

Assessment of bulgarian nature conservation policy in the context of the accession of the country to the European union

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ABSTRACT. *The report summarises the results of the seven-year programme of Green Balkans “Public support to the reform in nature conservation legislation” as well as the results achieved during an international project of CEEWEB, Green Balkans and other 10 East European countries, focusing on analyses of governmental conservation policies in Eastern Europe. The report was presented in parallel events of the Fifth European conference of environmental ministers “Environment for Europe”. Based on the original methodology, developed by CEEWEB Bulgarian normative and management acts have been assessed, as well as the state of the institutional reform, intersectoral integration and capacities in the field of biological diversity. The recommendations presented are part of the joint NGO statement of the 10 East European countries, which was reported on the forum “The state of Pan-European Biodiversity Policy from NGO Point of View” within the Fifth Ministerial Conference “Environment for Europe”, Kyiv, 21-23 May, 2003.*

I. INTRODUCTION

Although the line between environmental policy and nature conservation policy is indistinct, both directions maintain their own instruments, which, sometimes, are clearly distinguished. Main argument of the Bulgarian Green Balkans nature conservation organization and the author of the present report for choosing nature conservation as their mission is the fact that traditionally this subject is underrated and disregarded in countries of newly established democracy. The society in these countries exercises more successful influence on that part of the environmental policy, which directly affects people’s health (urban environment, water pollution, air, waste, etc.).

The most important document in the field of nature-conservation - the National Biological Diversity Conservation Strategy, was elaborated in pursuance of Article 6 of the Convention on Biological Diversity, by an extremely authoritative forum, involving 75 Bulgarian scientists, as well as Bulgarian and foreign experts, with the financial support of USAID. The analyses and assessments of the Bulgarian biological diversity, provided in the Strategy, regarding issues as endemism, relict characteristic, habitat structure, place small Bulgaria in the third place in Europe, after Spain and France.

Since 1989, the new way of Bulgaria towards Europe has already been drawn. The question that the nature conservation society asked themselves was how long this way would be – 10 or 20 years, and what “losses” would be suffered; how many species and habitats of European importance will become extinct until Pan-European protection is obtained – contemporary nature-conservation legislation and adequate institutions for its enforcement. Unfortunately, at present, 14 years later, the list of these losses is long and sad. Approximately 15% of the Bulgarian forests have been irretrievably destroyed. The areas of species and habitats of European conservation importance have been considerably reduced, and some of them have been almost entirely destroyed. We will cite one example only: in the Maritsa River basin (the biggest river in Southern Bulgaria), in the period 1992-2000, on an area of 10 000 sq km., 70% of the plain and riverside forests, compared to their area in 1986, were destroyed. In 1986, these

communities were inhabited by 1100 colonially nesting pairs of bird species that are rare in Europe – Little egret, Night heron, Squacco heron and Pygmy cormorant. In 2001, the number of these birds was decreased to 300 nesting pairs.

The reasons for the mass deterioration and destruction of habitats and species are numerous and interrelated. The extreme poverty forced unemployed people turn to natural resources to ensure essential needs such as heating and food provision. The lack of an adequate nature-conservation legislation and structures was not the most serious problem to be solved, but mainly the low culture and accomplishments of national and local authorities that “turned a blind eye” to the mass forest felling, considering that this was the way to soften social pressure.

The land and forest restitution was another actual and serious threat to the biological diversity in the recent years. (Restoration of the ownership of forests, taken away by the totalitarian regime in 1950, was initiated in 1996. Unfortunately, the new forest owners, most of which are poorly circumstanced, do not have the knowledge needed for their management, and rely on the restored forests as a way to achieve wealth quickly.). According to some experts (9) in the period 1990-2002, losses of natural resources and biological diversity, comparable to the latest 50 years of the 20C, have been caused.

The report represents an attempt for analysis of the problems, deriving from the shortcomings of the normative base and the insufficient development of the institutions in the field of biological and landscape diversity. A brief assessment has been also made of the capacity state in this field, as well as of the extent, to which they could implement the reform in the nature-conservation policy.

II. SELECTED APPROACHES. METHODOLOGY

Analyses, assessments and recommendations are elaborated on the basis of **three leading directions**:

1. Assessment of the state of conservation instruments.

1.1.State of the process of harmonisation of internal conservation legislation and implementation of international commitments (ratification and implementation of the set of international conventions in the field of biological and landscape diversity).

1.2.Assessment of availability and quality of political documents in the field of biological and landscape diversity. The emphasis is put on the implementation of the Pan-European Biological and Landscape Diversity Strategy and the National Biological Diversity Conservation Strategy.

