

## ASPECTS REGARDING THE JUDICIAL SITUATION OF THE PROTECTED AREAS IN ROMANIA

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### Abstract

*The present paper tries to underline the importance of the implementation of the international legislation concerning the protected areas in the Romanian legislation. The Protected Areas are still perceived by many people only in their "conservationist" meaning. The protected areas are areas in which the knowledge necessary for the provision of the transition to a model of the sustainable development is developed. Romania has a real thesaurus: the most extended and best preserved virgin forests from the temperate Europe.*

**Key words:** protected areas, national parks, NATURA 2000, sustainable development

### INTRODUCTION

The protected areas fulfil multiple functions including that of biodiversity preservation. The networks of protected areas represent the base in the elaboration of the policies of biodiversity preservation, and their importance is acknowledged in the Convention regarding the Biological Diversity. Many protected areas are vital for the preservation of the global and regional values of the biodiversity.

*According to the International Union for the Nature Preservation (non-governmental authority, near UNESCO), the protected areas bring a vital contribution to the preservation of the natural and cultural resources of the planet, with functions of preservation of the representative samples of the natural regions and of the biological diversity, of maintaining an ecological stability of the regions that surround them, of recreation and tourism, and so on.*

These protected areas are classified in ten categories, as it follows:

1. Scientific reservations
2. National parks
3. Natural monuments
4. Reservations for nature preservation (natural controlled regions)
5. Forest landscapes and protected massif
6. Reservations for natural resources
7. Anthropological reservations (natural biological regions)
8. Natural regions developed with multiple uses (areas for the management of the natural resources)
9. Reservations of the biosphere
10. Natural goods of the global heritage. (\*\*\*) 5)

According to the national legislation, the preservation of the forest ecosystem biodiversity involves measures of sustainable management by applying intensive treatments that promote the natural regeneration of the species of the forest natural type and by the

preservation of the virgin and quasi-virgin forests.

Article 27 of the forest code in Romania, that specifies the importance of forming natural protected areas of national interest that also include forests, is accomplished with the preliminary notification of the central public authority that deals with forestry. Paragraph two of the above-mentioned article stipulates that the forest district that manages the forest located within a natural park or national park has priority in achieving the right of managing the respective natural protected areas, according to the available laws, if the surface of the forests represents more than 50% of their surface. (Law no. 46/2008)

## **CONSIDERATIONS AND DISCUSSIONS UPON THE SUBJECT**

On the territory of the European Union with 27 member states, Romania included, nine bio-geographical regions have been identified. Among the member states, Romania has the greatest bio-geographical diversity. On the territory of Romania, there are five bio-geographical regions: continental (the most common), alpine (in the countries with mountainous area), pannonian (in Hungary and neighbouring countries), pontic (only in Romania and Bulgaria), steppic (only in Romania). It must be mentioned the fact that in the present context, one of the main duties of the park management within the Forest National Autonomous Authority– Romsilva is the identification and creation of the framework for the designation of Special Preservation Areas that should contain and preserve species and habitats of European importance, that belong to a European network of protected areas, called Nature 2000.

Again, from a legislative point of view, we must mention that in 1999, as a consequence of the international collaboration between the Global Environmental Fund, World Bank and Romanian Government together with the Forest National Autonomous Authority, a project called Management of the Biodiversity Preservation in Romania was put into practice. One of the main objectives of the project was to create the first boards of the national parks for Retezat National Park within Forest Board Hunedoara, Piatra Craiului National Park within Forest Board Brasov and the creation of the boards of Vanatori Neamt Natural Park within Forest Board Neamt.

Till the first of May 2004, the member states proposed about 14% of their surface as Nature 2000 sites. Due to a higher biodiversity in the Eastern Europe, ten member states proposed as about 20% of their surface to be Nature 200 sites. Romania, due to its rich diversity, brings an important contribution to the Nature 2000 European Ecological Network.

Till the end of 2007, about 26,000 sites have been designated all around the European Union, covering about one fifth of the EU surface, a surface equivalent with two times the surface of Germany.

The total surface of proposals for Nature 2000 sites represents 17.84% of the country's surface. A great share of these sites overlaps over the natural protected areas of national interest (national parks, natural parks and reservations). The dynamic surfaces of protected areas in Romania are presented in the bellow figure (\*\*4).

