



• ASSEMBLY SUPPORT INITIATIVE
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Effective Environmental Governance Requires a Strong Parliamentary Oversight

Editorial



This 30th edition of the ASI Newsletter is a thematic publication on the issue of parliamentary oversight on environmental policies. One will recall that the Assembly of Kosovo, together with the OSCE Mission in Kosovo, hosted a regional parliamentary conference on environmental issues in Prishtinë/Priština on 18 – 20 October 2007. The current edition of

the ASI Newsletter therefore includes a number of contributions by parliamentarians from Kosovo and South Eastern Europe present at the conference.

Looking back at its proceedings, it is clear that the regional parliamentary conference on environment served as an unique policy platform for debating and presenting ideas and policy concepts. Amongst the conclusions, also highlighted in this publication, is the need to put more emphasis on implementation of laws and policies related to environment. Several international experts and parliamentarians from the region noted a lesson learned that societies of the region should enhance cooperation and improve exchange of information in order to avoid the mistakes of the other countries in past transitions. Moreover and in order to have proper good governance, it is an imperative to assure that a meaningful democratic process takes place through citizens' right to access to information, decision-making and justice – all of which are stipulated by the Aarhus Convention. Most participants at the Conference acknowledged that a balance should be found between economic development, citizen's welfare and a clean environment. Lastly, one possible framework solution to the abovementioned dilemma is the European Union's policies and directives on environment, even though it's left up to each society to chose its own path and mechanisms to achieve the aforementioned goals.

In meantime, parliamentary elections on 17 November 2007 considerably changed the political landscape in Kosovo. One can expect that the environmental challenges will move higher up Kosovo's political agenda in the years to come. We therefore hope that this publication will remain a reference document for the parliamentary oversight on environmental policy setting in Kosovo. It goes without saying that the experiences of parliamentarians in neighboring countries is worth considering.

Franklin De Vrieze
Coordinator Assembly Support Initiative.

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Effective environmental governance requires a strong parliamentary oversight of the executive

Opening Speech at the Regional Parliamentary Conference on Environment by Deputy Head of OSCE Mission in Kosovo Mr. Markku Laamanen, 19 October 2007

Kosovo has a large number of environmental issues at hand. These are mainly as the consequence of the uncontrolled use of natural and mineral resources in the last decades; an industrial production that did not take in consideration the 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 a serious direct and indirect negative impact on ecosystems and public health.

As you know, the European Union insists in 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 cooperation, addressing common problems and trans-boundary environmental issues. Let me give you a couple of examples: Kosovo lignite-based power plants, polluting the waters of the Ibër/Ibar river and consequently the Morava and the Danube, going downstream to the Black Sea; and 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 the 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 coordination by governments and administrations has been replaced by network-like coordination 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 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.

The Issue is how to Implement the Laws in a Country Destroyed and Ruined by War

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



I am pleased and honoured to wish you a warm welcome to Kosovo. I am pleased that the Kosovo Assembly, in cooperation 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.

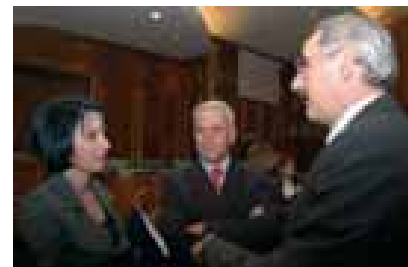
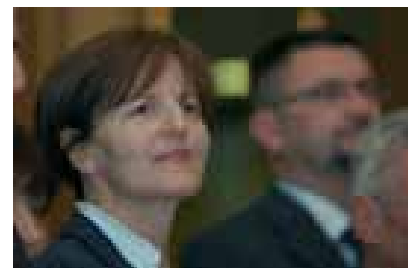
With unanimous consensus on environmental issues, the Assembly of Kosovo has adopted several laws on environment, taking into account domestic circumstances and European standards. The issue is on how to implement the laws in a country destroyed and ruined by war.

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.

19 October 2007



Solution of environmental problems requires well-thought responses

Interview with Mr. Ardian Gjini, Minister of the Ministry of Environment and Spatial Planning (Kosovo Government 2004-2007).



ASI: How would you assess environmental situation in Kosovo?

Ardian Gjini: As a very big and ongoing problem, environmental deterioration has been ignored for decades, thus making us one of the most highly polluted regions. However, we are facing pollution problems with a relatively fledging institutional and staffing experience. If we assess post war situation now, the situation has been improved, but there is a lot to be done, as we can not permit ourselves to be satisfied with our achievements. Problems that aggravate environmental situation still are: treatment of black waters, air quality, preservation of biodiversity, waste management etc. We are aware of the fact that, should their treatment is not carried out properly, pollution of the environment deriving from the past industrial activities is hazardous indeed. Another problem introduced is unplanned constructions and insufficient use of the natural resources as well.

ASI: What improvements have been made since you were assigned to the post of Minister in the Ministry of Environment and Spatial Planning? What changes would you like to make?

AGJ: Since Kosovo finds itself in a pre status settlement and I've been involved closely through strategic political group within Kosovo negotiation team, I was not able to be fully involved in the work of the Ministry. However, Ministry managed to make up the legislative framework. Initial water permits have been issued, Spatial Planning of Kosovo has been completed, donations of the value of 30 million Euros have been provided etc.

It is very clear that we could not do more, since this happens to all countries in transition. Even though, we're a society in transition, with unresolved political status, while attempting to develop economy, privatization, rule of law and promotion of democratic processes in general, we're trying through reinforcement of environmental legislature to enable environmental instruments such as: Environmental Impact Assessment (EIA); Environmental Strategic Assessment (ESA); Integrated Prevention and Pollution Control (IPPC), in order to ensure respect upon principles on sustainable development.

Another step undertaken by the Ministry is the closure of old dumpsites and preparing projects on closing other "illegal" dumpsites.

Thus, Kosovo Action Plan on Environment passed in the Assembly, a plan that defines mechanisms, instruments, means, executors and deadlines for implementation of environmental strategy. This document sets out the principles of sustainable development, needs and interest of Kosovo for protection and safeguard of the environment, local needs and interests, group and individual interests, principles of stabilization and demands on adherence to European Union as well as bilateral cooperation and regional agreements.

One big and ongoing challenge for MESP and Kosovo is the improvement of environment, which is deemed to be necessary not only for the health of the citizens but also for integration and approximation to EU standards.

ASI: What have you undertaken in relation to pollution issues in Kaçanik and Obiliq?

AGJ: The Parliament adopted the Law on Air Protection and by-laws, such as: Administrative Instruction for Air Discharge Norms from a Pollution Source, where according to the Article 75, paragraph (1) Not later than 31. 03. 2008,

operators shall draft “Efficient reduction programs” of gas emissions (emission reduction of Sulphur dioxide and Nitrogen oxides and dust) from existing plants. Cooperation criteria for drafting of “Efficient Reduction Program” shall be determined by the Ministry, whereas according to section (5) operators are obliged to meet EU standards pursuant to the plans for pollution reduction until 31. 12. 2017.

Ministry of Environment and Spatial Planning and KEK have identified the issue of phenol as a ‘hot spot’ in order to reduce hazard caused by phenol. Also, Inspectors of the Inspectorate of MESP carry ongoing inspections in this ward in order to track the situation of phenol residues.

As regards emission monitoring and control in “Sharrcem”, and in order to verify emission level and fulfil legal obligations emerging from obligation of having environmental consent, “Sharrcem” is since 2004, through continuous emission monitoring by dust capture equipment placed in potential sources, undertaking periodical measurements twice a year, on standard components of the furnace chimney, as one of the key sources of gas and dust emissions. Also, in annual basis, it tests for heavy metals in dust emissions from chimneys. In this direction, we can conclude that the absolute emission values of CO₂ are 13 % smaller in comparison to an increased production of cement in previous years, and that the waters used in the process during 2007 were analysed by the Kosovo Hydro-meteorological Institute do not exceed MAV-s, in accordance with the EU Directive 152/1999 on discharged urban and industrial waters.

ASI: Almost all environmental basic laws have been drafted. What would be your assessment be on their implementation and operation of relevant authori-

ties?