Analyses and recommendations are prepared according to the complete set of conservation instruments, separated in three groups: ♦ 19 Bulgarian normative acts (Table 1); ♦ 8 international conventions (Table 2); ♦ 8 political documents (strategies and declarations) (Table 3).

2. Assessment on the process of intersectoral integration.

Assessment on the process of integrating the normative base in the field of biological diversity in resource and inter-departmental plans and policy, with particular emphasis on:

- Review of the National Development Plan as a model of intersectoral integration.

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- Review of four district and 10 municipal development plans in the region of South Bulgaria.

3. Assessment of the state of capacities, structures and systems for decision making in the field of biological and landscape diversity.

Analyses have been made on the state of national and regional capacities, as well as on decision-making system (institutions, subordination and responsibilities).

Methodologies. The assessments, analyses and interviews were made by Green Balkans experts. Surveys are based on the original methodology for strategic environmental assessment, developed by the Ecological Institute for Sustainable Development, provided by CEEWEB. The assessment of capacity state and decision-making system is implemented on the basis of a survey, elaborated by Green Balkans.

III. RESULTS AND CONCLUSIONS

1. Assessment in the reform in nature conservation legislation.

The process of approximation of Bulgarian nature-conservation legislation starts with the ratification of international conventions in the field of biological diversity. In the period 1990-1997, the whole package of conventions has been ratified. (see Table 2). Article 5, paragraph 4 of the new Constitution of Bulgaria (1990) has got a key significance, according to which “International agreements, ratified in accordance with the constitution, promulgated and effective for the Republic of Bulgaria, are part of the internal law of the country. They have the advantage over those norms of the internal legislation that contradict them.”

The incentive that was expected in the reform in nature conservation legislation by the **National Biological Diversity Conservation Strategy** (1993-1994) was not justified. The document stayed on paper and even five years later, the Ministerial Council did not find time to ratify it. Hopes were set on the Ministerial conference “Environment for Europe”, held in Sofia, October 1995, when the **Pan-European Biological and Landscape Diversity Strategy** was adopted. Unfortunately, PEBLDS did not manage to catalyze the harmonization process and reform in nature conservation legislation.

Despite the good juridical basis, which Art. 5 of the Constitution provides, the existence of framework political documents (strategies) until 1997,

The real urge towards approximation of legislation appeared much later (1997-99), when concrete programs and terms, required by the European Commission needed to be accepted. Very shortly nine acts were adopted in the field of environment, among which the Protected Areas Act and the Forest Act.

This is an indisputable quantitative success of the Government and Parliament program. Unfortunately, these quantitative accumulations did not lead to considerable qualitative changes. The gap between high speed of law creation and introduction of normatives into practice, as well as their institutional coverage is still big.

The greatest achievement in the field of nature conservation policy and law creation is the recently adopted Biological Diversity Act (August 9th, 2002). It integrates the commitments

resulting from several international conventions (CITES, CBD, Bonn, etc.), and, most of all, EU Directive on Habitats (92/43). It could be considered that adopting this Act the main part of approximation in the field of nature conservation policy has been completed. The process of elaboration of statutory documents for enforcement of the Biological Diversity Act, and, most of all, for the implementation of the European program “Natura 2000” in Bulgaria, started in September. The Act postulates the protection of all territories of high conservation value, as selection criteria have been entirely conformed to the lists and Annexes of the EU Directive on Habitats 92/43 and the Directive on Birds 79/409/EEC.

The quality of approximation in resource legislation is lower (Forests Act, Hunting Act, Medicinal Plants Act). Negotiations in this sector have been considerably impeded, since there is an infringement on the interests of serious resource agencies that defend their thesis with sometimes-grounded pretext of the hard economic and financial situation in the country. Although above-mentioned resource acts are new (adopted in the period 1996-2002), they comprise a great number of shortcomings that seem insignificant at first sight. These shortcomings resulted from infringement on economic interests. For example, in the Forests Act, these are the texts referring to the protection of alluvial, riverside and plain forest communities. A requirement, introduced by Directive 92/43, as well as by the Pan-European Biological and Landscape Diversity Strategy.

