

## **ANNEX III**

### **Thematic sector materials for Biological diversity**

#### **III-1. General situation in Latvia concerning the introduction of Convention “On Biological diversity”**

In 1995 Latvia signed Rio-de-Janeiro Convention from 1992 “On Biological diversity”. This convention obliges its members to develop or adapt national activities both in legal and practical sense for preservation of Biological diversity, use of resources by not over-exploiting them, including implementation of defined duties for cross-sector co-operation. The convention is the higher supervising document, and to implement it other documents and strategies are adopted; the most binding strategy for Latvia is EU “Biological diversity Strategy”, which was adopted in 1997 and prescribes implementation of measures in EU countries, and Latvia will join EU in May 2004.

Latvia has adopted the most essential general laws, which ensure implementation of the convention: laws on kinds and biotopes, woods, hunting, fishery, shelterbelts, impact on environment evaluation, etc. The dominant opinion amongst environment specialists on the fact that legal ground for implementation of convention “On Biological diversity” is sufficient. Legislation issues in more detail are described in the legal expert’s report provided in the overall part of the project.

Among the most essential normative and administrative activities, which are already accomplished in Latvia are the following:

- Ratification of other global conventions essential for preservation of Biological diversity (egg. Berne, Bonn, Ramsaare, Washington – CITES);
- Developed national program for protection of Biological diversity (accepted on May16, 2000);
- Developed the second national report on Biological diversity (in 2002);
- Crated national environment monitoring program (in 2002);
- National legislation defines protection of kinds, biotope, forests and conservation territories (see chapter in Legal Report);
- Exists CHM – “clearing-house” mechanism (information and co-operation network);
- Established and active institutional structures, which manage and supervise implementation of the convention;
- Essential effect upon positive development of the process is because of harmonizing mechanism between legislation and requirements with EU Directives.

The mentioned documents or activities are formally supplemented with activity plans, which include single or annual (regular) action.

During the last years are implemented or still are being carried out such essential projects goal of which are to adjust particular environment sectors or cross-sector relations connected with implementation of the convention:

- Inventory of kinds and biotope, including increase of legal capacity in staff training – “Inventory of Kinds and biotope, development of protection plans and development of nature preservation structures in Latvia in connection with EU bird and biotope Directive transposition” (among them a new study book was published – Biotope Manual) (1998 –2000);
- Development of network of kinds and biotope according to EU – “Co-ordination of system of special protection nature territories in Latvia with EMERALD / Natura 2000 requirements” (2001-2003; currently (August, 2003) the projects is in its final stage);
- Inventory of biologically essential forest sectors within the State Forestry system (State Forestry Service, State Joint Stock Company "Latvijas valsts meži" ("Latvia's State Forests") project “Wood Key Biotope Project) (includes a published study book – Wood Key Biotope Manual) (1999-2002);
- Project for institution development and qualification training, including implementation of approved programs – Introduction of National Program for Biological diversity” (DANCEE / CarlBro project); currently (August, 2003) is continuing within its final stage)
- Several UNDP and GEF funded projects on:
  - Support of development of resources, information and co-operation network (CHM – clearing –house mechanism) for facilitating Biological diversity (LAT/01/G31/A/1G/99); within the project framework paying attention also to monitoring issues and motivation mechanisms for protection of Biological diversity in Latvia (separate part of it are already completed in 2002 and in the early 2003);
  - Protection of Biological diversity in Ziemeļvidzeme (North Vidzeme) Biosphere Reservoir (LAT/02/G41/1G/99 – project continues in 2003).

More detailed list of implemented projects, including those of regional scale) can be found on the Internet homepage “Environment protection in Latvia”: [www.dal.lv](http://www.dal.lv).

### **III-2. Research Status in the end of the first stage of the project**

#### *III-2.1. Institutions involved in the introduction of Biological diversity convention, their legal capacity, activity co-operation, infrastructure and resources*

Among the main institutions involved in the implementation of the convention is Ministry of environment with its sub-structures (under supervision, supervised institutions), Ministry of Agriculture, State Forestry Service, SJSC “Latvia’s State Forests” and Administration of Specially protected nature territories (SPNT). Main non-governmental organizations involved are Latvian Nature Fund, WWF Latvia Chapter, Latvian Ornithology Society and Environment Protection Club. Educational and (or) scientific functions are mainly focused in University of Latvia and its institutes and also Latvia University of Agriculture. An essential role in the improvement of qualification of

environment specialist in regions and planning of activities according to implementation of national program for Biological diversity is to *Baltic Environmental Forum* and *CarlBro* Consultant Group where Baltic Environmental Forum performs facilitation of understanding and implementation of EU requirements.

The decisive role among the mentioned institutions and organizations is for Ministry of Environment, which organizes and supervises processes of environment and environment protection, resource preservation and utilization processes by developing sector policies, organizing and co-ordinating their implementation and co-ordinating development of legal documentation.

An essential role in the context of implementation of the convention is to institutions under supervision of the Ministry: Latvian Environment Agency (as co-ordinator of information system, data storage), Nature Preservation Board (as performer of different nature preservation functions and in current situation particularly in connection with development of territories under EMERALD/Natura 2000) and regional environment boards (they control observance of environment and nature protection requirements in their administrative territory, meanwhile making pre- evaluation of different activities which affect environment and also evaluating issue of licenses).

Previous analysis of institution functions show that convention implementation activities are co-ordinated decently among different structure institutions; and as to day there are no essential evidence for the fact that lack of infrastructure or lack of resources would be an obvious reason for poor or incomplete implementation of particular activities.

However, low evaluation by the project consultant group is given to decision explanatory work by insufficient co-ordination of activities of involved institutions (mainly performers of lower rank). The consultants expressed an opinion that institutions of lower rank receive decisions to be implemented sometimes without appropriate explanation of their essence.

