

# The Categories of Nature Protected Areas between the Romanian Legislation and the West-European Rules

Categoriile de arii natural protejate între legislația română  
și regulile vest-europene

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## Abstract

*The paper presents in a chronological sequence the laws and concepts issued in Romania in the field of nature conservation since 1930 (the year of the first such law), the categories of protected areas established by them, and the categories promoted by the International Union for Conservation of Nature (IUCN) in the last few decades.*

**Keywords:** categories of protected areas, Romanian legislation, west-European rules

The modern history of nature conservation in Romania started at the beginning of the 20<sup>th</sup> Century with several legislative proposals to protect a number of species and areas scattered over the whole country, but the real turning point was represented by the first Congress of the Romanian Biologists, held in Cluj in 1928 and organized by the most outstanding scientists of the time (Alexandru Borza, Emil Racoviță and Andrei Popovici-Bâznoșanu, to name only a few).

One of the main topics of discussion for the participants at the congress (there were a total of 232 participants) was the necessity of a national law for the protection of nature and its values. As a result of their efforts, and especially of its promoter, Alexandru Borza, the Law No. 213 – Law for the Protection of Nature Monuments – was adopted in 1930, and at the same time the Commission for the Protection of Nature Monuments was founded, functioning within the Ministry of Agriculture. At that moment the term *nature monuments* was used to define all natural objectives protected by law, including parks, reserves of different types, caves, geological formations, plant and animal species and individual trees. According to article no. 3 “*the nature monuments are those areas that, by the animals and plants that live there, have a special scientific and aesthetic significance, as well as those areas that by their natural beauty or their scientific importance are worthy of conservation and to be passed on for posterity, within this law frame of protection being*

*included animal and plant species, rocks, minerals and fossils recognized as of great importance or unique exemplars" (Art. 3. Sunt monumente ale naturii acele terenuri care, prin animalele și plantele ce trăesc pe ele, prezintă o deosebită însemnătate științifică sau estetică, precum și toate acelea cari, prin frumusețea lor naturală sau interesul științific ce prezintă, sunt demne de a fi conservate și trecute posterității, în cadrul de protejare al acestei legi intrând și speciile de animale și plante, precum și rocele, mineralele și fosilele recunoscute ca fiind de mare importanță sau ca exemplare unice.).*

The Commission for the Protection of Nature Monuments applied the first classification of the natural protected areas proposed by Emil Racoviță for the designation of nature monuments. Between the years 1933 and 1944 the Bulletin of Commission for the Protection of Nature Monuments was published and contained legislation regarding the conservation of nature, proposals for new areas and/or species to be protected as well as reviews of scientific publications. The published lists of nature monuments (published periodically, over a period of several years) specified their type/category: natural parks, reserves – with the reason of their protection mentioned, animal species, plant species and plant specimens, even if the classification was not supported by the laws regarding nature conservation, but was nevertheless taken into consideration during the practical activities of the Commission. The objectives were classified not only according to their scientific importance, but also according to their aesthetic and touristic value. The objectives with aesthetic and touristic value were situated in the domain of landscapes and tourism, but the protection of plants and animal (as species or/and specimens) was also foreseen. The scientifically important objectives were categorized in faunal and floristic reserves, protected species and specimens, protected geographical and geological phenomena and protected mineralogical, paleontological and prehistoric formations. Furthermore the reserves were regarded as: natural reserves – focused on conservation of wild and unaltered ecosystems, reserves for research (in other words, scientific reserves), and touristic reserves.

In 1937 Emil Racoviță published in France an important paper about the nature conservation and proposed another type of classification for nature monuments. In his new opinion the protected areas should be evaluated firstly from an objective point of view, more specifically according to the aim and purpose of the nature monuments, and then from a second point of view, taking into account the specificity (nature) of the nature monuments (in their large sense).

In the history of Romania after the Second World War a long and difficult period followed, marked by the Soviet occupation and the installation of the communist regime that would last until 1989. In spite of an almost absent support from the state national authorities, the Commission for Nature Monuments (transferred in 1950 to the Romanian Academy) became more active and operative, succeeding in designating new nature reserves protected at local or regional level. The Commission, now within the highest scientific institution of the country, also undertook a lot of educational activities, following the pioneering ideas of the great botanist Alexandru Borza.

The next milestone in nature conservation in Romania was the promulgation of the Law no. 9/1973 regarding the Environment Protection. It was presumed that its elaboration and promulgation by the Romanian government in 1973 had been the consequence of the UNO general assembly dedicated to environment problems (*Human Ecology*), held in Stockholm in 1972, which promoted a series of principles and recommendations to be applied by all states. It was a good and clear law, presumably drawn upon western legislations, which established six categories of nature protected areas: national parks, natural parks, nature reserves (botanical, zoological, geological, mixed, marine etc.), scientific reserves, landscape reserves and nature monuments.