AGJ: For 2007 almost all the laws according to legislative plan 2007 have been issued. We believe that implementation of these laws will start soon, whereas operation of authorities is insufficient.

We have identified that we continue facing problems whilst enforcing and implementing these laws, even though we’re doing our best on drafting legislative framework. Therefore, we’re in the beginning of the project with European Agency for Reconstruction to provide assistance to Ministry Inspectorate and Municipalities in implementation of these laws.

But, we’re aware that there are flounders in functioning of the courts when dealing with environmental cases.

Implementation of the Law in the area of environmental protection gets worse because of scarce financial resources to build clearing plants for industrial and black waters for a longer period; lack of powers for waste management; protection of the environment is not priority in a transitional society; lack of professional staff in the specific areas of environmental protection; small number of inspectors (there are only 5 inspectors for water and environmental area).

ASI: To what extent are Kosovar institutions willing to fulfil international agreements on environment, especially on cross-border pollution?

AGJ: It is clear that environmental problems do not recognize country borders. Therefore, solution of environmental problems requires well-thought political, professional and coordinated response, not only at national level but also at regional and international level.

Kosovo has shown readiness for regional cooperation in environmental area, by

giving positive reply and by encouraging implementation of programs and certain projects at regional level. Although such initiatives have not been sufficient so far, I would nevertheless mention ENVSEC Initiative (Environmental Security Initiative), a program supported by UNEP, UNDP, NATO, OSCE and others, as regards regional cooperation for management of cross-border mountainous area, as well as other environmental aspects.

ASI: What are Ministry’s priorities on environmental protection area in the next five years?

AGJ: Principally, raising institutional awareness in treating environmental issues within departmental development policies, as well as raising public awareness and participation in decision making process for environmental issues. The set priorities on the basis of mid term framework are: development of legal and institutional framework for environmental sector; prevention and reduction of environmental pollution; protection of biodiversity, natural heritage and sustainable use of natural resources; cooperation and active participation in European and international initiatives for environmental sector; raising awareness, education and public participation in decision making process for environmental issues.

Thus, we have drafted departmental plans for waters and environment within the Strategic Development Plan of Kosovo, where approximation of legislation with European Directives are included, as well as extension of water supply system, protection of water resources, treatment of black waters, establishment of monitoring networks, hazardous waste management, drafting of departmental plans, etc.

Interviewed by,

Artan Canhasi, OSCE Mission in Kosovo

The Assembly of Kosovo has to play a leading role in the formulation of environmental policies

By Lodewijk Vanoost, OSCE Mission in Kosovo



The industrial revolution has brought unprecedented welfare to a large number of people all over the world. Scientific progress has substantially increased life expectancy. It took many decades before people started to realize that this revolution also had adverse effects. Throughout western Europe more and more people became convinced that our industrial society needed cleaning up, literally. While the movement for a safe and clean environment first started on grassroots level, the political leaders became involved in this struggle to reconcile economic and ecological priorities.

At first, this new awareness became apparent by the emergence of green and ecological parties and their election into the national parliaments all over Europe. But gradually the environment became an issue of all political parties. Today, it is on the forefront of political debate in all European countries.

In fact, one can say that the environment is an essential part of the work of parliamentarians. All parliaments have their specific Committees on the Environment. The same goes for the government level. Kosovo also has a Ministry for environmental issues.

Yet, it is the parliament that has to play the leading role in formulating and drafting of environmental policies. As representatives of their people, parliamentarians are closer to the needs and worries of their local constituents than the Minister. The Minister needs to take care of the general well being. But it is the parliamentarians who have the knowledge and understanding of local problems.

The challenge for the Kosovo Assembly is immense. First there is the issue of the Obiliq power plants. How to reconcile the need to provide electricity 24 hours per day for schools, hospitals, businesses and households with the urgent need to clean up the energy production process, this is a question that the Assembly has to face. The Trepça mining sites are considered to be among the most heavily polluted hot spots in Europe. Then there is the issue of clean drinking water.

Thanks to the energy of the Kosovo people, reconstruction after the war was done at unforeseen speed with undeniable success. It has also created new problems. Garbage is piling up on the roadsides of all Kosovo villages, the fields and rivers are polluted by plastic. If Kosovo does not deal with these new problems soon, they

will become a burden to social and economic progress.

These are not just matters of luxury. Nor are they just matters of the environment. They are health care issues. Many critics will state that this will cost enormous amounts of money. However, the question is not whether Kosovo can afford to pay for a clean environment, the question is whether Kosovo can afford NOT to pay for this. The consequences of present day pollution are felt everyday when parents have to pay for the medical costs of their children for diseases caused by pollution.

The debate on the future of Kosovo society will among other things be a debate on the environment. It will become a crucial element of politics. Voters will more and more decide their vote on the ecological program of the political parties. The Kosovo Assembly is the place where this debate must and will be held. Voting laws are an essential part of framing environmental policies. Checking the government is another. Parliamentarians have the obligation to formulate a vision of the future that encompasses the struggle for a clean environment.

This is a challenge for parliamentarians in all European countries. It is not an easy fight. Kosovo can however benefit from the experience of their colleagues abroad. The regional Parliamentary Conference on the Environment of Regional Parliamentary Conference of 19-21 October was therefore a very good initiative, to be repeated by the new parliament after 17 November.

(Lodewijk Vanoost from 1995 till 2003 he was a member of the Belgian Parliament, the Chamber of Representatives. During that time he was Deputy President of the Assembly. Since May 2005 he works for the OSCE Mission on Kosovo as Senior Advisor, first to the municipality of Rahovec, since January 2006 to the Office of the Prime Minister).

First hand environmental information

By Rifat Krasniç, Chairperson of the Committee for Agriculture, Forestry, Rural Development, Environment and Spatial Planning of the Assembly of Kosovo (Mandate 2004 – 2007)

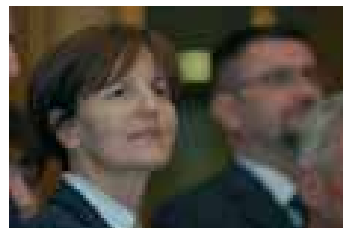


Members of the Kosovo Assembly Committee on Environment during their visit to power plants

During 2007, the Parliamentary Committee on Agriculture, Forestry, Rural Development, Environment and Spatial Planning of the Kosovo Assembly has initiated cooperation with the OSCE Mission in a formal manner in relation to environmental issues. Such support aims to enhance the abilities of the Committee in its efforts of undertaking its obligations and responsibilities in a facilitated manner in reviewing laws, overseeing relevant Ministries and realization of visits within and abroad the country. In the period of June-July 2007, the Kosovo Assembly Parliamentary Committee on Environment has realized a series of visits to the four municipalities identified as environmental “hot spots”: Obiliq, Mitrovica, Gllugoc and Prizren.

VISIT TO THE KOSOVO ENERGY CORPORATION (KEK)

Following the visit, the Committee concluded that the most valuable work currently being done by KEK is reclaiming land degraded by open-cast mining, and gradually regenerating it. So far, a



system of environmental pollution monitoring has been established in compliance with European directives and standards. KEK Environmental Officers informed the Committee that the Thessaloniki Treaty has already set a deadline for closing down large combustion plants of the TPP Kosovo A, which is 2017. Also, environmental officers of KEK provided detailed information on environmental data and challenges faced by KEK. The main challenge is the lignite transportation, which is made on open conveyor belts system, which in turn results in dust and pollution emissions into the settlements around. Similarly, another environmental challenge is the discharge of industrial waste waters from plants into rivers without any adequate treatment, which in turn represents the main pollutant of rivers-waters. During the visit to KEK, the Committee faced the outworn technology in these facilities, especially in the case of TPP Kosovo A, where the working conditions were rather difficult due to a great amount of dust.

VISIT TO THE METALLURGIC COMPLEX OF TREPÇA

The Committee visited the Metallurgic Complex of Trepça, which includes 8 areas with more than 200 hectares, containing around 60 million tons of waste, and acid waters discharged from the mines. The Trepça management informed the Committee on the current condition of Trepça and the aims for the future. The Committee was informed on the work done in these facilities, starting from equipment refurbishment, investments and up to new technological processes. Environmental officials informed that during 2002, UNMIK had to intervene due to pollution and environmental issues. This facility has spent around 3-4 million Euros on environmental issues. Nowadays, the air quality monitoring system has been re-established for the regions of Mitrovica, Leposaviq and Kishnicë by KFOR and the World Health Organization. Trepça professional services also provide water monitoring.

