

# ANALYSIS OF THE INSTITUTIONAL FRAME REGARDING THE BEAR MANAGEMENT IN ROMANIAN CONDITIONS

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**Abstract:** *In contrast to the situation at European level, the policies of nature conservation in Romania often occupy, on national scale, only the last places in the agenda of the Romanian legislative and executive bodies. In this context, local and regional initiatives may play an important role in the conservation of nature. The Transilvania University from Brasov, along with partners from Italy, Bulgaria and Greece are implementing a LIFE+ project that work for improvement the conditions for large carnivore conservation and transfer of best practices.*

**Key words:** *bear conservation, socializing nature, human dimension, institutions' competences.*

## 1. Introduction

In the last years, along with the intensification of the economic development and the diversification of the control of natural resources, including wildlife, the management of wolf and bear populations has been the subject of new pressures both economic as well as of other kind. Therefore, the bear represents for the game administrators an important income source (the hunt for bear trophies in Romania can amount to 1.5 – 2 mil. Euro each year) and, both wolf and bear are species of rich symbolic charge (power, agility, wildness, etc.) which leads to the fact that the species lie under other pressures both economic as well as of other kind (tourism, sensationalism,

supplementary feeding, photographing and filming, etc.)

All of these lead to the accentuation of the impact of human activities on the populations of some species typical for valuable natural ecosystems. Romania is known as one of the countries with the most significant biodiversity at European level. Therefore, in Romania occur 5 of the 10 biogeographic regions identified in Europe: alpine, continental, steppe, Pannonic and Black Sea. Along with the high degree of ecologic condition diversity, the natural habitats of our country also accommodate significant populations of continent-wide endangered species. Hence, the wolf and bear are considered by the EU as priority species for conservation on continental level, and Romania hosts about 25% of the bear and

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30% of European wolf populations. Given the intensification of human activity and the diversification of the ways to exploit natural resources in Romania, a dramatic decrease of these populations on middle-term is expected.

In this context, our project is focusing on the important aspects which can contribute to the maintaining of the current populations and the improvement of conditions regarding the management of wolf and bear species given the current conditions in Romania. In this paper we will present data based on analysis of the information obtained from detailed interviews with the representatives of State Forest Offices, Agency for Environment Protection, local mayoralty, Sanitary Veterinary Agency, hunting associations, Territorial Inspectorate for Game and Forest Regime located in Brasov and Covasna counties.

## 2. The Methodological Perspective

In understanding the problematic posed by the bear populations we started from the triad of bear-state-society, in which each part is an intermediate or a *tertius-gaudens* in the relations of the other two parts concerned. In other words, by means of the bear we could be deciphering the state-society relationship. Using the same scheme of the triad we can find the position of the state in the relationships forming between the bear and communities and likewise observe the way in which the community acts regarding the relationship of the bear-institutions of the state.

## 3. Defining the Problem: Socializing Nature

There is a threat on the bear which has to do with a mechanism of socializing nature. This mechanism manifests as a penetration of the anthropic space on bear territory, or,

in the words of a respondent, *“we were the first to penetrate bear territory, it wasn't him who penetrated ours”*

The ways to penetrate are many. The first way manifests itself as the desire to have maximal benefit by placing a dwelling in a natural frame, case in which we assist the occupying of the space by man and the elimination of any other pretender.

Another way is that of adventure, expressing itself as the industry of tourism. In this case we find repeated penetration of natural space by man by means of excursions. In this way the bears habits are disturbed and he finds himself forced to leave old paths he used to move on and thus he appears in new places, surprising man.

Another way to enter bear territory is by means of shepherding. When local councils define their locations, they don't impose on the owners any sort of sanitary-veterinary hygienic conditions, hence making it possible for domestic animals to transport disease in the forest or pasture grounds, infecting resident animals, which keep the virus or parasite until the next year, reinfesting pastures and domestic animals living there. In this case we're talking of *“two separate lines, which converge. meaning that almost all contagious and parasitic diseases which domestic animals produce, are also infecting wild animals, a good part of which, grosos modo around 150-200 being able to also infect humans, resulting in a sort of Bermuda Triangle, where it is not necessary for man to be at the top of the pyramid and where one finds this animal-human, wild - domestic animal disease transmission where the diseases are parasitic and also viral, like rabies for instance, trichinosis”*

Finally, man penetrates bear territory searching for resources on which the bear

detained monopoly, we're talking about strawberries, blackberries, raspberries but also water. One of the respondents brought into discussion the project of building micro-hydro-electric power stations in the Făgăraș Mountains, which could temporarily lead to water shortage for the bear, forcing him to search for water at either higher altitudes, in the alpine areas, or lower, in rural localities.