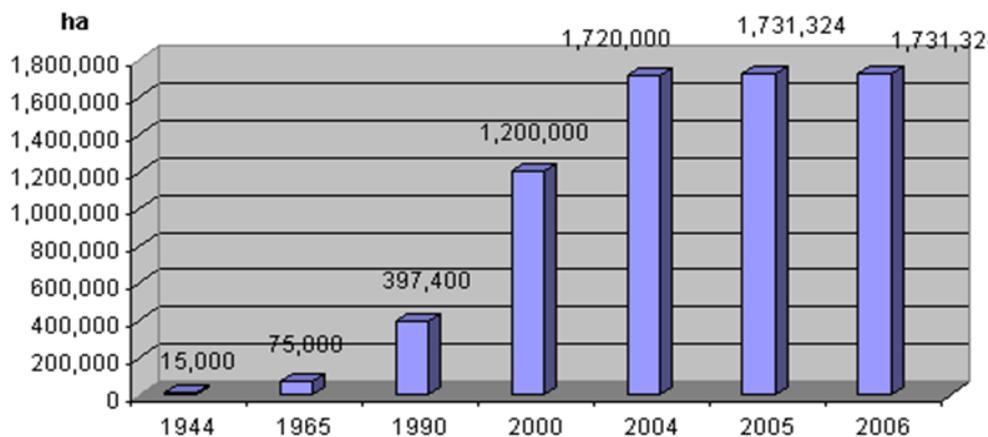


Figure 1 The dynamic surface of protected areas in Romania

Within the Bio-geographical Seminars that took place in June, 2008, the European Commission accepted the lists of proposals, but it asked as till September 2008, the list of species and habitats from the proposed sites to be completed, and till December 2009, some sites for some species and habitats that are not sufficiently protected to be designated.

It should be mentioned that more than half of the Carpathians surface is on the Romanian territory, being considered the most extended and wild mountains in Europe, being identified as one of the most important eco-regions at a global level that host almost half of the big carnivorous population of Europe (brown bear, wolf, lynx), and the Danube Delta which is the most important wet area in Europe that host colonies of pelicans and populations of other hundreds of bird species (\*\*1).

Due to the importance of the notions “protected area” at the level of the European Union, altogether with Romania’s accession in its institutional and functional system, by the Government Decision no. 1320 on the 14th of October 2008, published in the Romanian Gazette no. 728/28.10.2008, the National Agency for Natural Protected Areas (ANAP) have been founded. According to the law, this institution is a public institution with juridical personality, financed through own income and subsidies from the state budget, being under the central authority supervision of environmental protection.

ANAP, as an execution and implementation authority of the central public authority for environmental protection in the field of natural protected areas, has the following tasks:

- a) to coordinate the activity of the boards of the natural protected areas and custodians to which the management and/or custody was entrusted;
- b) to implement integratedly the governmental policies in the field of biological diversity preservation, habitat, flora and wild fauna species preservation, and of the environmental legislation in the natural protected areas;
- c) to provide the technical support for the foundation of the documents with normative character, of the strategies and policies regarding the natural protected areas, and the preservation of the biological diversity in accordance with the stipulations of the international treaties to which Romania adhered;
- d) to represent in the field of natural protected areas in the internal and external relationships according to the mandate given by the central public authority for environmental protection.

Through the order no. 236/2000, regarding the regime of the natural protected areas, preservation of the natural habitat, of flora and wild fauna, approved by the Law

no. 5/2000, seventeen great protected areas of national interest and 827 reservations and monuments of nature with a total surface of 1.2 mil ha have been emphasized.

The Biosphere reservation of the Danube Delta receives the European Diploma for Protected Areas, distinction that certifies the special value of the natural fund, of the management measures undertaken for the preservation and uniqueness of the landscape.

In the same period Piatra Craiului National Park and Lunca Muresului Natural Park achieved the European Diploma for Protected Areas, site RAMSAR – Wet Area of International Importance.

What RAMSAR site represent is already obvious. However, to clarify it, we can say that it represents those natural protected areas whose aim is to provide protection and preservation to the natural sites with biological diversity specific for the wet areas.

The management of these areas is accomplished for their preservation and sustainable usage of the biological resources that it generates in accordance with the stipulations of the Convention regarding the preservation of the wet areas of international importance, especially as habitat of the aquatic birds.

On the other hand, the sites of communitarian importance represent those areas that in the regions or in the bio-geographical regions within which they are found, contribute significantly to the maintenance and restoration at a favourable stage of the preservation of the natural habitats, or of the species of communitarian interest, and that contribute significantly to the coherence of the network NATURE 2000, and/or contributes significantly to the maintenance of the biological diversity in the region or in the respective bio-geographical regions. For the animal species with a wide area of spreading, the sites of communitarian importance should correspond to the areas where abiotic and biotic factors essential for the existence and reproduction of these species are present.

It should be mentioned the fact that on the 9<sup>th</sup> of June 2009, a transnational project on nature preservation named DANUBE'S PARKS – Danube's Network of Protected Areas, by signing the Declaration from Vienna. This collaboration is accomplished at a transnational level among Romania, Hungary, Croatia and Austria. The natural sections of the Danube River and the extended wet areas represent a part of Europe's common natural fund. The enlargement of the European Union created a new general configuration for the economic and social cooperation along the Danube. The economic dynamism and the increase of the traffic along the "Danube's corridor" intensified the pressure upon its flooding areas and on its remaining natural sections.