VISIT TO THE SHARR PARK

During the visit to "Sharr Park", the part which pertains

to the Municipality of Prizren, the Committee witnessed difficulties of (parallel) management by two ministries (MAFRD and MESP). The Committee also noticed a lack of efforts in maintenance and combating ligneous diseases, which continue to affect the forestry areas, resulting in a withered and burnt view. The Committee declared that forestation and clean-up should take place, if they want to preserve these natural assets.

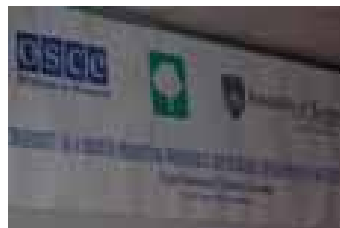
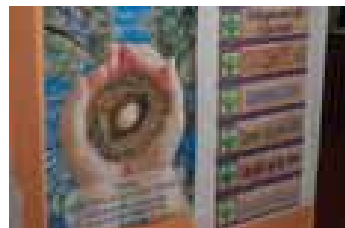
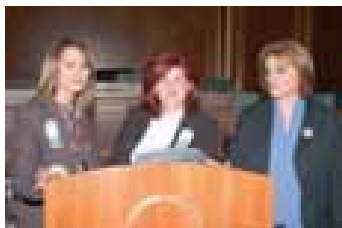
VISIT TO THE MINISTRY OF ENVIRONMENT AND SPATIAL PLANNING

The Parliamentary Committee on Agriculture, Forestry, Rural Development, Environment and Spatial Planning of the Kosovo Assembly in its visit to the Ministry of Environment was interested for the most pressing issues pending resolution in the Kosovo Assembly, especially the draft laws pending second reading and the laws expected to be submitted to the Assembly. Other issues were categorized by Minister Gjini as budgetary issues, especially the non-implementation of the Waste Water Master Plan for Kosovo,

which requires additional funds.

The meeting also focussed on the problem of the Environment Strategy, which had been endorsed by the Government in 2004, but was never approved by the Assembly, despite the provision in the law. On the other hand, a plan was drafted, which would mean that this Strategy does not have a legal basis. The Ministry's officials clarified that this had happened because Members of Parliament were not clear on how should they proceed with documents like the Strategy, which are not laws. The Committee reiterated that the Ministry's efforts have been missing in Obiliq and Mitrovica. Environmental monitoring was demanded to be undertaken.

Photo news from the Regional Parliamentary Conference on Environment



The effects of environmental pollution for the normal development of society are underestimated

Interview with Oliver Ivanović, Member for SLKM in the Kosovo Assembly (Assembly Mandate 2004 – 2007).



ASI: How do you assess the situation in the field of environment in your community? Can you identify the major environmental issues?

Oliver Ivanović: The environment is neglected as a topic. The general assessment for the whole of Kosovo is that, in a situation where high political topics prevail, we are failing to notice that our environment is threatened, that there is more and more pollution, and that the effects of environmental pollution for the normal development of the society are being underestimated, particularly the development of young people.

In Kosovo North, the environmental pollution has traditionally been linked to Trepča, which ceased its operations in the year 2000, but this does not mean that the environmental pollution also ceased (or decreased). There

is no active air pollution, but the danger is not smaller, due to the stored by-products or landfills. That waste contains a significant amount of hazardous metals, which in turn we breathe, drink and intake through eatables.

I am disappointed by the fact that the international mission in Kosovo has not paid attention to this issue, so much more since they come from European countries where such irresponsible acts are severely sanctioned.

As an example I would indicate the construction of the landfill in “Balaban” (near Banjska), which is located in the immediate vicinity of the Ibar river and the main road, and further down its course the river is used for water supplies and drinking water. The trees located near the landfill, and down the stream look like Christmas trees, decorated with shopper bags. Kraljevo and the towns

downstream have serious difficulties, and I do not exclude political motives for such a decision, though it is possible that personal interests of those who wish to initiate large investments at the cost of endangering the health of the population of Banjska, Sočanica, Leposavić and Leško, are involved.

ASI: What are successful environmental projects in your community?

OI: There are no organized projects, but there are successful examples. I would pay tribute to the climbing association “Zmaj”, which has facilitated, on its own initiative and supported by OSCE, the removal of waste from the Zvečan hill, and I hope that this is going to be an example to others, as the collected glass, plastic, paper and metal may be sold to those who need these for their production, and can generate profit in this manner. The first, principal gain is in raising awareness about the environment and its preservation. The environment will be freed from waste, and thereby, the land will also be freed. There would be profits for schools, society, associations, NGOs, which would be compensated for the commodities.

I would personally get involved in this!

ASI: How do you evaluate the performance of the institutions and civil society in the field of environment in your community?

OI: Very poor! Out of sheer political opportunism, they either don't, or do speak about the issue, albeit in closed political circles, which is not good enough for a society which perceives this as a problem. The public debates, discussions, open talks, will make the society aware of its importance, sooner or later.

Something must also be urgently done regarding the radioactive pollution, as the locations which have been bombarded are known. The individuals and institutions have conducted research and found that such an information indeed exists, however it is strictly hidden from the public.

ASI: Could you list three main priorities for the next five years in the field of environment?

OI: First of all we have to see the extent of pollution of environment. Secondly we need to educate the population on environment protection. We need take and develop activities with inclusion of school children in collection of paper and plastic bottles in towns and on the sides of roads. Special action on cleaning Gazivoda Lake and other surfaces with water. Draft-law on environment protection (if it gets eventually approved, we should insist in its implementation)

The Government has never discussed the environment seriously

Interview with Selviqe Halimi (PDK) Assembly member – member of Kosovo Assembly Committee for Environment (Assembly Mandate 2004 – 2007)

ASI: In your opinion, what are the three key problems in the environmental area?

Selviqe Halimi: The key problem regarding protection of environment would be the failure to amend legislation and the failure to implement the law on protection of environment, as well failure to share competences at central and local level. This situation might have been left as such in order not get a clear focus upon whom the responsibility falls regarding the implementation of environmental policies. I think that about 80% of legislation defines direct competences of local government. Consequently, the failure to implement the laws by the Ministry and the local level is of great concern..

Another problem is the extreme air pollution in Kosovo. So far, no proper measures for reduction of emission of air polluters have been taken. An additional problem is water contamination, respectively water pollution. And consequently after air and water pollution, there is land pollution.

I express my concern that despite the fact that so far the Ministry has issued some reports on statistical data of environmental pollution, these reports haven't been made public. It is deemed necessary the publication of reports regarding the environmental situation, factors caus-

ing environmental pollution and those posing potential risks. Because the community would be more careful about the possible impact upon environment whilst performing their group or individual activities in developing their businesses and other similar activities.

ASI: According to you, what are the main achievements in the environmental area?

S.H: The main achievements in the environmental area are related to the legislation that is very well approximated to that of the European Union. But failure to implement them remains of great concern. Furthermore, I think that the Ministry of Environment started to become aware, respectively Ministry officials have started to take these issues seriously, though this seriousness could be seen only theoretical and is far from being applied into practice. However, I believe that in the beginning theoretical knowledge on environmental area might be sufficient.

ASI: What is your evaluation of Government's work in the environmental area?

S.H: I have never seen, nor have had any information that serious discussion on environment have taken place in Government meetings, excluding the discussions on legislation in the Assembly by the Government. Since the whole Kosovo Government, starting from the Prime Minister's



Office and other domains of the Government, do not understand that every single activity of theirs has an indirect or direct impact on environment, therefore we cannot claim that the Government has seriously considered the issue of protection of environment.

ASI: According to you, what are three key priorities in the environmental area?

