


Environment as a medium for promoting democracy and economic development in societies in transition

**Report from the Southeast Europe Regional Parliamentary
Conference on Environment**



19 - 20 October 2007, Prishtinë/Priština





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Report prepared by: Blerim Vela
Rapporteurs: Lejla Selimi, Petrit Hysaj, Konstantin Barwalt
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FOREWORD

Prishtinë/Priština, January 2008

Over the last thirty years Europe has grown anxious about the condition of the natural environment and increasingly became determined to minimize avoidable damage to it. The wave of environmental concern began at a time of rising prosperity. As economies began to falter and unemployment began to creep upwards, interest faded. This should surprise no one. When times are hard people worry most about their jobs, their homes, and whether they will be able to feed their family. It is only when they have economic security that they feel able to relax sufficiently to turn their attention to other matters.

From 19 to 20 October 2007, the OSCE Mission in Kosovo and the Assembly of Kosovo organized the Southeast Europe regional parliamentary conference on environment "Environment as a Medium for Democracy and Economic Development in Societies in Transition". More than thirty members of parliament from the Parliaments of Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Kosovo and Former Yugoslav Republic of Macedonia attended the conference. The aim of this conference was to discuss cross-boundary environmental policy development and the role of parliaments in overseeing environmental policy-setting and its implementation. Earlier conferences, as the two regional parliamentary conferences on security oversight organized by the OSCE in Mitrovicë/Mitrovica in June 2006 and in Prishtinë/Priština in May 2007, have proved to be effective instruments in developing regional parliamentary networks and co-operation in preparation of the European integration process.

The Conference acknowledged the joint challenges of societies in the region to implement efficiently the environmental policies. Clearly, all the strategies for protection of environment call for pollution to be reduced, although achieving any significant improvement means that politicians and the public have to address the economic issues raised by pollution control. In a market economy, goods and services are produced in response to consumer demand, which in most cases is sensitive to price. Furthermore, the environmental debate revealed that it is difficult to measure the exact impact of pollution as the pollution may harm the health of some people, requiring them to seek medical treatment that must be paid for, by the community at large or by the individuals themselves depending on the system of health care, quite apart from the cost they pay in terms of suffering. Thus, pollution abatement proceeds as a series of compromises between the clean environment the public demands, the degree of improvement industries are technologically capable of achieving, and the overall effect on prices and national economies.

During this two-day conference, MPs from the region discussed the abovementioned issues and best practices on national and transboundary environmental governance. The discussion provided lawmakers in the region with an understanding of principles, institutions and participatory mechanisms which contribute to compliance with environmental laws and standards. The conference addressed these issues and hopefully highlighted best practices to be used in the future by MPs in Kosovo and the region.

Finally, the purpose of the current publication is to serve as institutional memory for the new mandate of Assembly and Government of Kosovo and inform the public on the importance of environment protection. The report contains summaries of discussion as well as the conclusions of the Conference for follow up.



Markku Laamanen
Deputy Head of Mission
OSCE Mission in Kosovo

Main Findings of the Regional Parliamentary Conference on Environment

Kosovo has significant environmental problems as a consequence of large industrial emitters and uncontrolled use of natural and mineral resources over the last few decades. This has resulted in a degraded environment, in some cases even irreparable, which can have a direct negative impact on the health of the population. At the same time Kosovo is under pressure to comply with EU environmental standards. This requires regional co-operation to address trans-boundary environmental issues¹.



Rumen Takorov, Stancho Todorov,
Petar Beron and Liia Hanni

Several stakeholders are responsible for environmental protection in Kosovo, many of whom lack experience and knowledge. This is partly because environmental protection is a new area in which both governmental and non-governmental actors are becoming increasingly active. In a survey conducted by the Regional Environmental Centre (REC) in Kosovo in 2006, it was concluded that environmental civil society organizations (CSO) are still fragile.² In addition, the Kosovo environmental CSOs find it difficult to co-operate with partner organizations outside of Kosovo due to lack of experience and limited possibilities to compete for funds at the regional level. This situation is understandable as these environmental CSOs are very young and often do not have full-time professional staff.

The main stakeholders in the field of environmental protection, the Ministry of Environment and Spatial

Planning and its executive agencies and the Assembly of Kosovo Committee on Environment were established in March 2002. To date, the Ministry has worked extensively to fill the legislative void by drafting primary legislation (i.e. Law on Environment Protection) and secondary legislation (i.e. Law on Environmental Impact Assessment) coupled with a half dozen subsidiary acts signed by the Minister.

Though environmental laws have been adopted and have entered into force, their implementation is not sufficient. As a result of weak enforcement, environmental laws and policies do not achieve expected results. The Assembly of Kosovo, and in particular the Assembly Committee on Environment have thus far not performed sufficient oversight and monitoring of the implementation of these laws.

OSCE Mission in Kosovo has provided assistance to raise the capacity of the Assembly Committee on Environment to oversee the work of the Ministry and the implementation of laws. OSCE support focused on raising the ability of committee members and staff to review proposed legislation, monitor implementation of adopted legislation, conduct investigative hearings and to play an active role in regional networks.

This support provided an opportunity for the committee to observe best practices on environmental governance in transitional countries with similar economic and political heritage and practice, and to develop networks with Assembly Committees of Environment from countries in the region to address trans-boundary pollution and develop new environmental initiatives.

In order to tackle the specific local and trans-boundary environmental governance challenges and to highlight the role of parliaments in addressing it, the OSCE Mission in Kosovo organized a regional parliamentary conference³. The objective of the conference was to discuss cross-boundary environmental policy development and the role of parliaments in overseeing environmental policy and its implementation. Over thirty Members of Parliaments (MPs) from the Parliaments and Assemblies of Albania, Bulgaria,

¹ For example Kosovo coal-based power plants that are polluting the waters of the Ibër/Ibar River and consequently the Danube, and the cement factory in Hani Elezit/eneral Jankovi? that pollutes the air in the border area of FYR Macedonia.

² REC (2006), "NGO Directory of South Eastern Europe - A Directory and Survey Findings of West Balkan Environmental Civil Society Organisations", fifth edition, Szentendre, p. 207-215.

³ The Southeast Europe (SEE) regional parliamentary conference on environment "Environment as a Medium for Promoting Democracy and Economic Development in Societies in Transition" was held in Prishtinë/Priština on 19-20 October 2007.

Bosnia and Herzegovina, Croatia, Kosovo, and the Former Yugoslav Republic of Macedonia attended the conference. During the conference, the MPs and both local and international experts agreed on the importance of knowing the experiences of other countries and learning from their successes and errors.⁴ This is particularly relevant in the field of environmental protection, where knowledge of the environment, the threats to it and the methods to protect it continuously evolve.

Based on prior consultation and research, the OSCE Mission and the Assembly of Kosovo developed a conference agenda with four sessions: environmental governance, the Aarhus Convention, co-operation on trans-boundary environmental issues and EU environmental framework. During the conference some common tendencies have been identified for the region as a whole:

- Environmental administration, as is always the case with economies in transition, is relatively weak in the region. Environmental protection is usually not a political priority and even occasionally stands in the way of ambitious economic and infrastructure goals stated by some countries. The setting up of an environmental ministerial administration, regional or local authorities and other such bodies takes a great deal of time, effort and

financial resources.

- The legal framework for powers and responsibilities of central and local governments is another institutional development challenge in the region.
- Throughout the region, legal competences in the field of water protection/management are divided among a number of ministries (e.g. five ministries in the case of the former Yugoslav Republic of Macedonia), leading to overlapping or unclear jurisdiction. There are strong efforts in some South East European countries/entities to bundle responsibilities for water protection in the environmental ministries. Municipalities and public enterprises also play roles in most issues related to local water management, water supply and wastewater treatment.
- In the field of waste management, municipalities are responsible for implementing household and municipal waste activities in almost all of South East Europe (SEE). Municipalities are also in charge of implementing local regulations. In this case, it is important that drafting is done at the local level, in a homogeneous manner and in line with legislation on the national or entity level.
- In addition, in most countries and entities, the institution-building process is ongoing, as ministries are merging or new bodies or institutions are created, leading to the transfer and changes of competences.



⁴ For more information on the trans-boundary co-operation in the field of environmental governance, please see the session report on Environmental Governance in Annex 1.

Themes

Institutional framework

Although all countries and regions present at the conference except Albania and Bulgaria were successor states of the former Yugoslavia, their institutional setups vary considerably, reflecting the political developments of the past decade. Generally, MPs noted that core competences for environmental issues lie at the state level, but there were a few exceptions.⁵ In Bosnia and Herzegovina for example, only a handful of competences are held at the state level, while the two entities are responsible for the development, implementation and enforcement of the majority of environmental legislation. Whereas Republika Srpska (RS) follows a centralised approach, the Federation of Bosnia and Herzegovina (FBiH) assigns much responsibility to cantons and municipalities.⁶



Environmental administration, as is always the case with economies in transition, is relatively weak in Southeast Europe (SEE). Environmental protection is usually not a political priority and even occasionally stands in the way of ambitious goals stated by some countries. The setting up of the environmental ministerial administration, regional or local authorities, and other such bodies takes a great deal of time, effort and financial resources.