One respondent underlined that there is a great gap between central and regional supervision institutions, where the first are well aware of international and national legal acts, law theory, etc., but lack good orientation skill in practical problems in each sector which results in development of legal acts practically impossible to implement (for example Article 4.2 of Regulation of the Cabinet of Ministers of the Republic of Latvia "Overall Provisions for protection and facilitation of Specially protected nature territories" and Article 14 of Regulation of the Cabinet of Ministers of the Republic of Latvia "Provisions of environment protection for wood management" and noting that the mentioned are not the only examples). Regional institutions are well aware about particular situation in practice, however the institutions often are thinking only within their local scale (region) and lack knowledge and skill of application of normative acts. It was noted that several norms were incorporated in the legal acts as a result of pressure by NGOs and in a hurry without proper consultation with specialists - practitioners.

Economic interests within the wood sector do not allow considering implementation of EU requirements (project "Natura 2000") as well co-ordinated among the Ministry of Environment and corresponding structural units under supervision of the Ministry of Agriculture. To be added that opinions of representatives of mentioned institutions about reasons of poor co-ordinations were with great differences where the responsibility is directed to the other party. Wood sector representatives from various institutions expressed dissatisfaction towards the situation that the institutional discrepancies with the Ministry of Environment about development of wood protection system in the context of sustainable wood management are not solved and underlined that the Ministry of Environment shows too little interest towards initiatives aimed at development of various management models and wood diversity preservation on the landscape level, instead limiting itself to formal implementation of EU requirements in the protection of particular kinds or biotopes by applying simple ban and (or) restrictions (according to belief of wood sector representatives, in some cases such solutions are not useful or are poorly motivated). Both representatives from the Ministry of Environment and performers of corresponding projects expressed opposite opinion that the mentioned tasks in its current stage require fast and precise implementation of corresponding EU directives and the wood sector representatives' demands are out of the scope of current implementation of particular EU requirements. However, notwithstanding the unsolved discrepancies all respondents that were interviewed within their competency underlined that during the last years there has been significant increase of understanding among the specialists working in wood sector about the issues of environment and nature preservation and that concurrent to economic role of wood also issues concerning preservation of kinds and biotopes are considered as an important component of sustainable wood management. All respondents agreed that in woods in order to ensure livelihood of kinds and variform microenvironment it is necessary to have strict protection, application of methods avoiding overexploitation. Differences in the opinions were stated only about the desirable proportions of mentioned activities.

Number of respondents repeatedly underlined that institutionally the most weak link in the environment and nature preservation system probably is the performing institutions of regional level: mostly regional environment boards as well as forestry management offices which can not cope with the responsibilities of supervision (co-ordination) which have been delegated to them. The mentioned capacity problem was indicated by the most various respondents: high rank officials from state institutions, project performers, NGOs. As the possible reasons limiting the capacity was mentioned the following: lack of education, self initiative, overload, insufficient financial and technical means, disability to organize work in an effective way, lack of employees (staff vacancies). At the same time there is no clear view on which and to what degree the mentioned components limiting the capacity currently do not allow fully implement the requirements which are delegated to the performers on regional level within the convention implementation framework and also which activities would be sufficient in order to improve the situation significantly. One respondent stressed that in regional environment boards would employ at least one specialist whose responsibility would be only nature protection issues. In taking into account the insufficient budget sources (2004 forecast) it would be particularly dangerous

to reduce the number of employees at regional institutions, which will decrease the overall capacity of the mentioned institutions as well as worsen the situation concerning the nature protection.

### **Identified capacity problems**

- (1) The dialog about wood protection and management issues among the Ministry of Environment and structural units of Ministry of Agriculture is long-lasting; the dissimilarity of opinions concerning the solutions of the mentioned issue are to be considered as long-standing capacity imperfection;
- (2) The greatest capacity problems concerning the cope with the delegated responsibilities were identified on the level of regional institutions, meanwhile there is no clear view upon which of the capacity limiting components and to what degree shall be improved.

### *III-2.2 Implementation and effective planning of National program for Biological diversity by including project development and protection and monitoring of kinds, biotopes and landscapes*

The National program for Biological diversity and addendum – Activity Plan has been developed and approved. The program has been throughout developed in all chapters connected with the convention, but it must be stressed that it is to be considered as list of theoretic determinations in the sense of plans. In the second national report on implementation of the convention only a few included points are evaluated that they correspond to the program guidelines; in the implementation of the rest there are restrictions.

Also in the renewed activity plan of the Biological diversity program (project on 2003. July 1st) the list of several activities, however it is essential the implementation process, must be considered as a list in the sense of wishes and determination for the period of time until 2006. The mentioned document incorporates projects of various state institutions (state, NGOs), which are related to implementation of convention requirements, however their implementation can be greatly influenced by the allocated budget (particularly for state budget financed projects due to special budgets being cancelled). The activities included in the project of events are structured according to their topic, but not according to their priorities. Several respondents indicated that project prioritization in the program shall not be defined as the ultimate aim due to the fact that their implementation and financing is provided by very different institutions with various budget sources, resources and implementation mechanisms. Therefore the evaluation criteria shall be the following: whether and to what degree the particular activity fulfils (complements) the responsibilities placed on the state in relation to convention implementation.

A positive evaluation can be expressed to harmonizing of Latvian environment standards and protectable territory network with the EU requirements (egg. Directives 92/43/EEC; 79/409/EEC; 91/676/EEC; 2078/92; 746/96); it is an essential motivation stimulus both in financial and intellectual sense in order to reach the necessary standards in short term.

Proposals for different motivation mechanisms for the protection of Biological diversity have been developed (project LAT/01/G31/A/1G/99); additionally – particular proposals which would foster implementation of several activities within the national program. However, also here, when many proposals are well grounded, a great attention is placed upon funding issues, which taking into account the current state budget situation must be considered as determination and are difficult to implement. At least 13 respondents have indicated that they do not see possibility in the current financial situation to establish compensation mechanism according to project principles (particularly in the wood sector). In several cases (particularly in agricultural lands) the proposals could be successfully solved with EU funding.

Identification of kinds (biotopes), which basically mean inventory is traditionally the most developed and most often practiced activity in Latvian environment protection sector. In the context of current evaluation process of legal capacity, consultants (see Add. 4 - data from seminar on 11.04.2003.) of different institutions give this chapter the highest rate.