S.H: As a member of the Parliamentary Committee for Environment, priorities for the next mandate would be completion and implementation of legitimacy, which means undertaking activities in conformity with the law and strict activities vis-a-vis protection of environment; share of competences

between central and local level in relation to the protection of environment; transfer of competences from UNMIK to local institutions regarding waste and water management. These are priorities regarding legislation. Another priority would be for the Government to understand that it has to deal with the environment. Third priority is close cooperation of competent institutions and community on environment, and this could be achieved only by establishing a sector for protection of environment within each Municipality in Kosovo. Said differently, if we don't care for environment, we'll destroy ourselves!

Minimal possibilities for maximal requirements in the field of environment

Interview with Mr. Lulzim Zeneli, First Vice chairperson of Kosovo Assembly Committee for Agriculture, Forestry, Rural Development, Environment and Spatial Planning, on the environmental situation in Kosovo (Assembly Mandate 2004-2007).

ASI: As a member of the Committee for Environment in the Assembly of Kosovo, what is your assessment about the environmental situation in Kosovo?

Lulzim Zeneli: Environmental situation in Kosovo is assessed as alarming, because of the fact that we find ourselves in a position where as an institution, we're going through transitional period, where institutions have great responsibility versus this phenomenon, whereas current possibilities that would have a direct impact on alteration of the situation are minor compared to all the needs that environmental challenge includes. Kosovo has been faced with an enormous pollution, and still is. No attention was paid to this issue for the last 15 years. During communist system, in Kosovo was applied a violent exploitation of all resources and natural underground resources without paying attention to possible consequences to the environment. On the other hand, there was a predominant policy that did not pay attention to regeneration of natural potentials and diversity maintenance. Beside all of these things mentioned, we can conclude that environmental situation in Kosovo is appalling and requires urgent approach in order to prevent further pollution of the environment which for the time being is in a critical situation.

ASI: What are three key problems in the environmental area in Kosovo?

LZ: The main environmental problem is industrial pollution, industrial residues that have been accumulated for a long period and did not undergo proper treatment, resulting with water pollution. In Kosovo there isn't any water waste treatment system and we think that we must focus our attention on this problem. Industrial residues contain traits of heavy metals with high toxic potential, then pollution will affect not only the population but also the flora and fauna. This moves in a circle, where consequences would be in sequence. We think that industrial residues treatment should be a priority by which Kosovo institution should deal with.

But the main problem and with bigger consequences comes from air pollution, in the form of Kosova A Power Plant as the potential of enormous pollution, without leaving aside other capacities. On the other side, we have a situation where forests have been devastated at an enormous extent, and attention was not paid before the war or in the post war period.

ASI: What are three main achievements in improving the environmental situation?

LZ: Always, whenever any problem occurs, it takes a primary place, compared to what was performed and achieved during that period, thus institutions and myself as any politically responsible person, we are faced with problems, and we give reasons in debates such as the Regional Parlia-



mentary Conference on Environmental Issues. However, Assembly of Kosovo in partnership with the Government managed to establish a basic legislation that would enable to undertake concrete steps and establish a favourable environment that would have a direct impact on prevention of the pollution. We are aware about the current situation of Kosovo Assembly, however if we do not have a more coherent approach, and practical approach in cooperation with international mechanisms in direction of focusing into more active politics, then we have not been in the level of performing our duty correctly as an Assembly member and as a citizen.

ASI: Could you name three key priorities in the environmental area for the next 5 years?

LZ: As a key priority should be the implementation of the law on protection of the environment. Thus, firstly an urgent approach in monitoring industrial capacities that

are inappropriate in environmental aspect should be implemented. Secondly, Kosovo should have waste water treatment system, a problem which requires more strict approach, direct treatment. On the other hand, problem of water shortage should be emphasized. There is a severe portable water shortage in Kosovo, especially this year we were witnesses that a more practical approach should have been taken. I am convinced that if we have policy that would make it possible for us to take concrete steps in waste water treatment, then we would have a more relaxing situation compared to all the possibilities reflected from these waters in epidemiological and other health aspects. Thirdly, it would be the treatment of industrial waters that have been accumulated for ages and they are potential polluters of the environment, especially polluters of superficial waters.

Interviewed by Artan Canhasi, OSCE Mission in Kosovo

Fight between the people who want to preserve the nature and the developers

Interview with Mr. Petar Beron,

Member of the Parliamentary Committee on Environment and Waters of the Parliament of Bulgaria

ASI: Mr. Beron, what has changed in the field of environment during last 5 years in Bulgaria?

Petar Beron: At the beginning of the transition in 1990, situation in Bulgaria was what is now in Kosovo, wide spread pollution, no information on parameters of environment, etc. At the beginning of my career as a Member of the Parliament, 17 years ago, I was also involved in an NGO called "Eko-glasnost", which was working to change the environmental situation. During the pre-admission period, when we were candidates for EU, we had to harmonize the whole legislation with that of the EU. As an MP, and also as Vice-Speaker of Parliament, in the Committee of Environment and Waters we had to pass many laws, and some are still in the procedure, which are required by the general European legislation. We have to harmonize them, as it is mandatory, because we have signed the chapter that we have to do so in order to be considered for admission. Just yesterday, we passed the Law on Soil in the Bulgarian Parliament. After the general framework, we are passing now the separate laws for different components of the environment. There also was an improvement on the Law on Biological Diversity, as now many lists of protected animals have emerged and we have to include this in the law. The main issue after the admission was joining

"Natura 2000" scheme. Natura 2000 is a general network for the whole Europe. We sent to EU a list of several protected areas which will be included in the network, a new group of such areas in this sense. If we consent to this information, we are liable to be punished by the EU for not doing much for different projects, national sanctions. In a recent list, we have about 27% of the territory is covered by areas covering to this Natura 2000 scheme. This is very important, because now Bulgaria will have funds from EU for enhancing this participation.

ASI: We are interested to know about obligations that came after the transition, what other requirements do you have?

PB: One of the most unpleasant obligations was closing down the reactors of the Nuclear Power Plant. This was included in one of chapters of the Admission Treaty, which we really thought was unfair, because these reactors were absolutely safe, the safety report had been approved, deliberated, signed by all EU members, and there were many ways for verifying these reactors, which proved to be very safe and reliable until the end of their term in 2012. But due to the pressure of several countries, European Commission had to include in one of chapters of Admission Treaty that we had to close first 4 reactors by the end of 2006. And you can see what damage it has caused to our neighbors'



Petar Beron discussing during the conference (third from left)

economies. We were major exporters of the electric energy, last year we exported 7 Billion KW to all countries surrounding Bulgaria (Kosovo, Albania, Macedonia, Greece and Turkey). We were covering 80% of power consumption in the area, but this year the electric energy export fell to 1 Billion KW and from next year we may become importers of energy. Also there is another problem. With closing down the reactors, the major source of electric energy became the thermo-power plants using coal, which again raised another problem, that of pollution, because it is using lignite coal that contains a lot of sulfur. Now we are under pressure either to change the production line or to close it down, because we are under obligation to reduce the emissions. It is monitored. We have a very well organized system of monitoring. If this power plant is closed, it will make the energetic balance of the coun-

try even more difficult. So we have to finish the restructuring of these plants, with the help of Japanese government, while at the same time we are building another nuclear power plant, which will be ready maybe by 2012. So we expect to overcome these crises in several years, but our position was that these plants should work for the next 5 years. There is a point in this sector, saying that if there is a regional crisis in energy balance, it is possible to start talks on re-opening of the reactors. But naturally, there are people in European Commission (EC) very much engaged against this, they say we have to follow the treaties. Otherwise, Bulgaria is facing problems with contradiction between the vast diversity in development we have. Now there is a large number of old buildings, preservation of this urban areas is very difficult. For example, restoration of mountain ski resorts, seaside resort goes along with the

The priority is the implementation of the Law on Environment in Croatia

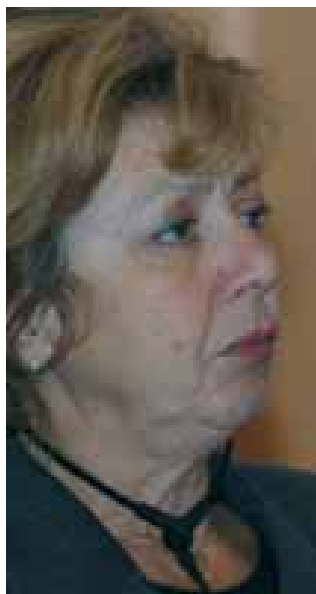
*Interview with Mrs. Mirjana Brnadić,
member of parliamentary Committee for Environment from the Croatian Assembly.*

fight between the people who want to preserve the nature and the developers.