Environmental legislation

Since 2003, all SEE countries and regions have

adopted a significant number of new environmental laws, reorganized institutions in charge of environmental protection, and drafted new policy plans and programmes. Virtually all SEE countries and entities have new environmental framework laws in place which can serve as the legal basis for subsequent legislation. The new legislation needs to reflect domestic law in order to be sustainable, while still adhering to the European Union approximation process. Thus, all SEE countries and entities have drafted environmental strategies and plans and have set new priorities for environmental protection and preservation.

Members of Parliaments from the region as well as the Regional Environmental Centre noted the importance of filling the environmental legislation void by fully developing horizontal environmental legislation.⁷ More specifically, this could be done by cross-cutting environmental legislation as opposed to regulations which apply to a specific sector like water or air. Rather than regulate a specific area, this kind of legislation is more procedural - providing for methods and mechanisms aimed at improving decision making, legislative development and implementation.

The following areas were understood as horizontal: environmental impact assessment (EIA); strategic environmental assessment (SEA); access to environmental information; public participation (in decision-making processes and in plans and programmes); and environmental liability.

EU approximation

The European Union gives high priority to environmental protection. The adoption of environmental legislation that is harmonised with European legal norms and standards is considered a major stepping stone on the path towards the EU. Environmental issues were recognised as a motivating factor and building block for transboundary co-operation and the reduction of conflict.

Over the past couple years, the countries and entities of SEE have made significant progress in meeting their obligations within the Stabilisation and Association Process (SAP). Still, the achievements of South Eastern Europe in the environmental law

⁵ For more information on institutional framework in the field of environment, please see the session report on Environmental Governance in Annex 1.

⁶ Please see the input by the second responder of the session on Environmental Governance in Annex 1.

⁷ Please see the input by Mr. Zeqir Veslaj (REC) on the session on Environmental Governance in Annex 1.



Hazbije Ibishi and Qibrrije Hoxha

approximation process differ from place to place. While Croatia and the former Yugoslav Republic of Macedonia (both EU candidate countries) are relatively advanced in environmental law making, Albania, Bosnia and Herzegovina and Kosovo have only begun the approximation process. In Kosovo, the Agency for European Integration monitors the compliance of draft legislation with EU requirements. Moreover, through its biannual plan of action, the Agency sets the priorities for the Kosovo Government when it comes to drafting new legislation, as was the case with draft law on Environmental Impact Assessment.

Access to information and public participation

In the legislation of SEE countries and entities, access to information and public participation are usually mentioned as principles in framework laws.⁸ Sometimes access to information rules were spelled out in detail, but without the necessary legal guarantees. MPs indicated that enforcement and implementation were even less effective with regard to public participation rights.

A review of compliance with the Aarhus Convention in current legislation in Kosovo was presented by the REC office in Kosovo representative, indicating a

number of omissions and deficiencies. For example, the principle of public participation in the Law on Environmental Protection should spell out clearly the right of the public to be informed of the environmental decision-making processes in an adequate, timely and effective manner. Similarly, the Law on Air Protection contains insufficient legal instruments to facilitate access to pollution data. It also fails to give the principle of public participation a profound place in the overall structure.⁹

Water Management

Several MPs from the region noted that the legal jurisdiction for water management and protection in SEE is often split among multiple ministries. In most of SEE, ministries for agriculture, forestry and water management are not only in charge of water supply but also water protection matters. But frequently other ministries also have competences in this area, which are sometimes overlapping. In every country or entity, municipalities had certain competences in local water management; the actual tasks involved were usually shared with public enterprises established for this purpose.

Though most of the countries and entities have developed new framework water laws in the past few years, some important areas - including how water

⁸ For more information on discussions related to the Aarhus Convention, please see the session report in Annex 1.

⁹ Morina V. (2006), "The transposition of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (The Aarhus Convention) with the legislation of Kosovo", Assessment Report, REC, Prishtina, p. 7.

use is defined and how to establish functioning permitting and control systems - remain unregulated. In many ways Kosovo's institutional and regulatory approach was hailed by MPs from the region to be in line with EU requirements. Most of the competences are under one ministry (Ministry of Environment and Spatial Planning). Other important stakeholders in this sector are the water utility companies and municipal authorities. However, Kosovo is the only entity in the region not yet to have a water treatment plan in place.

During the conference Albanian representatives initiated the idea of holding a follow-up regional conference with a focus on protection of transboundary river waters as the scarcity and dependency on water resources is an international issue.

Air quality management

MPs from the region acknowledged that air protection at the EU level was regulated by means of air quality measures, emission standards, and direct regulation of required technology within the regime of integrated pollution prevention and control (IPPC).

Air quality legislation in SEE partially meets these requirements. Generally, air protection falls under the competence of the environmental ministries, though sometimes health aspects of air quality are delegated to ministries of health. Although all countries and entities represented in the conference have enacted new air protection laws, they are framework laws which still require secondary legislation, especially with regard to emission thresholds, air-quality values and details related to permitting and monitoring procedures. Existing emission thresholds and air quality standards are either stipulated in a general way or are based on values set during the 1990s or even 1980s, thus failing to comply with EU standards.

The Kosovo Ministry on Environment officials reported that the major contributors to air pollution in Kosovo are urban centres, large emitters such as energy production facilities, the transport sector, industrial facilities (metallurgy factories, quarrying sites, and cement factories), activities in agriculture, and illegal waste disposal sites. The ambient air quality is particularly low in developed urban areas of Kosovo, especially in the city of Prishtinë/Priština. The thermal power plants are a major source of



Ajshe Selmani, Sadudin Berisha and Sabri Hamiti

ongoing air pollution.

The cement factory Sharcem, in Hani i Elezit/Đeneral Janković (located near the border with the FYR of Macedonia), has been another polluter. However, according to the Kosovo Environmental Action Plan, after an Environmental Impact Assessment (EIA) study of the factory, the management undertook certain measures to decrease the level of air pollution.¹⁰ Nevertheless, a general low level of awareness of entrepreneurs, consumers, and the general public regarding air quality contributes to the current situation.

Waste management

Waste treatment remains one of the biggest problems in the SEE region. The related legislation is fragmented and does not include sufficient rules. To ease these problems, some countries and entities have adopted waste-management framework laws in recent years (i.e. Bosnia and Herzegovina, Croatia, Kosovo, and the former Yugoslav Republic of Macedonia). Even the most advanced countries (Bulgaria) still require numerous supplementary legal acts for the waste-management system to work and comply with EU requirements.

The present waste management system in Kosovo does not record data on waste generation, collection, treatment, recovery and disposal in a comprehensive and structured way. In Kosovo no appropriate waste classification, recycling or treatment takes place. Recently, the Kosovo Ministry on Environment started a programme to establish a system for classification of plastic and packaging of waste for recycling

purposes. Still, major problems are not only related to household waste. The Kosovo Environmental Action Plan notes that there is no system for collection and disposal of used oils, batteries, accumulators, tires, electrical equipment, vehicles, agricultural waste (animal and plants), medical waste, expired medicines, pesticides and similar products.¹¹

Industrial pollution

While the permitting of industrial activities is widely addressed in SEE, industrial risks have received very little attention in the region. Hence, most states and entities have little to no legislation on the management and prevention of industrial risks. In most of the region, it is still questionable to what extent permitting systems comply with the integrated pollution prevention and control IPPC Directive. Only the government of former Yugoslav Republic of Macedonia has applied an integrative permitting approach for industrial operators and integrated the IPPC concept into their legislation.¹²

According to the Kosovo Environmental Action Plan, Kosovo falls into the group of most polluted territories in Europe.¹³ Industrial development in Kosovo features a widespread exploitation of natural resources which cause great damage to the environment. In addition, with the start of private sector production activities, following the privatisation of enterprises, additional pressure has been put on the environment. This should be mitigated with the adoption and enforcement of the Law on Environmental Impact Assessment and the Law on Strategic Environmental Assessment.

¹⁰ MESP (2006), "Kosovo Environmental Action Plan 2006-2010", Ministry of Environment and Spatial Planning, Prishtina, p. 28

¹¹ MESP (2006), *ibid* p. 49.

¹² For more information please see the input by the second responder of the session on EU approximation of environmental legislation in Annex 1.

¹³ MESP (2006), "Kosovo Environmental Action Plan 2006-2010", Ministry of Environment and Spatial Planning, Prishtina, p. 71.

