

**Biodiversity Conservation & Economic Growth
(BCEG) Project**

QUARTERLY REPORT

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Bulgaria Biodiversity Conservation and Economic Growth Project

is a collaborative initiative between the

United States Agency for International Development

and the

Government of the Republic of Bulgaria

implemented by

Associates in Rural Development, Inc.

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Acronyms

ARD	Associates in Rural Development, Inc.
BCEG	Biodiversity Conservation and Economic Growth Project
BSBCP	Bulgarian-Swiss Biodiversity Conservation Program
CHM	Clearing House Mechanism
CRP	Contract Results Package
CRS	Catholic Relief Services
CTO	Cognizant Technical Officer
EIA	Environmental Impact Assessment
EU	European Union
FLAG	Firm Level Assistance Group
GEF	Global Environment Facility (note the acronym “GEF” is also generically in Bulgaria for the USAID/GEF Biodiversity project)
GIS	Geographic Information System
HQ	Headquarters
IBA	Important Bird Area
IEC	Information, Education and Communiucation
IQC	Indefinite Quantities Contract
LOE	Level of Effort
MOAF	Ministry of Agriculture and Forests
MOEW	Ministry of Environment and Waters
MOU	Memorandum of Understanding
NGO	Non-Government Organization
NNPS	National Nature Protection Service (of MOEW)
NTFP	Non-Timber Forest Products
PAA	Protected Areas Act
PCV	Peace Corps Volunteer
PEPUP	Public Enterprise for Physical and Urban Planning
PMU	Project Management Unit
REC	Regional Environmental Center
RMNP	Rila Monastery Nature Park
SOW	Statement of Work
TBD	To be determined

TOR	Terms of Reference
UNDP	United Nations Development Program
USAID	United States Agency for International Development
USDA	United States Department of Agriculture
WWF	World Wilderness Fund

Preface

The Biodiversity Conservation and Economic Growth (BCEG) Project is funded by the United States Agency for International Development, (USAID), as part of its strategic support to the Republic of Bulgaria. The Project is sponsored by USAID in conjunction with the Government of Bulgaria – the Ministry of Environment and Waters (MOEW). The Project is governed by a Memorandum of Understanding (MOU) between the two governments, and its implementation covers the period: May 2000 – October 2002.

This Project is a logical evolution of earlier USAID assistance to biodiversity conservation in the country. It follows some 10 years of assessment, technical assistance and financing of Bulgaria's biodiversity conservation strategic development, new protected areas legislation, and new national park institutions. The Project is designed to capitalize on the achievements of the Bulgaria Global Environmental Facility (GEF) Biodiversity Project (implemented during the period June 1995-April 2000), and builds on lessons learned.

The BCEG Project addresses six specific contract themes known as “contract result packages”. The BCEG Project includes the finalization and implementation of two national park management plans, the development of a new management plan for Rila Monastery Nature Park. It assists in the development of financial mechanisms and strategies to ensure the solvency of national parks. The Project pilots economic growth activities with select target groups around two Bulgarian national parks. And it continues to build on the principles of strong public information and awareness as stepping stones for informed public engagement and promotion of biodiversity conservation and protected area management activities.

This Project is issued as a Task Order (Contract Number LAG-I-00-99-00013-00) under the USAID Global Biodiversity and Forestry Indefinite Quantities Contract (IQC); and is implemented on behalf of USAID by Associates in Rural Development, (ARD) Inc., of Burlington, Vermont, USA.

The Project is implemented through a Project Management Unit (PMU) based in Sofia, and includes a Team Leader, three Bulgarian technical specialists, and support staff. Project activities are coordinated through two mechanisms –

- (a) Project Counterpart Team – PMU staff and MOEW/NNPS counterparts
- (b) Project Coordination Group – that serves as a steering committee for Project planning and monitors implementation. This consists of the National Nature Protection Service of the MOEW, and national park directors, the PMU and USAID.

The Project is largely implemented through the Directorates for Rila and Central Balkan National Parks. Additional technical assistance is provided by Bulgarian and international consultants, and is based on specific terms of reference.

1.0 Introduction

BCEG Project activities are guided by a life of project work plan, implemented through an annual work plan. Reports regarding progress are required quarterly.

USAID manages this contract using two mechanisms – a project officer or Cognizant Technical Officer (CTO) based in Washington D.C., and through the USAID Mission to Bulgaria’s program support unit – specifically an assistant program officer responsible to for elements of the USAID-Bulgaria portfolio including “Special Initiatives and Cross-cutting Programs”.

This quarterly report covers the period of May 2000 – October 2000, an eight-month period. It reflects delays to the signing of the Memorandum of Understanding between the Governments of the USA and Republic of Bulgaria and delays in the review and approval of the management plans for Central Balkan and Rila National Parks.

The Work Plan and Quarterly report format reflects six contract results packages – or distinct project themes. These include:

- Contract Result Package 1* Finalize Management Plans for Rila and Central Balkan National Parks, and deliver to the Council of Ministers
- Contract Result Package 2* Effective Management and Priority Actions of Management Plans Supported
- Contract Result Package 3* Park-related eco-enterprises demonstrated for ecotourism and natural, non-timber resources collection
- Contract Result Package 4* Mechanism for National Park Financial Sustainability Established
- Contract Result Package 5* Rila Monastery Nature Park Management Plan Prepared
- Contract Result Package 6* Public Awareness and Promotion Campaigns Implemented

Additional planning and reporting themes include: Project management and Administration, Networking and Partnerships, and Special Project Issues.

2.0 Results Framework

The aim of the Project is to contribute to the improved institutional framework and capacity for protected areas management in Bulgaria with benefits to communities surrounding key protected area sites. A secondary objective is to demonstrate new systems for protected areas management, public awareness, financial sustainability and financial benefits. In order to achieve this hierarchy of objectives, the Project supports three direct results, or outcomes:

- Park management models are successfully implemented
- Models for generating and capturing biodiversity conservation revenue are improved; and,
- Greater public awareness and participation is demonstrated in protected areas management

Project reporting is guided by the six results packages. Each results package reports on a set of activities covered by the reporting period, quantifies results/activities, and identifies constraints to achievement of project targets. Finally, each result package includes recommendations for actions or amendments to work plan implementation that will guide activities during the following quarter, and/or life of project activities.

3.0 Planned Activities

Result 1 Park Management Models Successfully Implemented

This result is supported by three (3) contract results packages (sets of activities). These include:

CRP 1 Management Plans for Rila and Central Balkan National Parks revised and delivered to Council of Ministers for approval.

Part A – Management Plan Revision and approval prior to public hearings

Between the May and June 2000, final draft management plans for both Parks (produced with support by the GEF Biodiversity Project) were formally received by the Minister of Environment and Waters. In addition, they were the subject of a formal presentation to members of the National Nature Protection Service (NNPS) of the MOEW, and the Press. Plans were formally presented in a press conference led by the Management Plan authors and National Park Directorate staff, with support of the Project, in May. Public attention was drawn to the nature of the plans, and highlighted management actions. This presentation was used to inform the public of the role that the Ministry would now play in the approval process, using new management planning regulations (approved in February 2000).

Plans were then subjected to a lengthier review by the Bulgarian Academy of Sciences, and the National Nature Protection Service in June/July.

Formal feedback on the plan was delayed by the Ministry's efforts to draft the Biodiversity Conservation Act after failed attempts to have a law successfully drafted by a Bulgarian NGO.

Four (4) formal workshops were conducted by the BCEG Project PMU. These were hosted by the MOEW/NNPS, and included representatives from each national park in relevant sessions. Two intensive weeks of commentary and revision were aimed at improving the final draft plans – one week for each of the management plans.

Both Park plans received similar attention. Each management plan received focused feedback from contributing scientists. NNPS, Park and PMU staff were in attendance. These sessions were followed by more intensive discussions devoted to discussions of management policy interpretation within each Park, each zoning scheme, and with regard to corresponding regimes and norms.

The level of discussion reflected the absence of protected area management policy guidelines. At present, the absence of these guidelines forces each park to interpret management policy on its own.

Feedback and commentary were collected by the PMU and plan authors. Revision assignments were agreed with NNPS and National Park Directorate staff from each park.

Three new information categories were added to the draft plans at the request of NNPS. These were agreed with the Project:

- (1) hydrological and hydro-power infrastructure descriptions and maps for both parks; and
- (2) forest attribute characteristics and tables required for reporting purposes by the National Institute of Statistics on the national forest fund embraced by each national park.
- (3) Three-year Action Plans for each Park, emphasizing priority activities, and budget estimates for their implementation.

These assignments were pursued during the months of August and September. Additionally, both Plans underwent revision and editing by Management Plan authors, using the technical reviews of the Bulgarian Academy of Science, the Agroles Project, and the NNPS.

Park staff August vacations, and an exceptionally challenging season of fire fighting delayed both Park's ability to finish plans with their authors. While fire has always been an issue within the forest estate and high mountain meadows, this season has seen particularly bad fires – the worst in 50 years. The difficulty that all Government agencies have in fighting these fires largely reflects reduced budgets within all ministries, the lack of adequately prepared and outfitted personnel, and new territorial responsibilities.

Ironically, Government efforts to control fire prior to 1989, were largely viewed as effective and comprehensive. *Allegedly the devastating summer season of fires in Bulgaria, allegedly affecting more than 10% of the total land area*

N.B. A separate briefing "fire" briefing paper was prepared for USAID and USDA. This forms a small part of two follow-up assessments that will be supported by USAID – (1) a two-day visit by USDA to assess programming support opportunities in Bulgaria, and (2) a "fire" assessment team in late January, 2001.

Fires again raged in both national parks during October and early parts of November, and affected a range of different territories around the parks, in both forest and high mountain meadows. Both Park were successful at engaging local and national services in support of fire-fighting, but equipment and funding for such efforts are generally lacking. Fire management planning and risk assessment, however, are features of the both Park management plans.

Management plan revision was also accompanied by three additional activities:

1. *the revision of the GIS database for Rila National Park, and the development of a separate database for the new Rila Monastery Nature Park.*

The database was re-organized and re-classified to allow for the development of two new databases for the former Rila National Park area – the new 81,000 hectare, Rila National Park, and the new Rila Monastery Nature Park – 27,300 hectares.

2. *production of new map set illustration to accompany revisions to the two Management plans.*

New map illustrations were produced for each management plan. These changes largely reflect the revisions to park zoning schemes and scheme terminology negotiated with NNPS, certain infrastructure locations, and changes to the base maps realized by new national park border information from the March 2000 Protected Areas Act amendment.

3. *preparation of management policy guidelines for Bulgarian national parks*

In the absence of national management policy guidelines, (and considering the onus placed on the management plans as tools for policy interpretation) the Project supported two workshops in each of the national parks. These workshops were used to draft park-wide management policies that are needed in addition to Park zoning and associated regimes. These management policies are now included as part of the plan revision effort, and are reflected in both new “final” drafts of the management plans.

Management Plan revisions were completed in early November. Final management plan formatting and map production was completed in November. Management plans for Rila and Central Balkan reflect more than 5 months of revision, and more than 10 specialists from each park were engaged in their revision. This delay not only reflects the August holidays and fire season, but it also reflects a growing maturity among directorate staff to grapple with biodiversity conservation management activities and the interpretation of management policy. They will be submitted to the NNPS after the Memorandum of Understanding is signed – as the Ministry considers this to be the start-up of the Project.

Part B – Public Hearings of Management Plans

With approval of the MOEW / NNPS, management plans are subject to a minimum period of 20 days of public scrutiny and review. This occurs prior to a formal public hearing that is used to record public support and concerns for the Plans.

Delays in the revision of management plans and their approval by the MOEW for public release suggest that public hearings will occur in late January, and be completed by the end of February.