ASI: You mentioned that Bulgaria will build a new reactor close to Danube river. In relation to this, what are the main challenges of trans-border cooperation in the field of environment. How your neighbors feel about this reactor or in general?

PB: These reactors will be absolutely secure, because they will be built by international bodies, foreign companies, which have been into this business for a long time. Regarding there should be no doubt that this is the only way to ensure electric energy in the Balkans. We also participated in conference on global warming in Brussels last week. There is no clear decision whether to develop or not the nuclear energy, and the EC will not intervene in this. But, in the conference we said that nuclear energy is cleaner, no emissions, so we should build many other reactors. The alternative sources of energy are maybe a good idea, but they cannot bring a real input into the energetic scheme. 75% of our energy comes from thermo-power plants which are causing much pollution, so if we want to reduce the emissions for 20%, which is an EC decision, we really have to use nuclear energy.

Interviewed by Blerim Vela, OSCE
Mission in Kosovo



ASI: Which are the main environmental issues in Croatia?

Mirjana Brnadić: In Croatia, and I believe that it is also similar in other countries in transition, where there are environmental issues, with which we have been struggling actually for the last 20-30 years. Since the beginning, we have realised what our challenges were, but we had to go step by step. The environmental issues are always linked with the economic issues, and currently we have harmonised, I would say, almost the entire legislation with that of the EU, and we have achieved significant improvements in addressing the environmental issues.

ASI: Which are the steps to be taken and what is the negotiation structure like in the area of environment in the approximation to the EU

legal norms?

MB: Since the initiation of negotiations over the environmental issues, we have harmonised the legislation, and we are now expecting the third report from this Committee. According to both reports we have achieved excellent results, except that we have to make improvements in strengthening the administration and certain issues related to the protection of air.

ASI: What is the role of the Parliament in this process?

MB: The role of the Parliament is to pass legislation and to harmonise it with the European Union laws.

ASI: What should a country do in view of strengthening of the protection of the environment?

MB: The challenges are great, since a higher standard of a country, a more developed economy, an increased production, naturally result with an increased pollution of the environment, while the role of a state is to reduce this pollution down to the permissible limits and to strengthen the administrative part which would monitor the status of the environment and implement adequate measures to keep the environment within the permissible limits.

ASI: Which are the priorities of Croatia in the area of environment for the next five years?

MB: The environmental priorities are in particular the implementation of these laws in the everyday life, which implies strengthening of the adminis-

trative sector, strengthening the inspection and strengthening certain funds which are necessary to be secured and financial means for the protection of the environment. During the following five years we will certainly work on the implementation of strategy for managing the environment, where we have identified measures and programmes which need to be realised within the next five years, and a lot is being done in this regards, and we have already achieved significant results, which we are exceptionally proud of.

ASI: What would you add for the end?

MB: I am very pleased that I came to this conference, to hear about the practises of others, but also to convey what we have achieved, since I think that for accession to the European Union we have actually achieved the most in the protection of the environment, and I am convinced that our experiences would also be instrumental here in Kosovo, since from what I have seen at the first glance, while arriving from the airport in Priština/Prishtinë, I was sorry to see so much garbage, so much packaging, which is no more there in Croatia. I invite you to come to Croatia in order to see our experiences and get an idea about the manner in which we have addressed the issue, so that you can also try to address it in the same way.

Interviewed by Lejla Selimi, OSCE
Mission in Kosovo

Our priority is the transboundary national park of Sharr Mountain

Interview with Mr. Marian Dodovski – former Minister of Environment of Macedonia, currently member of the Parliamentary Committee on Transport, Links and Ecology of the Parliament of FYR of Macedonia.



ASI: Can you please describe the environmental situation in Macedonia? What is the single biggest environmental risk?

Marian Dodovski: The state of environment in Macedonia should be looked at larger context – the regional one, as it is noticeable the similar state of environment in countries of the south-eastern Europe. Macedonia has endured a process of transition and in a short period had to undergo the transformation of the state owned property to privately owned. Such a transition had its effects on environment.

Generally speaking, Macedonia is ranked among countries that has exquisite protected areas, while at the same has areas under tremendous pressure from polluters. We have three national parks: Pelister, Galičica and Mavrovo and other natural protected areas. In addition, we expect in near future to include

the Šar mountains in the category of national park, though our wish is to establish the Šar mountains national park as a transboundary national park that unites areas of Macedonia, Kosovo and Albania.

One can consider environmental hotspots in Macedonia the situation with the waste management. Macedonia has only one landfill, the landfill near Skopje, thus in future more efforts should be put in solving the problem of waste management. Nonetheless, an open question remains whether regional or municipal landfills should be built. Other environmental hotspots include the Veles Smelter, Jugohrom factory in Tetovo, power plants in Oslomej and Bitola. It is worth noting that Macedonia is facing the problem of wastewater treatment plants, since none of the urban and waste waters of Skopje, Tetovo, Gostivar and other cities besides the main rivers are treated before they are discharged directly into rivers. As I mentioned earlier, the state of environment in Macedonia has its two sides, the pristine nature and certain pollution pressures on environment.

ASI: What mechanisms are in place to protect nature and ‘protected areas’?

MD: We have new law for nature protection that includes new categories of protected areas based on the criteria set by IUCN (International Union for Conservation of Nature). Currently our Parliament upon proposal from the Government

is confirming once all protected areas, moreover the Parliament is at the moment deliberating on the draft law for the National Park Pelister including its new border. The Government is working hard to draft the necessary legal basis and include new areas under protection with the priority concerning the declaring national park the Šar Mountains.

ASI: What is the state of the Macedonian legislation on environment?

MD: In the field of environmental legislation, Macedonia has achieved a lot, especially when it comes to its approximation with EU legislation. There are new laws adopted, such as the Environment, Waste Management, Noise Pollution, GMOs law that have been prepared in cooperation with EU technical assistance programmes. Still, even though Macedonia has most of the necessary legislation, their implementation are not sufficient. Macedonia needs economic instruments to solve a lot of the environmental problems.

One of the important laws is the law on waters that has already undergone the first reading in Parliament. The new law foresees that the water is managed and monitored only by one Ministry (Ministry of Environment) instead of the current practice of distributed responsibility among different authorities.

ASI: Being a former Minister of Environment, and now member of parliament, what is your assessment of the current

interaction between these two institutions in the field of environmental protection?

MD: There is a good cooperation in the field of environmental protection between the Ministry and Parliament. Nonetheless, Parliament should be more influential, not only in the field of harmonization of legislation with EU norms, but also in its implementation. Further more, executive and legislative branch should increase their interaction when it comes to the regional level of cooperation.

ASI: What is the biggest challenge in transboundary cooperation in the field of environment?

MD: A couple of years ago, when I was serving as a Minister for Environment, we were part of and established a very good regional environmental initiative – the Regional Environmental Reconstruction Programme (REReP) for Southeast Europe as part of the Stability Pact. It included economic instruments, civil society actions, cooperation of Ministries of countries of the region, which implemented numerous projects aiming at solving the environmental problems in the region. The importance of this initiative was great as environmental problems do not recognize state boundaries, ethnic and religious affiliation, thus only through communication at transboundary level can these problems be tackled.

Interviewed by Artan Canhasi, OSCE Mission in Kosovo

Environmental concerns in the region of Leposavić



Since 1972, the Trepča Mines in the Kopaonik basin (Belo brdo, Žuta prla, Koporić, Jelakce and Gnježdane) are concentrating ore in Leposavić in the north of Kosovo. The flotation plant as well as the waste deposits are situated close to the centre of Leposavić. Before 1972, the process of separating rock from minerals took place in the flotation plant of Zvecan. After crushing the ore in fine particles, the minerals are separated from the stone in a tank containing water and chemicals, the so called flotation process. The installed capacity of the ore processing plant in Leposavić is 350.000 t/year.