Conclusions and recommendations

The regional parliamentary conference on environment offered a possibility for the decision makers in the region, in particular MPs, to establish common ground for co-operation in the future. To address the issue of environmental protection, strong environmental governance is required. All SEE countries and entities have adopted several primary environmental laws in the last few years. Additionally, specific laws on cross-cutting issues like environmental impact assessment, strategic environmental assessment, and permits for integrated pollution prevention and control have been adopted in some places. Since these regulations are at the heart of environmental legislation, participants of the conference agreed that this is an important step.

Implementation of the Aarhus Convention should be done by ensuring compliance with primary and secondary environmental legislation. This will result in an encouraging environment for participants of civil society organizations and the public in environmental decision-making processes. Generally speaking, Kosovo should not make any exception to this practice in spite of the lack of membership in the Convention.

The conference served as a platform for debating and presenting ideas. It also offered several conclusions:

- 1) More emphasis should be given to implementation of laws and policies related to the environment.
- 2) Several international experts and MPs from the region noted that societies of the region should enhance co-operation and improve exchange of information in order to avoid the mistakes of other countries in transition.
- 3) In order to have good governance, it is imperative to ensure that meaningful democratic processes are in place through ensuring the right of citizens to access to information, decision-making and justice – all of which are stipulated by the Aarhus Convention.
- 4) Participants of the conference acknowledged that a balance should be found between economic development, citizen's welfare and a clean environment.
- 5) One possible framework solution to the above-mentioned dilemma is the European Union's policies and directives on environment. Still, it will be left to aspiring societies to choose their own path and mechanisms to achieve the aforementioned goals.

Recommendations

For Assembly of Kosovo:

- Ensure the involvement of different stakeholders and the general public in the review of environmental legislation;
- Regularly oversee the work of executive agencies responsible for environmental protection;
- Report on the implementation of the already adopted environmental legislation;
- Enhance the co-ordination between the Assembly Committee on Environment and Assembly Committee on Budget and Finance so that the environmental laws adopted in Assembly of Kosovo are implementable;
- Encourage the Government to set environmental protection as priority area; and
- Foster co-operation with neighbouring parliaments in the field of environmental protection.

For Government of Kosovo:

- Prepare all the primary and secondary legislation that address environmental problems;
- Complete the set up of all executive agencies as required by environmental legislation;
- Set environmental protection as a priority area;
- Increase the budget for environmental related projects;
- Give priority to EU approximation of environmental legislation; and
- Set up mechanisms for involvement of different stakeholders and the general public in the review of environmental legislation.

For Kosovo civil society organizations:

- Take a proactive approach during the deliberation of environmental legislation;
- Serve as a communication bridge with Government and the Assembly for citizens concerned with the state of environment; and
- Encourage public support from the affected communities for transboundary environmental initiatives (i.e. Balkan Peace Park, Drin/Drim River Protection and Sharri Mountains Transboundary National Park).

For OSCE:

- Continue to support the Assembly Committee on Environment in raising its capacity to scrutinize the work of executive agencies in the field of the environment and to oversee the implementation of environmental laws;
- Facilitate a cross-sectoral approach between economic, social, health and environmental areas;
- Facilitate parliamentary exchange in the field of the environment; and
- Provide expert advice on environmental issues from its roster of environmental experts in the OSCE Missions in SEE and Office of the Co-ordinator of OSCE Economic and Environmental Activities.

APPENDIX ONE – Minutes from the conference

Opening Speech at the Regional Parliamentary Conference on Environment by Deputy Head of OSCE Mission in Kosovo Mr. Markku Laamanen

19 October 2007



Markku Laamanen

Kosovo is facing a number of environmental issues. These are mainly a consequence of: the uncontrolled use of natural and mineral resources in the last decades; an industrial production that did not take into consideration minimal environmental standards; the lack of proper waste management systems, focussing on Kosovo-wide collection of all types of waste and deposit systems; the absence of environmental monitoring systems; and a low level of awareness concerning the need for nature conservation.

This has resulted in considerable water, soil and air pollution, causing serious direct and indirect negative impacts on ecosystems and public health.

The European Union insists on the implementation of EU environmental standards in the whole South-Eastern European region. This is to be welcomed, but can only be realised through regional co-operation, addressing common problems and trans-boundary environmental issues. For example: Kosovo lignite-based power plants pollute the waters of the Ibër/Ibar river and consequently the Morava and the Danube, going downstream to the Black Sea; or the cement factory in Hani Elezit/Đeneral Janković that pollutes the air up to Skopje.

"Who let this happen? Who's responsible for this mess? How can we solve these problems?" These are typical questions people ask themselves when local environmental disasters happen or when the steady deterioration of the global environment is in

the news. For most people, it is not obvious who is "in charge" of the environment, and how an integrated environmental policy should be developed and enforced.

Since the Earth Summit in Rio de Janeiro in 1992 the concepts of sustainable development -- a development that ensures that the use of resources and the environment today does not restrict their use by future generations -- and accordingly the sustainability in the manifold relationships between humans and the environment have become integral rules of conduct in politics and society.

Nevertheless, the realisation of a clean and sustainable environment represents an enormous challenge, due to economic development, the growth of the population and the tendency to move from rural areas to urban centres. The over-consumption of environmental resources is one of the problematic issues when trying to achieve a higher level of sustainability, as it remains a challenge to agree on a balance between ecological, economic and social priorities.

Public welfare and the environment were long believed to be the sole responsibility of governments. Nowadays, the traditional hierarchical co-ordination by governments and administrations has been replaced by network-like co-ordination mechanisms and a market-oriented approach incorporating different societal levels.

Blurring functional, structural and territorial boundaries are seen as the main reason for the shift from hierarchical steering by governments to regulation by governance arrangements involving private and public actors at the same time.

Governance is about decisions and how we make them. It is about the development of proper policies and the effective implementation, about the exercise of authority; about being "in charge." It relates to decision-makers at all levels -- government managers and ministers, business people, property owners, farmers, NGO's and consumers. In short, it deals with who is responsible, how they wield their power, and how they are held accountable.

A prerequisite of any effective environmental governance is a strong oversight of executive policies in order to achieve effective democratic governance. This entails responsible elected representatives on all levels and on the central level effective

Committees, such as the Committee on Environment, able to support the development of a sustainable environmental development policy, to review proposed legislation and regulations, to monitor the effectiveness of the implementation of adopted legislation, to conduct investigative hearings and to play a key-role in regional networks.

Within the OSCE, there is an understanding that investing in sustainable environmental development is key to the creation of local and regional security and stability. It is also an often underestimated

human rights issue, as pollution and the non-sustainable use of precious resources affect in the first place the most vulnerable members of a society, such as minorities, children and elderly people.

The OSCE Mission in Kosovo aims through this conference, to demonstrate how further progress in areas such as public participation, accountability, parliamentary oversight, rule of law, public sector service delivery and decentralisation, can leverage far wider gains in term of good governance and environmental stewardship.

Opening Speech at the Regional Parliamentary Conference on Environment by the former Presidency member of Kosovo Assembly Mr. Sabri Hamiti (Assembly Mandate 2004-2007)

19 October 2007

I am pleased and honoured to wish you a warm welcome to Kosovo. I am pleased that the Kosovo Assembly, in co-operation of OSCE, has organized this Regional Parliamentary Conference.

The Assembly of Kosovo, as the highest representative body, is developing into a democratic Assembly with its procedures and functions; through drafting laws and monitoring their implementation.

The Assembly of Kosovo, and the society as a whole, is now finding itself before two major challenges: the national and local elections and definition of political status of Kosovo, in accordance with the will of people.

A democratic and independent Kosovo is now a crucial issue for the citizens of Kosovo, which would serve as a stability factor in the region and beyond. Kosovo Albanians, and other citizens, are Europeans in the geographic, historic and cultural sense, but would also like to become Europeans politically, through European integration and standards.

This Conference, besides the importance on the elaboration of environmental issues, has also the significance of inter-parliamentary cooperation in the region.

With unanimous consensus on environmental issues, the Assembly of Kosovo has adopted several laws on environment, taking into account domestic circumstances and European standards. The issue is on how to implement the laws in a country destroyed



Sabri Hamiti

and ruined by war.

Environmental issues are of crucial importance, and have their concrete and universal dimensions, thus, we find the observations and experiences that will be presented during these two working days as very useful.

Land, water and air, just like freedom, are for everyone, and by protecting them we protect the environment of a human society. These are not issues only for the representatives, but also for the society as a whole.

Allow me to greet you once again on behalf of the Kosovo Assembly, by wishing you a pleasant stay in Kosovo. I wish you successes with the conference; please continue presenting your ideas and experiences.

Session Reports

Disclaimer

The views expressed herein represent the opinions of the speakers and do not necessarily represent the views of their organizations or the OSCE Mission in Kosovo.

