



United Nations Office of the High Commissioner for Human Rights (OHCHR)

National Institutions and Regional Mechanisms Section (NIRMS)

To the attention of Mr. Benjamin Schachter, Coordinator, Environment and Climate Change Team

Answer: Resolution 53/6 – Human Rights and Climate Change

Dear Mr. Benjamin Schachter,

Following the request received, regarding the research and report that the Office of the High Commissioner for Human Rights (OHCHR) is preparing, in accordance with Human Rights Council Resolution 53/6 of 7 July 2023, entitled "Human Rights and Climate Change", we are now communicating to you some aspects regarding the strategies adopted by the Government of our country to combat climate change, with relevance including from the perspective of respecting human rights, considering the implications that environmental health has on human health.

At the proposal of the Ministry of Environment, Water and Forests, the Government of Romania approved, in November 2023, the Government Decision on the "*Long-Term Strategy (STL) of Romania for the Reduction of Greenhouse Gas Emissions*", which aims at achieving a *neutral Romania* in 2050. "The 2030 National Strategy for the Sustainable Development of Romania (SNDDR 2030) and the related action plan represent Romania's response to the 2030 Agenda for Sustainable Development and establish the national framework for the implementation of the 17 Sustainable Development Goals (SDGs), providing appropriate responses to the challenges of climate change, in line with the objectives of the Paris Agreement and the Sendai Framework for disaster risk reduction, as well as with EU strategic documents, to ensure policy coherence for sustainable development at national level." "According to the Neutral Romania scenario, Romania aims to become climate neutral in 2050, reaching a 99% reduction in net emissions in 2050 compared to the 1990 level. Romania has already started the decarbonization process by reducing emissions by 62% in 2019 compared to the 1990 level. However, further efforts are needed to achieve climate neutrality in 2050. First, the 2030 milestone is needed: 78% reduction in net emissions compared to the 1990 level."¹

The Ministry of the Environment, Waters and Forests issued the environmental opinion for the "*National Strategy for the Prevention and Combating of Desertification and Land Degradation 2019-2030*". According to the *Study for the elaboration of the national strategy regarding the prevention and combating of desertification and land degradation 2019-2030*: "Romania is located in an excessively continental climate zone, with prolonged pedological droughts, and the increase in the last 10 years of average annual temperatures by 0.2 - 0.6 °C

¹ Annex to Romania 's long-term strategy for reduction greenhouse gas emissions - Romania - Neutral in 2050;

and the decrease in precipitation by 10 - 15 mm, compared to multi-year averages, against the background of the current decrease of the geosystem, reveals the clear trend of the intensification and expansion of desertification phenomena and land degradation, especially in the southern and eastern areas of the country. A third of Romania's territory (approximately 7 million ha) and 40% of the agricultural area are in areas at risk of desertification. The most exposed regions are the south of the Romanian Plain, Dobrogea and the south of Moldova". "Regarding climatic changes, from the comparison of the values obtained over the last 100, 50, 20, 15 and 10 years for the main climatic factors, the following almost general trends are highlighted: a) decrease in the average annual amounts of precipitation; b) the increase in average annual temperatures in the last 10 years compared to the average over the last 100 years. It should be emphasized that both trends are manifested at the level of the entire territory of the country (for the plain and hilly area), with the exception of the eastern area (especially the coastal area), where the amounts of precipitation are anyway very low". "At the national level, high aridity acutely affects approximately two-thirds of Romania's population (64%), i.e. just over 14 million people (INS Tempo POP 108D, 2021)."² Therefore, in relation to human rights, the desertification process affects both the environment and human health.

According to the framework stage Decision for *the "National Strategy on Adaptation to Climate Change for the period 2022 - 2030 with the perspective of 2050"* and *the "National Action Plan for the implementation of the National Strategy on Adaptation to Climate Change"*: "The National Strategy on Adaptation to Climate Change and The National Action Plan for implementation represent strategic programming documents covering the areas of (1) Water resources, (2) Forests, (3) Biodiversity and ecosystem services, (4) Population, public health and air quality, (5) Education and awareness, (6) Cultural heritage, (7) Urban systems, (8) Agriculture and rural development, (9) Energy, (10) Transport, (11) Tourism and recreation, (12) Industry and (13) Insurance"³.

At the same time we remind: The 2023 report of the Working Group on the topic "Combating climate change: an integrated approach", the Presidential Administration, the Department of Climate and Sustainability on the topic "Limiting climate change and its impact: an integrated approach for Romania", "National Strategy regarding education for the environment and climate change 2023-2030" approved by Government Decision no. 59/2023, "National Strategy of 2022 regarding the Circular Economy", "National Strategy of 2018 for the Sustainable Development of Romania 2030".