There is an opinion among specialists from science sector and those involved in project implementation, that the evaluation rate to current research phase is adequately high, in order to state that there are no unknown territories in Latvia with very essential Biological diversity values left. In the same time there is a comparatively big discrepancy, which is direct component of capacity in the context of this project between qualification of a specialist (also interest) to carry out inventory work and the ability to prepare ecologically grounded management proposals according to biotope requirements. Most often this is explained with the lack of such research. Although proposals for maintenance of several biotope kinds (for example, several kinds of birds, *Cypripedium calceolus*) are prepared and provided in the Internet and can be publicly commented upon, the number of kinds and biotopes which require maintenance plans (instructions) for their ecology obviously is bigger than currently available. Seven specialists have indicated that people who carry out inventories of kinds not always are well aware of ecological issues of biotope or ecosystem functioning and recognizing this problem they avoid submitting of precise maintenance proposals or give overstatements which actually result in complete prohibition for any economical activity. Better evaluation is achieved in planning of protection of particular kinds of birds, because there are specialists who have been involved in doing research on particular kinds or groups of kinds and therefore has better knowledge about their ecology (for example, flicker type, daylight birds of prey, black stork).

The respondents indicate that protection of Biological diversity components in state and private territories are quite different. If in private territories these are financial bonuses, they usually dominate over implementation of fulfilment of requirements in the sense of convention, and the report author does not see any real mechanism to influence owners in case the owner does not obey requirements of environmental protection. In the same time, in the prepared research on motivation mechanisms (LAT/01/G31/A/1G/99) we can find the most real opinion harmonizing possibilities.

Planning of management of objects under preservation must be considered as a priority after inventory, for several territories, which currently do not have such planning, it is provided in accordance with the activity plan of the implementation of the national program. Several specialists from governance state institutions, however, have indicated that while there are no individual maintenance provisions prepared for particular objects there is an objective risk that norms of general provisions can be insufficient in order to maintain their value which is the reason why the particular objects have been granted with protection status. Furthermore, in territories which are under the threat of recreation activities the risk is the most high, particularly the seaside and Riga region as well as territories around lakes. Another significant capacity problem in order to ensure protection is lack of qualitative cartography material which would contain precise borders of Specially protected nature territories (SPNT) and lack of precise geographic information containing coordinates which is essential to prove the fact of damaging biotope, and also that the site for particular kind was actually where it was mentioned.

Respondents have underlined that among other biotopes it is difficult to ensure protection of lakes in accordance with the convention. Lakes is the sector where collide interests of fishery with the interests of nature protection. As an example of the above mentioned problem can be mentioned lakes where elaboration of fish stocks and fish feeding cause rapid eutrophic processes and change of original biotope. It was mentioned that Fishery Law provides for preparation of maintenance provisions, but it does not precisely define the content of the provisions. Therefore a lake is not viewed as an ecosystem with specially protected kinds and biotopes of vegetation, but as a place where fish stock is being maintained. Therefore there are no legal ways of acting against fishery in ecologically sensitive lakes located outside protected territories. Problems were identified also in SPNT's, which are established for protection of rare freshwater kinds, but meanwhile are used for attractive recreation.

As the main limiting reasons for successful implementation of functions within the work scope of state governance institutions are mentioned the following:

- Marking of protected territories in maps and marking in situ, particularly in areas where there is no SPNT administration;
- Lack of cartography material which would allow for concluding trilateral agreements between municipality, regional environment board and land owner about use of SPNT;
- It is necessary to establish in Latvia one overall inspection institution (which shall not be subordinated to regional environment board or SPNT administration; on similar terms as to State Labor Inspection); one respondent expressed objection to the mentioned model.

Out of the recently carried out practical projects, the environment specialists most positively mention the development and implementation of EMERALD/Natura 2000, which is currently at the final stage. Good ground for that was given in development of the kinds and biotopes inventory project. Although not in all systematic groups priority kinds

(similar as biotopes) according to EU directives coincide with local interpretation of priority kinds and biotopes and almost all interviewed environment specialists within Natura 2000 see a great chance to create a wide and well balanced protection network, which would incorporate desirable kinds and biotopes and those which have strong political umbrella that neutralizes possible protests from non-environmental institutions. Meanwhile, at least 9 respondents have indicated that the level of knowledge and co-operation with land owners in the context of exchange of information and opinions has not been sufficient which was mentioned as an obstacle in many dispute situations observed by specialists working in Nature Preservation Board while conforming borders of the mentioned objects.

At least 22 respondents have stressed that in the context of project implementation while creating the territories to be protected an important element is attitude of those people whose interests are addressed by the particular decisions. Therefore within the first part of the project an additional analysis was carried out about attitude of land owners and other involved institutions (for example, municipalities) by using performed sociologic surveys (Lang 1998, 2003) and the results of work meetings (approx 400 respondents on July 11, 2003 within conforming of territory borders under Natura 2000, which was carried out in regions by specialists from Nature Preservation Board). Total analysis was carried out of information that was gathered from surveying of 102 persons about issues of forestry and Biological diversity (Lang, 1998), 68 persons asked about Natura 2000 issues (Lang, 2003) and approximately 400 persons expressing their opinions from non-publicized minutes of meetings about conformation of Natura 2000 territories' borders (NPB work materials).

Although the opinions by no means are to be considered as unambiguous, however we can see mostly positive attitude towards the requirement to preserve Biological diversity and quite often it is noticed that land owners show satisfaction with the fact that their land is a home for special values (rare kinds, biotopes). Meanwhile land owners which experience difficulties in using their grown woods quite often strongly demand guarantee for compensation; in other words, if they are not paid any compensation they would not agree to any limitation or encumbrance. While analysing the materials quite often it was noticed that many complaints were mentioned which shows bad background information of landowners on, for example, necessity for establishment of Natura 2000 network. This is explained by the state institutions with the rapid work process and impossibility to reach every landowner (whose territory is planned to become under encumbrance) and precisely explain him/her about the project aims. Number of specialists (5) has noted insufficient participation of regional environment boards in the mentioned information campaign. Municipalities expressed similar opinion about establishment of encumbrance because this would lead to decrease in revenues coming from collection of real estate tax as well as due to the fact that unsatisfied landowners inadequately blame their municipalities, which according to their mind have not expressed sufficient protest against establishment of particular limitations for economic activities.