Between 1972 and 2006, the total amount of treated ore was 6.140.000 tonnes, resulting in 249.580 tonnes lead concentrate, 203.860 tonnes zinc concentrate and 5.956.640 tonnes tailing waste.

Waste deposits

There are two deposits of flota-

tion waste, where the water and sludges are collected: one out of use in Gornji Krnjin and one still active in Bostanište. Both deposits are situated on the right bank of the Ibër/Ibar-river, close to the regional road Kraljevë/Kraljevo-Priština/Pristina, in the Leposavić region. They occupy large surfaces of mainly agricultural land and because of the specific content of heavy metals and toxic components originating from the flotation process; these deposits are sources of air, soil surface and ground water pollution. The toxic dust on the tailings is transmitted by the wind, causing widespread pollution in the region. Under the influence of rain and snow, oxides of heavy metals, such as lead, arsenic and zinc are mobilized and pollute the surrounding ecosystems, especially the surface and ground waters of the Ibar river. As a result, the water from the Ibar is not suitable for human consumption, neither for agricultural purposes. This pol-

lution is not only a local problem: part of it is transported by the Ibar via the Morava and the Danube to the Black Sea.

Heavy metals and human health

In the larger area of the Leposavić municipality approximately 20.000 inhabitants are living. The central zone including the villages Kutnje, Kruševo, Gornji Krnjin, Ulije, Tvrđen and Kajkovo has a population of 8.000 – 10.000 inhabitants. The agriculture is mainly concentrated alongside the Ibar and in the highland areas. The most common crops are wheat, corn, beans, potatoes, tomatoes, paprika and onion, besides the cultivation of fruit. Heavy metals, such as lead, zinc, cadmium, arsenic, nickel and mercury are accumulating in the vegetables. The main pathways of human exposure to the influences of heavy metals and toxic components are inhalation of dust and consumption of food (water from contaminated wells, fruit, vegetables and fish from the Ibar).

Between 2004 and 2006, the Faculty of Technical Sciences of the University in Mitrovica, in cooperation with the Institute for Human Health and the Medical Faculty researched the impact of the mining and metallurgic activities in the Leposavic-region on the environment. A first study focussed on the presence of heavy metals in the soil on the territory of the Leposavic municipality, north and south from the waste deposits and in the Roma refugee camp in the town. One of the main conclusions is that the soil in the surroundings of Leposavic is highly polluted and not suitable anymore for agricultural purposes.

In a next phase, blood tests were taken from 4 random groups with similar epidemiological

characteristics (I Employees from Trepča in different professions, employed in the lead industry, II Medical staff in Leposavić, III Children age <6 Roma camp Leposavić, IV Children age < 6 kindergarten of Leposavić).

The lead-concentration in blood was compared to the WHO-standards for professional and non-professional exposure and to the recommendation concerning non-professional exposure of sensitive categories of the population, such as children in the groups III and IV.

In 66 percent of the samples, the Trepca employees are exceeding the MAC (Maximum Acceptable Concentration) for professional exposure. For medical staff, this is the case in 17,5 percent of the samples. 58 percent of the Roma kids are exceeding the MAC threshold for non-professional exposure, compared to 15,3 percent for children in the Kindergarten. We can conclude that there is a significant correlation between the lead concentration in blood and the professional exposure to lead. The differences between the children in group III and IV are important and caused by habits, hygiene and poor living conditions.

Further follow-up, including an in depth assessment of the health situation in the Leposavić municipality, is needed as well as the development of an action plan. This should include a public awareness campaign, the development of health strategy identify, define all sources of pollution and propose measures for their elimination.

By Prof. Milan Barać, professor at the Technical Faculty of the University in Mitrovica and co-founder of the environmental NGO Alternative Solutions, and **Nikica Vitas** assistant.

The Challenge of Improving Environmental Governance

Dr Andrew Farmer, Institute for European Environmental Policy, London



Effective environmental governance is necessary to achieve both domestic and international environmental objectives. However, it also has a number of other outcomes which relate to other socio-political development objectives. The environment is a good issue through which debate and participation can be enhanced, not only focusing on the environmental issues under debate, but also helping to develop participatory practices more widely. Effective environmental governance enables communities to understand the clear link between issues that are of concern to them and the importance of the rule of law. The importance of enhanced participation by other stakeholders should not be underestimated, such as forging new relationships between industry and regulators, which can change the dynamic of social and economic interactions. Finally, effective governance provides a formal system for international co-operation, especially with immediate neighbours, on transboundary issues, such as

water management.

Enforcement can be difficult for a number of reasons. As far back as 1756 Benjamin Franklin said “Laws too gentle are seldom obeyed; too severe, seldom executed”. This is still a valid comment today. There can be a range of factors which cause problems for enforcement. The capacity of enforcement authorities can be inadequate, e.g. staff numbers, expertise, equipment, etc. This can be 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.

Thus it is important to get the right balance between objectives. Firstly, it is important to deliver key requirements for environmental and health protection (letting toxic discharges continue that harm health is not justifiable). Beyond this, laws must take account of issues of practicability, e.g. institutional functions and capacity. It is pointless requiring authorities to undertake activities that are impossible for them. It is, therefore, important to determine the balance between flexibility and prescription in law. Flexibility can allow for the identification of least cost approaches, but can also be resource intensive to implement. Prescription can set requirements ‘in stone’, but can

be an easier route to take. Finally, timetabling is also important, i.e. the approach in a law can be correct, but practicability issues demand that care is taken over determining the timetable for implementation.

Once these issues have been considered, it is still important for the legislation to be written in a form that allows for effective implementation and for governments to use the law in an effective manner. Some elements necessary to ensure this include:

- There is a clear legal definition of the objective.
- It is important to define clearly those being regulated and the obligations upon them.
- The obligations in the law must be achievable.
- The obligations must be effectively communicated to the public and to those to whom the law applies.
- Penalties must be set so that compliance is viewed as more beneficial than breaking the law.
- Beyond the use of penalties, ways of avoiding non-compliance behaviour must be reduced.
- It is important clearly to define options for enforcement action.

Delivering the principles is a challenge. There needs to be efficient analysis of the issues being considered (environmental, economic, institutional, etc.), sufficient debate with stakeholders (industry, citizens, etc) and adequate co-operation between officials and parliamentarians. Importantly, there needs to

be time and resources to do this. Citizens are key partners in the process. Many EU environmental laws stress stakeholder involvement, e.g. IPPC permitting or river basin management planning, and stakeholders can provide valuable input to law making. Communication will enhance the understanding of legal obligations and, therefore, make them more effective.

Parliaments play a key role in the EU accession process. However, problems can arise when parliamentarians are asked to ‘rubber stamp’ EU requirements. On the other hand, many EU obligations require expression in national/local conditions, including the legal context and this is an important opportunity for Parliamentarian engagement. Parliamentarians should also ensure that laws (from start to finish) are practicable and enforceable and, in transposing EU law, Parliamentarians can seek to enhance integration with other laws and policies (including at the national level), such as participatory objectives.

In conclusion, it is important to see effective environmental legislation as part of wider political/social development. Environmental law presents major challenges to be both ambitious, yet achievable. Parliamentarians play an important contribution to this in scrutinising law – not simply its basic obligations, but in considering its full practicability and role in citizen participation.

The environmental dimension of the EU accession process

By Dr. Kerstin Tews, policy consultant and research associate at the Environmental Policy Research Centre at the Freie Universität Berlin.



By establishing 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. As the Copenhagen criteria, adopted in 1993, define, a new Member State must meet three criteria:

- political: stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;
- economic: existence of a functioning market economy and the capacity to cope with competitive pressure and market forces within the Union;
- acceptance of the Community Acquis: ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union.

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.

The challenge from the EU's perspective

Success or failure of the EU's preparation of potential new members has necessarily an impact on the EU's future capacity to act. This was true from the very beginning of the enlargement processes but it was not as explicitly pronounced in former official documents as in the new Enlargement Strategy adopted in 2005 (COM (2005) 561 final).

