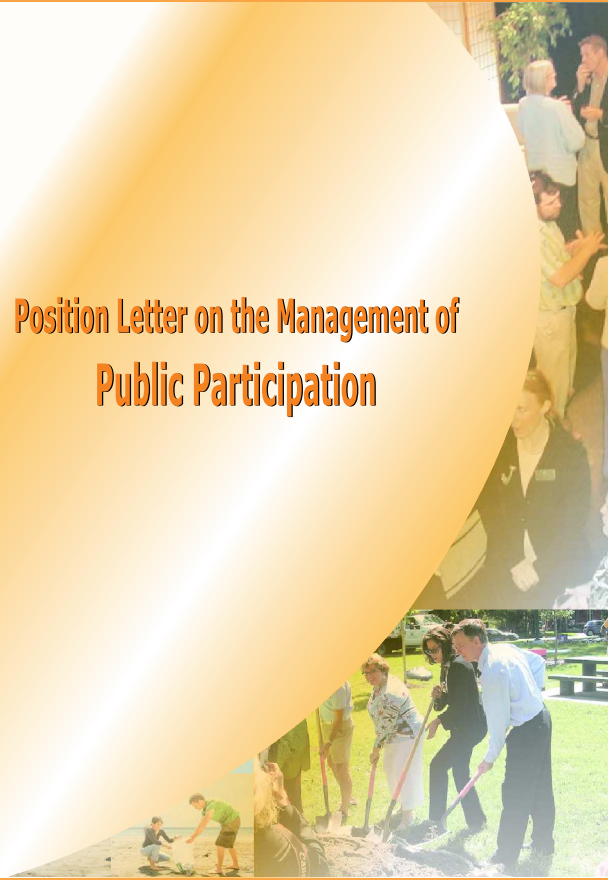


Position Letter on the Management of Public Participation



During the program: "Strengthening the Albanian Civil Society for an Improved Environment", Milieucontact International aims to stimulate cooperation among key stakeholders, through several activities addressed in national and local level. We do think and believe that civil society can have a great impact in the environment quality, not as intervening rather then actively participating in policy and decision making for environmental issues.

This position paper is compiled by working group on *Public Participation*, with the participation of experts of the field, NGO members, and representatives of local government or institutions.

This working group was supported and mandated from the Albanian environmental NGOs, during their annual Strategy Meeting, offering at the same time input and expertise in each respective fields of Water, Waste, Air and Public Participation.

The position paper is prepared in the frame of the program: "Strengthening the Albanian Civil Society for an Improved Environment", financially supported by the Royal Netherlands Embassy in Tirana.

On ensuring the public participation in the environmental issues

To: Mr. Lufter Xhuveli

Minister of Environment, Forests and Water Administration

Attention to:

- Parliamentary Commission on Environment and Health;
- Council of Ministers;
- Secretariat of the Aarhus Convention;
- EU Delegation in Tirana

Honorable Mr. Minister,

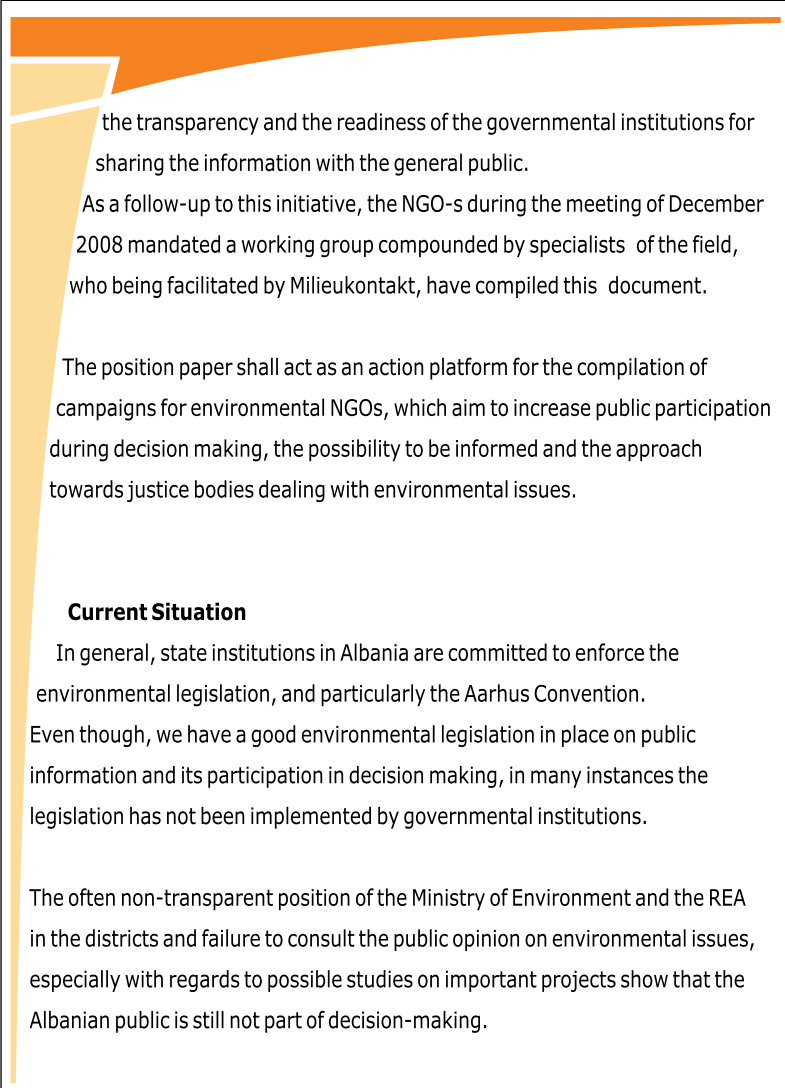
Environmental Non-Governmental Organizations in Albania have identified lacking on the process of Public Participation and Decision Making.