Session I: “Environmental Governance”

Moderator: Lulzim Zeneli, Assembly of Kosovo

Keynote Speaker: Andrew Farmer, Institute for European Environmental Policy

Keynote Speaker: Merxhan Avdyli, Deputy Minister for Environment and Spatial Planning

Keynote Speaker: Lodewijk Vanoost, OSCE Mission in Kosovo

Responder: Shaban Halimi, Assembly of Kosovo

Regional Responder: Sanda Redžić, Parliament of Federation of Bosnia and Herzegovina

First Keynote Speaker - Andrew Farmer

The first keynote speaker emphasized that effective environmental governance is necessary to achieve both domestic and international environmental objectives, but it also has an impact on local socio-political development. The environment, because it has a direct impact on individuals, provides an ideal forum through which to encourage public and stakeholder participation in the political process. It also provides an opportunity for formal cooperation with international and regional partners on transboundary issues, such as water management.

Two priorities identified by the speaker include the link between environment and public health (ie: disposal of toxic substances), and the need to ensure that regulations are realistic and achievable in practice within the timetables established.

Some recommendations by the speaker included the need for effective analysis, engagement with stakeholders and co-operation between government officials and parliamentarians. Many EU environmental laws stress stakeholder involvement, (e.g. river basin management planning) and stakeholders can provide valuable input into law making. Parliaments play a key role in the EU accession process, as long as parliamentarians are not asked to simply ‘rubber stamp’ EU requirements. Many EU obligations require consideration of local conditions and legal context (including existing laws), which provides an opportunity to engage parliaments.

Second Keynote Speaker - Merxhan Avdyli

The second keynote speaker stressed the impor-

tance of creating the necessary legal and policy framework for effective environmental governance. All Kosovo laws related to environmental protection, waste and water management including secondary legislation are in consistency with European directives. The Ministry of Environment and Spatial Planning has drafted three important policy planning documents “The Strategy for Sustainable Environment and Development 2005-2015”, “Kosovo Environmental Action Plan 2006-2010” and “Spatial Plan of Kosovo 2005-2015”.

The speaker added that environmental issues are universal and as such can help in the creation of good relations between societies. Environmental co-operation is also an important means of conflict prevention. The speaker continued by mentioning the ENVSEC, the program supported by UNEP, UNDP, NATO, OSCE, regarding regional co-operation for the management of border zones, as well as other environmental aspects.



Andrew Farmer



Andrew Farmer, David Swalley and Marianna Bolshakova

Third Keynote Speaker - Lodewijk Vanoost

Interest and concern with environmental issues began in the late 1970s when water pollution and smog became a matter of political debate. The post-Second World War economic recovery and the economic growth of the 1960s and early 1970s brought an unprecedented level of welfare. But at the same time more and more parents became concerned about the rising number of children with diabetes, allergies, and leukaemia and about the increase in respiratory diseases in general.

The speaker stressed that public opinion forced the political leaders in Europe to start formulating an environmental policy. The recurring counterargument was that our economy would suffer from stringent environmental restrictions. So, the parliaments held seminars, invited experts, did site visits, and questioned the government. In fact, according to the speaker it was the parliamentary institutions, not the government that were listening best to public opinion and took initiatives to improve the situation.

The speaker noted that today Belgium has laws, regulations and restrictions on industry. Each time opponents cried out: "This is going to ruin our economy,

our competitors in other countries are going to take over, and jobs will be lost", and each time parliament went ahead, sometimes slowly, but ahead nevertheless. Each time opponents were proven wrong, the doomsday scenarios never came true.

The keynote speaker concluded that though there are thoughts that Kosovo does not have a strong economy and that there are not sufficient funds to spend on environmental protection, EU assistance will be provided to Kosovo for this goal. The initiative, however will have to come from the representatives of Kosovo.

First Responder - Shaban Halimi

The first responder said that in the past communist system of governance, industry in Kosovo was acting just as a generator of chemicals and pollution and there was no consideration for the protection of the environment. The conference would provide and opportunity to increase co-operation in trying to solve the problem.

The responder highlighted again the issue of maintaining contact with citizens and raising their interest for the protection of the environment, as well as maintaining contact with environmental polluters.



Mirjana Brnadic, Lulzim Zeneli, Shaban Halimi and Berat Luzha

Besides their legislative function, committees should also oversee implementation of laws. On this point, Kosovo is facing problems both at the Assembly and committee levels. Another problem was faced during the adoption of laws, where the Kosovo Assembly tried to ensure that they are in compatibility with EU laws whilst not taking into account difficulties that the countries in transitions are faced with. This counts especially for places with a low level of economic development .

Second Responder - Sanda Redžić

The second responder began by noting that Bosnia and Herzegovina is going through similar experiences to those presented by the first responder. The implementation of laws in Bosnia and Herzegovina in the field of the environmental protection is complicated due to the constitutional arrangement, as it is composed of two entities with separate powers on environment. At the state level there is no Ministry of Environment, while the environment is treated symbolically within the Ministry for Trade and Economical Relations. The responder presented the strategic environmental policy and legal documents that are adopted by both entities: the Federation of Bosnia and Herzegovina and the Republica Srpska.

Discussion

Implementation of laws and environmental protection Implementation of laws can be difficult for a number of reasons. It follows the Benjamin Franklin's axiom "Laws too gentle are seldom obeyed; too severe, seldom executed". There can be a range of factors which cause problems for enforcement. The capacity of enforcement authorities could be inadequate (e.g. staff numbers, expertise, equipment, etc.) This is particularly obvious when authorities are suddenly faced with new obligations imposed on them through new legislation. There may be limits to legal instruments (e.g. fines or other penalties may not be sufficient to change behaviour). There may be political opposition (e.g. environmental law could demand the closure of a factory, but this is opposed by the local community). It is important to see effective environmental legislation as part of a wider political and social development. Parliamentarians play an important part by scrutinising laws taking into consideration practicality and citizen participation.

Linking environmental initiatives with security

The OSCE Assists the countries and entities of the region through the Environmental and Security Initiative (ENVSEC), a joint partnership with UNDP, UNEP and NATO. The co-operation is based on the premise that countries together with international partners develop programs that address environmental issues before they become a threat to security. In addition the initiative offers opportunities for co-operation between neighbouring countries on environmental issues, especially in the field of water management, forestry, urban and environmental development. The OSCE Secretariat continues to work with national focal points in ministries and agencies, as well as with the Ministries of Foreign Affairs. Finally, the OSCE approach tries to develop mechanisms to solve environmental problems through co-operation among neighbours.

Session II: “Principles of the Aarhus Convention – Access to Information, Decision-Making and Justice - practices from Europe and the Region”

Moderator: Fetah Berisha, Assembly of Kosovo

Keynote Speaker: Marianna Bolshakova, United Nations Economic Commission for Europe – Aarhus Convention Secretariat

Keynote Speaker: David Swalley, OSCE Economic and Environmental Activities

Keynote Speaker: Zeqir Veselaj, the Regional Environmental Centre – Office in Kosovo

Responder: Jusuf Sutaj, Assembly of Kosovo

Regional Responder: Idriz Xhomara, Parliament of Albania

First Keynote Speaker - Marianna Bolshakova

The keynote speaker started her presentation by providing some basic facts on the historical development of the Aarhus Convention and the scope of membership. Although limited to the Eurasian hemisphere, the Convention received global relevance as being the most ambitious venture in the area of ‘environmental democracy’ so far undertaken under the auspices of the United Nations. The speaker elaborated

on the idea that the Convention was a model of good environmental governance, highlighting the strong participatory aspect. The Aarhus Convention provides mechanisms to ensure a broad involvement of various stakeholders. It recognises the right to a healthy environment and acknowledges that citizens may need assistance in order to exercise their rights. Furthermore, the treaty recognizes the desirability of transparency in all branches of government and the importance of citizen and NGO participation in all processes under the Convention.



Jusuf Sutaj, Marianna Bolshakova and Fetah Berisha

The speaker continued by emphasizing the importance of democratic environmental governance. In relation to pragmatic motivations, more participation would lead to better decision-making and to better implementation of decisions. Democratic environmental governance would be crucial for strengthening citizens' rights to participate and become involved in the decision-making procedures and law-making. The speaker summarised the content of the Convention by introducing its three different pillars (access to information, public participation and access to justice) and outlined some of the Convention's general features.

According to the keynote speaker, the information pillar has been widely implemented throughout the region, although in some instances a lack of financial resources and awareness by local officials hampers citizens' effective access to information. The access to justice pillar is the most neglected by almost all signatory parties to the Convention, especially due to the slow pace of judicial proceedings. Challenges also arise due to the failure to introduce necessary clear, consistent and comprehensive legislation. Lack of awareness and interest at local and provincial levels, as well as a lack of sufficient financial resources, contribute to ineffective implementation.

In her final remarks the speaker asked the non-signatory states to ratify the Convention as soon as possible and the parties to the Convention to develop a clear, transparent and consistent national legal framework in line with the provisions of the Convention. The Assemblies should assume responsibility for ensuring effective enforcement measures and ensuring necessary capacities through the state budget.