The Project is developing a Public Hearing Strategy and Action Plan with Park Directorates for each park. There is no model for public hearings in Bulgaria. These public hearings will be the first developed (as required by law), and set a precedent for public engagement in protected area management planning. This process will:

- Advertise the role and responsibility of Park Directorates and their parent institution(s);
- Provide public forums for review and discussion of management plan content at local levels;
- Provide opportunities for special interest groups to comment on the Plans;
- Institute a process of public information and engagement through the Park sections;
- Formalize the public hearing process and develop mechanisms to ensure the public record is recorded in an accurate and timely fashion.

November and December will be used to develop this strategy with the two National Park Directorates. In the first quarter of the new year, Park Section Heads will be oriented to the steps and tools that will be employed to ensure public opportunities for management plan review and discussion.

Actions

The delay in finalizing the management plans affects three project milestones:

1. the date set in the MOU between the two government for final management plans are submitted to the Council of Ministers for their review and approval. The date will need to be changed in the final MOU text.
2. Preparation and orientation of National Park Directorate staff for public hearings (these activities will be affected by the release of the plans by the NNPS for public hearings).
3. Conduct of public hearings (public hearing announcements must occur one month prior to the date(s). Our Project strategy will lay out a more comprehensive set of opportunities for public review and input, than one event supporting public hearings.

Work plan implications

Action	Timetable
Submit revised management plans to NNPS for final review and approval to release for public hearings	November
Refine public hearing strategy with National Park Directorates, and submit to NNPS as a point of information informing future public hearing model.	November and December
Orient national park public hearing teams and section heads to public hearing strategy (upon release of NNPS approved management plans)	
Produce public hearing information materials	start December 2000
Produce management plan summary for public distribution – upon approval of NNPS	
Prepare map illustrations for public discussion , hosted by each Administrative Section in both parks -	
Organize and host briefing meetings with Park partners (NGOs and municipalities) to determine and develop their role in the public hearing and public information process	
Conduct Public final public hearings	End Feb/Early March
Submit public record to NNPS and Expert Council	March
Revise Plans accordingly	End March
Submit to Council of Ministers	End April

CRP 2 Effective Management and Priority Actions of Management Plans Supported

Most work related to this set of activities focused on Project assistance to the Biodiversity Conservation Act – draft legislation released by the Ministry on August 14, 2000.

The BCEG Project provided input on 6 different occasions. BCEG Project contributions included:

1. as a general response to the intent and structure of the law September 2000
2. a legal analysis of the law and how it complements other Bulgarian legislation – August 2000
3. Briefing of the sub-group of environmental donors on the Act – October 2000
4. Specific response to the final draft Act of October 2000 – PMU October 2000
5. Assembly of a drafting team to construct specific text as motives to the Act after the first reading in Parliament. The law was redrafted, leaving the content and structure largely intact. The drafting team attempted to strengthen and clarify the MOEW version of the law – October 30-November 7, 2000
6. Comparative analysis of text, and the submission of specific, new text for the Biodiversity Conservation Act being considered by Parliament and the Parliamentary Commission in November and December.

Legislative drafting and policy support is not specifically recognized in the terms of reference/task order for this Project. However, since new legislative initiatives have an immediate and direct impact on Project results, it remains important to retain the flexibility to engage in matters of legislative development that affect project results.

There are a number of issues in the draft biodiversity conservation legislation requiring clarification. These include:

- Public access to biodiversity conservation information
- Financial mechanisms for biodiversity conservation
- The role and responsibility of the private landowner and the Government
- Compensation Issues
- Interpretation of the EU Conventions and Habitat Directives
- The extent of powers that can be exercised by the MOEW in emergency situations;

In regard to BCEG Project and USAID investments, specifically, the most important aspects of the draft biodiversity act must clarify each National Park's ability to:

- Engage in planning and management activities that directly affect land use in areas surrounding the Park – this issue is largely one related to “buffer zones”.
- Engage in regional level planning as representatives of the Ministry of Environment and Waters, and to ensure park concerns, and a more interdisciplinary approach are taken in the development of regional plans that could affect natural resource use, biodiversity and migration corridors, transport and communication, air quality, water extraction, etc.;

Significant project assistance for the Implementation of park management plans will not take place until management plans are officially approved. This is expected in the second quarter of 2001.

Activities Undertaken during this Reporting Period

Prior to the end of 2000, however, the Project has provided technical assistance to both parks for:

1. the design and development of production drawings for tourism infrastructure in both Parks, and preparation of tender documents for regional procurement awards.

Both Parks received approximately 150,000 leva each, from the Environmental Protection Fund for capital development projects during the calendar/financial year 2000. In order to expend these funds, parks must use a competitive procurement process. Half of these funds was released in August of 2000, and with the remainder promised in October of this same year. Neither park has the design specifications and standards for these tenders.

Part of the USAID - GEF Biodiversity Project helped park to focus on the development of national park standards, in both park imagery (logos and color schemes), and well as materials and infrastructure. In the absence of national standards, the BCEG Project continues this assistance.

Two purchase orders – one each for Central Balkan and Rila National Parks, were issued to a design firm to assist both parks with a consistent design image and standards in support of park tourism infrastructure. These purchase orders produced a set of designs, standards, locations, materials specifications, and sets of tender/procurement documents for each park. They also include participation in the tender review and award process. Awards are expected later this year.

CRP 5 Rila Monastery Nature Park Management Plan Prepared

Efforts to launch the Rila Monastery Nature Park Management Plan can be addressed by 5 major events:

- A. Preparation of management plan terms of reference for management plan preparation in May- June 2000
- B. Formation and launching of a working group to prepare and recommend the TOR for approval by the MOEW;
- C. Interpretation of the re-categorization order for the new Nature Park
- D. Identification and orientation of management planning stakeholders.
- E. Legal analysis of the role and responsibilities of the Monastery prior to land restoration in a nature park.

The TOR for Rila Monastery Nature Park were drafted prior to June 15th, and submitted to USAID for review and approval. Approval to release the TOR for translation and use by the RMNP working group was received by email in July.

A & B. TOR and Working Group The RMNP Working Group was designated with the direct intervention and assistance of Deputy Minister Lukova of the MOEW, and Deputy Minister Stanchev, of the Ministry of Agriculture and Forests. This meeting was expedited by the Project with assistance from USAID-Bulgaria and the Project's CTO. The resulting resolution was the formation of a working group with the following composition, and set of responsibilities:

1. **Composition** – Senior Advisor to the NNPS/MOEW (Misho Mihailov) , Deputy Director of Rila National Park (Vasil Petrov) , Director of Nature Park Conservation, MOAF (Georgi Tinchev), and Director of Rila Nature Park Directorate (TBD – but latterly, Michael Mihailov).
2. **Role** – to review and approve to the MOEW, the Terms of Reference that will guide the production of the Rila Monastery Nature Park Management Plan.

This team convened twice during this reporting period. Once to orient and assign responsibilities to itself (June 19th), and (2) to review the draft TOR in translation at the end of September (26th).

The draft review was criticized heavily as not being detailed enough, and recommendations were made for revision. The working group views the Terms of Reference as the tool that will guide all information collection as well as the content of the management plan.

Again, in the absence of protected area management and management planning policy guidelines, it is left to each management planning team, and the corresponding TOR to interpret the outline (Eurosite) provided in the MOEW - Management Plan Order of February 2000. The PMU therefore took the recommendations of the Working Group, and revised them accordingly. These are more specific, and are related to both the eventual SOW guiding specific information collection, and information categories that will be presented in the eventual management plan. These will be finalized and presented to the Working Group in December, as the first opportunity.

C. Re-categorization order - The new Nature Park was re-categorized by an official order of the Ministry of Environment and Waters on June 23, 2000. The order is attached in translation as Appendix 3.

While the Protected Areas Act amendment of March 22, 2000 (*On the Amendment and Supplement of the Protected Areas Act*), the official document excising the land around the Rila Monastery from the National Park, the same amendment states that the provision of Article 21 in the PAA shall apply to the Rila Monastery Nature Park Management Plan.

This suggests that the area now known as the Rila Monastery Nature Park would be managed under the same regimes and prohibitions as a National Park. The re-categorization order, however, refers to the re-categorized area with the regimes of a “nature park”, and then provides an additional instruction on what will and will NOT be allowed in the nature park. The most significant difference in interpretation of the articles governing national parks and nature parks however will be determined by their eventual interpretation, (either a matter of policy or within the management plan):

(sic)...the minister shall allow.... “the renewal, breeding and improvement of the complex protection functions and sanitary conditions of forests”

and

“regulation of the numbers of wild animals where they threaten the existence of other species or of the ecosystem undergoing processes of degradation, or the health status of their populations, upon permission by the park administration following agreement with the MOAF, the MOEW and the Bulgarian Academy of Sciences.”

Both these provisions establish explicit opportunities for forestry management activities and animal control beyond the scopes envisioned in the PAA section governing “national parks”.

D. Identification and orientation of management planning stakeholders. Working group members helped to define management planning stakeholders, and agreed to assignments wherein stakeholders would be oriented to the role of management planning in the future of the Rila Monastery Nature Park. Major stakeholders include:

1. Ministry of Agriculture and Forests – represented by the Rila Monastery Nature Park Directorate, established by order in August of 2000.
2. Ministry of Environment and Waters – represented by the Rila National Park Directorate, established by order in December of 1998.
3. Eastern Orthodox Church/Rila Monastery – represented by the Abbot of the Rila Monastery.
4. Ministry of Culture – represented by the National Institute of Monuments and Culture, as Rila Monastery is a World Cultural Heritage Site, as established by UNESCO.

Minor stakeholders include:

1. Rila and Koncherivono municipalities
2. Other landowners within the territory
3. Regional planning authorities
4. Sofia University – Departments of Zoology, Botany, etc, and their field study facilities
5. Regional and national water hydrological and electricity boards
6. Tourism Companies
7. Bulgarian Tourist Union and its local representatives.

The working group members failed to conduct preliminary discussion with any of these groups. The PMU, however, established contact with each of the major management plan stakeholders. They provided an orienting to the Project, our role in management planning, and the management planning approach.

- This was particularly important for the Abbot of Rila Monastery – Abbot John, oriented to the Project role and approach in a meeting attended by MP Ploukchieva and the GTZ Forestry Restitution Project, represented by Dr. W. Guglhör in October 17, 2000;
- And a meeting with the National Institute of Monuments of Cultura – Dr. Ludmilla Markova, in September 2000.

E. Legal Analysis of the Roles and Responsibilities of the Monastery within the Nature Park and Management Plan - The Project requested a legal analysis of the role and responsibilities of the Monastery within the newly designated Nature Park. Private land ownership within state property, particularly within protected areas governed by the new PAA, has not been interpreted yet. The legal analysis is attached as Appendix No. 1.

With the approval of the Rila Monastery Nature Park Terms of Reference, by the Ministry of Environment, the BCEG Project will officially the Monastery and the Eastern Orthodox Church in the management planning process. The Church/Monastery will not be engaged in the development of the terms of reference.

Action	Timetable
1. Redraft TOR using the Rila Monastery Nature Park Working Group commentary	November and December
2. Submit revised TOR for Working Group review	December
3. TOR Approved by MOEW as tool for management planning	January
4. Identify and hire Management Plan Core Team	Jan/Feb
5. Host launch workshop	March
6. Initiate resource base information collection	March
7. Host Rapid Ecological and Social Assessment workshop	March/April 2001
8. Commence Field Work	April 2001
9. First Planning Workshop	September 2001

Result 2 Models for generating and capturing biodiversity conservation revenue are improved

This result is supported by two contract results packages:

CRP 3 Park-related eco-enterprises demonstrated for ecotourism and natural, non-timber resources collection

1. Appointment of NNPS representative to this programming area, and the development of pilot area criteria.

NNPS was unprepared to assign staff to a working group/task force on ecotourism and non-timber resource collection. They are significantly understaffed, and also await signing of the MOU.

Both National Park management plans incorporate programs and activities that address these two, new pilot activities. In anticipation of approval for their management plans, both Park Directorates press forward and developed the criteria for selection of pilot municipalities/districts for each of these efforts.

