

# Measuring progress in nature conservation against the CBD and PEBLDS

## Final report

BIOTICA Ecological Society, Moldova

### 1. The situation of CBD/PEBLDS in the country

Ratifying the Convention on Biological Diversity (CBD) Moldova took some responsibilities in the field of conserving and restoring biological diversity. As an instrument of CBD implementation, PEBLDS requires that all countries should elaborate Action Plans in the field of Biodiversity Conservation. In Moldova the Strategy and the Action Plan for the Conservation of Biological Diversity (SAPCBD) was approved by the Parliament on 27 April 2001.

The Republic's main objectives in terms of biodiversity conservation are broad. Nature should be restored, to the possible extent and should be preserved. Biodiversity will be conserved *in situ* by extension of protected areas and their better management, and by development of an ecological network connected to regional structures. Monitoring as well as research will be improved, etc.

As Focal Point of CBD, "Biodiversity" Office was set up by the order No. 334 of 14 July 2000 of the Ministry of Environment and Natural Resources of Moldova. It disseminates information about CBD and PEBLDS implementation and news and promotes their implementation, largely contributing to the legislative and institutional changes. For this aim, it proposed new draft laws on: Biological safety, ratification of Cartagena Protocol on Biological Safety, ratification of Kyoto Protocol to the United Nations Framework Convention on Climate Change, ratification of Convention on Dniester protection, Red Data Book of the Republic of Moldova and on Vegetal Kingdom, etc.

In the Republic of Moldova implementation of the Convention is effectuated by a large number of the governmental institutions and non-governmental organizations. Main institutions are the Ministry of the Environment and Natural Resources (basic sub-divisions: State Ecological Inspectorate, "Hydrometeo" Service, National Institute of Ecology and Ecological Agencies); Academy of Sciences (basic sub-divisions: Botanical Garden (Institute), Institute of Zoology, Institute of Genetics, Institute of Microbiology, Institute of Geography, Centre of Vegetal Genetic Resources); the Ministry of Education; the Ministry of Agriculture and Food Industry; the Ministry of Health; State Forest Association "Moldsilva".

The main activities are undertaken by the Ministry of Environment and Natural Resources, which is trying to do concrete activities even if the number of hired persons is very small. Our Ministry of Environment and Natural Resources is always presented at the international events related to the CBD, our country also presented two national reports to CBD.

But unfortunately the communication within the process of CBD implementation is very low. Cooperation with or between the other ministries and agencies (Economy, Social Protection, Public Health, Transport, Energy, Industry, Agriculture, as well as State Forestry Service, Water Agency) on integration of environmental approaches into economic and social decisions is still slow. Therefore, due to no adequate mechanisms, forums or instruments for sectoral integration such integration does not work.

However, there are some good examples of intersectoral cooperation, one example is the **Economic Growth and Poverty Reduction Strategy Paper** (EGPRSP) approved by the Parliament in December 2004. This national strategy is directed on promotion of economic growth and sustainable development and reduction of poverty in the country. It was drafted with the assistance of civil society and private sector and coordinated with the partners for development (bilateral, multilateral and non-governmental partners). *Inter alia*, this paper includes some actions regarding the CBD implementation, the most important of which are: *extending and safeguarding the natural areas protected by the state, creation of the Ecologic Network, increasing the awareness of the population regarding the impact of natural disasters; improvement of administrative, economic and financial mechanisms for environmental protection and sustainable management of natural resources.*

Another intersectoral paper is the recently approved **Moldova-EU Action Plan** that among other activities also includes, *inter alia, creation of the National Ecological Network activity and Strengthening structures and procedures necessary to carry out environmental impact assessments, including in relation to transboundary issues; complete relevant legislation.*

As the Aarhus Convention is in force in Moldova, the Ministry of Environment and Natural Resources is trying to inform the public about its activities through the site of Informational Centre of Environment, where draft laws or amendments for commenting by the public are made accessible, but this site is not updated regularly. Some round tables are organized regarding certain issues (even some in line with CBD provisions, as for example seminars on invasive alien species conducted by the Ministry), but concrete meetings on CBD unfortunately were not organized recently. Though for the preparation of the first two national reports for CBD NGOs were involved, too.