As one of the reasons Lang (2003) mention low involvement of mass media in education of people about the issues of environment protection, because press (also TV and radio) and personal experience according to respondents are mentioned as one of the most important sources of information that influence their opinion.

Generally the most difficult requirements (and often territorial encumbrance) for landowners are related to protection of birds of prey and birds of flicker type and sometimes black stork that in all cases relate to wood. Adopting funding from SAPARD program the less problems are forecasted for protection of grassland (agricultural land).

Analysing the owners' attitude it is obvious that people crossing the term "nature protection" firstly see only negative possible limitations for economic activity (principle – everything will be prohibited), sometimes even generating absurd ideas that they will not be allowed to walk, furrow and cut on their land, etc.). This means that there is not enough positive information and human resources who could transmit the positive information accordingly to land owners who are not specialists in environment issues about positive aspects of SPNT, in attractive territories suggesting recreation possibilities by developing various services and applying for subsidies. Respondents stress that the main consequences arising from unsolved compensation mechanism will be negative attitude from land owners against nature protection as such; it was also mentioned that similar level of importance is to development of subsidy mechanism for nature territories which require special maintenance.

As one of the most essential disadvantages of project development in Latvia mentioned by the respondents is the fact that there is insufficient co-ordination in gathering and storage of relevant data. There has not been created a common system for data flow: methods and data structure is not appropriate for comparing with other data in order to keep the in data system of Latvian Environment Agency (LEA). Not all data on potentially valuable research come into possession of LEA. No procedure has been created on flow of all data necessary for the state into one common information centre (i.e. LEA), therefore a lot of information is stored in institutions with low accessibility or with individuals. All respondents stressed that this cannot be allowed in projects which are fully or partly funded by state or which are carried out with support from other states. Data accessibility and compatibility in order to ensure both research and supervision and protection functions is considered to be the most sharp problems of capacity, in particular in connection with implementation of all EU directives for environment and nature sector in future including preparation of reports for institutions of higher rank. This problem shall be one of the priorities, which must be solved within the functioning of information and co-operation network – CHM. One respondent specially stressed that State Land Cadastre does not carry out functions defined by the normative acts relating to incorporation of SPNT's, shelter belts, culture heritage, micro prohibitions and other protected territories in the land border plans, registering the borders in the Land Register. Such inaction is backed by several legal gaps in corresponding normative acts and lack of interest of State Land Cadastre to carry out the mentioned activities.

Consultant group from the project introductory seminar indicates that for developed projects quite rarely implementation funding is made available in time. There are a large number of projects, which can be classified as “wastebasket project” which is: its intellectual and use level already in the development stage was questioned for successful implementation. Therefore a project is formally completed, but there is no positive result. It was mentioned that quite often the only task for the project developer is defined very poor or in too general guidelines due to what the result does not correspond to the expected. On the highest level of environmental institutions (as contractor authority) no defining system for perspective projects exist nether does clear principles for developing of such system that would precisely provide all implementation mechanisms. Foreign project offers not always correspond to the needs of the Ministry of Environment (to the defined priorities), and in many cases they are mainly to get employment positions for foreign experts – project managers (co-ordinators, etc.) or to develop research theme. This is in the interests of the foreign – donor institution, but not in the interests of solving environmental problems in Latvia or to adjust the whole system. Meanwhile several NGOs indicated that the requirement to co-ordinate the project with environment governing institutions of higher rank quite often could be negotiable in cases when the opinion of some particular NGO concerning the project importance is different.

The group of consultants expressed negative evaluation towards the fact that there is no tradition of public evaluation of projects, especially in their initial – development stages (this would allow to avoid some of those “wastebasket projects”), also there is lack of well developed schemes for implementation mechanism that would ensure implementation and succession of project decisions or proposals. Meanwhile there are no specific proposals how shall “public evaluation of projects” in practice can be expressed, what criteria shall be applicable and who will be give the evaluation (escalation of this issue was stated as ungrounded by the Ministry of Environment, because information relating to projects initiated by the Ministry usually is available on the Ministry’s website and in essential projects information materials are always distributed for comments). Group of consultants also indicated that quite often projects are left unimplemented or their implementation is decided to be useless. Project quality control is superficial which leads to initially well defined project becoming useless. Not always contractor due to different reasons is ready to implement proposals arguing that the project is already completed. A common project evaluation system has not been created; it would allow evaluate project expedience (success) in the general context of Biological diversity convention implementation. There also existed an opinion that an introduction of a necessary project can be affected or even stopped by political processes and the fact whether project “is good” (ig. Corresponds to the current conjunction situation) in the understanding of Environmental institution high rank officials. Three respondents mentioned that there is chaos in defining the projects; due to the fact that there priorities are not defined everybody can come up with his own project. Seven respondents expressed doubts about fail dealing when evaluating the tenders in the environment sector.

The general document about monitoring of environment and kinds is the National Environment Monitoring Program (hereinafter used as “monitoring program”) that was

developed in 2002, has many sub-programs. The mentioned document is available at Latvian Environment Agency. Theoretically it is comprehensive and summarising, however in many places in the text in the lists of activities and works to be implemented we can notice the determination sense, for example: “it would be necessary”, “could ensure”, “should have been grounded” and similar forms of expression. In many places there is indication that researches (monitoring) made by cross-sectors and inter-institutions are carried out independently and the information exchange is insufficient. A big share of the data is out-dated and in future this can cause problems in providing of information to institutions of higher rank (for example, convention secretariat). Due to lack of funding (2003) the monitoring program does not provide funding for several big chapters, for example, inland waters and woods that cause objections from representatives of mentioned sectors. In 8 cases it was noted that the anthropogenic monitoring (mentioned in Latvia as important for oligatrophic lakes, sand dunes and areas after melioration of different level) has almost not been addressed. As one of the deficiencies identified by 7 respondents was mentioned the fact that monitoring program is not prioritised according to most important activities to be done and also mentioning this as the reason why particular organizations – project implementers in the situation of short funding receive means of money only for their field of work (competency, or scope). Such statement is fully rejected by Latvian Environment Agency which proposes to redefine this capacity problem or even delete it from the list of capacity problems, at the same time agreeing that prioritising if monitoring activities is still necessary. Analysing the procedure of allocating the funds and the legal status of environment monitoring supervisory group Latvian Environment Agency, however, has not denied existence of capacity problems listed in the sub-clause (III-2.2) of this report. The mentioned problems were taken from opinions of respondents and also attention was paid to fact that one and the same person (institution) is in the position of decision maker and at the same time executor.