Criteria for **Ecotourism** include:

1. Municipalities who have already formed a good working relationship with the Park;
2. Existence of complementary programs and existing and/or potential donor facilities and input;
3. Proximity to population catchment areas that suggest audiences (user groups) for ecotourism activities;
4. Potential for the development of ecotourism packages, marketing, and district programs based on GEF Project inventory work;
5. Ability of each Park Directorate to focus staff time and expertise to this geographical area;

Criteria for **Non-timber resource collection**

1. Areas of greatest human influence and resource damage in the Park
2. Areas with easiest access and proximity to park boundaries
3. Areas with known concentrations of collection groups and/or ethnic minorities;
4. Disposition and interest of municipalities to work with the Park
5. Availability of park personnel and specialist staff to focus on these areas;
6. Proximity to buy-out and processing centers;

As a preliminary focus for pilot activities, **Rila National Park Directorate** has selected:

1. The *Samakov/Sapareva Banya/Borovets* (on the Park's northern watershed for its pilot ecotourism area;
2. The *Yakorouda/Belitsa* areas (on the Park's southern watershed) for its non-timber resource management effort. This area is known for large collection groups made up of both Pomaks and Roma people. Many of the municipalities in the area also have high Pomak populations;

Central Balkan National Park has selected

Karlovo District for both pilot activities. The district includes: Klisura, Sopot, Karlovo, Vassil Levski, Kalofer municipalities. Minority populations also dominate in the townships to the western sections of this district.

Enterprise and Handicrafts

In addition, the PMU has developed an outlet at its office for handicrafts from around the national parks. This is first in a series of steps aimed at assisting parks and handicrafts develop market outlets for crafts developed around each Park.

This effort accompanies a number of high-profile events resulting from the successful display of park partnerships at each of the new National Park HQ openings, earlier in the year. Both of the national parks assisted local handicraft people display their goods at the US Ambassador's Christmas bazaar in October. 12 craftspeople displayed their wares at this event, with gross revenue far exceeding expectations.

Park and their partners provided transport and display materials. The PMU provided a sign and display leaflet.

Additional handicraft marketing efforts and activities in other national park regions are being monitored. This information could contribute, eventually, to a handicraft center (s) in order to galvanize public interest, increase purchasing possibilities, as well as serve as an outlet for rural producers with limited market opportunities.

Action	Timetable
Assemble two think tanks to review and assess the different options for ecotourism and non-timber resource management models	December 2000
Identify Eco-enterprise Specialist for project PMU	December
Strengthen contacts and associations with regional and national tourism associations	December - March
Develop roles and responsibilities for national and park-based eco-enterprise working groups	January - March
Develop Scopes of Work for Ecotourism Consultant and NTFP consultants – international and local	January 2001
Host focus group workshops associated with management plan review for Ecotourism and NTFPs	March/April

CRP 4 Mechanism for National Park Financial Sustainability Established

Little progress has been made in this area. The PMU awaits the participation of the NNPS to allow us to craft the strategy for focusing on at least three – four critical elements of these new mechanisms:

1. Private Sector sponsorship of park management activities
2. Development of park marketing and merchandising activities
3. Development of a funding window within the Environment Protection Fund to help assure dedicated annual funding, and greater transparency in fund allocation to national parks.
4. Formation and development of local NGO foundations in support of park management activities.

Action	Timetable
Formalize financial mechanisms working group	Jan-March 2001
Develop meeting schedule and agenda for working group	March 2001

Result 3 Greater Public Awareness and Participation is demonstrated in protected area management

This result reflects an over-arching theme in the BCEG Project. Public awareness and information are essential to participation, but more importantly, *informed* participation. Towards this end, public information and awareness are key components of both national and national park –focused efforts. These activities are linked to implementation of each of the other Contract Results Packages.

CRP 6 Public Awareness and Promotion Campaigns Implemented

Progress was made during this reporting period. Four major activities were supported by the Project. These include:

1. Debriefing on the GEF Biodiversity Conservation Project with USAID, and the MOEW, with an orientation to the dimensions of the new project.
 2. Development of Park-based public awareness and public information strategies and action plans – as part of each Park’s Three-Year Action Plans.
 3. Development of a national media campaign in support of the launching of materials produced during the GEF Biodiversity Conservation Project –
 - specifically the public materials about modern biodiversity conservation in Bulgaria – “**The Green Gold of Bulgaria**”,
 - the socio-economic publication entitled **Parks and People** - and
 - the **environmental education materials** produced in support of subject matter topics for grades K-12.
 4. Coordination and development of a Biodiversity Conservation Clearing House Concept Paper for joint funding between the BCEG Project, the Regional Environmental Center, and UNDP.
- **MOEW / NNPS meeting** – The Project staff were finally able to realize a debriefing on the GEF Biodiversity Conservation Project with the MOEW. Only the NNPS department however, attended this session. All materials produced under the GEF Project were presented. We also provided an introduction to the BCEG Project, and its results packages, for all NNPS staff.
 - **Park Workshops and Public Awareness** – The Project facilitated two park workshops for public awareness and public relations action planning in both national parks. The results form the basis for two levels of Project input (1) public awareness and public relations associated with regional launching of biodiversity conservation materials, (2) public awareness activities in support of management plan public hearings;
 - **The national Public Media Campaign** designed to support the Green Gold of Bulgaria, and other Project public information and education materials will be reported on in the next period.
 - **CHM** The Project, UNDP and the Regional Environment Center have held meetings and discussions regarding the development of one or several clearing-house mechanisms. The aim and opportunity for such mechanisms arises from issues of compliance with the Convention on Biological Diversity, the Aarhus Convention on Public Access to Environmental Information, and a proposal from the Bulgarian Society for the Protection

of Birds. UNDP has already provided equipment for the Clearing House Mechanism within the NNPS, and is promising a capacity building needs assessment for the Ministry in the new year (2001). REC is proposing to fund a Balkan node of a regional clearing house mechanism that serves Bulgarian customers first, and regional information exchange on biodiversity conservation.

To further the aims a CHM for Bulgaria, and to complement the efforts of other donors, the BCEG Project is proposing to support a needs assessment and gap analysis consisting of:

- A review and profile of existing management information system and information networks operating in support of biodiversity conservation;
- Identification and assessment of specific user groups; assess the biodiversity conservation information categories and issues on which information is legally expected to be generated/collected and available;
- Identify preliminary information categories for a clearing house;
- Analyze the gaps discovered for information categories and target groups.

This needs assessment and gap analysis will serve as the focal point of a workshop and Action Planning efforts supported by the REC. REC will then move forward to develop an “NGO” node – Clearing House Mechanism, by supplying equipment, running costs, and project management for a pilot CHM effort.

The Concept Paper that has been shared with UNDP, and the REC in Budapest, is attached as Appendix 4.

Action	Timetable
Coordinate with the NNPS, and host the public launching and mass media campaign in support of the Green Gold launching expected in mid-late November.	
Develop a mass media orientation and information meeting with the MOEW/NNPS for the “green journalist” groups predisposed toward assisting biodiversity conservation messages	
Assist the MOEW as necessary, to support the mass media events surrounding the signing of the MOU between the Ministry of Economy, the Ministry of Environment and Waters, the US Ambassador, and USAID, scheduled for late November.	
Work with the NNPS to develop a task force for the development of a national campaign of public awareness and information action plan.	
Accumulate the feedback from REC and UNDP on the Clearing House Mechanism, and develop the SOW for a Clearing House Mechanism needs assessment prior to the REC workshop dedicated to development of a mechanism	
Launch the needs assessment and gap analysis for the clearing house mechanism concepts and categories for information sharing between Government, NGOs and other special interest groups.	

A. Project Management and Administration**Project Staff**

- | | |
|-----------------------|--|
| 1. Peter Hetz | – Senior Resident Advisor and Team Leader |
| 2. Kamelia Georgieva | – IEC and Training Specialist; |
| 3. Marieta Sakalian | – Biodiversity Specialist |
| 4. Vacant | – Community Eco-Enterprise Specialist – vacant |
| 5. Vessela Gavrailova | – Office Manager and Program Assistant |
| 6. Maria Yourukova | – Financial Manager and Computer Network |
| 7. Krassimir Kostov | – Logistics and Enterprise Development Assistant |

The following events are noted from the reporting period:

Staff *Dr. Marieta Sakalian*, BCEG Project biodiversity specialist, accepted an international posting in Rome with the International Plant Genetics Resource Institute. A job search was initiated and several rounds of interviews resulted in the proposed selection of *Dimitrina Boteva* as Biodiversity Specialist to the Project. Dimitrina was approved in this capacity by USAID in early November by the US based Contracting Officer for this Project.

Office Manager and Program Assistant was on maternity leave from September 12, 2000. Vessie gave birth to a baby girl – Dimana.

Office The BCEG Project took up residence in new offices at the end of August, 2000. The new offices afford much needed extra workspace, a library/conference room, and storage. The move represents only a minor increase to rental costs for our former office space - a property half the area, and in significantly worse condition.

International Technical Assistance

Two international consultants were employed during this period.

Ms. Daphne Hewitt - assisted with BCEG Project start-up, new staff policy development, new contracts and job descriptions. She also assisted in the development of the life of project work plan.

Dr. Scott McCormick - assisted with the development of the life of project work plan, and the draft TOR for Rila Monastery Nature Park.

Both products were elements of project deliverables within the first 6 weeks of project award.

National Technical Assistance

- Management Plan authors (*Dr. Dimiater Peev and Dr. Petar Yankov*) authored final revisions of National Park Management Plans for Rila and Central Balkan National Parks. Their work was augmented by assistance from 5 technical subject-matter specialists.
- Assistance with the revision of the TOR for Rila Monastery Nature Park Management Plan;
- Assistance with facilitation of the first meeting between Karlovo Municipality and Central Balkan National Park.
- *Biodiversity Act Drafting*
- Rila Monastery Legal Analysis

Purchase Orders - Were issued in favor of:

1. Forest Compartment Attribute Database and Reporting (for management plans, as well as technical reporting on forest specifications to the National Institute of Statistics)
2. GIS Map Illustrations and Database reformatting for Rila National Park, Rila Monastery Nature Park, and Central Balkan National Park
3. Tourism Infrastructure Design and Contract Supervision for Central Balkan and Rila National Parks
4. EcoTourism Catalog Design and Production for Karlovo District;

B. Networking and Partnerships

June, July saw preliminary contacts established with USAID Programs and contractors. Specifically, the GEF Project/BCEG Project gave presentations on both the GEF Biodiversity Conservation Project AND the BCEG Project activities to the MOEW Donor Meeting in May, and to USAID SO Teams in June. These were both assisted by Assia Alexieva.

July – GEF Biodiversity Conservation Project Debriefing with USAID, Washington D.C. as part of the GEF Project contract requirements.

During this reporting period, the Project also discussed opportunities to link project activities with other NGOs, USAID programs, and donors:

- CRS – MicroCredit Project
- Bulgarian American Enterprise Fund
- Firm Level Assistance Group Program (FLAG)
- Democracy Network – Dem Net
- Pro Media - Bulgaria
- Ecolinks – USAID, Bulgaria

- The Bulgarian office of the Regional Environment Center, as well as the REC Biodiversity Conservation Program Officer
- BlueLink – NGO dedication to information networking
- UNDP - Bulgaria
- WWF – National Country Office
- WWF – World Bank Alliance Project on Forest Conservation and Management
- Bulgarian Swiss Biodiversity Conservation Program and several program evaluation teams;
- Peace Corps – Bulgaria
- Know How Fund – Ecotourism / Pirin Project Officer
- Field Studies Council – British Know How Fund – Environmental Education program design team;
- Bulgarian Swiss Forestry Project

Several important programming issues result from these discussions:

1. **Swiss Program Evaluation Results** The Swiss BSBCP will slowly withdraw from programming efforts in the Central Balkan area. This decision is spurred by a Phase II evaluation process that has been conducted since January 2000.

