
ALBANIA:

Assessment of Capacity Building Needs of National and Local Stakeholders

Survey Findings, Analysis and Recommendations

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Presentation Highlights

- Overview of the existing situation regarding environmental policies;
- Identified priority gaps/needs;
 - Legal framework gaps;
 - Institutional capacity gaps;
- Needs/issues/gaps addressed/to be addressed through the projects (capacity building component);
- Recommendations for addressing other priority needs.



Scope and methodology

- **Time:** Jul.-Sep. 2008, with revision on Oct-Nov.2008
- **Institutional coverage:**
 - Central Government: (Ministries), Env. Monitoring Inst., Academia
 - Regional Coverage: “Qark”(=Regional Institutions), Regional Env. Agencies
 - Local Coverage: Local Authorities, community reps
- **Geographical coverage:**
 - Tirana, Shkoder, Bajza
- **Methodology:** Desk review (13 main documents and dozen websites), semi-structured interviews (19 persons)



Overview of the existing situation regarding environmental policies (1)

(from "Progress Monitoring Report" Nov.2008)

- Albania has made some progress in approximating its environmental legislation to EU standards. However, there is a tendency to concentrate efforts on adopting new legislation, with the consequence that implementation of already transposed legislation is falling behind. Some progress can be reported in the area of horizontal legislation.
- There has been little progress in the area of waste management. Uncontrolled dumping and burning of waste continue to pose environmental and health risks.
- There has been little progress on water quality. Water supply and disposal of waste-water remain problematic, particularly in coastal areas. There is still significant water pollution from industrial activities, especially oil extraction.
- Limited progress can be reported in the areas of chemicals and



Overview of the existing situation regarding environmental policies (2)

Waste Management

- **Status:** some work progress in remediation of inherited sites.
- **Industrial waste:** The collection and disposal of ind.waste - responsibility of the producer. Information on the quantity or types of industrial waste not collected. Estimation on industrial waste generation in Albania: 170,000 tones/year.
- **Hazardous waste:** No reliable data on the levels of hazardous waste. Recent studies indicate about 3 - 4% of industrial waste. The government has embraced the “polluter pays” principle, but current legislation does not allow this concept to be implemented in practice. The collection rate for fines is very low (15%). Env. inspectors lack adequate resources to carry out their duties.

Current Legal Framework

- There is a process of **re-drafting the new Waste Management Law** (due 2009) and new National Action Plan (due 2010) – CARDS project. But the actual legal framework includes:
 - Law (2002) “On Environmental Protection” ; Law (2003) “On environmental management of solid waste”; DCM “On the Approval of an Albanian Waste Classification Catalogue; “Law (2006) “On the Management of Hazardous Waste”
- **Current Institutional Framework**
- The responsibility of the following institutions:
 - The Ministry of Environment (MoEFWA) – policies, strategies, regulations, monitoring, inspection
 - The Ministry of Public Works, Transport and Telecommunications – infrastructure works
 - Other Ministries - in charge of waste generated by activities under their of field



Overview of the existing situation regarding environmental policies (3)

WATER AND WASTE WATER

- **Status: Water Quality.** The pollution - consequence of urban, industrial and agricultural activities. Commercial and industrial enterprises producing other types of chemical waste, - serious forms of pollution, are also connected to these systems.
- **Pollution prevention and drinking water management:** In the frame of implementing the SAA commitments, Albania aims to continue the approximation process of the water standards for both, the short and medium-term period
- **Existing Legal Framework:** There is a process of re-drafting the new Water Management Law (due 2009) The following laws regulate the water and waste water sector in the country:
 - Law (2002) "On environmental protection"; Law (2003) "On environmental treatment of polluted waters"; Law (1996) "Law on Water Resources "; Law (2002), "On Albanian Coastal Guard"; Law (2005), "Amendments "On the regulatory framework of the water supply sector and the sewerage and elaboration of waters" ;
- **Crosscutting Strategy of Environment (2007)** is an integral part of National Strategy for Development and Integration
- **Water Supply and Wastewater Sector Strategy of Albania (2003)** and the Short (up to 2010), Medium (to 2015) and Long term (to 2020) Action Plan.



Overview of the existing situation regarding environmental policies (4)

WATER AND WASTE WATER (con't)

- **Reform on the water supply and sewage sector** (July 2008) the “”. Main objectives of the reform is the decentralization, further commercialization of the water supply and sewage system intended to make companies self-sustaining based on long-term and sustainable plans aimed at improving performance indicators and fulfilling obligations towards customers. Measures to support reform focus on 3 main directions: a) Legal initiatives, b) Administrative initiatives, c) Project and funding initiatives.
- **Law on Water Resources:** In the context of the integrated management of water resources and water basins as prescribed by the European Water Framework Directive, there is an Initiative to review the Law on Water Resources (1996).