Surveying research doers of various institutions it appeared that participation in monitoring program was one of the most popular activities, obviously because of guarantees that this work will continue in long-term. Actually it ensures guaranteed and paid work from year to year with previously foreseeable functions (inspections), because monitoring is a process that takes place several years in a row. Comparing monitoring program with, for example, development of maintenance plan, monitoring is considered to be more simple work for a specialist and this was admitted by all respondents. Meanwhile it is underlined that regular monitoring is possible only when it goes together with guaranteed funding by state, foreign donors usually do not practice such investments. Insufficient funding is one of the most often mentioned problems among the other problems described in this report, particularly in connection with the possible liquidation of special budgets (LEPF).

Surveying the interested parties it appeared that the monitoring program has been developed for the needs of the Ministry of Environment and as being document required by the administration it was limiting to others, also noticeable fact that is shows poor institutional co-operation by the Ministry of Agriculture. Specialists admitted that from the scientific point of view the randomised coverage of research quadrates within the program

is poor. Specialists also admitted that many research doers were willing to include in the program their own private research activities, but not what is necessary in the context of program scope. And although such deviations during the preparation of the program were not allowed knowingly, it cannot be excluded that the program shall be reviewed repeatedly with more critic attitude. Two respondents indicated that the monitoring program in its current form do not give answer on as they believe, main question, for example in wood sector: what is the level of wood Biological diversity in Latvia “de facto” and what will be the comparing object to which the monitoring results in long-term will be compared by limiting itself to narrow research about changes in number of particular kinds. It was doubted within the mentioned context whether the particular kind placed under monitoring is or whether it can be considered as overall indicator of wood diversity. Instead of this a wish was mentioned to have more detailed monitoring which would show biotope changes as a result of impact from various factors (forestry, global climate change, etc.) and which would in long-term in due time indicate potential threats.

Meanwhile, interviews with persons involved in development and implementation of monitoring program have proved several capacity problems characteristic and typical to Latvia: very limited number of specialists that in many cases does not allow for selection (actual tender situation) procedure to execute particular task; threats of information leakage about the maximum price to be offered; concentration of projects ‘a priori’ in the scope of particular institutions and other similar aspects which arise from the lack of specialists and due to shuffle of competency between institutions. It must be admitted that the number of specialists in this issue (6:5) can be divided in almost equal groups among those who agree and disagree (because all planned works are executed in a qualitative way and in the provided period of time) with the above mentioned aspects and also those who evaluate such situation as poor and disadvantaged for further development (as the main arguments mentioning notably limiting opportunity to take part in the works by being outside “the necessary institution”; division into “friends” and “others” and unfair use legal status of several institutions concerning tax matters at the same time acting as typical consulting office which is not eligible for tax deduction, in such way taking advantage of price differences).

### **Identified capacity problems**

- (1) Biological diversity national program implementation activities and environment national monitoring program activities are not prioritised due to limited funding; in this some respondents see unfair opportunity for funding shuffle;
- (2) unsolved issue of loses compensation, particularly relating to wood property where protection of values of Specially protected nature territories is under threats;
- (3) lack of common cartographic system in the country and imperfections in state land register maps concerning the borders of specially protected nature territories in such way threatening the preservation of nature values, because allow for legal disputes as well as becomes as an obstacle for receiving and administrating of EU support funding; majority of respondents note that lack of joint institution for environment inspection limits qualitative execution of supervision functions;

- (4) common principles for gathering of all necessary national data at Latvian Environment Agency have not been prepared;
- (5) level of communication between state institutions and landowners is not sufficient in relation to establishing of protected territories and explanation of encumbrance and advantage matters.

### *III-2.3 Education and Science during implementation of the convention, study programmes and specialist training*

In Latvia, traditionally the main educational and science institutions, which prepare specialists in environmental sciences, are University of Latvia and its sub institutions and Latvia Agriculture University and its institutions (later – mainly in forestry and agriculture sectors). Skilled specialists in the environment matters graduate also from Daugavpils Pedagogic University, although 3 respondents mentioned that knowledge of DPU graduates (particularly upon applying for Master's degree at University of Latvia) is comparatively lower. As separate institutions must be mentioned National Botanical Garden and Zoological Garden which are mainly involved in *ex-situ* multiplying and research of kinds which are a priority, and also participate in international programmes.

According to the opinion of specialists in the science sector, although the enthusiasm and training of the staff is evaluated positively (such individuals are very few), generally there is no scientific potential, which would, able to solve actual environment protection issues. Also the existing potential due to different reasons is not used completely, in many cases activity takes place within expert (inventor) competency, but not under competency of performer of scientific research. Potentially well prepared individuals actually are not involved in science, they leave for other sectors. Heterogeneous level, and also out-dated way of thinking of those working in formal science research institutions as well as not being informed about the new tendencies in the field, does not let them create competitive science management and attract funding. This has created a general opinion about the high risk of investing state money in science sector due to real concern that the funds will be spent without bringing to the planned results. Additional interviews about this issue with persons who in different responsibility levels may be considered as employers or project financing bodies or whose education and work experience allows for evaluation of scientific potential, admitted that competency at environment and forestry profile entities in Latvia is not sufficient and approach to many problems is out-dated (10 approving answers out of 12), that the greatest capacity gaps in environment issues is in the bad knowledge of ecological interconnection (7 out of 11), that number of researches in progress is a result of long lasting inertia and they have no actual importance or the competency of specialists in relation to modern approach is insufficient (7 out of 9). Meanwhile, 1 specialist indicated that interest only with commercially advantageous topics and dominant requirement for such projects lowers the idea of academic science and increase of funding to institutes taking into account their current working format is absolutely necessary. Two of the interviewed indicated that quite often Latvian specialists as opposed to foreign specialists are evaluated to low. Several specialists (4) underlined that institute functions in several environment sector projects are partly taken over by

Latvian nature Foundation. It was noted that in the environment science there is no academically authoritative science centre which theoretically shall be connected with universities: in Biology – with University of Latvia, in Forestry – with University of Agriculture. Some specialists (2) are not willing to co-operate with NGOs, because they have the tendency to turn the evaluation given by the specialist according to their own narrow interests.