BSBCP suggests that they will retain a focus on assistance to the Karlovo Tourist Center – a joint enterprise between the Wilderness Fund, the Vassil Levsky Association, and the Karlovo Municipality. They will also continue to support the Wilderness Fund and its role through the Friends of the Park – a locally focused public advocacy and environmental group working on conservation activities in the Central Balkan Region. The dimensions of this support remain un-described. Some resolution of the BSBCP Phase III, is expected in the first 3-6 months of the new year (2001).

2. The BSBCP program looks likely to continue assistance to Strandja Nature Park Management Planning (only), Eastern Rhodopes, the Bourgas Area, and the IBA's of the north coast. They appear prepared to withdraw from the Ropotamo and Strandja plan implementation.
3. The BSBCP Program will likely support Pirin National Park with both management planning and plan implementation. After considerable deliberation and reflection, the Swiss appear ready to support an intensive period of management planning (2001), and longer-term plan implementation. The first phase of their assistance is still being negotiated, but will probably last 3 years.
4. **UNDP** will select Karlovo as a recipient of their Phase 3 - "Beautify Bulgaria" employment and infrastructure improvement program. This employment and construction program may offer links between the Park, ecotourism infrastructure, employment, and municipal interests in Karlovo.

5. **CRS** is interested in identifying a 5th target area for micro-enterprise. Their existing school programming interest in Karlovo suggests possible links with the Park's target groups in its eco-enterprise program development. The dimensions of this linkage remain to be further explored.
6. Business and Enterprise development assistance may be forthcoming from **FLAG**. The end of their present program early in the new year (with possible extension for another year), suggests an uncertainty about future collaboration. Good, initial contacts, were established for Natural Resource collection activities.
7. Discussions with **Peace Corps** programming efforts in the environment and natural resources sectors resulted in the BCEG Project providing an afternoon orientation to a new set of Peace Corps environmental program inductees during their in-country training in July. Four PCVs are tied to the Park Directorates and municipalities in their surroundings – Samakov and Separeva Banya in Rila, and Aprilsti, in Central Balkan. The BCEG Project met with two of these volunteers, and their Peace Corps supervisors, to orient them to BCEG Project activities, and where they might provide technical assistance and future support.

The PCV volunteers in Aprilsti have begun to coordinate with this Project and the Central Balkan National Park on the development of a tourist information center. They are presently conducting a situation analysis and developing a proposal for funding. The Swiss supported program – InterAssist has been referenced as a potential source of funds.

C. Special Project Issues

C.1. Legislation

The Biodiversity Conservation Act will continue to absorb significant Project resources until it is signed into Law. The impending, Environmental Protected Act, will also continue to engage Project time and expertise – as it is expected to provide the framework for all environmental legislation in the Republic. Specifically, the PMU will remain engaged with the EPA because of its implications to financial mechanisms and EIAs – both critical tools for the future of the national parks system.

We will continue to monitor both acts for their implication to national parks' roles, functions, and project results, as they impact USAID investments. This level of technical and programmatic engagement may result in further LOE for local consultants. It will certainly entail significant amounts of time and expertise from the PMU – for negotiations, communication, technical team management, etc. It is still too early to determine the impacts to the Project contract. Possible modifications to the contract however, may be needed at a later date, as our policy engagement is resulting some impacts to our life of project work plan, and expenditure.

C.2. Work Plan

The June draft of our life of project, and annual work plan, remains unapproved by USAID. Developed with the input of both National Park Directorates, and members of the NNPS, the work plan continues to define our activities and guide our implementation schedule. We have met with Park Directorate staff on at least three different occasions to review the work plan, and concentrated on its elements specific to CRPs 1,2,3 and 6. We expect that the Work Plan will be reviewed and approved during the upcoming CTO visit at the end of November.

C.3 July Quarterly Report

The May-July Quarterly report was supplied to USAID-Bulgaria and the Washington-based CTO in an email/abridged form. The email of July 17th indicated that an abbreviated report was being submitted. This was due to the departure of the COP for a USAID-Washington debriefing on the GEF Biodiversity Conservation Project and his home leave. Project events surrounding the end of the GEF Project (April 30, 2000) and start-up of the BCEG Project (May 1,2000) resulted in limited activity accomplishment relative to the draft annual work plan.

The bulk of the May- July Quarterly reporting period is therefore, incorporated in this Quarterly Report, covering May - October 2000.

C.4 Public Enterprise for Physical and Urban Planning (PEPUP), Macedonia

The PMU provided an orientation for the new territorial and management planning unit for national protected areas in Macedonia during a visit to their offices. This was part of an introduction to protected area management and management planning systems funded by the Macedonian Government. The trip served to highlight the need for new roles and functions being assumed by the Ministry of Environment in Macedonia, (and planning unit) as well as in the context of new protected areas legislation being developed in Macedonia. The Planning Team from PEPUP visited with Rila and Central Balkan National Park Directorates, in addition to the PMU office.

The PEPUP Team was most significantly impressed with the social and economic survey work conducted in support of protected area management planning. In addition, they were impressed by the public awareness and education efforts historically supported by the Project. All examples of printed materials produced by the GEF Biodiversity Conservation Project were provided to the visiting delegation.

The PEPUP Team is interested in reciprocating and hosting a visit by the BCEG Project PMU to Macedonia. The purpose of the trip could be to examine the protected areas network, management planning tools, and opportunities for cross-border training, and information exchange. A November/December time frame was proposed for reasons of weather.

Legal Analysis of Rila Monastery and the Rila Monastery Nature Park

A Report

October 2000

1. What is the present status of re-categorization of the lands that will become known as the Rila Monastery Nature Park? What are the legal terms and conditions governing re-categorization? How does the order RD-397 affect the status of this land?

The Protected Areas Act and the regulatory documents issued in its implementation use the term “re-categorization” without its possessing an explicit legal definition. This is why we need to interpret its content in keeping with the accurate legal meaning, interpreting the notion in the context of the current legislation and the generally accepted notions and terms. Thus we will be able to determine the activities that do represent “re-categorization” and their differences.

An unquestionable relation exists between categorization-re-categorization, at least at the level of language. Does this relation have any legal consequences and what is their manifestation?

With its very first text, **Article 1**, the Protected Areas Act (PAA) announces that it shall define the protected area **categories**. In other words, this is one of the basic notions in a law, to which the subject matter of the purpose, management and regime of protected areas is related.

Article 5 of the **PAA** lists protected areas referred to as “**categories**”. This is a new notion in Bulgaria’s legal practice. The former legislation did not include “categories”. The former Nature Protection Act lists the protected nature **sites**—Article 15—where parks, reserves and others are included without being defined as category. The subsequent practice has, in relation to them, adopted the expression “types of protected areas”. This is in line with the traditions of civil law, which recognizes items as generic and of types.

The contemporary legislator, however, has preferred the use of the non-typical word “category” to relate to protected areas which, according to the property legislation represent non-moveable items.

At a glance, such matters may seem theoretical, but they are essential for correct interpretation of the law.

The PAA considers the protected areas in Article 5 as different in type—reserves, national parks, nature parks etc. —and later on in the text defines their content and, for some, their individualization. They could be referred to as type because they have their specific features in the broader generic group of protected areas. In this case the issue arises as to whether we could consider **category** and **type** equal.

The answer to this question makes use of the historical interpretation disclosing the relation between the PAA and the Nature Protection Act, and the logical interpretation, all of which should take the place of the non-existent definition.

Basically, **category** is a philosophical unit. This word is of Greek origin and means predication, testimony. Categories are basic notions that reflect the most general and essential properties, sides and relations of the phenomena of reality and knowledge. Aristotle, who was the first to study categories in most detail, notes that they are “main genres of existence”.

Without going further into that aspect of the subject, I would like to stress that category ought to be construed as being far more complex than type. It can rightfully appear where legal abstraction, as well as marking the relation between the separate parts of the whole with their co-ordination and subordination are required. In this sense, protected areas would be more accurately related to different categories, as is the practice throughout the world, because they differ by inner complexity, subordination to dynamic regimes and changeability. The listing of categories in Article 5 is followed by filling out of each one with contents in the relevant sections in chapter two.

The categories in the PAA are entirely legal creations—they exist to the extent to which they are legally defined and the respective legal and procedural measures are taken for their establishment, according to chapter three.

Re-categorization is a notion that can be related to categorization and is also not legally defined. It is introduced with Article 41, item 5 of the PAA. The interpretation of the text leads to the conclusion that re-categorization is related to **changes** in protected areas such as, possibly, liquidation, increasing of size, reduction of size, re-categorization and changing the regime of activities.

- **Unlike the changes listed above, re-categorization is not related to the size of the protected area but to its regime.**
- One prerequisite for re-categorization to ensue is that the area should already have been declared as protected through the proper procedures.
- The Act makes no demand for the direction of re-categorization: from stricter to less strict regime or the opposite. Therefore, all directions are possible in the categories listed in Article 5, as long as the legal procedures are observed.
- Another typical feature of re-categorization is disclosed by Article 42, paragraph 2 of the PAA. Its realization requires **preliminary agreement** with the interested state authorities. I underline ‘preliminary’, i. e. before the re-categorization order is issued, and only with the state authorities. For better understanding of this specificity, it would be sufficient to make a comparison between the text of the article and the text of its paragraph 1 which requires changes such as liquidation, increasing and reduction of areas to be conducted in the same manner as that of their declaration. In this case, the re-categorization procedure is much less demanding in complexity and time. As a general rule, it depends mainly on the MOEW. The requirements made to the interested state authorities are not for their “consent” but “agreement”. What is more, it is not compulsory where no “interested” parties exist.

Re-categorization may be divided conditionally into two stages—the first being the agreement required of the state authorities.

We can draw a categorical conclusion that neither the Rila Monastery, nor the Holy Synod possesses any legal quality that would require the Ministry of Environment and Waters to agree re-categorization with them. This achieves the effect of the Rila Monastery Nature Park remaining as protected area and the Minister of Environment and Waters determining the

degree of strictness of its regime. Another achievement occurring in parallel is the sought-for compromise allowing the restitution of title to the Rila Monastery because the Nature Park does not belong to the category of protected areas that are exclusive property of the state.

The second stage is related to the declaration of re-categorization itself. Its conclusion makes re-categorization a legal fact.

- One particular feature of this present occurrence is that the re-categorization here has been made by means of the Act—paragraph 2 of the Transitive and Concluding Provisions of the PAA (TCPPAA).
- This means that unlike the general case, this nature park possesses a more stable status and its re-categorization later on in time could be effected by means of an Act only. It follows from the common rule of Article 41 that any other liquidation, increasing or decreasing of size, should be effected by means of an Act because the “declaration” (as expressed in the Act) had been made in this way.
- Another specificity showing the difference from the general is disclosed by sub-item 2 of paragraph 2 of the TCPPAA. Unlike the general case when the relevant provisions of Articles 29-32 of the PAA are applied to the Nature Park, the Act makes a stipulation that the stricter regime of national parks pursuant to Article 21 of the PAA should be applied in the management plans.
- In reality, the regime of the area will be identical to that of national parks and the only difference will be that of ownership. Besides, the Bulgarian tradition in this field has not required exclusive ownership by the state over reserves and nature parks, according to the NPA.

From a strictly legal viewpoint, re-categorization is now a fact and is not linked to other “stages”. It would be more accurate to say that this is where its realization begins. The first step is related to an act of administration—the need for an order issued by the Minister of Environment and Waters as is required by Article 41, paragraph 5 of the PAA.

Order RD 397 was issued on October 15, 1999, i. e. prior to the amendments to the PAA on April 4, 2000. The ‘old’ paragraph 2, item 1 of the PAA that is relevant to this order provides that within 1 year as of the enactment of the act, the parks listed in Annex 1 shall be re-categorized in national parks with boundaries determined in observation of chapter three of the PAA. These boundaries, however, are of limited duration—up to one year from the enactment of the PAA. This is the legal period for re-categorization. Since the PAA was enacted on November 12, 1998, Order RD 397 fits in the one-year period for re-categorization.