Existing Institutional Framework: The institutions responsible for water management and quality are the MoPWTT (water-supply pipeline infrastructure, plants for polluted waters treatment), MoEFWA (water quality management policies, acts drafting, establishment of quality standards, norms for discharging process, inspection, monitoring, etc.), MoAFCP (waters used for agriculture purposes), MoH (establishment of drinking water quality standards).



Overview of the existing situation regarding environmental policies (5)

POLLUTION AND INDUSTRIAL RISKS

- **Current Legal Framework**
- Conventions/protocols: Barcelona Convention (Mediterranean), Vienna Convention and Montreal Protocol (O3), LRTAP Convention
- As stated in the progress report there is no progress made in legislation recently
- **Current Institutional Framework**
- The institutions responsible for issues related to industrial pollution are MoEFWA (drafting policies, acts, inspections, etc), Agency of Environment and Forestry (monitoring), MoETE (implementation of discharging norms and environmental quality, clean technology implementation, etc).



Overview of the existing situation regarding environmental policies (6)

CHEMICALS

- **Current Legal Framework**

Conventions Stockholm Convention, POPs

Law (2002) “On Environmental Protection”; Law (2003) “On substances and chemical preparations”; DCM (2003) “On the classification, packing, labeling and safe storage of dangerous substances and preparations”; and

DCMs: “On hazardous waste and wastes”; “On the Banning of Asbestos as a Thermo-insulating Material in all Forms of Construction”; “On the Destruction of Toxic Waste Stored in Military Depots”; “On the approval of the National Action Plan for the elimination of organic resistant pollution”;

- **Current Institutional Framework**

- MoEFWA (chemicals, as industrial hazardous waste), MoETE (chemicals, as material used in industry, including import-export); MoAFCP (chemicals, as pesticides), MoPWTT (responsible for the chemicals, as urban waste), MoLSAEO (Inspectorate of Labour covering the protection of employees by chemicals at industrial facilities), MoH (chemicals, hospital waste and medicine units).



General Overview

Due to many pressure and limiting factors, little attention is paid to Hot Spots:

- lack of human, technical and financial resources;
- unclear positions and share of tasks of environmental-responsible authorities within governmental structure;
- insufficient regulatory frameworks;
- ineffective compliance and enforcement activities;
- non-compliance with multilateral environmental agreements (MEAs) and slow progress on transposition of legal framework with *acquis communautaire*; and
- lack of public participation.



Identified priority gaps/needs (1)

Legal framework gaps

- **MEAs:** Albania has a system in place that requires consultation among governmental agencies that will be involved in the implementation of the national legislation implementing the MEAs. But most of the time this procedure is not sufficient to provide in-depth information on the legal, institutional and financial implications for Albania. (example: *Biodiversity, Barcelona, Aarhus*)
- **Legal Framework:** Apart of the progress, there is still a question concerning the quality of the legislation adopted. Much of it is of too general and declaratory nature, and it is doubtful whether it establishes a clear regulatory framework with the necessary specificity to be enforceable (example: *hazardous waste*)
- **Secondary Legislation:** The failure to translate general requirements into specific requirements, and to adopt concrete management plans, is especially important in some specific areas. So gaps in legislation, missing management plans, and incomplete coordination among authorities can have serious negative consequences.



Identified priority gaps/needs (2)

Legal framework gaps (con't)

- Further need for modernization of the legal framework is evident in such trends as the movement from sectoral monitoring, inspection and management of specific Hot Spot areas goes to a more integrated approach. This requires the framework law and other specific laws to be fine-tuned and implemented.
- Regional and Local Environmental (Development) Strategies: are rare. In addition, the lack of the environmental component in regional development strategies, limits the synergy among different sectors at regional and local level.
- There is lack of knowledge and referential case studies on developing SEA, public participation procedures for the planned investment in environmental remediation of the given Hot Spots.



Identified priority gaps/needs (3)

Institutional gaps - Central Authorities: Ministry of Environment MoEFWA)

- Some of the limiting factors the process of transposing rely at the limited human resources at the responsible institutions, mainly at MoEFWA, but also due to the limited knowledge, experiences and even language barriers.
- Frequent changes of the staff and recruitment of low profile experts for the above mentioned process limits the speed of transposition and quality of the process.
- The designation of respective focal points within MoEFWA structure for each MEA; their active role on the monitoring and implementation of country's obligations,
- The MoEFWA has no "property" on the existing Hot Spot sites. Gap: the develop of the legal framework and the work for remediation of these sites, as well as enforce regulations for pollution prevention.
- Structural and Human Resource gaps: inadequate staff to cover its expanding workload. The lack of one specialist on industrial pollution brings insufficient impact on the contribution this Directorate should give for Hot Spot management. The (1 year) vacant position of the Director of Pollution Prevention Directorate.
- Gap on proper coordination and communication with other structures within MoEFWA. The communication channels within the institution need considerable improvement, in order to reach the required level of efficiency and impact that different structures should have on policy design and/or supervision on the enforcement.