Through this document the NGO-s try to introduce recommendations for the improvement of this situation and for the implementation of the obligations related to Aarhus Convention¹.

At the Meeting of December 2006² organized by the Environmental NGO-s, was identified as priority to this sector, the demand on fulfilling the legal act with bylaws, in order to guarantee public participation in decision-making,

¹Albania signed it in 1998

²6th National Meeting of the Albanian Environmental NGOs



the transparency and the readiness of the governmental institutions for sharing the information with the general public.

As a follow-up to this initiative, the NGO-s during the meeting of December 2008 mandated a working group compounded by specialists of the field, who being facilitated by Milieukontakt, have compiled this document.

The position paper shall act as an action platform for the compilation of campaigns for environmental NGOs, which aim to increase public participation during decision making, the possibility to be informed and the approach towards justice bodies dealing with environmental issues.

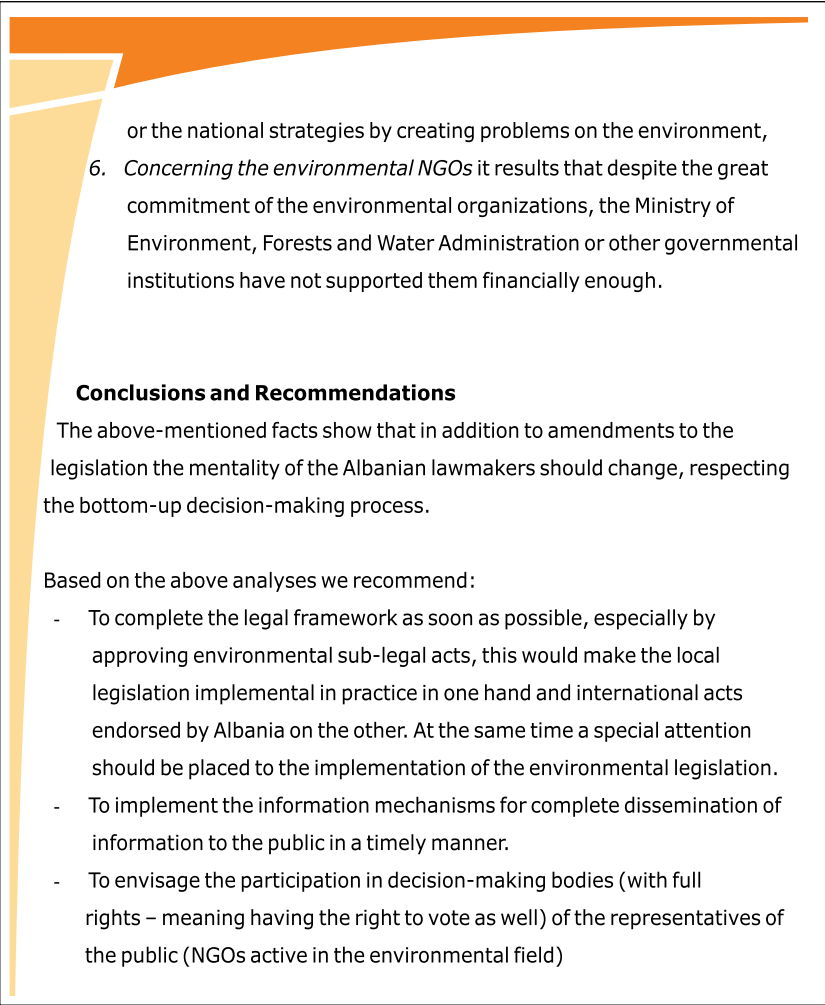
Current Situation

In general, state institutions in Albania are committed to enforce the environmental legislation, and particularly the Aarhus Convention. Even though, we have a good environmental legislation in place on public information and its participation in decision making, in many instances the legislation has not been implemented by governmental institutions.

The often non-transparent position of the Ministry of Environment and the REA in the districts and failure to consult the public opinion on environmental issues, especially with regards to possible studies on important projects show that the Albanian public is still not part of decision-making.

The Analyses of the Situation.