Rila Nature Park was re-categorized according to this order excluding the part explicitly mentioned in item I of the latter—14, 370. 7 ha.

The conditions under which the re-categorization was performed are related to the national park status as defined in Article 8, paragraphs 1 and 2. To be in this category, the park must be included in Annex 1 of the PAA and possess the features of “areas that include natural ecosystems of wide diversity of plant and animal species and are larger than 1, 000 ha.”

The order became effective in a time when the second sentence of Article 8, paragraph 2 still existed: “They shall not include urban centers and urban formations, monasteries, lands and forests surrounding those, whose ownership shall be restored according to the Agricultural

Land Ownership and Use Act and the Restoration of Ownership over Forests and Lands in the Forest Fund Act”.

Order RD 397 re-categorized only part of the Rila Nature park, excluding from it the Rila Park in item 1. What is notable is that the portion referred to as “the Rila park” is not related to the adjective “people’s”.

It is doubtless, however, that the so called part of the Rila park was exactly a part of the people’s park at the time of issuance of the order. Otherwise, the word “part” would have not been used. Therefore, the “part” in question is excluded from re-categorization by Order RD 397 as described in item 1. The status it is left with is the one determined in Order 114 of 1992 amended with Order 247 of 1999. Order RD 397, however, bears a relation to the Rila Monastery Reserve because it stipulates that “in the total park area (*meaning the Rila National Park*) shall include the reserves in its boundaries. ” Order 114 determines those reserves as Ibar and the Rila Monastery Forest.

Item 1 refers to re-categorization of the Rila People’s Park as a national park with the same name and to the part of the Rila Park whose legal content was discussed above. There is no mentioning of the Rila Monastery Forest Nature Park.

The Rila Monastery Nature Park is the subject of Order RD 310. It is dated June 26, 2000 and is issued on the basis of the already amended §2 of the TCPPAA. According to this paragraph, the part of the Rila park with an area of 14, 370. 7 ha must be re-categorized within three months from the date at which this Act becomes effective (April 4, 2000) By amending the PAA, the legislator has made the re-categorization under discussion using an instrument at the highest level—an act. Order RD 310 complies with both the Act as a whole and the powers under Article 42, paragraph 5, and the specific obligations set forth by §2. In his order, the Minister of Environment and Waters must observe the parameters set forth in §2 of the PAA. One feature of the Rila Monastery Nature Park is that it includes the Rila Monastery Forest Reserve, according to item 3 of the Order. An explicit stipulation preserves its regime. In fact, one exception does exist: from Article 19 of the PAA according to which reserves are part of the zones in the national parks. The exception, however, is established by law, so no normative contradiction exists. The nature park regime is also specific with its own rules. According to §2, sub-item 2, it parallels the regime of national parks. This is why Order 310, exceeding the regime of Article 31 which applies to nature parks, establishes a number of prohibitions listed in item 4. Thus, the following is established:

The reserve was defined for the first time in Order 114 dated 1992, section three. Order 397 includes the reserves into the re-categorized Nature Park. Following the changes in the PAA, the reserve was included in the Nature Park but retained its regime. Article 56 of the PAA requires compliance of the management plan with the requirements for category and regime of the protected area defined in its declaration order.

The Nature Park was declared by virtue of §2 of the PAA and Order RD 310, the two documents also defining the regime of the area—a very restrictive regime, which, by administrative measures, approximates that of national parks.

- 2.1 What is the official status of the lands known as Rila Monastery Forest Reserve?**
2.2 Is that land included in the re-categorization of the lands to be included in the Rila Monastery Nature Park?
2.3 Who will be responsible for these lands?
2.4 Can the status of these lands be changed?
2.5 What is the legal mechanism for changing their status?

2.1 What is the official status of the lands known as Rila Monastery Forest Reserve?

The applicable status in the Rila Monastery Forest Reserve is that of “reserve” protected areas according to Article 5, item 1 of the PAA.

The reserve is included in Appendix 2 to Article 8, paragraph 1 of the PAA in the first version of the Act (SG, issue 133/1998), where it appears as No. 82. The status of the reserve was not affected by the amendments of the PAA adopted in March (promulgated in the SG, 28/ April 4, 2000).

The Rila Monastery Forest Reserve is included in Annex 2 to Article 8, paragraph 1, “Reserves”, namely:

No	Name of reserves	Municipality/ Municipal lands	Size (ha)	Document type	Document number	Date
47	Rila Monastery Forest	Rila	3, 676. 5	Order	307	10. IV. 1986
					114	24. II. 1992

The legal status of the area consists in norms of objective law and is applied by means of subjective rights and obligations belonging to different branches of law—civil, administrative, financial—which, united under the protected area regime, become manifest as follows. By degree of significance, the status of protected area of a category defined in the Protected Areas Act prevails over other elements of the set of legal norms that form the status of the area.

The legitimate categorization of the Rila Monastery Forest protected area as reserve is the origin of the features of the main elements of this complex, which are relatively independent legal institutions and relations within the status, namely: status under the property legislation (right to ownership, easements) and administrative law status (regime) in the area. Thus, the reserve status is inseparably related to **the right to exclusive property of the state**—Article 8, paragraph 1 of the PAA in relation to Article 18, paragraph 1 of the Constitution, and a **general principle of complete prohibition of human activity**—Article 17 of the PAA.

The specific restrictions arising from this status are currently defined in the reserve declaration orders and in the impending acts, in the Rule under Article 46, paragraph 2 of the PAA, approved by the Minister of Environment and Waters, and in the Management Plan, developed within the periods according to Article 55, paragraph 2 of the PAA and §1 and 2 of the Transitive and Concluding Provisions of the Regulation on Protected Area Management Planning (SG 13/2000).

Of significance for the exclusive ownership of the state over protected areas is that they should be defined by law. The subjects of exclusive property of the state according to Article 18, paragraph 1 of the Constitution of the Republic of Bulgaria, among which are also the legally defined reserves, are interpreted by the Constitutional Court—Ruling 19/21. XII. 1993 on Constitutional Case No 11/93 of the Constitutional Court of the Republic of Bulgaria:

The Constitutional Court considers it indubitable that the exclusive property of the state, whose objects are listed in Article 18, paragraph 1 of the Constitution, is public property of the state. Because of their significance, the items according to Article 18, paragraph 1 ***may belong only to the state, which is under a constitutional obligation not to expropriate them.*** (к. м.) The general benefit from those sites is so obvious that the constitutional legislator has considered it necessary that it should be available to everyone.

Secondary elements of the reserve status are, for example:

- a. One element of the status of protected areas according to the PAA is the regime of preservation and use of monuments of culture within protected areas determined by the Monuments of Culture and Museums Act, according to Article 6 of the PAA.
- b. The provisions of the State Property Act (latest amendment in issue 67/1999) also apply to the contents of the status under the property law.
- c. The issuance of an act of state ownership according to Article 68, paragraph 7 of the State Property Act is also of significance.
- d. Pursuant to the Cadastral Survey Act and the property register (SG 34/April 25, 2000, in effect since January 1, 2001), the protected area status is defined as “permanent purpose of an area”—§1, item 3 of the Additional Provisions.

2.2 Is all land (including the strict reserve – Rila Monastery Forest Reserve) to be included in the re-categorization of the lands to be included in the Rila Monastery Nature Park?

There is a need for differentiation between the inclusion of the area in the Rila Monastery Nature park in the geographical sense on the one hand, and the retention by the area of the reserve regime and its relation to the regime of an area of nature-park category whose part it represents, on the other.

a. The Rila Monastery Forest Reserve is included in the Rila Monastery Nature Reserve. This is seen from the explicit text of item 3 of Order RD 310 dated June 26, 2000. (SG 56/11. 07. 2000) on re-categorization of part of the Rila Park as Rila Monastery Nature Park and is confirmed by the comparison of the numbers of sub-sections according to the forest development project of the Rila Monastery State Forestry Board of 1990 defining the areas for re-categorization and the areas indicated as reserve according to orders 307/April 10, 1986 and 114/February 24, 1992.

b. The area of the reserve is outside the territorial scope of re-categorization according to §2 of the Transitive and Concluding Provisions of the PAA and the order of the Ministry of Environment and Waters, i. e. the re-categorization does not apply to the Rila Monastery Forest Reserve. This is confirmed by the above-quoted item 3 of Order RD 310 of the MOEW

where the regime of the Rila Monastery Reserve Forest remains in keeping with Article 8, paragraph 1 of the PAA and item 47 of its Annex 2.

It follows from this that the reserve area retains its property law status of exclusive property of the state and its administrative law regime established with the order for its declaration.

The reserve exists as a specific zone in the Nature Park in accordance by Article 32 in connection with Articles 19 and 22 of the PAA.

2.3 Who will be responsible for these lands?

The Minister of Environment and Waters and its regional authorities are responsible for protected areas that are exclusive property of the state.

According to Article 46, those authorities conduct and realize:

Article 46, paragraph 1, item 2 and paragraph 2 of the PAA:

2. (amended in SG 28/2000) the management, commissioning of maintenance and restoration, commissioning of tourism activities, guarding and control in forests, lands and aquatic areas in protected areas that are exclusive property of the state.

(2) The activities according to §1, sub-item 2 shall be carried out in observation of the conditions and procedures set forth with Rules approved by the Minister of Environment and Waters.

The Minister must organize the guarding of the reserve, according to Article 47, item 11 of the PAA.

In compliance with their powers and in relation to the protected areas in their regions, the directors of the regional authorities of the Ministry of Environment and Waters implement management plans in protected areas that are exclusive property of the state and carry out guarding there, and in accordance with the amendment of the Act of April this year they commission the maintenance, guidance, regulation or restoration, and tourism in the protected areas that are exclusive property of the state—Article 50, items 3 and 4 of the PAA.

We are not aware of any nature reserve concession practice so far.

According to Article 6 of the Restoration of Ownership over Forests and Lands in the Forest Fund Act, the ownership of former owners of lands that are exclusive property of the state is not restituted and they are compensated.

2.4 Can the status of these lands be changed?

The possibility provided for in the PAA to change the status of the protected area conforms to the Constitution, as far as Article 18, paragraph 1 delegates the positive or negative determination of nature reserves to another law.

2.5 What is the legal mechanism for changing their status?

The procedure for changing the status of protected areas, including reserves, is defined in the Protected Areas Act. The liquidation and changes in the size of reserves are subject to the reserve declaration procedure, i. e. by a legislative initiative of the Council of Ministers for amendment of the PAA proposed by the Minister of Environment and Waters.

Article 41 of the PAA provides for five forms of protected area change, related also to the respective particularities of the procedures for their realization.

It would be reasonable to raise the question of limiting the constitutionally recognized right to legislative initiative by the members of parliament.

Article 40 (1) Upon declaration of a national park or reserve following proposal by the Minister of Environment and Waters, the Council of Ministers shall deposit in the National Assembly a draft law on amendments and supplements to this act.

(2) The declaration order for national parks or reserves shall become effective upon adoption of the Act under paragraph 1.

Article 41. The changes in protected areas shall be:

1. Liquidation;
2. Increasing of area;
3. Decreasing of area;
4. Re-categorization;
5. Changes of the regime and activities.

Article 42. (1) The changes according to Article 41, items 1, 2 and 3 shall be effected in observation of the same procedures applying for protected area declaration.

(2) The changes according to Article 41, item 4 shall be effected following agreement with the interested state authorities.

(3) The changes according to Article 41, item 5 shall be effected following agreement with the owners of forests, lands and aquatic areas and with the interested state authorities.

(4) The changes according to Article 41, item 1 shall be carried out only when the protected areas are completely and irreversibly destroyed or damaged, do not fulfill their purpose and can not be re-categorized.

(5) Regarding the changes according to Article 41, the Minister of Environment and Waters shall issue orders.

Article 43. The orders according to Article 39, paragraph 1 and Article 42, paragraph 5 shall be promulgated in the State Gazette.