Second Keynote Speaker - David Swalley

The second keynote speaker presented the OSCE's assistance to governments to implement the principles of the Aarhus Convention. Given that the OSCE follows a comprehensive concept of security including a political, military, economic and human dimension, this implies that the OSCE is also concerned with the prevention of and fight against environmental threats as they may seriously affect the security of societies. As far as South-eastern Europe is con-



Idriz Xhomara

cerned, for example, the region was subject to serious flooding and dangerous forest fires during the past summer. Following the OSCE's mandate to include the prevention of and fight against environmental threats, the OSCE has advocated for the ratification and implementation of the Aarhus Convention by its participating states since 1999. Since 2002 the Office of the Co-ordinator of the OSCE Economic and Environmental Activities (OCEEA) together with the OSCE field offices are supporting the development of Aarhus Centres in the Caucasus and Central Asia.

The Centres are designed to provide a bridge between governments and civil society and therefore to foster democratic development in promoting discussions and meetings between governments and citizens, opportunities for citizens to comment on draft laws, and a legal basis for citizens to apply to the courts. The Centres contribute towards increasing transparency in government activities as well as environmental legislation. They are based on the premise that involved and informed citizens contribute to a sound, legitimate and effective environmental policy.

To date the OSCE has sponsored the establishment of Aarhus Centres in Albania, Armenia, Azerbaijan, Georgia, Kyrgyzstan and Tajikistan. They have been placed in various locations, yet the most effective ones are directly based in premises of the Ministries for Environment. Aarhus Centres are managed by a Management Board or a Board of Experts, consisting of an equal number of representatives from government and civil society. In some countries Advisory Boards also support the work of the Aarhus Centres.

Those may be comprised of donor organizations, embassies, private sector organizations, and other international organizations. The Centres usually complement analytical and outreach capacities of public environmental authorities by providing easy access for the public and decision-makers to available environmental information. Furthermore, they seek to provide all environmental information in a user-friendly, popular and attractive format as well as work actively to raise public awareness about environmental issues.

In addition, they promote participation in environmental decision-making by arranging public hearings on draft legislation, and through free legal advice to citizens and organizations on environmental matters. In some instances environmental ministries have also used Aarhus facilities for the training of government employees on national environmental law and multi-lateral environmental agreements. The concept of corporate social responsibility has also been the subject of some Aarhus Centres' activities as representatives of local businesses have engaged in discussions and community activities. In many cases, the Centres also provide a venue for public environmental awareness activities for school children and research facilities for students.

Third Keynote Speaker - Zeqir Veselaj

The speaker commenced his presentation on the "Steps towards the implementation of Aarhus' Convention principles in Kosovo and role of civil society in the process" by outlining the Regional Environmental Centre's (REC) programme of public participation in Kosovo. The programme consists of supporting and facilitating access to information, participation of the public in environmental decision-making and access to justice through capacity building, networking, political and legal analysis as well as assistance to different stakeholders. The speaker also presented the regional project "Improvement of public participation – Steps towards implementation of Aarhus Convention" which includes organizing meetings, trainings, and a workshop with the Assembly of Kosovo Committee on Environment on the level of implementation of the Aarhus's Convention in Kosovo. In addition, the REC Office in Kosovo drafted a manual for municipal officials on the environment. This



manual will serve as a guide for the development of mechanisms to facilitate access to information and participation of citizens in decision-making. REC also delivered training for Kosovo environmental NGO's.

The speaker presented a report published by REC which analyses the legal gaps and the need to enshrine the Aarhus' Convention principles in Kosovo legislation. According to the report, the provisions of the Convention are well covered in the current environmental legislation. The Law on the Protection of the Environment includes two of the Aarhus pillars (access to information and access to justice). Yet, the third pillar has not yet been incorporated into the existing legislation meaning that the right to public participation has not been legally adopted.

First Responder - Jusuf Sutaj

The responder expressed the need for the Assembly of Kosovo to incorporate as many provisions of the Aarhus Convention as possible into the existing legislation while noting that some of the provisions had already entered into force. The responder continued stating that achievements have been made in reducing the pollution of heavy industry. On the other hand, there are a large number of vehicles operating in Kosovo and that remains another cause for concern. He concluded by saying that many environmental laws were already in line with the Aarhus provisions, some of them explicitly referring to the treaty while others are based on the Convention's spirit.

Second Responder - Idriz Xhomara

The second responder welcomed the new paradigm in the field of environmental protection that the Aarhus Convention has created. He also emphasised the specific difficulties for countries in transition seeking to implement the Convention. Furthermore, the responder lamented that while single trans-boundary issues were effectively addressed in bilateral agreements, for example the treaty with Former Yugoslav Republic of Macedonia on the use of water, other areas of concern were excluded from the same agreement, such as the increasing problem of pollution.

Discussion

Aarhus Convention as a mechanism to democratize the societies in transition

The principles of the Convention provide mechanisms to build necessary bridges between the people and the government. Some MPs from the region specifically emphasized the importance of having the

right of public access to information on environmental issues and to become involved in the decision-making process. Although public awareness for the need to protect the environment is already at a high level, a contributor complained that politics would often intervene on environmental issues to the detriment of environmental protection. Environmental protection should not be used for political purposes.

In addition, one of the cornerstones of the Aarhus Convention is the provision of a right to a healthy environment as enshrined in Article 1. In the future, signatories to the Convention may be sued for not efficiently providing this basic human right to their citizens. Nonetheless, although the Convention guarantees the right to access information on environmental issues, this does not necessarily imply that this information is easily accessible. A contributor suggested that access to information could be eased particularly in the stage of lawmaking. Ensuring that draft laws on environmental matters are available in electronic versions accessible on the internet, for example, would prove to be a simple but effective measure in terms of improving access to information.

Session III: “Transboundary co-operation on environmental issues: Energy Sector”

Moderator: Peter Vanhoutte, OSCE Mission in Kosovo

Keynote Speaker: Lorik Haxhiu, Project manager at the LPTAP Project Office

Keynote Speaker: Ilir Morina, Head of the Kosovo Environmental Protection Agency

Keynote Speaker: Luan Shllaku, Executive Director of Kosovo Foundation for Open Society

Responder: Berat Luzha, Assembly of Kosovo

Regional Responder: Petar Beron, Parliament of Bulgaria



First Keynote Speaker Lorik Haxhiu - Project manager at the LPTAP Project Office

The speaker presented the Kosovo Power Strategy (KPS) that has been developed by the Kosovo Ministry for Energy and Mines (MEM), approved by the Government and adopted by the Assembly of Kosovo in 2005. The KPS is the result of numerous studies carried out before 1999 and especially after 1999. It outlines the following findings: Kosovo needs more energy that is produced domestically; local power consumption is increasing; and the lack of generating capacity in the region is evident and it impacts on the prices of energy import. The KPS rec-

ommends the following: to rehabilitate the existing power plants to meet the short and medium term demand; to build a new power plant that will ensure sustainable power supply in the long term and of course as both are based on lignite extracted locally, to develop a new lignite mine. For the implementation of the strategy large capital investments are required.

The government of Kosovo is looking for foreign direct investments to develop three components of the project which are: the development of the Sibovc/Sibovac mine; the rehabilitation of certain units of the oldest power plant, Kosovo-A and construction of the new power plant Kosovo-C. For optimum development of Kosovo energy resources and

to ensure that the process complies with EU legislation, the following steps have been taken: a project steering committee - the decision making body - as well as a Kosovo project office have been established; and advisers who will work on legal and regulatory issues, and on environmental and social safeguard have been hired to develop a transaction proposal that will be formally issued to the bidders. This project is supported by the Government, the Assembly of Kosovo, and donors like USAID, the World Bank, and the European Union.

As far as production efficiency is concerned, when Kosovo-A was built it used 2 tons of coal to produce 1 MGW; when Kosovo-B was built in the 1980s it used 1.5 tons of coal to produce 1 MGW and with the new technology at hand we can now produce 1 MGW by using 1 ton of coal; so the necessary fuel for the same amount of energy has been reduced to half.

The Lignite Power Technical Assistance Project (LPTAP) is guided by principles of environmental and social sustainability. The safeguards framework sets the standards and approach for making sure that environmental and social impacts are assessed, meet good practice requirements and consultations are held prior to decision making. Safeguards include standards, which refer to: European Union directives for assessing and regulating environmental impacts; the World Bank policies on environment and resettlement; and any other obligations deriving from forthcoming treaties and MoU. Instruments for assessment: at the planning stage – Strategic Environment and Social Assessment (SESA); at the investment decision making stage: Environmental Assessment (EA), Social Assessment (SA), Sibovc/Sibovac development plant, resettlement action plans – on these consultations with stakeholders and the public are ongoing.