The new Enlargement Strategy defines

three main principles:

1. Consolidation of commitments (i.e. compliance with commitments made and caution about making new ones);
2. Rigorous and fair conditionality;
3. Communication

Principle 1 refers to the consideration that the pace of enlargement has to take into consideration the EU's absorption capacity. The EU needs to ensure its capacity to function, as it enlarges. This requires institutional reforms regarding decision making processes within the EU, the capacity to further develop innovate policies, if it enlarges and the consideration of budgetary limits.

One of the main and new tools in the enlargement strategies refers to that capacity to develop policies if it enlarges: It is a kind of impact assessment of a countries potential accession on the EU's capacity to act. The enlargement strategy 2006-2007 explicitly mentioned

that each Commission's opinion on a country's application for membership now will include an assessment of the impact of a country's accession on EU policies. This implies that the EU is much more strictly in assessing the progress in meeting the criteria for accession. The Commission states "Future enlargements will go at the pace dictated by each country's performance in meeting the rigorous standards, to ensure the smooth absorption of new members" (COM 2005 561 final: 4). This means that further enlargement will not as in the past comprise a larger group of countries.

Principle 2 is directly linked to the first one: Applying fair and rigorous conditionality is one of the pillars of the new enlargement strategy. Conditionality simply means: without fulfilling the obligations of a membership there is no accession possible. These benchmarks are measurable criteria and refer to key elements of an acquis chapter. In short it means: Opening a chapter for negotiation depends on fulfilling the opening benchmarks. Closing benchmarks concern legislative measures, institutions and administrative bodies and a track record of implementation of the Acquis (COM (2006) 649:6).

This is fully in line with the Commission's statement in 1998 concerning enlargement strategies for environment with regard to CEE:

"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" (COM 1998)294: 19).

Meeting the existing rules of the environmental acquis - which always are a result of a compromise between environmental leaders and laggard 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 third principle refers to the necessity to involve the public to a greater extent - not only in the accession countries but as well in the member states. It reflects that a success of the next enlargements depends on public support and more democratic legitimating of the enlargement process.

Challenge from the SEE countries' perspective

As the countries of CEE the countries of SEE face the challenges of transitional societies: to simultaneously develop democratic structures and introduce principles of a market economy. For both regions this restructuring task is/was framed almost from the very beginning of the transition by the option of becoming members of the EU.

Thus, the reconstruction of the societal order in the CEE region was at the latest after signing the association agreements in the mid of the 1990s to a great extent framed by legal rules from abroad. By signing the European Partnerships in the framework of the Association and Stabilisation Process this became relevant for the overall restructuring process in the countries of the SEE region too - although the situation is even more challenging due to the prevailing divergences resulting from post war legacy and ethnic conflicts. However, the common goal of EU-membership might be an access point for tackling these divergences as all the countries face a similar challenge.

Complying with the Acquis is a fundamental prerequisite of an accession. It requires firstly, the transposition of legal acts into national legislation and secondly, the implementation and enforcement at the national level of candidate countries.

The environmental Acquis is only one part of the whole Acquis but as it has been developed since the 1970s it comprises a huge amount 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 do offer chances 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 wars and the ethnic conflicts 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, this process of external agenda setting regarding environmental policy development does also implicate some critical questions not only for your region but for the EU' capacity to further development environmental policy too.

(Exert from the paper prepared for the Regional Parliamentary Conference on Environment 'Environment as a medium promoting democracy and economic development in societies in transition', 17 - 20 October 2007 in Prishtinë/Priština).

The Aarhus Centre Model



Organization for Security and Co-operation in Europe

THE AARHUS CENTRE MODEL

Supporting people's rights
in environmental matters

The Aarhus Centre Model

The Organization for Security and Co-operation in Europe (OSCE) is supporting people's rights in environmental matters by building bridges between citizens and governments through accessing information participating in decision-making and accessing justice

The OSCE and the Aarhus Convention

Since 1999, the OSCE has been promoting the ratification and implementation of the Aarhus Convention by its participating States, organizing awareness-raising campaigns, national and regional seminars and supporting the establishment, registration and operation of environmental NGOs.

Since 2002, the Office of the Co-ordinator for OSCE Economic and Environmental Activities and OSCE field offices have been supporting the development of Aarhus Centres in the Caucasus, Central Asia and Eastern Europe. The Centres

complement existing official establishments but aim to be more accessible to users. The Centres can be hosted by the government or an NGO, or be freestanding. All three types of arrangements are currently used, depending on local preferences and conditions. In all cases the foundation of the Centres is based on an agreement between the OSCE and the Ministry of Environment. NGO involvement in managing the Centre's operations is ensured through the balanced composition of the management board, which should comprise an equal number of representatives from government and civil society.

The role of the Aarhus Centre is to provide a meeting place and a link between the government and civil society. It is important that the Centres do not merely become facilities with dusty bookshelves, but that they are dynamic, innovative and engaged in actively reaching out to citizens.

Examples of Aarhus Centre activities

- Providing the public and decision-makers with easy access to environmental information.
- Re-packaging environmental information in a user-friendly and attractive format.
- Engaging government and civil society in dialogue and information exchange.
- Raising public awareness of environmental issues through arranging meetings and seminars on specific topics, and other means.
- Promoting participation in environmental decision-making by arranging public hearings on draft legislation.
- Organizing training for journalists, judicial staff, school children and other target groups.
- Providing free legal advice to citizens and organizations on environmental matters.

Environment, Security and Aarhus

Under the Environment and

Security (EnvSec) Initiative (www.envsec.org), the OSCE, in partnership with UNEP, UNDP and NATO, has identified a number of "hot-spots", where environmental issues, in combination with underlying socio-economic and political factors, are potential sources of conflict. The EnvSec Initiative is supporting the creation of local Aarhus/Environmental Information Centres in these sensitive areas.

In this way, the Centres serve as a forum for sharing opinions and clarifying facts before they escalate to a potentially explosive situation. Concerns of the community can be discussed under the auspices of the Aarhus Centre and communicated to decision makers, enabling local people to express their fears and frustration. In addition, people can be advised on how they themselves can protect and improve their environment, with regard to potential triggers of conflict.

Environmental Civil Society in Kosovo and its environmental challenges ahead



The general concept of civil society in Kosovo is relatively new, and the environmental civil society is even newer. Prior to 1999, Movement of the Greens operated as an environmental civil society, which in those conditions could not have any evident effect in the society.

Following last war in Kosovo, there was an evolution in the development of environmental civil society. Several NGOs were established, which thanks to donations received during 2000-2002, became active and developed various projects. It might be concluded that many NGOs were established exclusively from the grants of donors in the form of projects and later on were developed into genuine NGOs. Most projects were small and without any notable impact on improving problems accumulated for decades. However, this was consistent with the capacities of these organizations.

Many efforts were put in the capacity building of the environmental civil society, especially with the establishment REC Office in Kosovo, as an international organization with a mission of "organizing and reorganizing the environmental civil society in Kosovo". Trainings became guidance to organizations on how to get organized and find solution to problems, what means and methods to use, how

the lobbying and advocacy should be conducted, and what preparations are needed for conducting environmental campaigns, etc.

According to a recent research in 2006, there are roughly 30 organizations involved actively in environmental issues, with the overall membership of 2878 people (including regular and voluntary staff) in almost half of the municipalities of Kosovo. The most preferred field of work for these organizations is to work in projects involving the following issues: campaigns on raising awareness on environment, environmental education as well as organization of seminars, conferences and debates on environmental issues.

The challenges faced by environmental civil society are many, such as: difficult economic situation in general, especially environmental one, limited human capacities in dealing with problems, limited expertise of members. Another problem introduced was low priority given to environment as a problem, by governmental institutions (rephrase this first part of sentence, doesn't make sense), what has lead to lack of interest amongst the donors, in providing more support to environmental sector, which support would have directly or indirectly benefited environmental NGOs. However, it is worthwhile to praise and express gratitude for the support provided to environmental sector in general and especially to environmental civil society by leading donors in the field of environment such as European Agency for Reconstruction, Swedish Government through SIDA, KFOS, Dutch Government, etc. So far, relevant environmental Ministry with its structural problems and very limited budget, did not provide any kind of support, other than moral support and cooperation in principle, (especially in the well-known campaign Kosovo-my home) to the environmental NGOs.