Article 44. The declared protected areas and the changes therein shall be entered into the State Registry at the Ministry of Environment and Waters.

3. Who are legally required to have a role in deciding the future of the Rila Monastery Nature Park and what laws govern their participation, review, and/or approval of a management plan when it is developed?

The setting of the perspective is important because of:

a. In the three-year period between the re-categorization of the area as nature park and the **adoption of the management plan**, the deadline for the latter being July 11, 2003, the activities in the nature park will comply with the procedure of Article 52 of the PAA, i. e. the owners who manage and guard them in accordance with the provisions of the PAA and of other special acts of legislation. Or the elements of the common regime of management and guarding according to the Forests Act (FA) and the Rules on the Implementation of the Forests Act will be applied to the extent to which they do not contradict:

- Article 31 of the PAA,
- the prohibited activities established with Order RD 310, item 4—prohibited activities (corresponding in content to Article 21 of the Forests Act) and item 5—regime of allowed activities,
- the park development plan.

The following are examples of such general provisions:

Article 31. (3) The natural and legal persons and the municipalities who own forests and lands in the forest fund larger than 1, 000 ha, shall appoint persons educated in forestry to manage, use and renew the forests owned by them, provided that they have not submitted the management of their forests and lands to the State Forestry Board.

Rules on the Implementation of the Forests Act

Article 32. (1) The owners of forests and lands in the forest fund and of forests according to Article 2, paragraph 3 of the Forests Act may submit them for management to the relevant State Forestry Board.

(2) To submit their forests and lands for management by the State Forestry Board, the owners shall deposit a written application to the Director of the relevant State Forestry Board and the rights and obligations of the parties shall be settled by means of a contract approved by the Regional Department of Forests. The signatures under the contract shall be authenticated by a notary public.

The positioning of fences around a limited portion of the forest area owned by natural and legal persons would be admissible in the event of special needs and with the permission by the State Forestry Board, and if in compliance with the purpose according to item 4. 1 of the re-categorization order.

The use of forest roads shall not be restricted with regard to the ownership of the forests through which they cross.

*Forests outside the forest fund.

b. The envisioned establishment of **specialized nature park directorates** at the NDF of the MAF, which will be responsible for the implementation of the plans according to Article 52, paragraph 2 of the PAA, depends on the adoption of those plans.

c. The elaboration, approval and adoption of the Rila Monastery Nature Park management plan, despite its **specific content** corresponding to that of a national park management plan, is subject to the general regime of the procedure established with the Protected Areas Act and with the Regulation on Protected Area Management Planning.

Regarding the subjects taking part in the procedure, of particular significance are the texts in chapter four “Protected Area Management and Guarding”, Section II Management Plans **Article 58—66 of the PAA**, shown below in accordance with the basic phases:

Commissioning of the plans

Presented is the competence of the MOEW to commission directly or agree for the commissioning of planning work by owners, municipalities, non-governmental organizations or associations and other subjects according to Article 58 of the PAA.

Article 58 (1) The protected area management plans shall be commissioned by the Ministry of Environment and Waters.

(2) Protected area management plans may be commissioned also by the owners, municipalities, non-governmental organizations or associations and others upon written agreement of the Ministry of Environment and Waters.

(3) The protected area management plans shall be approved by the Minister of Environment and Waters.

The difference in formulation of the subject under paragraphs 1 and 3, the Ministry of Environment and Waters (and the Minister of Environment and Waters), respectively, should **not** be regarded as applying to only one authority, the Minister of Environment and Waters, and not to the supporting administration organized in the Ministry.

The internal organization of the MOEW makes provisions for functions in this regard of the National Nature Protection Service Directorate—Annex 1 to Article 1 of Decree 214 of the Council of Ministers dated November 29, 1999, promulgated in State Gazette 104/December 1, 1999 and effective from December 1, 1999.

Article 23. The National Nature Protection Service Directorate shall carry out:

1. Protected area management and control by:

a) organizing the building up of a system of protected areas;

b) organizing the commissioning and approval of management plans and the commissioning or agreement of development plans and projects.

Public hearing

This phase is compulsory in the elaboration of management plans for national and nature parks and maintained reserves. It is admissible for other protected area types under certain conditions. It is also regulated by the PAA and by the Regulation under Article 55, paragraph 1 of the PAA.

The public hearing may be participated in by an unlimited range of persons indicated in the regulation in an exemplary fashion. The opinions expressed at the hearing are documented in minutes and in information documents, and the interested central agencies, scientific and academic institutions may present the proposals directly to the Minister. The Minister has a final opinion on the proposals.

PAA

Article 59. (1) In the process of management planning for national and nature parks and maintained reserves, the contractors shall organize public hearings with the participation of representatives of the interested central and local authorities, owners or their associations, scientific, academic and non-governmental organizations etc.

(2) The common statements, recommendations and comments from the public hearings shall be recorded in minutes to be attached to the draft management plan. The management plan shall be made in consideration of the expressed opinions, recommendations and comments.

The details and opportunities for noncompulsory public hearing procedures are the subject of the **Regulation**.

Section II

Public Hearings

Article 12. (1) Subject to compulsory public hearing shall be draft management plans for national and nature parks and maintained reserves.

(2) In the management planning process for reserves, natural landmarks and protected areas, public hearings shall be organized only:

1. If required by the terms of reference;
2. Upon positive decision by the Ministry of Environment and Waters regarding requests made by municipalities, non-governmental organizations or owners of lands, forests and aquatic areas in the protected area for which the plan is made.

(3) In the events under paragraph 2, item 2, the Ministry of Environment and Waters shall notify the customer or, respectively, the contractor, in writing, of the need to hold a public hearing as a condition for submission of the draft for acceptance or approval.

(4) Apart from the requirements of paragraphs 1 and 2, the customers and contractors may organize public hearings, seminars, informal workshops and other forms of participation of the public and of interested state authorities in the management planning process.

Article 13. The public hearings under Article 12, paragraphs 1 and 2 shall be organized by the contractors who shall:

1. Make announcements in one central newspaper and in local mass media, at least 20 days in advance, of the date, the time, the location and the subject of the public hearing as well as the location where the draft is available for those interested;
2. Place announcements with the data under paragraph 1 in prominent places in the respective municipalities in the same period;

3. Notify in writing the interested central authorities, scientific and academic institutions of the circumstances under paragraph 1 in the same period.

Article 14. (1) The contractors shall:

1. Present to the public hearing the draft management plan and shall keep minutes of the opinions, comments and recommendations;
2. Record in the draft the expedient comments and recommendations;
3. Draw up a document informing about motivations concerning comments and recommendations not accounted for and shall notify the relevant persons thereof within a month after the public hearing;
4. Attach to the draft the minutes of the public hearing and the information about the comments not accounted for;
5. Send copies of the minutes and of the information document to the Ministry of Environment and Waters within one month of the public hearing.

(2) The persons under paragraph 1, item 3 may make a written objection to the Minister of Environment and Waters who shall, within one month, make a final pronouncement regarding the expediency of the comments not accounted for and shall notify thereof the relevant persons and the customer, and the contractor, respectively. The contractor shall take into consideration the opinion of the Ministry of Environment and Waters.

Adoption of management plans

PAA

Article 60. (1) The national and natural park and the maintained reserve management plans shall be submitted for adoption to the Council of Ministers by the Minister of Environment and Waters following a statement by the Higher Council of Experts and the Ministry of Environment and Waters. Upon positive decision by the Council of Ministers, the Minister of Environment and Water shall sign the management plans.

(2) With regard to the participation in the Council meetings under paragraph 1, notification shall be made to representatives of interested governmental authorities, regional governors, municipalities, scientific and non-governmental organisations. The notifications shall be sent in advance, not less than 20 days prior to the date of the meeting, and also announcements of its convening shall be placed in visible locations at the respective municipalities, at the regional inspectorates of environment and water protection and at the Ministry of Environment and Waters within the same deadline.

The Ministry of Environment and Waters shall organise public hearings every fourth year for the implementation of the national and nature park management plans and the persons under paragraph 2 shall be invited.

In view of the Rila Monastery Forest Reserve being located in the Rila Monastery National Park, it is necessary that the requirements for management planning for the area should be considered and harmonized. This arrangement is made in:

Article 61. (amended and supplemented in SG 28/2000) The management plans for reserves natural monuments and protected areas shall be approved by the Minister of Environment and Waters following agreement with the Ministry of Agriculture, Forests and Agrarian Reform, the Ministry of Regional Development and Public Works and with the respective municipalities.

Article 62. The approval of the plans under Article 61 shall be by means of an order by the Minister of Environment and Waters.

Article 63. Amendments to the approved management plans, related to the standards and regimens under Article 57, item 3, shall follow the procedures of Article 60 and Article 61.

Article 64. The type and scope of activities for the use of natural resources, construction and others within protected areas shall be determined by means of development and technical plans and projects.

Article 65. Except for the territorial and development plans, the plans and projects under Article 64 in protected areas that are exclusive property of the state, shall be commissioned, approved and amended following the procedures of Articles 61 and 62.

Article 66. (1) The plans and projects under Article 64 for protected areas that are not exclusive property of the state, shall be commissioned and approved following the procedures of the relevant laws.

(2) The plans and projects under paragraph 1 shall be approved following:

1. positive decision on the environmental impact assessment in the events provided for in the Environmental Protection Act;
2. a written agreement by the Ministry of Environment and Waters in cases other than these under item 1.

(3) Amendments of the approved development and technical plans and projects shall be allowed in the event of natural disasters such as fires, floods and others or in changed objective circumstances that had existed at the time of approval thereof and shall be made following the procedures of paragraph 2.

4. Under the amendment of March 2000, the Protected Areas Act and within the re-categorization order, which parties are legally responsible for activities occurring within this Nature Park? Please, attempt to specify which authorities are responsible and, specifically, for what they are responsible.

This question requires certain clarification.

Management planning related administrative decisions are the purview of the Ministry of Environment and Waters and of the Council of Ministers and are subject to judicial control following adoption. The activities are adequate to the requirements of the management plan. As was already mentioned, §2, sub-item 2 of the TCPPAA makes the regime of Article 21 relevant for this park.

The management plan, being an instrument of administration, is to the highest degree under the discretion of the MOEW and the CM.

No other act, except the PAA, deals with the issue of management planning, and, therefore, it is the only act that determines those participating in the approval of management plans. This is effected in Articles 59, 60 and 61 of the PAA.

Perhaps the question, as raised, may be interpreted with regard the rights of owners and the decisions they are entitled to regarding the nature park. Unlike the national park and the reserves described in Article 8, paragraph 1 of the PAA which are exclusive property of the state, the remaining protected areas may be under any other type of ownership. This fact alone does not change their characteristics as protected areas, nor their regime. The owner must take their status in consideration and this is a peculiar modality of the property. The owners are not restricted in transferring the property by any means. This is also approved by Article 12. To be aware of the future burden, the new owner must declare his awareness of the regime of activities in the protected area.

The implementation of the management plan is subject to control by the authorities of the MOEW. Their functions are revised in chapter four on protected area management. According to item 6 of Article 47, the activities of owners and users are supported toward conservation, maintenance or restoration of protected areas. Article 5 obligates the directors of the regional authorities of the MOEW to control the activities of the owners of forests in their regions.

Since in the area of the park may belong to different owners and funds—land or forest,—the provisions of Article 52, paragraphs 1 and 2 of the PAA will apply.

One mechanism regarding control is the possibility to impose sanctions according to Articles 81, 83, 84 and others of the PAA.

5. We understand the Monastery lands will be restituted to the Monastery, therefore, please, attempt to answer:

When will these lands be restituted?

By what means?

What does “land restitution” legally mean and what rights and responsibilities does an owner have when his/her lands are restituted?

In the case of the nature park, what legal rights and responsibilities does the landowner have under the law? Which laws apply?

How does forest restitution legally affect these lands?