2. Assessment of the inter-sectoral integration process.

Inter-sectoral integration is compulsory. The relevant legal grounds are:

- Art. 5 of the Bulgarian Constitution
- Art. 6, paragraph “b” of the Convention on Biological Diversity

Requirement for inter-sectoral integration is also included in the Pan-European Biological and Landscape Diversity Strategy (Action theme 2) and the National Biological Diversity Conservation Strategy (NBDCS). The overall process was a subject of an assessment, based on implemented interviews and surveys. Sectoral plans of different hierarchy in the field of agriculture, construction and regional development were also considered. With only a few exceptions, we might say that elements of inter-sectoral integration were not found. The surveyed documents not only lack integrating texts but also do not mention the titles of the ratified in Bulgaria conventions on biological diversity, PEBLDS and even the Bulgarian National Biological Diversity Conservation Strategy. Special attention was paid to the national document called “National Economic Development Plan”.

The document was subjected to an assessment in conformity with the test for strategic environmental assessment methodology, prepared by the Hungarian Ecological Institute for Sustainable Development (6). Unfortunately, the report volume does not allow well-grounded presentation of the results. The assessment is implemented in three categories: situation analysis, environmental awareness and assessment of the plan with special regard to biodiversity. In all the three sectors the Bulgarian plan gets extremely low score. According to this score, the methodology recommends re-planning.

The situation is even more serious regarding the inter-sectoral integration in the surveyed 4 district and 10 municipal plans. In many of these plans, the key conservation documents are not even mentioned, and there is no trace of inter-sectoral integration.

Small exception from this rule is the regional document called “Strategy for the Protection and Restoration of Floodplain Forests on the Bulgarian Danube Islands”. Unfortunately, this document is advisable for the forest resource managers, and actually it is not of great national significance.

3. Assessment of the state of capacities, structures and decision-making system in the field of biological and landscape diversity.

Capacity development should be an integral part of the reform in nature conservation policy. Unfortunately, this sector is significantly falling behind due to the inadequate governmental assessment of the importance of biodiversity.

There are two sides to the problem – quantitative and qualitative. In terms of the **qualitative side** referred, the structures that are responsible for the state policy in the field of biological diversity conservation, are extremely insufficient. The numeric strength of these state officials is only 4,5 % of the staff of the Ministry of Environment and Waters and its regional structures. The regional departments of the Ministry, the so called Regional Inspectorates of Environment and Waters amount to 30 – 50 officials. Each of these 15 regional territorial units have 1-2 experts in the field of biological diversity, i.e. the average for the country is one person responsible for and area of 5300 km² (without counting the personnel of the protected areas, which take up to 4,9 % of the country territory). Is it possible for a single person to control the level of the threats to such an area, to conduct state policy for seven international conventions and 19 internal normative acts, to monitor the state of the protected areas, to be in charge of issuing permissions for the use of identified nature resources and nine other tasks, which are not listed here, but proceed from the legal provisions and structural regulations?

Appointment of the so-called municipal ecologists started in the past five years in many of the Bulgarian municipalities (262).

Green Balkans conducted a survey in 32 municipalities for assessment of the capacity of these specialists regarding biological and landscape diversity. Part of the survey was financially supported by UNDP-Bulgaria and PHARE ACCESS EU program. 45 questions in 4 major trends were asked: adequate education, specialized knowledge (conservation and resource management), experience in the subject and skills for partners work. Further details may be received from a report owned by UNDP and Green Balkans.

The survey results revealed an extremely unsatisfactory level of qualification of the municipal decision-makers. Only 10 % of them demonstrated appropriate knowledge, on a low level at that, regarding biological and landscape diversity.

Unfortunately, the survey found out that municipal ecologists deal mainly with the problems of urban environment (water and air pollution, solid domestic waste, illegal construction works). Their commitment to problems of biodiversity is an important **future reserve** for the success of the nature-conservation reform.

IV. SUMMARY AND RECOMMENDATIONS

The hard economic and institutional crisis in the country in the past 13 years, resulted in serious unemployment and impoverishment of the population, great part of which turned to unregulated natural resource use. Besides, there were hard structural reforms, including also a large-scaled

land and forest restitution. New land and forest owners were not experienced enough in natural resource management, which caused damages to species and habitats of European conservation significance. According to expert assessments, about 15% of the forests in the country have been destroyed, as greatest damages have been caused to plain and riverside forests.

The inadequate assessment of the Bulgarian nature values, made by the Parliaments and Governments in the period 1989-97, delayed the reform in nature-conservation policy and legislation. Since 1997, the Bulgarian Government has started negotiations for accession, which provided a considerable external incentive for the development of nature-conservation legislation. For less than four years, 9 acts related to natural resource conservation and management have been adopted. The latest and most significant act for conservation of Bulgarian nature is the one adopted on August 9th, 2002 - Biological Diversity Act. This normative act completed the approximation of nature-conservation legislation to the European one. The Act introduced all European directives in the field of biological and landscape diversity. Unfortunately, the progress in the legislative reform does not correspond to the development of structures and institutions in the country. At this stage, there are no adequate structures for nature and natural resource conservation in the country. The international integration required by the international commitments has not been implemented either (Convention on Biological Diversity and Pan European Biological and Landscape Diversity Strategy). Despite availability of good laws and national biological diversity conservation strategy, if they are not integrated into the inter-departmental and regional strategies, plans and programs, the effect of the reform will be very meager.