The key environmental objectives are: for the existing power plants (Kosovo A and B) the LPTAP would like to see visible reduction of emissions per capita; rehabilitation measures and improvement of Energy

Supply Providers and bringing Kosovo B inline with European directives. New facilities - new power plant and new Sibovc/Sibovac mine will have to be developed and operated in full compliance with European environmental and technical standards, and environmental legacy issues – land clean up and land reclamation project – Kosovo A ash dump – an ongoing reclamation of approximately 5 sq km for future use for agricultural needs.

Second Keynote Speaker Ilir Morina - Head of the Kosovo Environmental Protection Agency

The speaker noted that the Ministry on Environment is facing problems given that Kosovo has inherited a very polluted environment from past activities. The problems are exacerbated by the lack of a Kosovo Spatial Plan, which directly deals with the new coal based power plant Kosovo C, and water reserves. Kosovo currently has no system for air control, while there is a system for the monitoring of the surface waters but not for the underground ones. Emissions have been reduced since 2000 but still Kosovo A exceeds all limits thus the challenge is whether to shut it down and remain without energy, or continue emitting.

The first challenge for the Ministry on Environment has been the drafting of legislation pursuant to the Acquis Communautaire. Up to 85 % of laws are harmonized with EU legislation. Another challenge is



Petar Beron and Sabri Hamiti



Maja Filipovic and Xhelal Canziba

education of the public about the role of environment protection.

Finally, Mr. Morina stressed that trans-boundary cooperation is not at a satisfactory level and that funds for transboundary cooperation have not been properly used.

Third Keynote Speaker Luan Shllaku - Executive Director of Kosovo Foundation for Open Society

In democratic societies the energy sector is always in conflict with the environment sector because the energy industry is one of the worst polluters. In Kosovo it is quite the contrary, as both the Ministry of Energy and the Ministry of Environment are waging the same campaign for development of energy sector. The speaker noted that in order to create good environmental and social policy, many dimensions of development have to be considered. The fact that Kosovo has about 14 billion tons of lignite reserves and thousands of tons of sulphides doesn't automatically mean that it has rich perspectives ahead if it doesn't know how to properly manage them. Mr Shllaku presented some ideas for a development plan involving both the environment and energy, which takes into account air, water and soil as well as public health, demographic structure, biodiversity and agricultural land.

Kosovo cannot be compared to places like Sweden

or Germany. The population density in Kosovo is huge, thus one of its main problem is space. Another limitation is the poor quality of the reserves of lignite. The speaker noted additional development limitations such as the Gross Domestic Product, which is only 2.5 billion euros in total or a little more than 1000 Euro per capita.

As far as being energy exporters, Mr Shllaku refuted this idea calling it a tale and explained that lignite reserves cover one fourth of the surface of Kosovo and to exploit them would request to expand mining activities in areas currently dedicated to agriculture and even to destroy several cities and villages.

The speaker, however, stated that he's not against the construction of Kosovo C. The current scenario of the Government for a power plant supplying 2,100 megawatts per hour is not the best option. The government should take into account the natural limitation and determine which scenario for energy sector development is the most suitable for Kosovo.

Privatization is another aspect of Kosovo's problem: the government should be very vigilant concerning the environmental impact assessment because if that is not done and foreseen for future industrial increases, foreign investors will not care for it and as a result Kosovo will have tremendous problems. The speaker concluded that preservation and protection of resources is a role for the whole government and not individual ministries.

First Responder

Berat Luzha - Assembly of Kosovo

The responder started by noting that environmental issues are both global and regional, thus requiring close cooperation and coordination between countries to tackling joint problems and identify common interests like water resources (rivers and lakes) and national parks. Currently, there is an initiative to create a "Peace national park" in the triangle between Albania, Kosovo and Montenegro, and a national park "Sharr" between Kosovo and Macedonia.

Regional cooperation could be advantageous for the construction of Kosovo C, because it is thought that this power plant will provide electricity and reduce pollution in the whole region. The Kosovo C project has raised concerns based on the current experience Kosovo has with the existing two power plants and the tremendous pollution they create by discharging pollutants in water, air and land.

Kosovo needs more energy, at the same time energy is the main economic sector in Kosovo, it is also the biggest polluter and 97% of all energy in Kosovo is produced on lignite and only around 3% on water.

Second Responder

Petar Beron - Parliament of Bulgaria

The responder started by saying that he was the only one in the panel representing an EU country and that the process his country went through during the past ten months represented advantages but also difficulties. During the first day of the regional conference it was said that all of the countries present will join at some time the EU thus these countries should use this time to fulfil the requirements of the EU. When becoming a candidate for accession, an aspirant country doesn't have enough time; it simply has to meet the deadlines put by the EU. If it fails to meet them it might lose support funds foreseen for it.

Mr Beron highlighted the achievements in meeting the EU requirements regarding the legal framework and its implementation. He relayed to the audience the case of the Kozloduy power plant, which bears some similarities to Kosovo C. Kozloduy used to be the biggest supplier of power in the region – in 2006

it exported close to seven billion megawatts, while this year Bulgarian export went down to one billion megawatts. The nuclear power plant was shut down due to insistence of several EU countries, although many experts and commissions testified that its reactors could operate safely until at least 2012. As for the other Bulgarian power plants, which operate on coal, they will have to lower their CO2 emission pursuant to EU directives, unless they will have to be shut down too, meaning that Bulgaria would be turned into an energy importer.

Lastly Mr Beron stated that a lot has been done in promoting and improving the environmental situation. He also stressed the importance of hearing the voices of the NGO's, relaying his own example and how he reached the Bulgarian Parliament after having being a member of 'EkoGlastnost' a big environmental NGO, which started its activities at the very beginning of the transition.

Discussion

Transboundary pollution

Participants agreed that the drifting air masses and the continental rivers do not respect national boundaries established by politicians and generals. They move where physical forces take them, and if they carry a load of pollutants those travel with them. Consequently, there is a limit to the pollution abatement that individual states can achieve in isolation. To address this problem strong environmental governance is required. However, laws and policies that regulate the field of environmental protection do not turn out as expected or intended, due to design flaws, implementation problems and weak enforcement and judicial institutions. At the same time there is pressure on Kosovo to comply with international/EU environmental standards and subsequently regional cooperation to address cases of trans-boundary environmental issues, such as Kosovo coal-based power plants that are polluting the waters of Ibër/Ibar river and consequently the Danube in Serbia; the cement factory in Hani Elezit/Đeneral Janković that pollutes the air the border area of FYR-Macedonia. Thus, it is in the interest of all countries that environmental policies are coordinated.

Session IV: “Environmental Governance”

Moderator: Blerim Vela, OSCE Mission in Kosovo

Keynote Speaker: Gerrit Vonkeman, University of Utrecht, the Netherlands

Keynote Speaker: Kerstin Tews, Policy Consultant, Germany

Keynote Speaker: Mirjana Brnadić, Parliament of Croatia

Keynote Speaker: Jeton Bytyqi, Kosovo Agency for EU Integration

Responder: Sadudin Berisha, Assembly of Kosovo

Regional Responder: Marian Dodovski, Parliament of Macedonia

First Keynote Speaker

Gerrit Vonkeman - University of Utrecht, the Netherlands

The speaker started by arguing that the development and present state of environmental policy of the European Union can only be understood within its context. Not only are the aims and competencies of European cooperation important, but also decision-making processes and procedures, budgets, priorities, perception of problems, external pressure, political will, etc. In 1957, six neighbouring countries (Western Germany, the Netherlands, Belgium, Luxemburg, France and Italy) established the (three) “European Communities” for economic cooperation, based on the two Treaties of Rome and the earlier Treaty of Paris. Contrary to other international organisations, these communities were exceptionally well structured, organised and funded from the beginning.

With respect to the environment, developments since then can be divided in phases of fifteen years each. In the first, the focus was mainly on the Common Agricultural Policy (CAP). No attention was given to environment, but towards the end, it became clear that it should be taken on board. Although some 300 pieces of environmental legislation were adopted during this phase, they followed an incoherent pattern and were usually rather weak.

In the meantime, Mr. Vonkeman noted that the progress towards a common market without internal frontiers hardly advanced, largely due to the demand of unanimity in all decisions. So the member states decided that the internal market should be completed within five years and that the treaties had to be adopted to make this possible. Serious

environmental problems – both internal (inter alia forest dieback due to acidification) and global (ozone layer depletion, climate change and many other expressed in the Brundtland report “Our common Future”) – also demanded that environment protection should become an official goal of European cooperation. This all was realised by the Single European Act that also introduced the term Economic Community.