Which takes precedence—the re-categorization order and the Protected Areas Act or the rights of the landowner? How are these legally determined? In other words, what legal instruments govern decision making about what can (and cannot) happen on this land?

The removal of the regime of exclusive property of the state from the re-categorized areas, the arising is possible of the right to restitution of title according to the Restoration of Ownership over Forests and Lands in the Forest Fund Act. If the application for restitution is not presented to the relevant land commission until the deadline, to invoke procedures, **an advance recognition by the court of the right to restitution** is required, according to Article 13, paragraph 2 of the Restoration of Ownership over Forests and Lands in the Forest Fund Act. If the procedures have been initiated on the basis of a timely application by the Monastery and the if the Land Commission has not made its pronouncement, it should rule according to the new Act, pursuant to Article 188, paragraph 3 of the Civil Code of Procedures.

The legal term for restitution of ownership according to Article 13, paragraph 5 of the Restoration of Ownership over Forests and Lands in the Forest Fund Act has expired. However, this would not affect the validity of the decisions ruled by the Land Commission regarding the restitution of title over forest in the re-categorized areas in nature parks. The deadline for the ruling is instructive and does not revoke the obligation for ruling by the Land commission, if the application is submitted on time or, if not submitted on time, a court ruling under Article 13, paragraph 2 of the Restoration of Ownership over Forests and Lands in the Forest Fund Act is available.

Restitution of ownership is free of charge to the owners. The technical activities for the implementation of the Restoration of Ownership over Forests and Lands in the Forest Fund Act are borne by the state budget via the Ministry of Agriculture and Forests.

The restitution of ownership over the forests and lands of the forest fund is an administrative procedure occurring mainly in the land commissions with the active participation of the state forestry boards. The subjects to restitution of ownership are natural and legal persons, municipalities, and their heirs or successors. The procedure involves submission of an application, on-site questionnaire, elaboration of a plan with the boundaries of properties to be restored, making of rulings with schemes and taxonomic survey characteristics attached. The owners of restituted forests and lands from the forest fund must register at the state forestry board. When husbanding and managing the forest property restituted to them, they are entirely subordinated to the regime of the area according to the Forests Act, the Protected Areas Act, the Waters Act, the Hunting Economy Act and other special legislation. Forest protection and guarding are implemented regardless of the ownership of the properties. The use of forests is also subject to regulation by the state by means of the development plans controlled by the state forestry boards.

The subordination of the rights of owners in protected areas that are not exclusive property of the state to the regime of the area is even more pronounced by the limitations characteristic for such owners. This subordination is stipulated in Articles 7 and 11 of the PAA.

What is specific about the Rila Monastery Nature Park status is the regime of ownership of nature park in a compromising combination with the restrictions of the national park regime. The non-uniformity of the status is regulated in §2, sub-tem 2 of the Transitive and Concluding Provisions of the March 2000 PAA where the provision is made that the planning for the re-categorized areas in the Rila Monastery Nature Park must conform to the limitations for national parks as provided for in Article 21 of the same Act. For the sake of comparison, the common rule of Article 32, paragraph 2 of the PAA provides for the

possibility to add to nature park management plans only of Article 21, item 1 of the PAA related to restrictions about construction in the national park.

This matter is of practical importance for the period until the adoption of the management plan.

This not being an exhaustive list, the owner of forests in the Rila Monastery Nature Park has at his disposal the possibilities and prohibitions indicated in Order 310 of June 26, 2000, coinciding in this specific case with the activities admissible in national parks.

The possibilities for independent husbanding and management or commissioning of those to a state forestry board, and the limitations regarding fencing and provisions for using of roads were mentioned above.

The owners may husband and manage their own forests, and must appoint foresters for areas larger than 1,000 ha. The use of artificial fertilizers and plant protection chemicals, and the damaging of rock formations, trees and bushes, as well as intentional disturbance of wild animals are prohibited—Order 310. The management may be commissioned by contract to a state forestry board, the same limitations remaining.

The use of forests is subject to the existing projects and to items 4, and 5 of Order 310, namely:

- conducting of restoration, selection and sanitary felling in observation of the relevant permitting regime and use of timber resulting from them; clear felling and afforestation with species alien to the region or to the forest vegetation species, or with seed of seedlings originating from other regions are prohibited;
- hay making and grazing of agricultural animals in the pastures and meadows without payment of fees; grazing of goats is prohibited in all cases; we believe it necessary that the state forestry boards should issue permits;
- gathering of herbs, berries and mushrooms in quantities, regions and manner defined in the park development project; it is prohibited to conduct the gathering in a manner leading to their destruction or are harmful to their restoration; picking of flowers is prohibited;
- regarding the regulation of the numbers of wild animals, a permitting regime is introduced to be carried out in circumstances related to the condition of ecosystems or populations by the state forestry board upon agreement with the Ministry of Agriculture and Forests, the Ministry of Environment and Waters and the Bulgarian Academy of science; laying of traps, use of poisons and sedative substances are prohibited.

Construction should be regarded as allowable only for maintenance of the forest roads, for animal breeding, since it is related to other permitted activities according to item 5 of the order. The construction for the purposes of administration, scientific activity, education and tourism is based on the management plan upon its adoption. Construction is admissible in the event of their being plans and projects according to Article 13 of the PAA, irrespective of whether other special requirements are observed: The Territorial and Urban Development Act, the Forests Act for construction in forests, a requirement for environmental impact

assessment according to the Nature Protection Act or, where not required, a permit by the Ministry of Environment and Waters.

6. What laws govern the role and actions of the Eastern Orthodox Church in Bulgaria? What is the legal status of the Rila Monastery in Bulgaria?

7. What is the nature of the relationship between the Eastern-Orthodox Church Synod in Bulgaria and its monasteries? Is there anything special about the nature of the Synod's relationship with Rila Monastery that we should be aware of?

Constitution 1991

Article 13. (1) The practicing of any religion shall be unrestricted.

(2) The religious institutions shall be separate from the state.

(3) Eastern Orthodox Christianity shall be considered the traditional religion in the Republic of Bulgaria

(4) Religious institutions and communities, and religious beliefs shall not be used to political ends

Religious Denominations Act, 1951.

Article 6. (amended in SG 54/1949, supplemented in Izvestia, issue 1/1951) From the moment of approval of the Articles of Association of the denomination by the Council of Ministers or by a deputy-chairman of the Council of Ministers authorized by him, this denomination shall be considered recognized and shall attain the quality of legal person. From this moment, the quality of legal person is also attributed to the local branches of the denomination.

Articles of the Bulgarian Eastern Orthodox Church

Article 13. The Bulgarian patriarchate and its constitutive parts and agencies, and also the church foundations, institutions, associations and educational facilities who have articles of association approved by the Holy Synod and are under the supreme guidance of the Church, shall be legal persons (Article 6 of the Denominations Act)

Article 98. The monasteries shall be stauropegian¹ and diocean. The stauropegian monasteries are dependent on the Holy Synod while the diocean are dependent on the local bishop. Stauropegian are the following monasteries: Rila, Bachkovo, Troyan, Preobrazhenski and Pormoriski.

¹ Greek Orthodox Church—a monastery subject to the primate (the archbishop) (*Webster's Unabridged Encyclopedic Dictionary of the English Language*)—Translator's note.

Agency of the Holy Synod in reduced staffing:**Article 110. The agency of the Holy Synod in reduced staffing shall take the following cares:****28. Allow the selling, exchanging and mortgaging of real estate belonging to the monasteries, to the supreme leadership or its directly subordinated church agencies, as well as contracting of loans, upon receipt of the opinion of the Supreme Church Council;**

18. Concerning this article, the statements made may be accepted only as a preliminary opinion that is subject to revising with a view to the specific data in the case.

19. Pursuant to Article 133 of the PAA the debtor is responsible for his/her debts with their entire property. There are no data, and it is also practically impossible that the property of the Rila Monastery that had not been restituted to it, **to be apported** to the trading company under the same name, i.e. to have become part of the company's property. Still, until the permit by the land commission is issued, the Rila Monastery may not be the legitimate owner. The procedure of apportment — a non-monetary contribution to the company—is regulated in Article 72 of the Trade Act and requires an expert assessment approved through special court procedures. The requirement by the Bulgarian Trade Act for a minimal amount of the company's capital is the grounds for such a procedure because the amount of the capital can not, in this case, be higher than the assessment approved by the court. Another essential requirement is that for a partner. Therefore, it is impossible for the property to have been apported and, thus, be used for forcible payment of debts by the company.

Concerning the **right to retention** of improvements made by contract, it extends only on the improved property such as the Tsarev Vrah hotel. The right to retention by the right party of the contract would not be opposed to the protected area regime.

The possibility for a part of the properties of the monastery **to be the subject of preliminary mortgage contract with a condition for its effecting after they are acquired** is a real one and may be the subject of a court dispute regarding a mortgage contract after the restitution of ownership and compensation for defaulting on the assumed promise. The property is mortgaged by decision of the Holy Synod according to Article 110, item 28 of the Articles of Association of the Bulgarian Eastern Orthodox Church.

Statement of Work

Legal Framework Analysis

Rila Monastery Nature Park

Duration **10 days**

Background

With the re-definition of the Rila National Park, and the re-categorization of the Rila Monastery Lands to a Nature Park, several legal matters are called into question. The consultant is requested to examine all relevant Bulgarian laws that pertain to re-categorization of the land that was removed from the Rila National Park, and are described in RD-397 of 15/10/99. We are told that these included forests amounting to 14,370.7 ha as described in the SFB Forest Development Plan of 1990, and the 13,000 ha of high mountain meadows. We understand that these lands will become known as the Rila Monastery Nature Park.

Tasks

The following questions seem pertinent to this review, and should be answered by the consultant:

1. What is the present status of re-categorization of the lands that will become known as the Rila Monastery Nature Park? What are the legal terms and conditions governing re-categorization? How does the order RD-397 affect the status of this land?
2. What is the official status of the lands known as the *Rila Monastery Forest Reserve*? Is this land included in the re-categorization of the lands to be included in the Rila Monastery Nature Park? Who will be responsible for these lands? Can the status of these lands be changed? What is the legal mechanism for changing their status?
3. Who are legally required to have a role in deciding the future of the Rila Monastery Nature Park, and which laws govern their participation, review, and/or approval of a management plan when it is developed?
4. Under the amendment of March 2000, to the Protected Areas Act, and with the re-categorization order, which parties are legally responsible for activities occurring within this Nature Park? Please attempt to specify which authorities are responsible, and specifically, for what they are responsible.

5. We understand the Monastery lands will be restituted to the Monastery, therefore, please attempt to answer:
 - When will these lands be restituted?
 - By what means / procedures?
 - What does “land restitution” legally mean, and what rights and responsibilities does an owner have when his/her lands are restituted?
 - In the case of the Nature Park, what legal rights and responsibilities does the landowner have under the law? Which laws apply?
 - How does forestry restitution legally affect these lands?
 - Which takes precedence – the re-categorization order and Protected Areas Act, or the rights of the landowner? How are these legally determined? In other words, what legal instruments govern decision making about what can (and cannot) happen on this land?
6. What laws govern the role and actions of the Eastern Orthodox Church in Bulgaria? What is the legal status of the Rila Monastery in Bulgaria?
7. What is the nature of the relationship between the Eastern Orthodox Church Synod in Bulgaria and its Monasteries? Is there anything special about the nature of the Synods relationship with Rila Monastery that we should be aware of?
8. Attached in an article from a newspaper outlining financial problems between the Monastery, a holding company, and a bank. Please explain your interpretation of events, and what the legal implications are for the Monastery.