Regarding the activity of the Ombudsman in Romania, in order to fulfill its constitutional role, the People's Advocate acts as a mediator, finding and proposing solutions, bringing those involved to the same table or issuing recommendations. Thus, the People's Advocate contributes to detecting and combating the phenomena that lead to the violation of rights and liberties of citizens, focusing on the need for continuous improvement of the public administration activity, in order to respect the legitimate interests of citizens.

The department on human rights, equal opportunities between men and women, religious cults and national minorities within the People's Advocate Institution carries out its

²<https://www.mmediu.ro/app/webroot/uploads/files/Strategia%20Nationala%20privind%20Prevenirea%20si%20Combaterea%20Desertificarii.pdf>

³<https://www.mmediu.ro/app/webroot/uploads/files/Decizia%20etapei%20de%20incadrare%20SNASC%2BPNASC.pdf>

activity regarding a wide range of human rights, including in the field of applying the right to a healthy environment, which has multiple implications in terms of combating climate change.

Protecting the right to a healthy environment, a right with multilateral implications, whose observance also influences the exercise of other human rights, such as the right to health protection, the right to life and physical and mental integrity or the right to a decent standard of living, also represented and continues to represent a subject under the attention of the department on human rights within the People's Advocate Institution.

Based on the consultation of specialized scientific studies, reports, news published in the mass media, the People's Advocate institution proceeded ex officio on various relevant topics from the perspective of environmental protection and combating climate change and started a series of actions based on its legal powers and duties.

One of the major topics addressed by the People's Advocate institution, with relevance from the point of view of combating climate change, refers to protecting forests and combating the desertification process by planting new forests. According to the IUCN: "Halting the loss and degradation of forest ecosystems and promoting their restoration have the potential to contribute over one-third of the total climate change mitigation that scientists say is required by 2030 to meet the objectives of the Paris Agreement." "Around 25% of global emissions come from the land sector, the second largest source of greenhouse gas emissions after the energy sector. About half of these (5-10 GtCO₂e annually) comes from deforestation and forest degradation."⁴ According to UNDP: "Adopting a holistic approach to sustainably manage our forests is key to effectively combating climate change. By eliminating emissions from deforestation and forest degradation and facilitating forest regrowth and landscape restoration, we can significantly reduce global net GHG emissions"⁵

In this context, in order to protect the right to a healthy environment and, at the same time, in order to combat climate change, as both at the national, European and international level, multiple alarm signals have been raised regarding the need to take measures to ensure a better management of the forest fund, in order to ensure an efficient protection of the forests in Romania, the institution of the People's Advocate proceeded ex officio and made researches, exchanged information and held discussions with competent authorities in the field and specialists in forestry.

The People's Advocate took steps at: the Ministry of the Environment, Waters and Forests, the National Directorate of Forests ROMSILVA, the National Research and Development Institute in Forestry "Marin Drăcea", the National Administration "Romanian Waters", the General Inspectorate of the Romanian Police and the Prosecutor's Office attached to the High Court of Cassation and Justice, in order to request points of view in relation to reported irregularities in the application of forestry and environmental protection legislation,

⁴ "Halting the loss and degradation of forest ecosystems and promoting their restoration have the potential to contribute over one-third of the total climate change mitigation that scientists say is required by 2030 to meet the objectives of the Paris Agreement." "Around 25% of global emissions come from the land sector, the second largest source of greenhouse gas emissions after the energy sector. About half of these (5-10 GtCO₂e annually) comes from deforestation and forest degradation."

<https://iucn.org/resources/issues-brief/forests-and-climate-change>

⁵ "Adopting a holistic approach to sustainably manage our forests is key to effectively combating climate change. By eliminating emissions from deforestation and forest degradation and facilitating forest regrowth and landscape restoration, we can significantly reduce global net GHG emissions."

<https://climatepromise.undp.org/news-and-stories/forests-can-help-us-limit-climate-change-here-how>

relevant statistics regarding the forestry sector, but also regarding criminality recorded in forestry matters, as well as of possible solutions to make the management of the forestry sector more efficient.

Taking into account the conclusions resulting from the investigations made at the competent authorities and the consultation of forestry specialists, in order for the Romanian state to comply with the regulations adopted at the international level (*the Paris Agreement on climate change, the 2017-2030 Strategic Plan for Forests of the Organization United Nations, 2030 Agenda for Sustainable Development, United Nations Convention to Combat Desertification, Charter of Fundamental Rights of the European Union, Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and species of wild fauna and flora, Directive 2003 /4/EC of the European Parliament and of the Council of January 28, 2003 on public access to environmental information, Regulation (EU) No. 995/2010 of the European Parliament and of the Council laying down the obligations of operators who place timber and timber products on the market (the EU Timber Regulation), the Aarhus Convention of June 25, 1998 on access to information , public participation in decision-making and access to justice in environmental matters*), the Ombudsman issued a recommendation to the Minister of Environment, Water and Forests.

