPLEMENTATION

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Abstract. In Romania there is a legislation that regulates different aspects of the protection and administration of natural areas- from the way they are being established to the way permissible activities in and around these areas are being regulated. Nevertheless, based on studies released by different interested forums, the core issue has been identified to be the poor informing of the population concerning the importance of protecting the biodiversity and its role in ensuring a support system of life and in developing socio- economical systems.

The presence of the inhabitants on the natural areas and the activities they conduct have a great impact on the natural environment, thus making their involvement in protecting the biodiversity extremely important. The general public needs to become more aware of the fact that the preservation of nature does not constitute a unique, self- defeating purpose, that requires the sacrifice of all means, and that the presence of a reservation in their community could lead to a highly beneficial sustainable development, both socially and economically as a result of increasing financial stability for the local population.

Throughout this process of communication/ awareness raising/ ecological education, a key role is being played by the environmental non-governmental organizations that, through their mission, can be more visible and more efficient in achieving the purpose of making the public aware and thus creating a responsible behaviour and a direct involvement in protecting and administrating the natural areas.

Introduction

In contrast to what we will expose in the first part of this paper on the subject of legislation and law implementation, the realm of civil society is subject to much

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debate, formally lacking a normative definition. In its essence though, as it will henceforth be used in the paper as our work-hypothesis, the civil society represents any non-state-affiliated entity, set to represent the interests of public groups. We consider this definition to have the most practical relevance in our attempt to argue its utmost importance in preserving the biodiversity of Romania.

Firstly, we will give a general overview of how the Romanian government is dealing with the loss of biodiversity and to which extent it acts promptly. Secondly, we will present some of the roles or potential roles the civil society organizations have and, specifically, how they could make up the leeway by taking advantage of the weaknesses of the government and its perception amongst the general public.

Romania already has existing legislative acts which regulate different aspects of protecting the natural areas, both referring to the means of their coming to being, the reglementation of the activities conducted within or in their vicinity, and administrative means. However, based on the studies conducted by interested parties, the population seems to be seriously disinformed in regards to the issue of protecting the biodiversity and its role in ensuring a support system of life, thus the new legislation helps to develop new and stable socio-economical systems.

The presence of the locals in the natural areas and their activities have a strong impact on the natural environment, thus making it utterly important for them to engage in the protection of the biodiversity. The general public must become aware of the fact that preserving nature does not solely constitute a goal that must be achieved by all means and that the presence of a natural reservation in their community would actually mean the kind of sustainable development that would bring by socioeconomic benefits and financial stability for the local population

In this communication/ awareness raising/ ecological education process, a special role is being played by the non-governmental organizations, profiled on environmental issues, which, through their mission, have the potential to become more visible and efficient in activities such as raising awareness towards a more responsible behaviour and a more prompt engagement in the protection and administration of the natural areas. Civil society organizations should therefore be seen as a sustainable, valuable social capital in contrast to the Romanian government, which unfortunately credentials in Romania, being at the same time rigid and also more prone to corruption. Their greatest advantage comes from their flexibility and the unique opportunity to gain trust from the general public.

Legislative aspects concerning the process of communication activities concerning the importance of conservation of biodiversity of natural areas

In accordance with a study conducted by the WWF Association, the public authorities, both local and central, are not granted enough interest and trust in order for them to become communication vectors in matters environmental protection. Amongst the respondent typologies identified in the study *Evaluation of the*

Information and Understanding Levels of the Population Concerning the Ecological Network Natura 2000, the category of the „optimists” consists of people in contact with various non-governmental organizations and who engage themselves in activities aimed at the conservation of the biodiversity. Therefore, the institutional development together with the sustained involvement of these NGOs is of vital importance, in that they manage to attract a number far greater than their own rightful members in activities concerning the conservation of biodiversity.

The NGOs profiled on environmental issues usually have a considerable amount of experience in developing activities of communication and awareness raising in the realm of biodiversity, as their agendas include action plans set to cover their objectives chosen in consideration of the socio-economical aspects identified in the project area. They are at the same time the most vocal organizations, as their projects and implementation plans have a great impact on the integrity of the natural protected areas, being at the same time the ones who manage to identify most accurately the abuses of species and habitats of conservational importance.