Moldova takes an active part in the 'Environment for Europe' process. During the last Ministerial Conference in Kyiv, the Republic of Moldova signed the Protocol on Strategic Environmental Assessment to the Espoo Convention on Environmental Impact Assessment in a Transboundary Context, the Protocol on Pollutant Release and Transfer Registers to Aarhus Convention and the Protocol on Civil Liability and Compensation for Damage Caused by the Transboundary Effects of Industrial Accidents on Transboundary Waters to the 1992 Conventions. Civil sector is also very active in international events and take part in the preparation for such events.

## **2. Project activities**

### **2.1. Summary of activities**

BIOTICA Ecological Society is concentrating its activity on practical implementation of some provisions of Convention on Biological Diversity and of Kyiv Biodiversity Resolution, as well as the national strategies, as The Strategy and the Action Plan for the Conservation of Biological Diversity. For selecting its activities CBD articles, CBD Decisions and its principles were used. Also for drawing attention of the Government and public to different issues first of all CBD provisions, the Kyiv Resolution, PEBLDS and the National Plan on Biodiversity, as well as the Moldova-EU Action Plan were used.

As basis for activities in the framework of the project *Endangered Snakes Conservation and Steppe Habitat Restoration in the Ramsar Site "Lower Dniester"* financed by Frankfurt Zoological Society, following documents were considered: *Decision of COP7 VII/3 on Agricultural biological diversity, Decision of COP7 VII/12 on Sustainable Use,*

*CBD Article 8.b and 10.d.* BIOTICA studied many management plans of protected areas in order to elaborate management plan for the planned first national park in Moldova, including also a management plan for steppe ecosystems. During the elaboration of management plan, the authors took into account the *Addis Ababa Principles and Guidelines for the Sustainable use of Biodiversity* (especially *principles 5, 9, 11, 12*) and *IUCN Guidelines* for compiling management plans for protected areas.

During these activities BIOTICA specialists conducted research of biodiversity elements in project region, on the basis of discovering, systemizing, databasing and generalizing the obtained information and elaboration of special protection measures to be included in the Management Plan for correspondent areas.

At the same time local population was also involved, as well as local public authorities as is stipulated in *Art. 10* of CBD. Three interested private organizations received grants to create steppe reserves (genetic micro-reserves) on public lands and public authorities allocated land for creating seed refuges through decisions of Councils of Popeasca, Talmază and Rascaeti communities and took responsibility to preserve and to use these steppe reserves in a sustainable way. Another activity regarding public awareness and involvement measures was the preparation and edition of a brief brochure on snakes and steppes to ensure friendly attitude of rural youth and population in general to snakes and its habitats and to explain what sustainable development is. In the elaboration of the management plan local communities and local authorities also participated, they were consulted and agreed with its provisions. The Academy of Sciences and Ministry of Environment and Natural Resources approved it and recommended to local authorities to use it in the managing of steppe lands. Project results may have a multiplicative effect because there are no management plans for valuable sites in Moldova yet.

A very important issue for BIOTICA is promoting the creation of National Ecological Network, as it is stipulated in CBD, and other international and national agreements. That is why we are working hard in this direction. Also for drawing attention of the government, local authorities and NGOs, BIOTICA ES decided to make a review of some laws in force that stipulate responsibility and options for the most important juridical persons, which coordinate, regulate and implement land tenure in their competence with respect to nature protective functions. *Art. 10(a)* of CBD proposes to Parties *to integrate consideration of the conservation and sustainable use of biological resources into national decision-making* and *Decision VII/28 on Protected Areas (13.) invites Parties to consider options in the context of implementing a programme of work, such as ecological networks, ecological corridors, buffer zone.* These things are also stipulated in the National Action Plan on Biodiversity of Moldova.