The analysis of research in regional centres, what we consider large territories under protection (national parks, reservoirs, other specially protected nature territories) show that it is more difficult for the local institutions to carry out necessary research corresponding to convention requirements due to lack of human resources (it is 3 times less than the institutions believe they need) as well as changing funding from year to year and also the flow of projects. These are the main reasons why many research remain on the level of an idea and the science-research potential in regions is not used. This potential in the very different convention implementation aspects: from research monitoring to development of management practices is theoretically well evaluated. At the same time guest scientists in the territories under protection tend to carry out research, which satisfy their own private interests and are not an essential investment into implementation of the convention. The interviewed persons (5) have indicated that in Latvia, state institutions that are to promote the implementation of convention are very passive towards defining and planning the perspective science issues for scientific-research sector.

Among the consultants of this project there is an opinion that in Latvia in all major kind/biotope thematic groups is at least one qualified scientist, and the collection of statistics data about how many and in which science and education institution the scientists work would be a deceptive parameter in order to make opinion on the scientific potential of convention implementation process, because:

- The different (adequate to modern requirements) training level the number of scientists in the institution and its potential are two separate things as a legacy from the former social-economic system;
- Many scientists formally do not work in science sector, but meanwhile in case of demand give qualitative consulting and involve in contracts;

Basically, in Latvia the science-research sector is not separated from the commercial (among them different funds and consultant groups) sector, where the latter quite often carry out functions those of scientific-research institutions and the other way round.

Evaluation of study programmes at universities in relation to preparation of new specialists for implementation of Biological diversity convention was very different. Respondents (6) underlined the fact that bachelor's program is too compressed and the time dedicated for field research is relatively short as well as the obvious overload of academic staff, their academic responsibilities go parallel with various activities at board meetings, work groups and other meetings. It was mentioned that due to many additional responsibilities time which academic staff may allow for individual work with only the most successful students at master's or doctor's study level is insufficient. Two respondents indicated that the number of compulsory study subjects related to Biological

diversity and ecology issues for students at University of Agriculture and who major in specialities connected with forestry, agriculture, water and environment management, is notably insufficient. However, due to division of current study load the only solution is deeper integration of speciality subjects into already existing study programmes. The surveyed respondents admitted that knowledge of good quality students receive only after completing master's course and only those who major in fields related to herbage, animals, mushrooms or ecology. A great problem is lack of adequate study materials in native language, which is partly compensated with acquiring of study materials from international scientific magazines and the Internet. Therefore a great emphasis is put on individual study process, which was evaluated, by one of the respondents as a process without efficient control and of its own accord. Three specialists noted that those graduated from bachelor's level has not enough understanding of scientific work – both as a process and content. Two specialists underlined the formal way of evaluating the acquired knowledge (tests) and insufficient link of knowledge with functioning of populations and ecosystems. These specialists noted that particularly because of these aspects graduates experience difficulties in participating in scientific work in their further activities which are connected with, for example, implementation of convention on Biological diversity or planning of maintenance of kinds and biotopes. Three respondents indicated that graduates have not enough motivation for scientific work.

#### **Identified capacity problems**

- (1) there is no academically authoritative science centre involved in environment protection and Biological diversity;
- (2) due to different reasons (funding, staff, inadequate potential corresponding to modern standards) academic science sector is not in good overall situation;
- (3) study process and programmes in environment issues is negatively affected by academic staff overload, rush in implementing the bachelor's study program and lack of well prepared study materials.

#### *III-2.4 Society involvement, including NGO's and interest groups, and opinion co-ordination mechanisms*

Generally democratisation indent as theoretical and practical opportunity to express ones opinion in Latvia is considered to be good. There are many non-governmental organizations in Latvia as well as professional unions, which in this case correspond to classic interest group – particularly in forestry and timber processing sectors. In agriculture sector – as many (5) specialists admit – at least for now there are no issues that would directly conflict with observation of environmental requirements. Sooner the situation has improved since the wide melioration and agriculture chemicalisation era has ended.

Positive evaluation by the consultant group is given to the existence of Environment Consultative Council, where it is possible to express one' opinion. There are no obstacles for free exchange of ideas. Meanwhile there exist a discrepancy between theoretical

opportunity to express yourself and the practical possibility to do that, because the society is not very active at involving in such discussions. It is sooner an opportunity for socially active individuals to express their opinions. Consultants underlined that non-governmental organizations, however their number is quite big, actually represent very narrow even elitist group opinions even within one particular sector. NGO basically do not represent society as a whole. There has not been developed clearly set schemes which would provide for “society opinion” taking into account or rejection procedures in the decision making process, particularly in phase which takes place during discussions of the critical issues before the final decision is made, because actually there is no such “society opinion” and there is no such institution which is authorised to express such opinion.

Interviewing the interested parties or quite often separate interest groups or decision executors it appeared that they believe that they have been ignored upon decision making. However, not always opinion of an interest group is corresponding to the interests of the society. Specialists have mentioned that an essential role in active (or passive) action of the society is taken by society being informed and well aware of the issues, because individuals who make up the society in their everyday life are not in touch with problems of Biological diversity, Climate change and land degradation on the level how these problems are explained and interpreted by specialists. Interconnection was underlined: the activity is low because the understanding of the issues by society is very low and therefore the problems actualised by specialists are not considered to be important. It was mentioned that in Latvia in most cases society’s capacity in environment issues expresses mostly as protest against implementation of particular economic projects. In such situation it is easy to manipulate with society individuals, because their skills in the field is not sufficient.