By intersecting an overlapping the social space with the once traditional territory of wild animals, the forest ceases to be a hiding place and a territory of safety. To summarize this aspect we will say that the bear no longer has the right to a distinct territory. His territory is used by man as residence, for feeding domestic animals, but also for adventure, meaning a way to evade the day to day life. And adventure is, as Simmel would say, something in itself, having nothing to do with the idea of responsibility.

As a consequence of the penetration of bear territory by man, the number of bear-man conflicts is on the rise. The media coverage of such conflicts is made from the perspective of the bear who is being transformed into the aggressor and man, being regarded as the victim. How did it come to this situation? It is nowadays typical of the bear not to be scared by man anymore, he no longer sees a threat, as another large carnivore, the wolf, still does, on the contrary, the bear sees in man a resource. We assist a change in behavior, the bear searching for human entourage. Originally an animal searching to live in freedom, the bear gets to be considered a "wild animal", hence unpredictable, dangerous. With the change in nourishment, female bears no longer give life to one or two cubs but to three or four. Not having his territory and enough food, the cubs try to penetrate urban or urbanized territory, meaning either garbage

cans or farmers' stables. The pressure on anthropic space increases leading to an increase in bear-man conflicts which causes this theme to appear on the agenda of public institutions.

Given this situation, the traditional way to analyze, using the classical terms of cause and effect is no longer valid. The bear appears as aggressor but the cause of his aggression is to be searched for in the mechanisms of socialization appearing in nature, thus the part opposite to his world. Can we recognize this truth? Does recognizing this truth not enter in conflict with the definition of man as "homo sapiens"?

Socializing natural space is simultaneously, as Baudrillard remarks, part of a mechanism of general discouragement of any hazard, of any accident. In the West this sort of discouragement has led to the extinction of bear and wolf populations, according to the managerial model, like in a hospital, which has marked the governments of this space (Foucault). Therefore, there are other consequences "*they don't want bears, nor wolves, they refuse population, and governments have to respect the populations decision and don't want them, on the other hand they adore the fact that stag, deer, wild boar populations are very large, the hunters barely succeed in diminishing these populations, and in the absence of these two natural predators, in the ecosystem you have significant problems. This is why in the West all arable fields are fenced because otherwise they cannot protect the crops from wild boar and deer populations, inside forests one finds fences around some of the more important or beautiful seedlings in order to avoid their getting eaten by the game*"

In Romania, the dissuasion mechanism did not achieve the "perfection" it has in the West, because of the incapacity to fund a "hospital" model of government and

thanks to this fact the bear continues to exist.

What does the institutional mechanism look like in our space? We cannot separate the way the institutional mechanism works from the way in which those designing and implementing this mechanism situate themselves relative to the bear problem. At the level of our governmental elite there is a rupture between the obligations assumed by integration (environment is considered a priority by the EU, but not so in Romania) on the one hand, and the needs of this elite concerning relationships, influence and obtaining advantages. Hunting is part of a “spending” mechanism (Bataille), a symbol of social status and of power for this elite. Thus, in the problem of large carnivore conservation, the state plays on two ends, on the one hand it supports both the conservation principle as well as the principle of the “bear as business”. Until a year ago, the management of the bear species was an attribution of the Agriculture Ministry. The dispute between the two principles was therefore a dispute between the Ministries of Agriculture and Environment. Starting with 2009 the forests belong to the Environment Ministry turning the interinstitutional conflict into an organizational conflict.

This conflict taking place on the level of principles in public policy is translated on the legislative level. The legislation is complicated, not separating the competences of public institutions clearly, it has different levels of “power” and is given by different instances. One of the respondents indicated that the legislation regarding environmental protection and the one referring to “silviculture” and “hunting” are not integrated, moreover, the first one is called up by an emergency governmental ordinance, whereas the second is called up by the classical, parliamentary procedure.

This mixture of not coinciding principles and responsibilities leads to a permanent conflict concerning the evaluation of the bears situation, especially the number of individuals (size of population). In other words, the problem of truth is dependent on interest. In the words of a respondent *“one does not ask an administrator a tax for protecting this species or treat it respectfully, on the contrary, as a state, if you have the species' conservation as an objective, you should support that administrator financially in order for him to maintain populations and tell the truth”*. From this derives a reality, namely, that, in fact, we don't really know the number of bears in our country, or if the species has a vulnerable or endangered status.