The third phase started immediately in 1987, with a vast range of environmental activities. A consistent body of environmental policies and legislation was drafted, considerable funds became available to implement them, and a separate European Environment Agency was established, inter alia to monitor the condition of the European environment. In addition, nature protection could now be taken seriously. In the meantime the globalization of both the economy and the environment became apparent and the Community took a lead in international environmental policy development. Within Europe not



Blerim Vela



Ivan Vučić, Mirjana Brnadić and Nikola Sopić

only Austria, Finland and Sweden applied for membership, but also the Berlin wall fell, which implied that considerable attention and help would be needed for the Central-European countries as well as for the former Soviet Union.

In 1992 the European Union took off, based on the Treaty of Maastricht and introducing common policies in the areas of foreign and security policy and home and justice affairs. In the later treaties of Amsterdam and Nice the basic goals were further adopted and the decision-making in a number of areas, including environment, became based on an equal position of Council and Parliament. In the first five years of the fourth phase, as of 2002, 12 new members have joined, mainly from Central-Europe. Some more will follow during the rest of this phase.

In closing, the keynote speaker stressed that one should always take into account the developments mentioned above when discussing about the environmental policy of the EU, with its procedures, institutions, funds and legislation. Further more, attention should be given to some environmental aspects of the accession process.

Second Keynote Speaker Kerstin Tews - Policy Consultant, Germany

The keynote speaker started by noting that in the establishment of the Stabilisation and Association Process in 1999, the European Union (EU) has offered the Southeast European (SEE) countries the perspective of becoming member states in the medium or longer term. As each country seeking to become a member, the countries from the SEE region must fully conform to the rules of the EU. Whereas the political and economic criteria reflect the fundamental principles of democracy and market economy as guiding principles of the European integration, the third criterion is much more than a basic frame for the desired societal order. The *acquis communautaire* comprises the bulk of legal acts in various policy fields, including environment, developed over decades, which is binding for member states and those who wish to become a member before their accession.

Mr Tews added that the Commission's statement in 1998 concerning enlargement strategies for environment with regard to Central and Eastern Europe



Marian Dodovski

noted that meeting the environmental acquis is not the end-goal, neither for the candidate countries nor for the European Union. The challenge of full integration of the environmental and sustainable development dimension into all major areas remains a major and urgent challenge for the whole of the European Union. The process of enlargement should be seen in this wider perspective and should be managed in such a way as to bring the objective of a genuinely sustainable development closer to home.

Meeting the existing rules of the environmental acquis - which are always a result of a compromise between environmental leaders and laggards in the EU, is therefore a minimum the EU must demand in order to ensure the EU's capacity to further develop environmental policy after enlargement. The environmental acquis is only one part of the whole acquis but as it has been developed since the 1970s it comprises a huge number of legal acts – more than 200 legislative acts do reflect the policy development with respect to environmental issues in the EU.

For the SEE countries the obligation to meet the environmental criteria for accession offers a chance to develop an environmental policy under societal circumstances of a transition country, where without the membership option environmental issues would hardly enter the political agenda. Other issues like economic restructuring, social hardships, political consolidation and – in the case of this region - the legacy of the conflict would displace environment from the agenda. Thus, from this perspective conditionality and external agenda setting with respect to

the environmental acquis offer the chance not to forget environmental issues and to create the necessary institutional, legal and human capacities.

However, the speaker concluded that this process of external agenda setting regarding environmental policy development also implies some critical questions not only for the region but for the EU' capacity to further develop environmental policy too.

Third Keynote Speaker Mirjana Brnadić - Parliament of Croatia

The keynote speaker opened her speech by outlining that the field of environment protection is going through substantial reform in Croatia in order to protect, maintain and promote the state of environment and nature in compliance with EU standards as a precondition for overall economic development. Accession negotiations of Croatia with the EU started on the 3 of October 2005; protection of environment is one of the 35 chapters of the EU acquis. The multilateral screening for chapter 27 on environment was held on April 2006 where the European Commission has explained in detail the acquis part concerning the environment. In May 2006 a joint screening was held where the Croatian representatives showed the level of transposition and implementation of the acquis.

Ms. Brnadić informed that the report stated that Croatia achieved a satisfying level of compliance with the EU legislation but that it still needed to increase administrative capacities at the national, regional and local level. The evaluation of the European Commission was that in general good progress was achieved under the chapter of environment protection, especially in protection of water and air, nature protection, chemicals and genetically modified organisms. However, bearing in mind the stretch and complexity of this chapter, a lot of further efforts must be made.

The EU legislation on environment protection contains more than 200 main acts which include horizontal legislation, quality of air and water, waste management, protection of nature, control of industrial pollution and risk management, chemicals and genetically modified organisms, noise and forestry. Croatia, by the end of 2008 will fully incorporate the

EU legislation on environment protection into its national legislation.

The keynote speaker noted that it can be expected that the talks for the environment chapter last a long time and will conclude only then when all the other, that have an impact on the environment like those on agriculture, trade, energy, or industrial policy are completed. In addition, due to enormous investments needed in environmental protection, which will be impossible to cover in the next several years, Croatia will look for interim solutions for each of the fields of this chapter.

Fourth Keynote Speaker

Jeton Bytyqi - Kosovo Agency for EU Integration

The speaker started by explaining that Kosovo does not have any contractual relations with the EU. Nevertheless, the European Perspective for the Western Balkans is also open to Kosovo. This is reflected in the adoption of the European Partnerships published in June 2004 and 2006. The dialogue between Kosovo and the EU is being conducted through the Stabilization and Association Tracking Mechanism (STM). The framework of the STM, which has been developed uniquely for Kosovo - as it is not a state - ensures that Kosovo can fully participate in the Stabilization and Association Process (SAP). SAP Tracking Mechanism meetings are high level technical dialogue meetings between European Commission and Kosovo Institutions.

Approximation of legislation with the EU's *acquis Communautaire* is one of the conditions for EU membership for any state wishing to join the EU. In this regard, Kosovo is showing major progress by adopting its legislation in line with EU's *acquis*. It has created institutions responsible for this process, and it has put in place legal procedures. The Coordination of Approximation of Legislation is the responsibility of the Directorate for Legislation within the AEI. Every draft law, before going to the Government's meeting for approval, is first submitted to the AIE for EU compatibility check. The speaker mentioned that Kosovo does not yet have a National Action Plan for the Approximation of Legislation.

The protection of environment is a sensitive area for the EU. The EU Member States realised that the Protection of Environment cannot be achieved by the

Member States alone, the air pollution does not stop at borders. Furthermore, maintaining different levels of protection in the Member States would distort the internal market, especially competition. Thus, by the EC Treaty the Community Policy on the Environment was introduced with an aim to contribute to: preserving, protecting and improving the quality of the environment, protecting human health, promoting measures at international level to deal with regional or worldwide environmental problem. Furthermore, Art 95 of Treaty of European Community (TEC) on Approximation of Laws in the EU provides that the Commission, in its proposals on approximation of laws, regulations or administrative provisions of the member states concerning health, safety, environmental protection and consumer protection, should take as a base a high level of protection, taking into account in particular any new development based on scientific facts.

Based on these legal bases, the Community has taken important legislative measures. Several relevant Regulations and Directives were adopted. These measures have improved the environmental protection in the EU. Furthermore, the Community has contributed to the environmental protection in the global level by including environmental clauses in trade agreements. Most of the trade agreements reached with developing countries contain such clauses. As far as Kosovo is concerned, as it is the case with developing countries, it faces the challenge of economic development, on the one hand, and the protection of the environment, on the other. However, the environmental laws also undergo the EU Compatibility Check procedure. Since the Office for the European Integration Processes was established, now the AEI, more than ten (10) draft laws concerning the environment have been checked. It should be noted that some of these draft laws were given a green light for the next step of the legislative procedure (the Government's meeting for approval) only after the necessary modifications were made, since, initially some of these draft laws were in breach of the main principles of the EU's Legislation on the Environment.

Although the laws adopted in conformity with the EU legislation are a good way forward, the speaker noted that in the current legal framework concerning the environment Kosovo is far from meeting the EU standards on environmental protection. The speaker admits that the outright application of the EU

Environmental Protection Norms would have a negative impact on the economy of Kosovo. Kosovo is moving slowly but carefully towards adaptation of the laws and is trying to compromise neither economic development nor the Approximation of its laws with EU Law.

First Responder Sadudin Berisha - Assembly of Kosovo

The speaker noted that the Assembly of Kosovo is committed to economic development, by implementing proper social policies, curbing high unemployment, and providing health care to all its citizens. The Assembly and Environment Committee are especially committed to the environment based on the belief that economic development, not only in Kosovo but also in its surroundings, has been very little accompanied with the proper environmental legislation, and as a consequence the environment is very polluted and will require a lot of investment to return to its previous state.

Mr Berisha noted that the previous speaker mentioned the legislation passed by the EU which denotes that not only the countries in the region which are making their efforts to integrate in this field but also the EU itself is facing new environmental challenges due to the enormous economic development. The legislation passed by the Assembly of Kosovo is important but not sufficient; as it is not implemented. These difficulties arise within the

Executive, the different bodies and structures dealing with environmental, industrial, trade, transport, telecommunication, agriculture issues, clash with each other in their attempts to realize their programs.