These laws were reviewed from two points of view. On one hand the review aimed to discover some gaps in legislation regarding the Creation of the Ecological Network. These findings were presented to governmental and nongovernmental organizations during a National Conference on Dniester Basin Biodiversity. On the other hand the competences and possibilities of local authorities were investigated. The Action Plan on Biodiversity contains direct indication with respect to planning the ecological network for districts, including implementation of a pilot project. All these provisions can be found also in some Laws (Laws on Public Local Authorities, Land Code, etc.). As CBD *Programme of work on protected areas – Goal 1.1* provides among others for establishing regional systems of protected areas and *point 1.1.4.* provides for creating local community conserved areas, it is possible to start with creation of local district ecological networks as pilot actions for creation of the National Ecological Network. BIOTICA specialists are permanently organizing meetings with representatives of Ministry of Environment and Natural Resources and other relevant bodies regarding the creation

of the Ecological Network as an important activity stipulated in CBD and in the Kyiv Resolution, as well as in the National Plan on Biodiversity Conservation, and they are trying to find additional financial sources for these activities.

In implementation of *art. 14* of CBD on Impact assessment and Minimizing Adverse Impacts, BIOTICA was selected for the environmental assessment of businesses, which are credited and started within the Rural Investments and Services Project (RISP) financed by the World Bank. According to the World Bank requirements, BIOTICA experts developed procedures for the environmental screening of loan applications and identifying the possible environmental impacts of these activities financed under the RISP project. It included assessing the legal and regulatory framework, institutions, administrative procedures and enforcement capacity for environmental management in Moldova. Within this assessment mitigation activities to be proposed to the executors of the projects in order not to affect environment were developed. For this activity the specialists of BIOTICA first of all used the CBD *Decision VI/7 on Identification, monitoring and assessments* and its *Annex Guidelines for incorporating biodiversity-related issues into environmental impact assessment*, that comprises the main stages of an environmental assessment process, such as screening in order to determine which projects require a full or partial impact assessment study, scoping to identify which potential impacts are relevant to assess, impact assessment to identify the likely environmental impacts, and identifying mitigation measures to minimize adverse impacts. All these stages were considered by the BIOTICA specialists. On the basis of environmental assessment, projects will be selected for financing, for further improvement or for adding some new actions for minimizing adverse impact on environment as a result of their activities.

In line with ***CBD Article 8.b***, which stipulates that each Party should develop guidelines for management of protected areas or areas where special measures need to be taken to conserve biological diversity, and ***Article 10.d***, which stipulates that each Party should support local populations to develop and implement remedial action in degraded areas where biological diversity has been reduced, BIOTICA decided to research Talmazza Wetland (that is an important core area for the planned National Ecological Network) from the point of view of bat species, because all species of bats in Moldova are protected by international legislation (EUROBATS Agreement, Bern and Bonn Conventions) and national legislation, and because till now in our country these animals have not been paid enough attention to and public opinion regarding them is not positive. Till now the specialists conducted some researches on bat species diversity and distribution in the area, and also some botanical and hydrological studies on the territories where bats are living in order to determine the key environmental elements for survival of populations. During these activities BIOTICA specialists conducted research of biodiversity elements in the project region, on the basis of discovering, systemizing, databasing and generalizing of the obtained information and elaboration of special protection measures to be included in the Management Plan for correspondent areas.

By now the Management Plan for Talmazza Wetland is finished and in the elaboration of management plan, the experts took into account the *Addis Ababa Principles and Guidelines for the Sustainable use of Biodiversity* (especially *principles 5, 9, 11, 12*) and *IUCN Guidelines* for compiling management plans for protected areas. This plan will be submitted to Ministry of Environment and Natural Resources and to local public authorities that are in charge to protect that territory.

Also some public awareness raising activities on the importance of bat conservation are conducted among young people from the region.

On 26-28 October the representatives of BIOTICA Ecological Society took part at the Forum of Environmental NGOs from Moldova, where NGOs from the entire country participated. The participants of the Forum discussed, among other important things, the implementation of the international conventions to which Moldova is a Party, including CBD, the preparation for the Pan-European Ministerial Conference in Belgrad in 2007, and other international events.

During this Forum proposals were made regarding the creation of a National Council that can assess the implementation of international conventions in Moldova, and concrete actions for the implementation of the international responsibilities of the country (Kyiv Resolution on Biodiversity, etc.) and of the National Strategy and Action Plan on Biological Diversity Conservation. Dr. Alexei Andreev from BIOTICA was the coordinator of the Working Group on Biodiversity Conservation and Rural Development and presented information on EU legislation regarding environment protection and rural development (including EEC Council Regulation 2078/92 that refers to the farming practices which are compatible with the need of protection of the environment and the conservation of the agricultural areas, and Council Directive of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture).