By now, civil society has developed sufficient capacities to initiate the establish-

ment of networks in order to strengthen its role in general management of environmental issues. A considerable achievement in this respect is the establishment of SharriNet, an electronic network of environmental NGOs which although is facing problems, currently, is doing a great job in advocating with civil society. One of its recent activities is the opening of Environmental Electronic Forum as a place where environmentalists can express their concerns.

Since its establishment, REC-Office in Kosovo supported the environmental civil society in order to enforce and convert it into an important stakeholder for solving environmental issues. So far dozens of trainings, workshops, exchange of experience study visits etc were organised. There are around 40 Environmental NGOs, and municipal institutions and schools that benefited from grants within the programs and projects of REC-Office in Kosovo. This will serve as guiding strategy for REC for the future.

Currently, REC is facilitating the process of establishing a formal partnership mechanism between the environmental civil society in one hand, and Ministry of Environment and Spatial Planning on the other hand. This process will be completed with the adoption of a Cooperation Strategy which is expected to be prepared soon by the working group that is consisted of civil society and the Ministry. Efforts are being made to further strengthen NGOs capacities (especially the ones established later on) through training programs but also through direct support through grants' components in some existing projects. Challenges are becoming bigger: elimination of the pollution from the past, economic development, capital investments, this is the direction in which the civil society should aim for.

Zeqir Veselaj, Dr.sc., Director of Regional
Environmental Centre REC- Office in Kosovo

Citizens are not satisfied with the environment

“Environmental policy exists. All laws call on the EU principles and standards. Their implementation, however, is very poor. This non-implementation starts with the Ministry of Environment and Spatial Planning and ends with the plain citizen”, said Zeqir Veselaj, Director of the Regional Environment Center (REC).



Climate changes that have overwhelmed every corner of the globe have moved the human focus towards environment. The risks involved have brought environment in its righteous place. Environment already is an important component of interstate agreements and it is a basis of party and international policies, but the question is, what is the environment situation in our own country? What are the main environmental problems, and is there an environmental future for Kosovo?

According to Zeqir Veselaj, Director in Kosovo of the Regional Environmental Center (REC), the environmental situation in our country is not good. Water, air and waste are the three areas influenced by the human factor and, reciprocally,

they influence the human organism. Today, there is still a lack of proper treatment of black waters in Kosovo, moreover, there are no regular analyses of potable water wells. Kosovo Energetic Corporation (KEK) and its uncontrolled fumigation and deteriorated machines are air polluters, whose debris can still be found in the streets of Kosovo. According to Veselaj, this responsibility lies both with the institutions and with citizens. “By all means, everyone is to blame for this situation, starting from the citizens and all the way to the highest levels of the Government: ministries and local authorities. Citizens, by all means, are also responsible. However, apart from this current environmental situation, is there any other way to do more? Are there appropriate institu-

tional policies in Kosovo? According to Veselaj, with the exception of the will for their implementation, environmental policies are present in our country.. “Environmental policy exists. All laws call on the EU principles and standards. Their implementation, however, is very poor. This non-implementation starts with the MESP and ends with the plain citizen”, said Zeqir Veselaj, adding that we also have the Environmental Strategy, approved in 2004 for a period of 10 years, but it was never taken into serious consideration by the Minister himself.

Alongside the Environmental Strategy, we also have the Kosovo Action Plan for Environment, a document that is forgotten. These are some of the facts

providing a comprehensive comparison of the European and Kosovar environmental mindset.

European Union has a series of requirements that are, and will remain to be, the key of every country that has been left out. They have to be implemented. “Only bear in mind that the requirement of the *Acquis Communautaire* on environment seeks the implementation of around 300 EU legal acts prior to knocking on the EU door, and they will not let you win if you haven’t accomplished it (some time considerations are possible, but realization is a absolute requirement). These are essential, but then we have other requirements deriving from international conventions on the environment (such as the Kyoto protocol)”, said Veselaj.

Vegim Kraja, a resident of Prishtina, thinks that Kosovo, despite having little production activities, is a polluted country. He stated the causes which in his opinion had, and continue to have an impact in the environment pollution. Firstly, it is large number of deteriorated vehicles that have entered into Kosovo in an uncontrolled manner after 1999. Secondly, it is the obsolete technology used in Kosovo for the energy generation, which has not been renovated in line with European standards. Thirdly, the green fields are continuously being destroyed, particularly in urban areas, the lack of forest protection and little investments in forestry. Fourthly, it is the lack of an adequate legislation for the protection of the environment and the lack of cooperation with interna-

tional and regional mechanisms.

Kraja is rather critical on the lack of a strong lobbying of the civil society on environmental issues. A similar situation is with the lack of a stronger green party. Kraja believes that civic education is rather poor with regard to environment protection and risks related to environment pollution. Kraja expresses his concern on the potential radioactivity of the NATO bombs launched during the war of 1999. According to Kraja, Prishtina is the most polluted area due to its closeness with the power plants and the district-heating plant, near residential areas. “Firstly, we have to adopt legislation in line with the European laws on environment and secondly, to undertake an educational campaign which would increase the awareness of the citizens on the risks deriving from a polluted environment”, said Kraja, adding that these are the two weapons to fight the destruction of the environment in our country.

Vehbi Dugolli, who lives near the “Zahir Pajaziti” square, also shares the opinion that the environment in Kosovo is heavily polluted. He says that the responsibility for this environmental situation is with the institutions. “I have traveled many times in many countries of the world, and each of them is more regulated than our country, but the institutions are responsible here,” said Dugolli. Ahmet Pllana, another citizen blames the public utility company for not doing their job properly, but also the citizens of Kosovo as well for not being aware on the environment and

cleanness. “Public utilities, which are responsible for cleaning, are not doing their job properly, however, there is also a lack of awareness among the citizens on environment, and this awareness can be achieved only by traveling to the European cities, otherwise Kosovo cannot be clean”, said Pllana.

On the other hand, Sahit Kelmendi believes that if a comparative list was to be drafted; his place of residence would win the last place on cleanness. “It is known that both cities and villages of Kosovo face a catastrophic situation with regard to cleanness. If we make a comparison with other countries which have a better and cleaner environment we could see that we are the last in the list”, said Kelmendi.

Along with the dissatisfaction of Kosovo citizens on the surrounding environment, the role of Environmental NGOs is seen as deficient. Alternatively, educational institutions can become major stakeholders in increasing the awareness of citizens on the environment. According to Zeqir Veselajt, Director of REC, the knowledge acquired in the education institutions is insufficient and inadequate, compared to the challenges of the environment in Kosovo and the region. Awareness is one of the elements that can assist the citizens of Kosovo by not paying a high cost for it. The delay in treating the environment issue in a serious manner is a strong indicator that has an impact in increasing the cost of recovery.

ASI Mission Statement

The Assembly Support Initiative (ASI) is the inter-agency co-ordination mechanism of democratization programmes in support of the Assembly of Kosovo, seeking to strengthen and professionalize the Assembly of Kosovo. The work of ASI focuses on a democratic political culture based upon acknowledge of and respect for democratic rules of procedure, transparency and accountability to the public, developing and implementing a legislative agenda, oversight over the Executive, respect for the multi-linguality and participation in regional and inter-parliamentary contacts.

ASI partners work to bring resources together, share information and coordinate programs while identifying needs in direct interaction with the Assembly. As coordinator of the ASI, the OSCE Mission in Kosovo liaises with all ASI partners and calls regular coordination meetings in consultation with Assembly representatives. A regular ASI Newsletter informs a broad domestic and international public on the developments in the Assembly of Kosovo as well as the ASI support programmes.

Currently participating in ASI:

Friedrich Ebert Stiftung (FES), Friedrich Naumann Stiftung (FNSt.), Konrad Adenauer Stiftung (KAS), East West Parliamentary Practice Project (EWPPP), European Agency for Reconstruction (EAR) in cooperation with the Consortium of the parliaments of France, Germany, Belgium, Slovenia and the Institut International de Paris la Defense, United States Agency for International Development (USAID) in cooperation with the National Democratic Institute (NDI), United Nations Development Program (UNDP) in co-operation with the Inter-Parliamentary Union (IPU), OSCE Mission in Kosovo and the Assembly of Kosovo



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