Second Responder Marian Dodovski - Parliament of Macedonia

The keynote speaker emphasized that as far as Macedonia's accession to the EU is concerned, and the signing of the stabilization-association in 2005; the first report on the environment was submitted in 2005 and Macedonia has received the status of candidate. Concerning the harmonization of legislation with EU requirements, Macedonia started working on it in 1997, and has started the approximation programs and national programs regarding the environment by increasing national capacities. The speaker noted that Macedonia didn't have Ministry for Environment during 1997.

The latest PHARE and CARDS programmes included projects for approximation of legislation as well as drafting of new legislation – law on environment, law on air quality, law on nature, and law on protection from pollution, and law on waste. The speaker noted that Macedonia had ratified numerous treaties especially those for climate change, thus being in full compliance with European standards. As far as "action taking" is concerned, each state should start with its own funds and not wait for funds; additional funds will be donated after actions have been initiated with own financial means. Croatia is a good example for this.



Participants List

Regional Parliamentary Conference on Environment 19-20 October 2007 – Prishtinë/Priština

Собрание на Република Македонија Parliament of Republic of Macedonia

1. Katerina Dimevska
2. Marian Dodovski
3. Hazbije Ibishi
4. Ajshe Selmani
5. Jasminka Perčinkova

Народно събрание на Република България National Parliament of Republic of Bulgaria

1. Evdokia Maneva
2. Petar Beron
3. Rumen Takorov
4. Stancho Todorov
5. Ognian Georgiev

Parlament Federacije Bosne i Hercegovine Parliament of Federation of Bosnia and Herzegovina

1. Slavica Josipović
2. Sanda Redžić
3. Amra Muzur

Hrvatski sabor Croatian Parliament

1. Mirjana Brnadić
2. Nikola Sopčić
3. Ivan Vučić
4. Maja Filipović

Kuvendi i Republikës së Shqipërisë Parliament of Republic of Albania

1. Ilir Bano
2. Idriz Xhomara

Speakers:

1. Markku Laamanen, Deputy Head of OSCE Mission in Kosovo
2. Lodewijk Vanoost, OSCE Mission in Kosovo
3. Blerim Vela, OSCE Mission in Kosovo
4. Peter Vanhoutte, OSCE Mission in Kosovo
5. Franklin DeVrieze, OSCE Mission in Kosovo
6. Andrew Farmer, Institute for European Environmental Policy
7. Marianna Bolshakova, United Nations Economic Commission for Europe
8. David Swalley, OSCE Economic and Environmental Activities
9. Gerrit Vonkeman, University of Utrecht
10. Kerstin Tews, Policy Consultant
11. Merxhan Avdyli, Deputy Minister for Environment and Spatial Planning
12. Lorik Haxhiu, Ministry for Energy and Mining
13. Ilir Morina, Head of the Kosovo Environmental Protection Agency
14. Jeton Bytyqi, Kosovo Agency for EU Integration
15. Zeqir Veselaj, The Regional Environmental Centre
16. Luan Shllaku, Kosovo Foundation for Open Society

Assembly of Kosovo participants:

1. Sabri Hamiti
2. Rifat Krasniç
3. Lulzim Zeneli
4. Jusuf Suta
5. Shaban Halimi
6. Qibrije Hoxha
7. Fetah Berisha
8. Berat Luzha
9. Afrim Arzullaxhiu
10. Xhelal Canziba
11. Sadudin Berisha
12. Selvije Halimi
13. Bajram Badivuku

Other participants:

1. Muhamet Malësiu, Ministry of Environment and Spatial Planning
2. Muhamet Aliu, Ministry of Environment and Spatial Planning
3. Ismajl Hetemaj, Ministry of Environment and Spatial Planning
4. Scott Sinclair, World Bank Office in Kosovo
5. Edon Vrenezi, World Bank Office in Kosovo
6. Tush Markaj, Kosovo environmental expert



Agenda of the Conference

Environment as a medium for promoting democracy and economic development in societies in transition

Detailed Agenda for Participants of the Regional Parliamentary Conference on Environment

**18 – 21 October 2007
Prishtinë/Priština**

Environment as a medium promoting democracy and economic development in societies in transition

18 – 21 October 2007
Prishtinë / Priština

First day: Thursday, 18 October 2007

- 12:00 – 17:00** **Arrival of delegations from South-eastern European Parliaments and Assemblies**
Venue: Hotel 'Grand' Reception - ground floor
- 18:00** **Reception at Assembly of Kosovo**
Short speeches by Sabri Hamiti – Deputy President of Assembly of Kosovo, Ambassador Markku Laamanen – Deputy Head of OSCE Mission in Kosovo
Venue: Assembly of Kosovo
- 19:00** **Welcoming dinner hosted by Assembly of Kosovo**

Second day: Friday, 19 October 2007

- 08:30** **Registration of participants**
Venue: Hotel 'Grand' Conference Room - 1st floor
- 09:00** **Welcoming speeches**
Sabri Hamiti – Deputy President of Assembly of Kosovo, Lulzim Zeneli – Deputy Chairman of the Assembly Committee on Environment and Markku Laamanen – Deputy Head of OSCE Mission in Kosovo
Venue: Hotel 'Grand' Conference Room - 1st floor
- 09:40** **Coffee break**
Venue: Hotel 'Grand' - 1st floor
- 10:00** **Session on Environmental Governance**
Moderator: Lulzim Zeneli, Assembly of Kosovo
Keynote Speaker: Andrew Farmer, Institute for European Environmental Policy
Keynote Speaker: Merxhan Avdyli, Deputy Minister for Environment and Spatial Planning
Keynote Speaker: Lodewijk Vanoost, OSCE Mission in Kosovo
AoK Responder: Shaban Halimi, Assembly of Kosovo
Regional Responder: Sanda Redžić, Member of the Parliamentary Committee on Environment of the Parliament of Federation of Bosnia and Herzegovina
Venue: Hotel 'Grand' Conference Room - 1st floor
- 12:30** **Lunch**
Venue: Hotel 'Grand' Restaurant – ground floor

- 14:00** **Session on principles of Aarhus Convention – access to information, decision-making and justice, practices from Europe and the region**
Moderator: Fetah Berisha, Assembly of Kosovo
Keynote Speaker: Marianna Bolshakova, United Nations Economic Commission for Europe
Keynote Speaker: David Swalley, OSCE Economic and Environmental Activities
Keynote Speaker: Zeqir Veselaj, The Regional Environmental Centre
AoK Responder: Jusuf Sutaj, Assembly of Kosovo
Regional Responder: Idriz Xhomara, Member of the Parliamentary Committee on Trade and Environment of the Parliament of Albania
Venue: Hotel 'Grand' Conference Room - 1st floor
- 17:00** **Closing remarks**
Venue: Hotel 'Grand' Conference Room - 1st floor
- 17:30** **Reception with local environmental NGOs**
Venue: Hotel 'Grand' - 1st floor

Third day: Saturday, 20 October 2007

- 09:00** **Session on transboundary co-operation on environmental issues: Energy Sector**
Moderator: Peter Vanhoutte, OSCE Mission in Kosovo
Keynote Speaker: Lorik Haxhiu, Ministry on Energy and Mining
Keynote Speaker: Ilir Morina, Head of the Kosovo Environmental Protection Agency
Keynote Speaker: Luan Shllaku, Kosovo Foundation for Open Society
AoK Responder: Berat Luzha, Assembly of Kosovo
Regional Responder: Petar Beron, Member of the Parliamentary Committee on Environment and Waters of the Parliament of Bulgaria
Venue: Hotel 'Grand' Conference Room - 1st floor
- 12:00** **Lunch**
Venue: Hotel 'Grand' Restaurant – ground floor
- 14:00** EU legal framework on environment and best practices from the region
Moderator: Blerim Vela, OSCE Mission in Kosovo
Keynote Speaker: Gerrit Vonkeman, University of Utrecht
Keynote Speaker: Kerstin Tews, Policy Consultant
Keynote Speaker: Mirjana Brnadić, Member of the Parliamentary Committee on Spatial Planning and Environmental Protection of the Parliament of Croatia
Keynote Speaker: Jeton Bytyqi, Kosovo Agency for EU Integration
AoK Responder: Sadudin Berisha, Assembly of Kosovo
Regional Responder: Marian Dodovski, Member of the Parliamentary Committee on Transport, Links and Ecology of the Parliament of Macedonia
Venue: Hotel 'Grand' Conference Room - 1st floor
- 17:00** **Closing the conference**
Venue: Hotel 'Grand' Conference Room - 1st floor
- 17:30** **Cocktail**
Venue: Hotel 'Grand' - 1st floor