After 1989 (the end of the communist regime), the law no. 137/1995 regarding the environment protection was promulgated, but it did not include specific mentions on the types of protected natural areas. Five years later, the law no. 5/2000 enumerated all Romanian protected areas, distributed in four categories: **national parks, natural parks, nature reserves and nature monuments.**

A fundamental legislative act was the governmental ordinance no. 236/2000 (approved by the Law no. 462/2001), developed by a large team of specialists in the field of environment/nature conservation. Regarding the types of protected natural areas, the idea was to take into consideration and just to respect as much as possible the IUCN categories, taking into consideration the fact that Romania already had the intention to join the European Union. The problem was not simple, as the Romanian tradition, experience and achievements in this domain should not be neglected. As a result of long discussions, a system of equivalence between the Romanian categories of protected areas and the IUCN categories was proposed and was adopted by the law in 2000-2001.

<b>Romanian Law OUG no 236/2000</b>	<b>IUCN (2000)</b>
<p>I. Scientific reserve (Rezervație științifică). Scientific reserves are those protected areas having as purpose the protection and conservation of those terrestrial and/or aquatic habitats including representative elements of flora, fauna, geological, speleological and paleontological, pedological or of other types. The size of the scientific reserves is determined by the necessary area for ensuring the integrity of the protected area.</p>	<p>I. Strict Nature Reserve/Wilderness Area: protected area managed mainly for science or wilderness protection Category Ia. Strict Nature Reserve: protected area managed mainly for Science. Area of land and/or sea possessing some outstanding or representative ecosystems, geological or physiological features and/or species, available primarily for scientific research and/or environmental monitoring.</p>
<p>II. National park (Parc național) are those protected natural areas which have as purpose the protection and conservation of some representative samples of the national biogeographic area, containing natural elements of great value at physico-geographic level, flora, fauna, hydrology, geology, paleontology, speleology, pedology or of other types, offering the possibility to be visited with scientific, educational, leisure and tourist purpose.</p>	<p>II. National park: protected area managed mainly for ecosystem protection and recreation. Natural area of land and/or sea, designated to (a) protect the ecological integrity of one or more ecosystems for present and future generations, (b) exclude exploitation or occupation inimical to the purposes of designation of the area and (c) provide a foundation for spiritual, scientific, educational, recreational and visitor opportunities, all of which must be environmentally and culturally compatible.</p>
<p>III. Nature monument (Monument al naturii) are those protected natural areas having as purpose the protection and conservation of some natural elements of ecological, scientific, landscape value and significance, containing rare species of plants or animals, endemic or on the verge of extinction, hundreds of years old trees, floral and faunal associations, geologic phenomena – caves, erosion forms, waterbeds, waterfalls and other geological formations, fossil deposits, as well as other natural elements of</p>	<p>III. Nature monument: protected area managed mainly for conservation of specific natural features. Area containing one or more, specific natural or natural/cultural feature which is outstanding or unique value because of its inherent rarity, representative or aesthetic qualities or cultural significance.</p>

<p>natural patrimony value by their uniqueness or rarity. In the case of nature monuments not contained within the perimeter of other protected areas, for their integrity, areas of compulsory protection will be established regardless of destination and owner of land.</p>	
<p>IV. Nature reserve (Rezervație naturală). Nature reserves are those protected natural areas which aim at the protection and conservation of some important habitats and natural species regarding their flora, fauna, woodland, hydrology, geology, speleology, paleontology, pedology. Their size is determined by the necessary area sufficient for protecting the integrity of those protected items.</p>	<p>IV. Habitat/species management area: protected area managed mainly for conservation through management intervention. Area or land and/or sea subject to active intervention for management purposes so as to ensure the maintenance of habitats and/or to meet the requirements of specific species.</p>
<p>V. Nature park (Parc natural). Nature parks are those natural protected areas with the aim of protection and conservation of landscape assemblies in which the interaction between human activities and nature over time has created a distinct area with great landscape and/or cultural value, often with a great biological diversity.</p>	<p>V. Protected landscape/Seascape: protected area managed mainly for landscape/seascape conservation and recreation. Area of land, with coast and sea as appropriate, where the interaction of people and nature over time has produced an area of distinct character with significant aesthetic, ecological and/or cultural value, and often with high biological diversity. Safeguarding the integrity of this traditional interaction is vital to the protection, maintenance and evolution of such an area.</p>

The characteristics of two parallel categories are nevertheless not necessary identical. The Romanian national parks are more restrictive than the same category from the IUCN classification; The Romanian natural parks are more permissive, allowing more economical, traditional and cultural activities than in the protected landscapes category promoted by the IUCN. The Romanian nature monuments category includes more objectives than the IUCN category and not only areas/sites could be protected, but also individual

objectives: a cave, a rock, an old tree etc., or a plant or animal species. These categories of protection have legal validity according to the government ordinance no. 57/2007, approved by the law no. 49/2011, which is now in force.

Romanian legislation also include the types of protected areas assumed by international conventions (biosphere reserve, site of the world natural heritage, Ramsar sites) and directives – Birds Directive (special protected area – but we added the profile of its specificity: for bird fauna), and Habitat Directive (special area for conservation, site of community importance). The category *geopark* was also adopted by our environment legislation.

The documentations/proposals for the establishment new protected areas should comply with the provisions of this last law and the subsequent instructions.

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