During the last years BIOTICA researched an important area from the viewpoint of biological diversity and prepared in cooperation with Ministry of Environment and Natural Resources documents for the Ramsar Convention. As a result of this activity, the "Unguri-Holosnita" Ramsar Site (along the Dniester River) was recognized on 13 September 2005.

BIOTICA is promoting sustainable practices of managing valuable areas from the viewpoint of biodiversity. The representatives of BIOTICA participated at some national and international conferences and delivered speeches (papers) on agro-biodiversity and the necessity to identify and put high nature value areas under a sensitive management and to recognize and support the efforts of local and indigenous communities in conserving agricultural biodiversity, as it is stipulated in the *Decision VII/3 Agricultural biological diversity* of COP7, but more widely in the Kyiv Resolution on Biodiversity that provides for, *inter alia*, the following key target: *By 2006, the identification, using, of all high nature value areas in agricultural ecosystems in the pan European region will be complete. By 2008, a substantial proportion of these areas will be under biodiversity-sensitive management by using appropriate mechanisms ..., to inter alia support their economic and ecological viability.*

CBD was useful as a tool for conducting practical activities in nature for supporting biodiversity conservation and to involve local public authorities, private sector and NGOs in these activities. Provisions of CBD and other international and national agreement were used as well to draw attention of Governmental representatives to their commitments to protect biodiversity.

## **2.2. Assessing the potential of the use of CBD/PEBLDS by NGOs**

### *2.2.1 Assessment of these tools in general*

We are living in a rapidly changing world, where the first goal is economic development, especially for the developing countries. That is why the elaboration of different international tools with commitments to take the environment into consideration during economic development is very important. CBD provides directions in which countries

should work in conserving the biological resources as basis for agriculture, different industries, etc. and it recognizes conservation of biodiversity as a common concern of humans. The objectives of this Convention are clear and concrete. They indicate the directions that countries should follow in order to achieve a better condition of biodiversity.

Its provisions are mostly expressed as overall goals and do not determine concrete obligations as other Conventions. It focuses on action on conservation and sustainable use at the national level (for instance *art. 6* requires each Party to develop national strategy).

*Art. 6* of CBD had a good impact, and countries started to develop national strategies and action plans in biodiversity conservation using the PEBLDS objectives which are concrete and clear and Parties could adapt to their conditions.

The Convention underlines that economic and cross-sectoral issues are related to the sustainable use of biological resources. Because of the importance of economics in biodiversity conservation, there are references to it throughout the CBD and its decisions. The most explicit reference to economics is the repeated call for the use of incentives as a tool for biodiversity conservation. *Article 11* calls for Contracting Parties to “*as far as possible adopt economically and socially sound measures that act as incentives for the conservation and sustainable use of components of biological diversity*”.

*Article 20* again mentions the use of financial support and economic incentives to achieve the objectives of the Convention. This is important because to protect biodiversity ones should see the economic benefit involved and this is included in CBD.

Another important issue that is not yet very developed but provides guidance for the Parties is the ecosystem approach, it provides clear and necessary provisions that can be taken into consideration in the protection of biodiversity. Principles of the ecosystem approach also comprise implementation guidelines, thus they are not only formal statements but also offer information on how these can be implemented in a better way.

To make the provisions of CBD more definite, COPs provided work programmes that cover various areas and can be applied by the Parties suitable for their national conditions. These work programmes have clear goals, objectives and concrete activities that should be done. COP decisions may comprise annexes with clear activities, expected outcomes, timetable, key actors and concrete progress indicators. This is a very useful and easy tool to be used for the implementation and monitoring of those activities.

Of course the Convention's provisions are proposed to be implemented by the country and there are no mechanisms of forcing countries to implement them. It depends on the willingness of the States to conduct activities to protect environment and to promote sustainable use of natural resources. At the same time the Convention respects the States' right to exploit their own resources, though States also have responsibilities to ensure that activities within their jurisdiction do not cause damage in the environment of other States (*art. 3*). This is an important principle, because every State should implement its own environmental policy but have an international commitment not to influence negatively environment, which is without boundaries.