Since 1990, in many states run by the Danube, some national parks and natural reservations have been founded. As a consequence, today, it is necessary and useful to accomplish a continuous cooperation among the Protected Areas in eight Danubian states which signed the Declaration from Tulcea (Romania), an appeal to take action to build a new network of protected areas along the Danube. "DANUBE'S PARKS – Danube's Network of Protected Areas will develop and implement jointly transnational strategies for the protection of our natural heritage along the Danube. The concrete collaborations and exchanges among the Protected Areas will reinforce the competence and position of the administrations in the protected areas in their countries (\*\* 3).

## CONCLUSIONS

The Protected Areas are still perceived by many people only in their "conservationist" meaning, being considered true oasis of the wild nature in the desert of the economic development that must be protected only for the preservation of the species that populate them.

Just a few people admit that the areas found in a natural and quasi-natural state represent in fact the support of "life" and implicitly of the socio-economic development.

The socio-economic development was also made having at its basis the resources and services offered by the natural fund, but till present, just in a few cases the productive capacity and the support capacity of the natural fund were taken into account when the economic development was designed. The protected areas through their natural value and their reduced degree of human intervention on their territory are the best examples and models for the natural and quasi-natural ecological systems.

Thus, the founding of protected areas and their efficient management is a necessity because:

- the protected areas are exponents of the natural and quasi-natural ecosystems that can be evaluated and monitored, expressing to a certain degree their state at a certain moment. The natural and quasi-natural ecosystems represent the main components of the natural fund that provides the resources and services that stay at the basis of the socio-economic development.

- The protected areas are areas in which the knowledge necessary for the provision of the transition to a model of the sustainable development is developed;

- The protected areas are true “classrooms in open-air” where people can be educated regarding the role of the nature and the need for the preservation of the nature and sustainable development.

Romania has a real thesaurus: the most extended and best preserved virgin forests from the temperate Europe. They are the most important forests from a biological viewpoint in the temperate area all around the world. We have around 300,000 ha of virgin forests, that is about 5% of the whole surface of the wood stock, according to a study accomplished by the Forest Research and Management Institute (ICAS), (\*\*\*, 2001-2004).

Unfortunately, the state didn't take care to include all of them in a system of protected areas – 10-15% of them being “forgotten.” Thus, having the best wood, these treasures can become the target of illegal cuttings. The unprotected areas are found in Apuseni Mountains, around Cibin, and in Maramures (Strâmbu Băiuț and Tăuții Măgheruș).

In comparison with the developed countries, such as Austria, Switzerland, France or Spain don't have any virgin forest, even if they have forested surfaces that are better managed in comparison with those in our country. In Europe, there are still virgin forests in Bulgaria, Hungary, Slovakia (on more limited area), Finland, Sweden and Norway.

However, lately, we can notice that from a legislative viewpoint, an institutional framework adapted to the demands that were already necessary was accomplished. However, there are other things to do, especially those regarding the legislative and social education of the population regarding the protected areas, as well as the training of the human resources that will accomplish the above-mentioned education.

Thus, at present for the protected areas from Romania, a new chance to solve the complex problems related to the protected areas is offered, such as:

- a correct evaluation of the natural fund of the country
- formation of a network of protected areas that should cover the whole variety of ecosystems from our country
- efficient management of the protected areas according to some management plans and through the administration of the protected areas.

To finish in an optimistic manner, we will quote Professor Jean Pardé, a great specialist in forestry who wrote in a study of ICAS that “The vast, but less-known world of the Romanian virgin forests is unique in Europe. It belongs not only to the national heritage, but also to the European and the world one.”

## REFERENCES

- Doniță N., Popescu A., Paucă-Comănescu Mihaela, Mihăilescu Simona, Biriș I. A., 2005 - Habitatele din România, Editura Tehnică Silvică București
- \*\*\*, 1992, Convenția privind diversitatea biologică de la Rio de Janeiro din 1992, ratificată prin Legea nr. 58/1994;
- \*\*\*, 1993, Convenția privind conservarea vieții sălbatice și a habitatelor naturale din Europa, ratificată prin Legea nr. 13/1993
- \*\*\*, 2000, Legea nr.5/2000, privind regimul ariilor naturale protejate, conservarea habitatelor naturale, a florei și faunei sălbatice
- \*\*\*, 2001-2004 - Elaborarea inventarului și a strategiei pentru gestionarea durabilă a pădurilor virgine în România. ICAS, responsabil proiect I.A. Biriș, Proiect MATRA finanțat de Guvernul Olandei
- \*\*\*, 2008a - Hotărârea Guvernului României nr.1320 din 14 octombrie 2008
- \*\*\*, 2008b – Legea 68/2008, Codul silvic
- \*\*\* 1, [www.natura2000.ro](http://www.natura2000.ro)
- \*\*\* 2, [www.anap.ro](http://www.anap.ro)
- \*\*\* 3, [www.apmtm.ro](http://www.apmtm.ro)
- \*\*\* 4, [www.rosilva.ro](http://www.rosilva.ro)
- \*\*\* 5, [www.greenpeace.ro](http://www.greenpeace.ro)