According to consultant group’s evaluation, understanding of importance and necessity of Biological diversity in society is evaluated as one of the worst expressions of current capacity (see Addendum 4). As indirect cause for society passivity was mentioned general opinion that the decision-making process, actually, takes place “behind locked doors” and where always dominate motives of politically-economical authorities and (or) interests of groups.

Due to low development level of the society in Latvia if compared to EU countries, the passivity of the society in issues of environment and nature therefore can be considered as critical capacity subject.

An active role in solution of several environmentally essential problems was played by Environment Protection Club, Latvian Nature Foundation, and WWF Latvia Chapter.

Also the interest of society and NGO’s (WWF Latvia Chapter, Fishermen Association) about the small waterpower plants has given a hope for positive progress and tough supervision of applicable rules. Not a small role in this issue has been to media, newspapers, radio, TV. However actualisation of issues concerning environment and following the conflict situation progress in long-perspective is obviously insufficient and it does not have systematic character.



Environment supervision specialists in surveys have mentioned that although, for example, State Environment Inspection has intensified control after small waterpower plants practising more regular inspections, also by controlling technical provisions issued by regional environment boards and methodically helping the regional inspectors about procedures of obeying requirements for protection of environment in planning, construction and operation of small waterpower plants. However, solution was not found for several important, potentially essential for the nature issues, for example, what shall be hydrometric rod for determining the water level.

Meanwhile it has been admitted that the issue of small waterpower plants – in many places as environment degradation cause – is very politically sensitive issue that recently goes very close with economic interests. It has been indicated towards the Ministry of Environment for its particularly passive and careful reaction in finding a solution to this problem, because there were times when the Ministry politically supported the idea of renewal (construction) of small waterpower plants. At the same time the respondents note that today the idea of operating a small waterpower plant has changed significantly for the negative. This example clearly shows wrong implementation of a well inspired legislation (support to rural business and environment adjust) in real life, where the initial goal does not play the main role. Furthermore, the example shows active participation of several NGO's (World Nature Fund, Fisherman's Association) active interaction and attraction media attention in favour of society's interests.

One NGO underlines that in order to set more clear nature and environment protection principle on the national level discussions with NGOs are necessary about long-term national policy and vision in relation to nature and environment protection. The principles then shall be integrated into other sectors of national economy and such vision would serve as general document, which would provide priorities and particular activities for co-ordinated action of all involved parties (state, NGOs). Similarly it was underlined that too much attention is paid to such problem as nature rehabilitation, the cause of which is the lack of long-term environment policy vision.

The opinion of parties involved about co-operation quality and arising capacity problems between NGOs and formal state institutions (separate state institutions, departments of ministries) are evaluated with great difference; almost every institution has its own position. Therefore it is difficult to talk about common opinion. The most characteristic answers from NGOs are the following:

- there is dialog between environment NGO and the state, but the state institutions notably stress it as an obstacle;
- separate NGOs which receive state orders can not be in constructive opposition, because they are state funded through these orders; representatives of those NGOs explain these objections about being in insufficient opposition with better and detailed understanding of situation, therefore better understanding of context is a reason for the

condition where the activity of particular NGO is not focused towards scandals or provocative confrontation;

- several independent experts staying out of any NGOs, however have noted the too intensive double covering of functions of NGOs and consulting agency in case of several NGOs compared to operation of NGOs in Europe;
- Mutual communication between NGOs and preparation of more or less common opinion for use in dialogue with state institutions has not been achieved, because even among NGOs there is no common vision about how shall maintenance of nature preservation and use of resources avoiding overexploitation be directed in Latvia;
- Two NGOs believe that the action of state institutions in finding a solution for particular Biological diversity issues can be evaluated as very negative, as an example mentioning the passive development of action plan for renewal of fish stock in Gauja river within the complex protection of the river as salmon type fish existence (in relation to small waterpower plants), also inefficiency and not being interested in creating a cultural-historic landscape, showing too much interest in lobbying subsidy programmes, although for local people the most essential thing is development of economical long-term self-sufficient maintenance vision;
  
- Other objection from NGOs towards state institutions are the following:
  - Current protection of Biological diversity is based on individual kinds and undefined time scale;
  - Actual fragmentation of environment policy between different ministries; poor interconnection of environment policy planning with budget planning in result of which the accepted programmes remain unimplemented or are implemented formally with significant shortenings and (or) changes;
  - Actual involvement of society in the decision making process is minimal and ‘pro forma’;
  - Notable indisposition to apply publicity to environmental issues important to society, the actualisation of which is not advantageous from the point of view of conjuncture;
  - Official reports, which are prepared about situation in national environment, avoid evaluation (impact), which reflects the efficiency of invested funding.

### **Identified capacity problems**

- (1) desirable more interested dialogue between NGOs and the formal environment protection institutions, particularly in issues which relate to national long-term environmental policy vision;
- (2) insufficient involvement of society in decision-making process.

*III-2.5 Further development of legal capacity in connection with legal, management and supervision requirements*

Consultant group gives positive evaluation for capacity to accessibility of different documents. Significant documents (both translated and local) are available in the Internet. Exists “clearing-house” mechanism or co-operation and information network. Existing infrastructure and technical facilities at least on the higher level allow operatively manage works and provide communications which are connected with implementation of convention on Biological diversity. Outside educational institutions and top level state authorities a good training is for specialists, which work at reservoirs and national parks. The specialists are good enough trained to protect state interests and to adopt new tendencies in the context of EU requirements.

The interviewed respondents noted that EU legislation in environment sector is tended towards ready societies and primarily on environment protection in countries with quite transformed environment; therefore in several chapters (particularly in economically sensitive field – forestry) the adaptable legislation and environment standards (egg., protection of separate biotope or kinds) for nature situation in Latvia are evaluated as firm. It is approved also by specialists representing wood sector from various institutions who would like to see in future more encouraging and understanding from environment protection institutions in developing of different projects initiated by wood sector, not only implementation of formal EU requirements.

Specialists who are involved in data collection and storage and who are responsible for creation of system that would process all activities in connection with providing data for preparation of various national reports, summaries, etc., underline that mutual data connection level into one network currently is not sufficient. None of the institutions involved in environment sector possesses compatible software, which results in difficulties in data processing.