Essentially, the one disposing of the infrastructure necessary to make a “complete” counting of bear populations does not have the interest to make it, and the person having the interest, does not dispose of the necessary infrastructure! The difference between the numbers brought up by the conservationists is about one third of the numbers reported by the authorities. Thus, the data are reported by the game administrators (hunting interests) to nature protection authorities (conservation interest) and the bear come into a policy conflict.

The consequence? bears are shot, but not the ones who had to be shot: *“we shoot bears, but in order to see how, where and in what conditions we shoot, let's make the financial efforts, let's spend the necessary money, in order to oversee those problem-bears, because a bear who never entered a village is being shot instead of one who is guilty, so to say”* and this is done from financial reasons, since no-one comes to shoot the habituated bears, which leads to a not diminishing number of conflicts.

The only institution on local level being able to represent an integrator of

everything concerning the bear is the Prefecture. In the current situation, the Prefecture can't fulfill its function out of various reasons.

A first reason is that the problem of bear conservation enters its working agenda only indirectly, only when one stumbles upon bear-man conflicts: *“the problem with large carnivores has not been a part of the institutional agenda, it has not been an institutional subject, anyhow the agenda is primarily made by us, I'm coming with some problems, let's solve them, but generally we avoid the problems, for instance the wastelands, the Natura 2000 area, or the current pollution problems”*.

In the second place, the institution is, above all, reactive and not at all prospective.

The institution reacts at the “commands” coming from the government: *“probably it is due to the fact that institutions in Romania are rather reactive, reacting to problems, negative elements, when the case has taken place, proactive, it rarely happens that they institutionally take measures, only when confronting penalties, fines, dramatic events, that the concerned domain, institutions mobilize proactively”*.

In the third place, the institution does not have „competences”, specialized and autonomous in this field and it has to refer to the competences of the ones it coordinates.

In the fourth place, it is not to be forgotten that many institutions are politicized. Therefore a manager will be oriented towards satisfying the demands of the ones having named him rather than towards the demands of the institution, its existence reason, even if, in reality there is sufficient space for autonomy, in elaborating a strategic managerial plan, with an anticipative perspective of regarding things.

#### 4. What Can Be Done? Several Solutions

We consider bear protection and the diminishing number of bear-man conflicts should be accomplished based on a strategy having as vision a common belief, shared by all the participants having a contact with nature and a certain type of knowledge, which would be the base on which decisions are to be taken, namely the fact that the bear is a suffering being, not just a being which cannot talk.

The common belief, as ground for interpersonal understanding, would have as object the way in which we have to regard nature. If modernity has spoken about the domination of nature by man, it would be proper to exchange this perspective with another one, the duty of man to protect and develop nature, making of nature a partner and not an “obedient”. Whilst the modernity has conceived the development in the man-nature relationship as a win – lose situation (the development of man was made by means of losses supported by nature), a durable development would, ideally, assume the identification of those ways/,means in which the development of man would be associated with the development of nature, thus as a win – win situation. This presumes a continuous interrogation concerning our actions, do they bring a “benefit” to nature or a loss?

Another part of this new spirit would be connected to extending the concept of freedom, starting with the human species and reaching towards all those species we used to call “wild”, that is to say those not benefiting of the same status as the one of man, belonging, as living beings, to a different “logic”. By regarding large carnivores as being animals living in freedom and needing an autonomous space for acting out their freedom, we state that between the freedom of man and that of these animals there is a certain “political” resemblance which makes both actors be

considered equals “in freedom”. The notion of “freedom” hence leaves the enlightened-liberal discourse built on the scheme of man-bear and interferes with the syntagm of living-nonliving, freedom is no longer associated with the discourse or with the logocentrism but with the suffering.

In this paper we suggest, as consequences, some of the directions of action to lead to the materialization of these principles as national, regional and local public policies, directions which are a product of analyzing the interviews made.

A first direction is that of assuring the habitats capacity to support the bear. Most respondents, although having remarked the reduction of the bear habitat, have suggested as a solution to the bear-man conflicts the elimination of the “surplus” bears. None of the respondents suggested the expansion of the forested land as a solution to ensure the habitats capacity to support the bear. We ought to say that if we consider the bear to be an animal living in freedom, the notion of hunt belongs to another register, the one connected to the syntagm of “wild animal”, hence inferior to man. We suggest that the first public policy should be oriented toward a national program of massive forestation. The second step which should be taken is the blocking of the expansion of the current mechanism of socializing nature and starting off with a process of restraining this mechanism, within the plans of territory administration (land use planning), as well as a program of reducing the forests exploitation, because, as a respondent says “*it is essential to conserve the habitats of these carnivores, because this should be the starting point*”

If we're speaking only about the current state of the habitat we ought to consider some aspects. The first one is connected to the increase of the supporting capacity of the bears and wolves habitats, we're talking

about its expansion (“*in order to limit human access we should manage natural areas by creating parks and natural sites*”) in order for the zone to have enough resources, and the bears not to be stressed by the lack of food and afterward we should consider the structure of the forests, which should contain more deciduous species such as beech, common oak and shrubs.