The legislative framework which facilitates the involvement of NGO's in maintaining the ecosystemic services in the protected areas, are based on the following:

- *The National Sustainable Development Strategy Horizons 2013-2020-2030*, approved through the *Government Decision No. 1460 from 12th of November 2008*. As indicated in the point “1.4. The Conservation and Administration of Natural Resources”, one of the specific objectives for Horizon 2013 is also the conservation of biodiversity by sustaining the implementation of suitable management systems of the natural protected areas, realizable also by attracting public participation in the process of adjusting the EU Directives Habitats and Birds to the Romanian legislation.
- *The National Strategy and the Action Plan Concerning the Biodiversity in Romania for the decade 2011-2020*. One of the strategic objectives of the national Strategy of conservation of biodiversity is constituted by „Communication, Education and Public Awareness”.
- Amongst the specific objectives concerning the correct administration of biological diversity -such as scientific research, protection of wild species and maintaining the ecological functions- the education for sustainable use of the ecosystemic natural resources together with the protection of the cultural and traditional peculiarities of the local communities is considered to be of essential importance. This aspect of the National Strategy for Communication, Education and Public Awareness Concerning the Biodiversity in Romania has

been established within the framework of a project financed by the Global Environment Fund through the United Nations Development Programme: *Support for Adjusting the National Strategy and the Action Plan for Biodiversity (NBSAP-RO) with the Convention for Biological Diversity and the establishment of an Informing Mechanism (CHM)*, through which it has been stated that one of the directions of this Strategy is “the improvement of communication amongst all interested parties, in order to facilitate the cooperation in the field of biodiversity conservation”.

This challenge can be achieved by organizing informative campaigns concerning the importance of biodiversity and the consequences of its loss, as well as awareness raising campaigns amongst the population, promoting its role in the conservation of the biological diversity.

- *Law No. 451 from the 8th of July 2002* for the ratification of the European Convention of landscape, adopted in Florence on the 20th of October 2000. Art. 6 specifies that “each part (*n.n.*- the European signing states) obliges themselves to increase the degree of awareness within the civil society, private organizations and public authorities in regards to the value of the landscape and the role of their transformation”.
- Public participation in the environmental decision making on promoting public and private projects is being coordinated by the *Government Decision No. 445 11.09.2009*. In accordance to art. 9 (1) of this normative act, the following is specified: “In the process of decision-making, the competent authority (*n.n. the authorities in environmental protection*) examines the comments and opinions expressed publicly and considers the results of their participation in the elaboration, modification and re-examination of the plans and programs”.
- *No. 135 from the 10th of February 2010 concerning the approval of the application methodology of the evaluation of the impact on the environment for public and private projects* establishes the necessary stages in the development of the evaluation procedure for the impact on the environment, addressed to the private and public projects, integrating at the same time, according to case, the requirements specific for an adequate evaluation of the potential effects projects have on the natural protected areas of public interest.
- The Public Participation in decision-making on the subject of administration of public and private projects is being assured throughout the entire duration of the procedure of informing, by means of public and private announcements. The competent authority for environmental protection decides in unanimity with the project’s titular the means for public participation in the process of project related decision-making; it also offers to the public and to the members of the technical analysis commission online and individual consulting.

- *The ordinance of the minister of environment and forests No. 18 from the 13th of February 2010* for the approval of the methodological guide concerning an adequate evaluation of the potential effects of the plans or projects on the natural protected areas of public interest. This normative act sets the necessary stages for an adequate evaluation for any kind of plan or project that could significantly impact the natural area, regardless of its stage of development.
- *Government Decision No. 1.076 from the 8th of July 2004 concerning the establishment of an implementation procedure for environmental evaluation of plans and programs*, applied for the purpose of releasing environmental notices necessary for the implementation of projects and plans, thus defining at the same time the role of the competent authorities and consulting requirements of the interest parties and the public.
- Public participation in the elaboration of certain environmental plans and programs such as waste management plans, management of the natural areas, forestry management, action plans for areas that are vulnerable to the pollution with nitrates of agricultural provenience, plans and programs for managing the air quality is prescribed in the *Government Decision No. 564 from the 26th of April 2006*.