The interviewed state officials mentioned essential capacity problem related to soon establishment of a system which would ensure precise and complete administration of laws in environment protection and supervision and which would be operated by qualified and numerically sufficient staff with detailed division of responsibilities.

It was noted that in Latvian Environment Agency there is no sufficient staff resources for gathering of various materials. The flow of documentation relating to convention on Biological diversity takes place in large amounts that would require a separate permanent office for gathering and qualitative processing of the data.

Low evaluation by respondents from various state and NGO institutions was given to professionalism of specialists working in regional environment boards. Therefore practical environment protection supervision and management within the territory under supervision of corresponding board is carried out in insufficient level. Opinions of addressed specialist divide in causes of obviously unsuccessful (incorrect) decisions in particular projects concerning environment or resource usage: some believe that there is high level of corruption on lower levels of decision-making structures (material or other

kind of private interest), others believe that it is more problem of decision-makers qualification, responsibility and competency. Also the responsibility of decision maker is not clearly defined.

The improvement of qualification of environment specialists in Latvian municipalities and regional institutions is mentioned as a critical capacity problem which shall be solved for increase of local level capacity for different supervision, project management and administration as well as promoting regional co-operation. Already several thematically relevant programmes take place and are provided in co-operation with activities of Baltic Environment Forum (program BANAT – Baltic States regional preparation for Natura 2000) and consultant group CarlBro. Representatives of two NGOs expressed worries that many municipalities do not have developed territorial planning, particularly in municipalities bordering the Sea.

Consultant group mentioned that one of the most essential factors that limit the legal capacity, which is often mentioned, is very difficult and slow flow of normative acts and other documents from one institution to another. Often the actual issues are solved in very long time. The mechanisms that would optimise flow of co-ordinated issues and strict observance of timing are not set. It is noted that an essential obstacle for surpassing the above mentioned negative tendencies is the political will, because interest rate (lobby) of groups (parties) are very high.

The respondents mentioned that when requiring particular date from one institution to another cross-sector institutions do not co-ordinate. This shows bad management of the particular process, when due to bad distribution of responsibilities and functions we can see unsatisfied co-ordination and doubling of functions. In carrying out state tasks we can notice bureaucracy problems - service for money – particularly in State Land Cadastre. Among state institutions that carry out state tasks such relations cannot be accepted.

In connection with predictable increasing requirements in the field of environment and nature preservation respondents gave negative evaluation to availability of human resources which will be necessary for implementing the functions and concerning the number of staff as well as their qualification. Meanwhile an essential improvement of effective administration must be achieved. Two respondents noted that new methods must be applied in training new specialists, methods that would ensure access to adequate qualifications relevant to EU legislation and environment standards as well as ability to understand normative materials in this context. Respondents who are involved in dealing with supervision and legal issues related to environment sector noted that a serious problem of legal capacity in performance and supervision sector is the fact that Latvian environment norms can be interpreted quite freely. The procedure of introduction of new legislation must be updated, staff must be trained in applying the particular norms in practice.

At least 10 respondents noted that many of the capacity problems in environment sector are consequences of the former social-economic system where the qualification of human resources is notably unlike.

Therefore it is still essential to develop such experience, project management and competency system in the environment sector which could ensure successful state functioning in free market conditions at the same time maintaining high Biological diversity and orientation towards maintenance avoiding overexploitation.

**Identified capacity problem**

- (1) in the context of long-term implementation of delegated responsibilities and according to international commitment there is insufficient capacity of regional institutions (also municipalities) in administration quality and competency relating to different environment supervision and protection issues.

### **III-3. Capacity evaluation within the implementation of convention “On Biological diversity”**

UNDP project “Capacity Evaluation of Latvia in Fields of Biological diversity, Climate change and Land Degradation”

Group of Biological diversity

Capacity current self-evaluation within the implementation of convention “On Biological diversity”

(Gradation: 5 to 1; 5 – excellent; 4 – good; 3 – decently; 2 – bad; 1 – very bad)

The evaluation was given by 11 consultants; seminar on 11.04.2003. in Igate

Answers to the questions are listed according to evaluation (average evaluation in points)

(av. 3.60) Biological diversity components (kinds, biotopes, etc) identification and monitoring / evaluation homogeneous; within 3-4 points)

(av.3.50) Implementation of Biological diversity convention: honest accessibility of financial funding offered by various donors / evaluation homogeneous most of the consultants evaluated it with 4 points, one consultant evaluates it as: bad);

(av. 3.44) Component ex-situ protection (collections, Zoo, Botanical gardens, etc) / evaluation homogeneous most of the consultants evaluated it with 4 points, one consultant evaluates it as: bad);

(av. 3.25) Component ex-situ protection (in nature)/ evaluation homogeneous protection in nature is evaluated as decent or bad, one consultants as : good);

(av. 3.20) Distribution of benefits is provided by laws, administrative and political sectors) and equality in use of genetic (live nature) resources (i.e., excavated resources, etc. not included )/ evaluation homogeneous : almost all evaluate the distribution decently)

(av. 3.10) Effective planning in the field of national Biological diversity / evaluation very homogeneous: almost all evaluate distribution decently)

(av. 2.75) Programmes for scientific research, education and practical training / (evaluation homogeneous: majority programmes are evaluated decently, some evaluated them as: bad);

(av. 2.36) density of environment risk evaluation in development and evaluation of new projects (concerning environment) / (evaluation divides in three similar groups: decently (small prevalence), bad, and very bad);

(av. 2.27) Understanding of importance and necessity of Biological diversity by society / (evaluation is divided in three similar groups decently, bad, and very bad);

(av. 1.80) Biological diversity Protection development of economic and social chapters / (evaluation divided in three dissimilar groups, bad, and very bad evaluations dominate);

(consultants do not have enough information to evaluate the chapter) Safety measures in the result of biotechnology in distribution of genetically modified living organisms

*Note:* Seminar was participated by representatives of the Ministry of Environment, Nature Preservation Board, State Environment Inspection, State Forest Service under the Ministry of Agriculture, Latvian Environment Agency, Nature Museum, Teiči State Reservoir, Gauja National Park, Ķemeri National Park, and also Ziemeļvidzemes Biosphere Reservoir.