The second aspect concerns the creation of new natural visited reserves. These reserves could then become attraction points for future tourist activities. In the words of one of the respondents: “*I also think it would be welcome to make a more object oriented tourism, meaning we could organize groups which would visit certain places, where these animals feed, some observatories could be constructed, from which, from the distance, would allow for the animals to be seen, not only bears but also chamois. On the one hand as natural beauty, which enriches peoples souls, on the other hand, the resources which they can bring. But in order for the tourist to visit those locations one needs the corresponding infrastructure*”.

Finally, one last objective would be the conservation of the current habitat. This is why a correspondent asserts „*that the Environmental Protection Agency has a very important role in giving all notifications, concerning the interventions to be made on large carnivore territory, I'm talking about all sorts of villas and other sort of constructions being executed all over the mountains, pastures or meadows. These constructions which have filled the mountains disturb the prey which sometimes changes its behavior. I consider we should take great care when giving out these*” approvals”. In other words, laws should be created, blocking the local administrations from introducing forests or natural sites in human settlements areas, in order for them to be later used to build

dwellings or in other ways. Moreover, where human settlements are close to forests, it would be necessary, when raising a building, to obtain an approval from the Environmental Protection Agency stating that the building concerned is not bringing any damage to the border zone.

The next point would be the current legislation which should be coherent, starting from the principles of environmental conservation, from the respect for biodiversity, and from the European requirements. In other words, the legislation concerned with the forest or with hunting should respect the environmental conservation legislation. And the legislation concerning the protection of large carnivores should be less permissive. The initiative of the compulsoriness of sanitary - veterinary control for animals visiting a sheepfold along with the agreement which sheepfold owners should obtain from sanitary-veterinary directions regarding the location of the sheepfold and the health state of the animals should also be promoted within a legislative frame. Finally, we consider that the present way to identify casualties produced by large carnivores, along with the means of remuneration don't work and this should be the place for essential modifications, which could be inspired by practices common in neighboring countries.

A respondent suggests that the existent institutional design should be restructured in such a way that there should be a single institution occupied with the conservation of large carnivore. Such an institution should also have the attributes of an environmental police and should protect biodiversity, the way in which citizens respect rules and codes of behavior in nature. If this thing would be fulfilled we would notice the expansion of the police-principle introduced by the modernity, in which the role of the police

is that of the administration of a space. In this case we see that, in order to exercise efficient control, the police expands its area of control on everything alive, not only the human sphere. The emergence of the police which is concerned with animal protection is thus not an arbitrary phenomenon.

Also connected to the institutional design we ought to indicate a paradox, namely that control organizations are part of the same ministry as organizations on the way to being controlled. The control should, normally, be a part of instances outside the authority taking care of bear management. This fact has its origin in the above mentioned specification of bear status and if the management concerned has as an objective to preserve the present number of bears with everything that this conservation implies, or the reduction of the bear numbers to a quantity the management can handle.

There should be programs with applicative character showing the villagers problems regarding biodiversity or the way to place sheepfolds, the risks to which they expose domestic animals. One of the respondents suggested that, what a sheepfold should look like, complete with electrified fences, should be shown.

A next point would be the education of tourists, agencies and associations occupied with promoting and developing tourism. In this field one feels the need that the Prefecture, as integrating institution should coordinate this, inviting partners to set up an action plan. The interviews concluded that there is a need to train "integrating agents", be it associations connected to developing tourism, organisms having durable development as a goal, state institutions, organisms of local administration (mayorality or local council) and we would also add mass-media representatives, so that there would be a common ground for understanding the problems involved. In the words of one of

our respondents, there is a need for “*access to information. Information means knowledge. Knowledge means you can exercise and prioritize your obligations*”. The fact that there is a significant distance between the level of competence required by the decisions concerned with the conservation of biodiversity and the real level of competence of those who take decisions on local level, affects not only the problem involved but also the principles of bureaucratic organization.

To sum up, the incoherence existing on the level of managerial principles is matched by the lack of clear delimitation of the institutions' competences, all of this in the context of modifying the present status of the bear, who, although becoming more and more visible, is hard to count, who no longer is scared by man but looks for his company, who no longer has his own space, but surprises with his appearances, who is considered to be a national symbol, and a profit source, at the same time, TV star and adventure opportunity and beyond all, a mirror of our society.

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