In general CBD and PEBLDS objectives, as well as those of related international agreements are clear and useful. Each Party can select, adapt the work programmes to their national conditions as necessary, and implement them. Unfortunately even if

many countries signed and ratified the CBD, they are doing very little for its implementation. For many of them it is just a formal text that it is not studied and understood. The CBD tools are useful and good, but only in the case when they are used practically in the countries for getting better conditions for living.

### *2.2.2. Opportunities – in general and particularly in the project*

NGOs at the moment constitute a force that can support the activities of governmental agencies. In our country the Forum of environmental NGOs is organized annually, where NGOs share their experience with each other, discuss obstacles in project implementation, try to agree on joint activities, and submit resolutions with their position regarding different environmental issues to the Government. The Minister and other representatives of the Ministry of Environment and Natural Resources are always present at those meetings and present a report on the Ministry's activities for a year and listen to the proposals from NGOs representatives. There is an opportunity to take some commitments, to openly propose to the Ministry some improvements on its activities.

In the Collegium of the Ministry of Environment and Natural Resources a representative of the NGO community also participates, unfortunately though at the moment only formally. However this opportunity could be used by the NGO community to influence the Ministry's decisions and to be informed about the Ministry's activities.

Different officials use the process of public participation for taking important decisions. Even if this process is not very well developed, NGOs involvement is very useful for providing some amendments and comments. Usually NGOs involve scientists and good specialist in various areas, so their contribution could be very important in drafting laws or submitting commenting on environmental laws or laws that can have impacts on environment and biodiversity.

Usually NGOs have opportunities to participate in public debates, and in drafting some papers together with government representatives. Almost all NGOs are preparing materials and campaigns for awareness raising on different important issues. More and more professional NGOs can maintain and update a website with useful information for other NGOs or the public. For example in our country the official website of the Ministry of Environment and Natural Resources is very poor and is not updated regularly, so NGOs took this obligation and offer information on different issues, important international and national events.

As it was said before, there are NGOs that involve scientists and professionals, and which can have even a more important role in conducting practical activities in supporting the Ministry of Environment and Natural Resources and other governmental organizations.

In line with CBD NGOs can be involved in ecological education and information of the public and local authorities, and in the lobbying for elaboration, adoption and enforcement of national environmental legislation necessary for biodiversity conservation. Because of the lack of financial resources at the national level, NGOs must look for other funds to conduct different types of biological survey and inventory, biodiversity research and evaluation, to conduct activities for in situ management, restoration and rehabilitation of valuable sites from biodiversity point of view, and to develop management plans so that they are managed rationally. NGOs, together with the state administration can also increase the efficiency of the protection of protected areas, and conduct environment impact assessment at the local or national levels.

Besides, NGOs can create a network, in which they can exchange information, implement some joint projects and work together in promoting CBD provisions implementation at the state level, and train and build capacities of NGOs.

During the project first of all we learned more about the tools provided by CBD and the decisions of the COPs. Among its provisions we could find useful instruments as for example for impact assessment (*art. 14 (a) and (b)*), pollution control (*art. 8(i)*), instruments for controlling modifications and releases of organisms (*art. 8(h) and 8(g)*), instrument for capacity building (*art. 12*), instrument for monitoring (*art. 7*), for increasing public knowledge and awareness (*art. 13*), for local implementation (*articles 8(j) 10(c)*), and all these can be used by NGOs to do practical activities and to promote them at the State level and among other NGOs.

### *2.2.3. Obstacles – in general ad particularly in the project*

One important obstacle at the State level is the position of our country in implementing activities related to the biodiversity conservation and environment protection. Because of the other priorities (such as economic development, providing new working places, etc.) sometimes Government forgets about this important issue, the basis of our life, the environment. The government allocates less and less money for environmental activities and even decrease the number of employees of Ministry of Environment and Natural Resources twice this year. The lack of financial sources makes this even more difficult. Even if there is a range of useful laws regarding biodiversity, they are not enough and sometimes contradictions appear among their provisions. Another problem is that governmental processes and law making need a lot of time. The wish to cooperate with NGOs or other institutions with good specialists is not very high. Even if formally there are intergovernmental Committees regarding different environmental issues (for example National Committee "Ramsar" created in 2002, national committee regarding biological security created in 2003, national committee on implementing National Strategy and Action Plan on biological diversity, etc.), none of these is working and nobody knows who their members are. This is a big obstacle in implementing the respective laws, strategies and international conventions to which Moldova is a Party.