Bulgarian nature-conservation society, NGOs and independent experts insist on urgent implementation of institutional and structural reform in the field of biological diversity conservation and management. For this purpose, nationally responsible decision-makers should make an adequate assessment of the values and significance of Bulgarian nature, as the greatest of the national riches. This assessment is supposed to lead to a change of nature-conservation policy in the following directions:

- Improvement of the capacity and ability of the National Nature Protection Service for making management decisions. The Head of the National Service should receive statute equal to the Deputy Minister of Environment. The regional subdivisions of the Service should considerably increase their numerical strength.
- Adequate attitude of the state budget to nature conservation problems. The budget should assume its responsibility for the development of the National Service structures, as well as for the structures of the Ministry of Agriculture and Forests, in charge of forests and natural resources.
- Bulgarian Government should elaborate a program for integrating recommendations of the National Biological Diversity Conservation Strategy, National Action Plan and relevant international conventions into regional plans and programs.
- Bulgarian Government, together with National Municipality Society, should elaborate qualification development and education programs of different structures and hierarchy in the field of conservation and resource management. Reform in nature-conservation policy could not be implemented without adequate capacity development.

Table 1. NATURE CONSERVATION LEGISLATION – BULGARIAN STATUTES AND NORMATIVE ACTS

1. Environment Protection Act
2. Biological Diversity Act
3. Protected Areas Act
4. Forest Act
5. Medicinal Plants Act
6. Hunting and Game Protection Act
7. Water Act
8. Fishery and Aquacultures Act
9. Agricultural Property Protection Act
10. Territorial System Act
11. Regulations for enforcement of the Forest Act
12. Regulations for enforcement of the Hunting and Game Protection Act
13. Regulations for the organization and function of the National Parks Directorates
14. Decree for the elaboration of the protected areas management plans
15. Decree № 1 for protection of the green areas and ornamental plants
16. Regulations for assignment of activities in protected areas
17. Tariff of the fees paid for the authorized uses in the protected areas
18. Tariff of the fees paid for the uses in protected sites of medicinal plants
19. Order № 88 of MOEW on the conditions and regulation for allocation of herb quantities, harvested in natural medicinal plants habitats under special protection regimen

Table 2 INTERNATIONAL CONVENTIONS FOR THE CONSERVATION OF BIOLOGICAL DIVERSITY

1. UN Convention on Biological Diversity, ratification – 29 Feb, 1996
2. Convention on Wetlands of International Importance especially as Waterfowl Habitat - promulgation 10 July 1992
3. Convention on International Trade in Endangered Species - ratification 12 Dec 1990
4. Convention Concerning the Protection of the World Cultural and Natural Heritage - 17 Dec 1975
5. Convention on the Conservation of European Wildlife and Natural Habitats – ratification 25 Jan 1991
6. Convention on the Conservation of Migratory Species of Wild Animals – ratification 23 July 1999
7. UN Convention on Desertification in Countries, Experiencing Serious Drought and/or Desertification, Particularly in Africa – ratification Jan 2001
8. Cartagena Protocol on Biosafety to the UN Convention on Biological Diversity – ratification 8 Aug 2000

Table 3 DOCUMENTS FOR MANAGEMENT AND POLICY

1. Pan –European Biological and Landscape Diversity Strategy
2. National Biological Diversity Conservation Strategy
3. National Biodiversity Action Plan
4. National Environmental Strategy and Action Plan
5. National Wetlands Plan
6. Strategy for Conservation and Restoration of the Floodplain Forests on the Danube Islands
7. Declaration on Environment and Sustainable development in the Danube - Carpathian region
8. Declaration on the cooperation for the establishment of Lower Danube Green Corridor

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 - Strategy for regional development of Kardzhali district
 - Strategies for development of the municipalities of Chepelare, Madzharovo, Ardino, momchilgrad, Banite, Batak, Kirkovo and Assenovgrad
 - Strategy of Chepelare municipality for tourism development
 - Strategy for economic stabilisation of Bratsigovo municipality
 - Update of the waste management program in Nedelino municipality and its implementation
 - Order № 1 of Nedelino municipality