1. *As for the Legislation*, the Legislation on Environmental Protection has important gaps as for bylaws, and there is not always a good will to implement the existing legislation.
2. *Concerning dissemination of information to the public* - in many cases this process has been and continues to be only a formal process and not in compliance to the obligations stipulated in the bylaws. In most of the cases, the big projects start being implemented without consulting the opinion of the community in the area or by ignoring different oppositions.
3. *As for the public participation in decision-making*, there is not yet a consulting or decision-making body in the environmental field, which would have representatives of environmental NGO-s with full rights, even though the civil society has had positive experiences in this field.
4. *Concerning the environmental competences of the local government* - we observe that they are not clear and often they have been the cause of conflicts with the central government and have had environmental consequences. At the same time the local government has not implemented the legal obligations for public participation in decision making on environmental issues.
5. *As for the inter-ministerial bodies*, it results that bodies such as: Council of Ministers, the National Council of Territorial Adjustment, the National Council of Waters have not respected the law

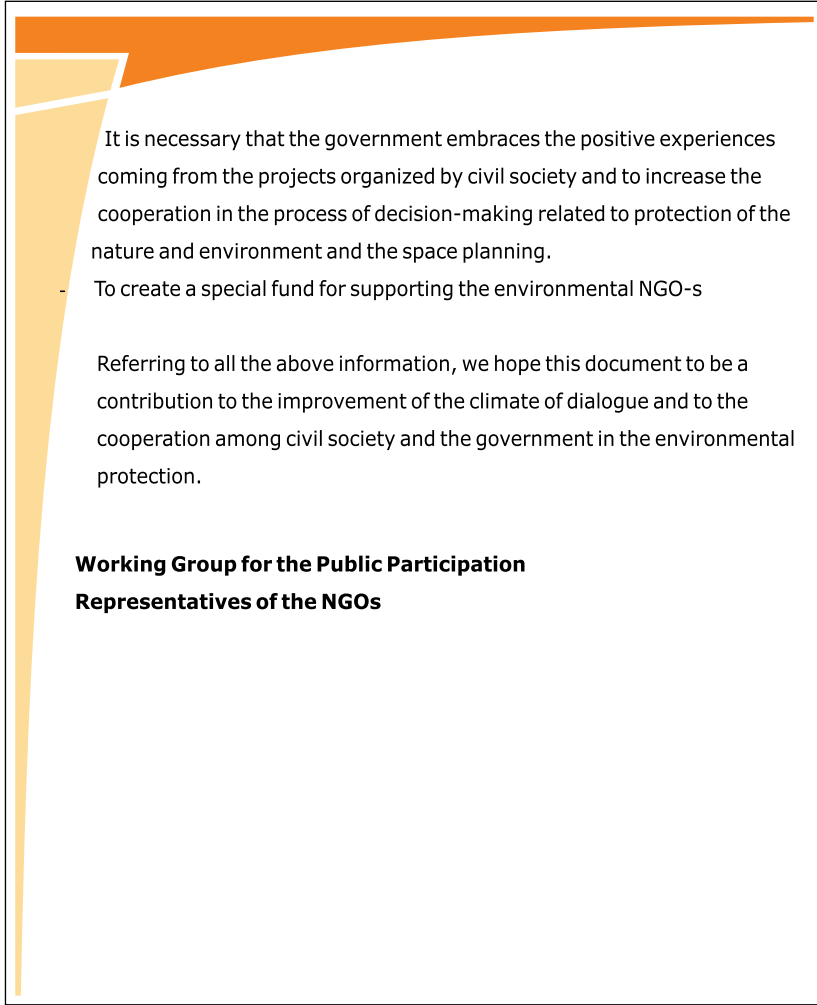
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- or the national strategies by creating problems on the environment,
6. *Concerning the environmental NGOs* it results that despite the great commitment of the environmental organizations, the Ministry of Environment, Forests and Water Administration or other governmental institutions have not supported them financially enough.

Conclusions and Recommendations

The above-mentioned facts show that in addition to amendments to the legislation the mentality of the Albanian lawmakers should change, respecting the bottom-up decision-making process.

Based on the above analyses we recommend:

- To complete the legal framework as soon as possible, especially by approving environmental sub-legal acts, this would make the local legislation implemental in practice in one hand and international acts endorsed by Albania on the other. At the same time a special attention should be placed to the implementation of the environmental legislation.
- To implement the information mechanisms for complete dissemination of information to the public in a timely manner.
- To envisage the participation in decision-making bodies (with full rights – meaning having the right to vote as well) of the representatives of the public (NGOs active in the environmental field)



It is necessary that the government embraces the positive experiences coming from the projects organized by civil society and to increase the cooperation in the process of decision-making related to protection of the nature and environment and the space planning.

- To create a special fund for supporting the environmental NGO-s

Referring to all the above information, we hope this document to be a contribution to the improvement of the climate of dialogue and to the cooperation among civil society and the government in the environmental protection.

Working Group for the Public Participation
Representatives of the NGOs



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