In parallel, for the fulfillment of its constitutional duties, the People's Advocate elaborated *the Special Report on the protection of Romania's forest areas*, and submitted it to the Romanian Parliament. The main recommendations of the People's Advocate for combating illegal logging, good management of protected natural areas and sustainable development of forests in Romania, which can be considered promising practices in the field of combating climate change and protecting human rights, are the following:

- The identification of solutions in order to considerably reduce or even prohibit clear and quasi-clear cuts, considering the negative effects on the environment that these types of forestry treatments involve;
- The establishment of "zero intervention" areas in all categories of protected natural areas provided for in national legislation, comprising a percentage of at least 80% of the surface of the protected area, including in Natura 2000 and UNESCO sites, where natural processes can take place without human intervention, by prohibiting the cutting of trees of any type (with the exception of wood resulting from tree felling caused by natural phenomena);
- Implementing the UNESCO recommendations regarding the strict protection of buffer zones of protected sites, identifying solutions in order to prohibit the cutting of trees in these areas, with the exception of the extraction of wood from tree felling caused by natural phenomena;
- Appropriate delimitation of protected natural areas: the preparation of topographic maps and the visible marking of the limits of protected areas in the field, through collaboration with research institutes, higher education units and specialists in the field;
- Finalization of *the Catalog of virgin and quasi-virgin forests*, through collaboration with research institutes, higher education units, specialists and national and international NGOs;
- Improving the Integrated Information System for the Tracking of Timber (SUMAL), by using satellite images and timely alerting the competent authorities in the field;
- Identifying solutions to improve forest guarding, including by installing cameras in areas of interest (e.g.: forest road intersections) and equipping vehicles used to transport wood with special GPS devices, developing the institutional capacity of Forest Guards

by equipping them with modern investigation technologies and the increase of forestry personnel;

- Preparing a study on the areas of degraded land, at the level of which agriculture cannot be practiced effectively, and the start of a program of planting new forests-nurseries for wood production, in order to combat desertification and ensure the firewood needed by local communities; through such plantations with the industrial role of wood production, pressure on natural forests can be avoided by reducing deforestation.
- Drawing up a national strategy to combat floods and flooding through afforestation actions, in collaboration with the "Romanian Waters" National Administration and with specialists in the field, in order to identify areas on the national territory where such actions are useful, by virtue of applying the principle of preventive action.

Other relevant topics from the perspective of protecting the environment and combating climate change (climate change mitigation and adaptation) addressed by the People's Advocate Institution are represented by: combating air pollution in urban areas by taking measures including regarding the expansion of green spaces (relevant subject including from the point of view of the right to health protection); analysis of potentially polluting activities that produce emissions into water, air or soil, by the competent public authorities, so as to ensure compliance with legal regulations in the field of environmental protection; monitoring the works carried out for the modernization of the sewage treatment plant that serves the city of Bucharest; disposal of waste from construction sites or public spaces; making mining waste deposits more environmentally friendly (making the Bozânta Mare Sterile Dump environmentally friendly, management of mining waste in Cavnic, Maramureş county); the prevention of ecological accidents by the spillage of mining material, by mobilizing public authorities, in order to take immediate measures in case of danger (in case of a crack in the Roşia Montană reservoir dam), compliance with the legal regulations regarding the protection of protected natural areas (maintaining the status of a protected natural area for the Crâng Forest), the conservation of sites with natural and cultural heritage value (the inclusion of the Roşia Montană site in the UNESCO world heritage) and biodiversity (the protection of wild horses in the Danube Delta).

At the same time, in the context in which combating climate change is a topic of interest for the Romanian People's Advocate institution, we mention the participation of a representative from our institution at the 17th and 18th UN Climate Change Conference of Youth (COY17 and COY18), in 2022 in Sharm El Sheikh , Egypt and in 2023 in Dubai, United Arab Emirates, which contributed to the preparation of the Global Youth Statement, which exposes the voice of young people in the UN climate change negotiations at COP27 and COP28, in the context of the implementation of the United Nations Framework Convention on Climate Change (UNFCCC).

In the hope that the information provided in this letter will be useful in the development of the research mentioned by you, we assure you of our full consideration and openness to further collaboration.

Renate WEBER,

Ombudsperson



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