Environmental requirements are not integrated in other fields even if the Concept of environmental policy provides for the integration of environmental requirements into industry, energy sector, agriculture and food industry, transport and communication, health protection, construction, etc.

The Focal Point of CBD organized some wide campaigns on CBD and people are aware what it is and that it is related to biodiversity conservation, but do not know that this Convention provides some concrete programmes of work, some concrete instruments that can be used in the day-to-day activity of NGOs and governmental organizations. So the lack of awareness regarding CBD instruments is also an obstacle.

Another obstacle that was felt during the project is the formal character of NGOs involvement in preparation of the documents. For example NGO proposals for the National report for Aarhus Convention were not taken into consideration even though before sending the report a round table with NGOs had been organized and proposals and modifications to the report's text had been collected.

The local authorities have wide competences and responsibilities regarding environmental issues at the moment, including biodiversity conservation at the local level, but do not have enough capacities, because of the lack of local specialists in environmental issues. They even do not know what competences they have, and some

of them even do not know the laws related to environment and biodiversity conservation.

### **3. Recommendations**

#### *3.1. Recommendations for NGOs*

First of all it is very important for NGO representatives to know CBD provisions, its principles and its tools. For this aim it is good to organize trainings on CBD for NGO staff in order to prepare them to use CBD effectively.

As CBD and PEBLDS provisions are clear, NGOs can first of all make them well-known for other actors, such as governmental representatives, local public authorities and other NGOs. For this some seminars, trainings, round tables should be organized where the country's commitments in the field of biodiversity conservation should be presented.

NGOs should also have a role of watchdogs of CBD implementation at the state level and should organize campaigns in supporting or against the Government's activities, publish articles in newspapers and magazines, give radio and TV interviews.

NGOs should be involved in development of ecological education and information for the public and local authorities. They can lobby for the elaboration and approval of necessary environmental legislation and participate even in their preparation.

NGOs should conduct practical activities of biodiversity conservation, such as biological survey and inventory; develop activities for restoration and rehabilitation of biodiversity valuable sites, etc.

NGOs should create a viable network through which they can exchange information, implement some joint projects and work together in promoting CBD provisions implementation at the State level.

It is possible to create a public Committee, which can monitor the implementation of international agreement on biodiversity conservation to which Moldova is Party, which could offer recommendation to the Government and remind it about the international commitments.

#### *3.2. Recommendations for governments*

The most important recommendation for governments is to strictly observe conventions and international agreements on biodiversity ratified by the Republic of Moldova and to implement their provisions, and not only to look at the Convention's provisions before some international events. In line with this it is necessary to create a legislative framework for CBD and PLEBDS implementation, and it is necessary to fill the existent gaps in the existing legislation. It is needed to adopt the draft laws proposed by NGOs or governmental institutions and develop others if necessary, using CBD tools, and involving representatives of the scientific community, NGOs and governmental organizations.

It is very important to guarantee the transparency of environmental decision-making by ensuring the accessibility of the projects and draft laws on Internet and mechanisms of bilateral cooperation between the authorities and the public. Open and effective access

to information that relates to the quality of the environmental components is also very much needed.

For the proper implementation of the CBD it is necessary to create viable and working intersectoral bodies, such as inter-ministerial committees, as it is very important to involve for example the Ministry of Health and Ministry of Agriculture in the sustainable development of the country. For that, first of all, the Ministry of Environment and Natural Resources should develop some guidelines for other ministries regarding CBD implementation. Each Committee should have its annual work plan and should submit their reports to the Government at the end of the year on conducted activities. Also annual plans and reports should be placed on websites to be available for public and where comments, additions and proposals can be received from NGOs, scientists, etc. In order to involve NGOs in these thematic Committees a representative of NGO community should be involved.

The promotion of CBD among the public, campaigns and concrete activities on CBD implementation coordinated by the CBD Focal Point should be financed from Governmental sources.