Biodiversity & Human Rights

1. The Law for Protected Areas (OUG 57/2007) Art. 6 states that higher priority is allocated to the ensuring of national security, of a safe and healthy environment for people and animals and to the prevention of natural disasters, over the establishment of protected areas.

The right to property is integrated in the legal provision that financial compensations will be granted by the Government to owners of forested land that requires sustainable management practices following inclusion as part of a Natura 2000 site. In such cases, the compensation will be equivalent to the value of the timber that the land owner has been prevented from exploiting as a consequence of the protection level attributed to the property.

2. An example of a good practice in the implementation of human rights obligations in biodiversity-related matters is that procedural rights to information, participation and remedy are guaranteed through the enforcement of legislation that ensures decisional transparency in public administration. In this sense, in conformity with Law no. 52/2003, public authorities are obliged to make sure that citizens are informed on public interest issues that are to be debated by central and local public administration authorities, as well as on draft legal regulations. Active public engagement in the administrative decision-making process and in the elaboration of draft legal regulations is encouraged by allowing citizens to express opinions, make recommendations and participate in public debates and meetings on which minutes shall be recorded, filed and brought to the public’s knowledge. Infringement of these rights is punishable in Court. Freedom of access to information of public interest is also warranted as per Law no. 544/2001. All of these provisions apply to the activity of public authorities dealing with biodiversity-related matters, as guaranteed by OUG 195/2015 regarding environmental conservation, which also recognizes the right of any person to a healthy and ecologically balanced environment as per Art. 5.

Furthermore, Art. 19 (2) of the Law for Protected Areas (OUG 57/2007) dictates that administrative advisory councils are to be set up in addition to the specific administrative bodies for the management of protected areas. The councils are made up of representatives from institutions, economic and nongovernmental organizations, public authorities and local communities who have interests or ownership rights over land or assets in or around the protected area and who are involved and interested in the implementation of sustainable development and conservation measures in the area. According to Art. 21 (1), the administrative advisory councils are asked for their opinions when producing management plans and regulations for protected areas.

The human rights of individuals and groups are protected against adverse impacts related to biodiversity and wild animals per se, for instance as per Order no. 1439/2015 for the approval of derogations regarding the species: brown bear, Eurasian wolf and wild cat, which states that individuals of the above mentioned species that pose a threat to public health and safety, such as those specimens found inside human settlements, those who frequently visit domestic animal shelters as well as those found to have killed a domestic animal outside the natural habitat of the wild species may be hunted or captured at any time.

Services provided by protected areas and their ecosystems are kept free for the local population (e.g. no entrance fees, no fees for harvesting wild-growing foodstuffs, regulated grazing access for domestic animals, establishment of traditional sheep-folds and shepherds shelters etc.)

**3)** As declared in its Mission Statement, our Government aims to promote civic and political engagement and therefore encourages its citizens to increase their interest and involvement in the social life of the communities they belong to, so that they may better exercise their rights to participate actively in public matters and to be unbiasedly and better informed about the electoral process.

4) The Law for Protected Areas (OUG 57/2007) Art. 10 guarantees that the process of establishing protected areas takes into account the interests of local communities, encouraging the preservation of local traditional practices and knowledge so that the available resources may be used to the benefit of local people. Art. 21. (3) further protects the rights of local communities through the mention that local economic, social and cultural factors as well as regional and local characteristics must be taken into account when devising a management plan for a protected area.

Within the build-up area of protected, the buildings will relate to the local architectural traditions, by means of using traditional building materials and design elements inspired from the local tradition.

5) The Romanian Constitution guarantees the freedom of speech and the right of the people, including environmentalists, to freely organize meetings, demonstrations, processions and any other kind of assemblies in a peaceful manner, without any weapons. As per Decree no. 26/2000, citizens may also freely establish associations or foundations for activities carried out for general purposes or in the interest of local communities. Finally, as described under question 2, public open access to the administrative decision-making process warrants the transparency necessary for the creation of a safe and enabling environment for people to freely exercise their rights without fear.