The public participation also implies asking questions, offering information and expressing personal opinions. By doing so, we contribute toward the identification and analysis of possible problems, which, otherwise, could be easily neglected in the process of decision-making.

- *The Law No. 86/2000* for the ratification of the Aarhus Convention stipulates in art. 6 the public's way of participating in the decisions on specific activities, informing being realized by the means of "public or individual announcements, according to case, on the procedure of environmental decision-making"
- *HG 878 from 28.07.2005 concerning the public's access to information about environment*.

"Art. 1. (1) The present decision assures the right to access environmental information owned by or for the public authorities and establishes the conditions, basic terms and the means in order to exercise this right.

(2) The information on environment is progressively disseminated and placed at the public's disposal with the purpose of creating the largest and most systematic accessibility and dissemination of information. In view of achieving the purpose, the promotion of electronical technology and / or computerized telecommunication is especially used."

Although Romania is being provided with the necessary legal framework for public participation in the environmental decision-making, the involvement of NGOs in public debates on projects and plans that impact the biodiversity is being

reduced only to natural areas of smaller surfaces included in the European ecological network Natura 2000, whereas natural reservations present in the media, such as the sites in the Suceava County, specified in 2011 according to the Directive Habitats across the main water courses (Suceava, Moldova, Bistrita), are being left behind. The NGOs have shown their interest solely for applying projects and elaborate management plans for external funds, since only one NGO possesses the quality of custodian of such an area, being at the same time the most active in protecting the biodiversity.

Therefore, although the legislative part is theoretically sound, it also needs to hit the receptor. Civil society organizations are therefore the optimal intermediate instance between the law *per se* and its target group. Policy implementation can only become efficient through dispersed knowledge. The core issue is the fact that the general public is not usually interested or lacks the time and knowledge to inform themselves by reading government's webpages, or even informing themselves about communication/ awareness raising campaigns and, if they do, they would probably not feel themselves concerned. The economical downfall, specifically in matters income generates a less interested approach towards the government and a more individualistically oriented life of the citizens caused by to their everyday struggles. In addition to that, every society is composed of numerous social segments, which, both overlapping or not, are faced with different issues, have different struggles and present different interests. Considering the fact that one of the most pressing global issues is the heterogeneously shared scientific information- which furthermore is most often lacking where it is mostly needed- the general public needs to be approached in a more relatable, personal manner, one could say in a more empathetic manner. For the average citizen that would be translated into a sort of "1 to 1" non-formal approach, which some NGOs are already doing as already mentioned in the paper. Unfortunately, the state remains for the average citizen in Romania an abstract non-tangible entity. It's rigidity (strict regulations, bureaucracy, etc.), combined with the specific problems of corruption, both real or perceived, the economic crisis limit the state in its capacity to invest more in areas such as R&D or simply to personalize, on a hierarchical scale, the sending of information to the receptor.

NGOs have therefore a great potential to cover the gaps caused by the limitations of the government. Technically speaking, they can receive funds created specifically for them, which, in return, not only can be used very efficiently and accurately, but can also reduce transactional/implementation costs of the government. A well-functioning civil society represented by civil society organizations (NGOs) could also disburden both the state and the citizens of some of its bureaucratic weight by creating intermediate, more personal and empathetic networks of communication between the state and its citizens.

As long as more and more power is being shifted from the government to its citizens in a modern democratic state, the more involvement it is required from the individuals in order to have an efficient government and democratic society. Nowadays, in practice, we can have two cases of unbalanced democracies: when the state is taking too much responsibility and when the state withdraws itself *de facto* from its democratic responsibilities. Both of these scenarios can lead to the formation of strong individualistic societies, which, both generally and specifically for this case, can be extremely detrimental for the environment and its biodiversity. The citizens need to be aware of their essential role in preserving the biodiversity by firstly acknowledging their identity as human beings- the administrators and stewards of the natural world.

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