Identified priority gaps/needs (4)

Institutional gaps - Central Authorities: Other Ministries

- Cooperation between MoEFAW (and REAs) with other ministries (and agencies) with an interest in the environment, and more direct links to Hot Spot, is extremely important.

Gap: insufficient level of cooperation. Most coordination takes place on an ad-hoc basis and seems to be based on personal contacts rather than institutional or formal contacts. In many cases this cooperation seems to function, although such semi-formal systems are difficult to maintain, due to frequent changes in personnel and responsibilities

(Examples: Ministry of Defense and military sites, Ministry of Health and disposal of Hospital Waste, Ministry of Public Works and infrastructure projects)



Identified priority gaps/needs (5)

Institutional gaps - Regional & Local Level

- The role of the Regional authorities (Qarks) in the process of regional development is not sufficiently supported by the national authorities (MoEFWA, MPTT).
Gap: insufficient institutionalized communication for guiding on the “translation” of national priorities and legal frameworks to regional and local prospective.
Gap: Lack of models on “institutionalized” vertical integration piloted for selected Hot Spots
- The use of territory is controlled in Regional and Municipal levels. Gap: The new composition of the Territory Councils does not have env. authorities (REAs) on board.
- REA Gaps: There is critical limitation on REA human resources (with 1 to 2 inspectors /region and limited the expertise in all fields of activities). Changes of personnel are very frequent. Therefore, the efficiency of training programs of donors for them often shows little results.
- Regional and Local authorities do not have “ownership” over Hot spot. They lack competencies and capacities regarding Hot spot management.
The perception by the interviewed central authorities is that (quote) ... *they are without any role. They are not seriously engaged in environmental processes. In addition, the level of professionalism is very low*.
- The communication at the regional and local level is considered very weak and not well coordinated. The communication channels are functioning on ad-hoc bases upon the request of the highest regional or local authorities.



Identified priority gaps/needs (5)

- **Institutional gaps** - Public and Academia
- During 2008, the re-organization of the Academy of Sciences (and some research institutes) occurred. Gap: well definition of tasks among different research players related to hot spot areas mainly focusing on studies and monitoring
- The public institutions at local level (schools, hospitals, libraries) have very limited information and knowledge on the presence and risk of the near by Hot Spot. There is no literature, pamphlets, leaflets explaining the type of Hot spot and eventual health risks. Combined with the poverty, the lack of information is the main factor that individuals use contaminated materials as working tools and for the family needs. In addition, the lack of signals, information plates, fencing, etc makes the Hot spot area the daily yard for children or transit walking paths.
- NGOs activeness is limited due to financial resources, expertise and access to information. It is peaking on emergency situation. Mainly focused to awareness and education.



Recommendations (1)

- This program might address several identified needs of CB-type:

Central Level:

support the establishment of the inter-ministerial committee on Hot Spot remediation

Support the technical staff at MoE and env. monitoring institutions with set of training courses on specific Hot Spot monitoring practices/models, according specified by the type of Hot Spot

Support the establishment of Hot Spot Database with e-accessible information at AFM

Support the inspection of Hot Areas by providing assistance on drafting specific forms for Hot Spot area, including Sanitary Inspection



Recommendations (2)

Regional/Local Level:

Provide know-how assistance to local and regional authorities on EIA and SEA related issues for specific Hot Spots

Provide know-how assistance to local and regional authorities on environmental standards for specific Hot Spots

Provide know-how assistance to public institutions and non-for-profit sector on health related impacts

Develop stakeholder databases for each identified Hot Spot and establish channels of communication in pilot projects for public information and consultation

Provide assistance on designing public information data sheets for the environmental status and plans for remediation of specific Hot Spots



Challenges for the expert/assignment

- Hard to identify CB needs in non-clear structure with overlapped responsibilities and no / non-sufficient staff assigned to Hot Spots
- The diversity of Hot Spots and the geographical distribution, makes difficult (to non-possible) the “generalization” and/or “identification of the best pilot intervention”
- The expert faced non clear TORs on the specific usage of the Report and changes in the project staff
- Insufficient workdays/resources for the volume of work and (the expectation on) in-depth analyses regarding the actual system development in Albania, considering the need for field visits and broad range of interview at all levels.



THANK YOU FOR YOUR ATTENTION!

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