Ministry of Environment and Waters

ORDER NO. RD-310

JUNE 23, 2000

Pursuant to Article 42, paragraph 5, and in relation to Article 41, item 4, paragraph 29 and §2, paragraph 1 of the Protected Areas Act:

- 1 I hereby re-categorize part of the Rila People's Park declared with Order No 114 of February 24 1992 (SG 20/1992), amended with Order RD-247 dated July 19.1999 (SG 67/1999) as Rila Monastery Nature Park.
- 2 The Rila Monastery Nature Park shall include 27,370.7 ha, as follows:
 - 2.1. Forests of the Rila municipality, area of Kystendil, according to the 1990 Rila Monastery SFB's Forest Development Project, sections 1 а-г, е, ж, 1, 2; 2; 3; 4а-д, 1-3, 7а-д, 1-3; 8-12; 14а-в, 1, 8-11; 15а, б, 1, 2, 9; 16а-ж, м, 1-5; 17-45; 46а-и, 1-5; 47-74; 75г-к; 76; 77а-к, 1, 3-5; 78г-л, б; 79б-п, 2-5; 80-82; 83г-т, 4-9; 84з-ч, 8 (part), 9-19; 85; 86а-я, 2-5; 87д-п, 2-5; 88а-т, 3-6; 89-91; 101-108; 113-117; 119; 120; 121а-е, 1, 2; 400-410, of total area 14,370.7 ha.
 - 2.2. High-mountain pastures and meadows of Rila Municipality, Kyustendil Area, of total area 13,000 ha.
- 3 Rila Monastery Forest reserve, in the Nature Park, shall have its regime retained.
- 4 Apart from the activities conducted pursuant to Article 31 of the Protected Areas Act in the Rila Monastery Nature Park, I hereby shall prohibit:
 - 4.1. Construction, other than as provided for in the management plan and related to the needs of administration, scientific activities and education, tourism, animal breeding (shelters) and maintenance of forest roads;
 - 4.2. Damaging of rock formations, trees and brushes and picking of flowers, as well as intentional disturbance of wild animals;
 - 4.3. Grazing of goats;
 - 4.4. The use of fertilizers and plant protection chemicals;
 - 4.5. Clear felling and planting of species alien to the region or to the forest vegetation belts, and of seed and seedling materials originating in another region;
 - 4.6. Gathering of herbs, forest fruits and mushrooms in quantities and in a manner causing their destruction or obstructing their renewal;
 - 4.7. Setting of traps, the use of poison and sedatives in regulating the numbers of wild animals.

- 5 I shall allow in the Rila Monastery Nature Park:
 - 5.1. Hay making and grazing of livestock (other than goats) in the pastures and in the meadows;
 - 5.2. Movement of livestock along defined treks;
 - 5.3. Gathering of herbs, forest fruits and mushrooms in quantities, regions and manner defined in the management plan and in the park development project;
 - 5.4. Renewal, breeding and improvement of the complex protection functions and sanitary condition of forests;
 - 5.5. Regulation of the numbers of wild animals where they threaten the existence of other species or of the ecosystems in process of degradation, or the health status of their own populations, upon permission by the park administration following agreement with the Ministry of Agriculture and Forests, the Ministry of Environment and Waters and the Bulgarian Academy of Sciences;
 - 5.6. Fishing in the sections defined in the management plan.
- 6 I repeal Order 114 of February 24, 1992 (SG 20/1992) and Order 247 dated July 19, 1999 (SG 67/1999) in the section of the park described in item 2.
- 7 This change shall be recorded in the State Register of Protected Areas.
- 8 Those who violate this order shall be punished in accordance with Article 31 of the Administrative Violations and Penalties Act, unless subject to more severe punishment.
- 9 This order shall become effective as of its promulgation in the State Gazette.

Minister: **E. Maneva**

Concept Paper Biodiversity Clearing House Mechanism for Bulgaria

Background

The Convention on Biological Diversity (1992) included an Article (18) dedicated to the establishment of a Clearing House Mechanism to “promote and facilitate the technical and scientific cooperation between member states.

Bulgaria’s National Biological Diversity Conservation Strategy, finalized in 1994 and accepted by Parliament in 1998, also acknowledged the need for information collection and sharing mechanisms that support priorities for immediate action and support. The Strategy points to the need for greater access to existing scientific information, dissemination of scientific information, as well as mechanisms that “facilitate and monitor changes” (sic) associated with new legislation. The same national Strategy also calls for stimulation of conservation in the Balkan Peninsula, with emphasis on trans-boundary issues, threats to biological diversity, and collaborative scientific research.

More recently, the National Biodiversity Conservation Plan (August 1999) and its five year proposal for 96 priority projects, serves as an action plan for investment and conservation activities. Objectives are clustered into 7 functional areas: (1) Legislation and Management Information Systems; (2) Institutional Strengthening of Government Biodiversity Conservation Units; (3) Establishment and Maintenance of a National Eco-Network; (4) Expansion and Maintenance of the National Protected Area Network; (5) Restoration and Maintenance Activities; (6) Strengthening of the Scientific Base for Biodiversity Conservation; (7) Information Education and Training. Each of these has an element of information collection, storage, access, distribution and sharing – but fails to identify clear mechanism(s) or strategies for biodiversity information collection and sharing.

The Aarhus Convention¹ supplements the need for access to and sharing of environmental and other relevant information to the public. Biodiversity conservation information is part of this. In addition, the Convention also addresses how the public and public interest groups can participate in environmental decision making. The final aspects of the Convention deals with the rights of the public and public interest groups to seek judicial remedy for compliance by governments and corporations within the legal obligations assumed by the other elements. The Convention transposes Principle 10 of the Rio Declaration on Environment and Development into a legally binding international agreement.

Clearly one of the outstanding issues remaining for Bulgaria, as well as biodiversity conservation, is a national system for disclosure, participation and justice in environmental matters. Legislation is starting to illustrate important elements of this system, and Bulgarian biodiversity and its conservation remains an important part of this.

¹ June 25, 1998, at the 4th “Environment for Europe”, Ministerial Conference in Aarhus, Denmark, 35 countries and the EU signed the new United Nations Economic Commission for Europe Convention on Access to Information, Public Participation in Decision-Making, and access to Justice in Environmental Matters, generally known as the Aarhus Convention. Bulgaria is a signatory.

There is no clear system for disclosure, participation and justice related to biodiversity conservation in Bulgaria. In particular, elements of information access, management, disclosure and feedback require further development and assistance.

CHM Partners

Several international organizations recognize the need for assistance to the development of information systems supporting disclosure, participation and justice on biodiversity conservation.

UNDP

UNDP has provided technical assistance and equipment to the MOEW-NNPS for the establishment of a Clearing House Mechanism for biodiversity conservation. This was part of UNDP's assistance to the Government for development of the Biodiversity Action Plan, and as part of the Government's compliance with both the Convention on Biological Diversity, and the Aarhus Convention. The MOEW has requested financial assistance under the UNDP GEF Expedited Procedures, to undertake an in-depth evaluation of how most effectively Bulgaria can establish a functional and operational network on which the Bulgarian CHM is to be based. This evaluation will be conducted by an international consultant, assisted by the newly appointed focal point for the CHM, within the NNPS. The expected outcome of the evaluation is a group of five to eight nodes will be identified within academia and national NGOs. These nodes are expected to become the initial network supporting the CHM concept. Also expected are the protocols for information collection and sharing, a description of the information sharing system technologies to be employed, and training needs.

Technical assistance for the evaluation exercise is expected to be realized some time in 2001. Assistance is largely expected to focus on government authorities and agencies operating in collaborative fashion.

Regional Environmental Center (REC) Budapest

REC has recently received a grant to support a "demonstration model" of the CHM within Bulgaria, as part of a framework of the UNEP project *Biodiversity Clearing House*, and run by the Regional Environmental Center for CEE. The UNEP Biodiversity Service (Regional Office for Europe) is financing the development of the system. Funds have been tentatively secured in support of a national workshop, supported by international expertise, and the establishment of a CHM (base and/or node) within a Bulgarian NGO.

USAID – Bulgaria Biodiversity Conservation and Economic Growth

A key part of the USAID Project is a set of results related to public awareness (increase public awareness of biodiversity, protected areas and related issues at the national, regional, and local level). As public awareness is one cornerstone of citizen participation, the BCEG Project believes that development of a CHM has direct and beneficial impacts for the Project, its objectives, as well as its expected result of information on Bulgaria's biodiversity and national parks disseminated to key national target audiences. The Project also perceives development of a CHM as a direct follow-on to the public awareness, advocacy and public information activities successfully supported through national NGOs and the Bulgarian Academy of Science under the previous USAID/GEF Project.

In an effort to support further development of the CHM Concept, the BCEG Project has developed a close working relationship with UNDP and REC to further the goals of developing a CHM for biodiversity conservation in Bulgaria.

Proposal

In an effort to promote the development of a CHM for Bulgaria, the BCEG Project is offering to develop and fund the needs assessment portion of the Mechanism related to its role and function within the MOEW/NNPS, national NGOs and Scientific Institutions. We envision a four phase process into which biodiversity conservation donors will contribute technical assistance and financial resources:

Phase I Needs Assessment and GAP analysis

In order to better understand the roles and responsibilities assumed by respective organizations, agencies, and institutions, the BCEG Project will conduct an in-depth needs assessment consisting of:

- A review and profile of existing management information systems AND information networks operating in support of biodiversity conservation;
- Identification and assessment of specific “user groups”;
- As assessment of biodiversity conservation information categories and issues on which information is legally expected to be generated/collected and available;
- Identification of information categories that are considered by respondents, “important” to have, and their expectations of such information;
- Analysis of the gaps discovered for information categories and target groups

Duration – 2 months

Phase II Workshop and Action Planning

Phase II of this program will focus on the results of the needs assessment and gap analysis related to biodiversity conservation in Bulgaria. To conclude the results of the assessment, and develop a concrete plan of action for pilot CHM development, REC will host a Bulgarian-based workshop to:

- examine the results of the needs assessment between potential target groups,
- examine examples of successful CHM efforts from the region,
- identify priority information categories and target groups for a pilot CHM “network”;
- identify additional, specific issues and problems that could be addressed using donor support, (UNDP and REC) and,
- describe a pilot-action plan for a CHM model that addresses the role and responsibility of the GOB, as well as the expectations and roles of appropriate NGOs.

Participants for this workshop are expected to be drawn from the Ministry of Environment and Waters, the Bulgarian Academy of Science, Bulgarian NGOs engaged in biodiversity conservation programming, civil society development projects, and select donors. The workshop format will ensure specific information needs and target groups are addressed through the use of small working groups. Development of a CHM “network” should result from this approach.

Duration – planning hosting and finalizing workshop activities – 1 month

Phase III Capacity Building Needs Assessment

Based on the information needs assessment, and results and resolutions of the Workshop, individual members of a CHM will be better able to describe their roles and responsibilities vis-à-vis a CHM, and possible CHM network. A capacity building needs assessment could be developed and implemented as a joint effort of **UNDP** – (focusing on the GOB/MOEW/NNPS) and **REC** – (focusing on NGOs/and NGO).

Capacity building needs are expected to be developed around specific information categories and information user groups, using a focused, pilot approach to the development of a CHM “network”. Capacity building should address the need for:

- Specific, achievable aspects of a CHM :” node and network ”.
- Staff appointment and training
- Equipment
- Information collection format, storage, management, access, analysis and packaging
- Electronic media development and design
- Public Awareness and Marketing
- Quality and performance monitoring
- Balkan regional network links

Duration – min. 2 months of international and local assistance. This to be separately agreed and funded by UNDP and REC as possible

Phase IV Integrated Action Plan and Implementation

In order to ensure the most effective combination during the preliminary development of the CHM (and a supporting network), a final interactive workshop is proposed. The purpose of this workshop will be to:

- Examine the results of a focused capacity building needs assessment;
- Identify sources and amounts of funding
- Prioritize CHM capacity building needs
- Develop an action and monitoring plan for implementation of the CHM in Bulgaria

Duration - One month

Follow-on international assistance for the implementation of Biodiversity Clearing House Mechanism (s) in Bulgaria will be determined by the scale, needs, and actions described in this integrated action plan, institutional commitments, and donor priorities.

It is anticipated that both REC and the USAID-funded BCEG Project will contribute funds to establish elements of a CHM network in Bulgaria.