



# MedMPAnet<sup>project</sup>

## ALBANIA AND MARINE PROTECTED AREAS

LEGAL AND INSTITUTIONAL FRAMEWORK ASSESSMENT  
FOR CONSERVATION OF COASTAL AND MARINE BIODIVERSITY  
AND THE ESTABLISHMENT OF MPAS



# Albania and Marine Protected Areas

Legal and Institutional framework assessment  
for conservation of coastal and marine biodiversity  
and the establishment of MPAs

2014

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## LIST OF ACRONYMS

AdriaPAN	Adriatic Protected Areas Network
AECID	Spanish Agency for International Cooperation to Development
CBD	Convention on Biological Diversity
CBD	Convention on Biological Diversity
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
EIA	Environmental impact assessment
EPA	Environmental Protection Agency
EU	European Union
FFEM	Fonds Français pour l'Environnement Mondial
IMELS	Italian Ministry of Environment, Land and Sea
IUCN	International Union for the Conservation of Nature
IUCN ELC	Environment Law Center of the International Union for the Conservation of Nature
IUCN Med	Center for Mediterranean Cooperation of the International Union for the Conservation of Nature
MAP	Mediterranean Action Plan
MCPA	Marine and Coastal Protected Area
MedMPANet (MPAs)	The Regional Project for the Development of a Mediterranean Marine and Coastal Protected Areas Network through the boosting of MPAs creation and management
MedPAN	Network of Marine Protected Areas Managers in the Mediterranean
MedPartnership	Strategic Partnership for the Mediterranean Sea Large Marine Ecosystem
MoU	Memorandum of Understanding
MPA	Marine Protected Area
MSDT	Ministry of Sustainable Development and Tourism
NBSAP	National Biodiversity Strategy and Action Plan
NP	National Park
NS ICZM	Draft National Strategy on Integrated Coastal Zone Management
NSSD	National Strategy on Sustainable Development
OG	Official Gazette
PA	Protected Area
PCA	Protected Coastal Area
PE CZM	Public Enterprise for Coastal Zone
RAC/SPA	Regional Activity Centre for Specially Protected Areas
REC	Regional Environmental Centre
RM	Republic of Montenegro
SAP/BIO	Strategic Action Plan for the Protection of Biodiversity of the Mediterranean
SPA/BD	Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean
SPAMI	Specially Protected Areas of Mediterranean Importance
SPM	Spatial Plan of Montenegro
UNEP	United Nations Environment Programme
WWF-MedPO	World Wide Fund for Nature - Mediterranean Programme Office

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The present document entitled *“Albania and Marine Protected Areas: Legal and Institutional framework assessment for conservation of coastal and marine biodiversity and the establishment of MPAs. 2013”* is the result of a process of collaboration that began early in 2012. The related work involved formal and informal consultations, a national workshop, and reviews of successive drafts by practitioners and experts.

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- The Fishery Management Organization, Shkoder
- The Albanian Geological Survey
- The Institute of Nature Protection in Albania (INCA)
- The Protection and Preservation of Natural Environment in Albania (PPNEA)
- The IUCN Programme for South-Eastern Europe, Albania
- The Agricultural University of Tirana
- The project “Conservation and Sustainable Use of Biodiversity at Lakes Prespa, Ohrid and Shkodra/Skadar”, GIZ
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We hope this report will assist Albania in developing and improving its legal and strategic instruments for MPAs.



Porto Palermo © INCA.

# Introduction

The Regional Project for the Development of a Mediterranean Marine and Coastal Protected Areas (MPAs) Network through the boosting of MPA Creation and Management “MedMPAnet Project” (<http://medmpanet.rac-spa.org>) is a five-year programme (2010-2015) executed by the Regional Activity Centre for Specially Protected Areas (RAC/SPA – UNEP/MAP; [www.rac-spa.org](http://www.rac-spa.org)) as part of the Strategic Partnership for the Mediterranean Sea Large Marine Ecosystem “MedPartnership” ([www.themedpartnership.org](http://www.themedpartnership.org)), Sub-component 3.1: Conservation of coastal and marine diversity through the development of a Mediterranean marine and coastal protected areas (MPAs) network.

The MedMPAnet Project mainly deals with the processes leading to the creation of marine and coastal protected areas (MPAs) in several Mediterranean countries (Albania, Algeria, Croatia, Egypt, Lebanon, Libya, Montenegro, Morocco, Tunisia). The MPA establishment process generally goes through the following steps: (i) Legal and Institutional framework assessment for conservation of coastal and marine biodiversity (ii) ecological studies, (iii) socio-economic and fishery studies, (iv) management planning, (v) elaboration of stakeholders’ participation and engagement mechanisms, and (vi) elaboration of sustainable financing mechanisms. These activities are accompanied by technical support with a view to improving MPA management and building capacities of MPA managers and practitioners.

In Albania, the partner of the MedMPAnet project is the Ministry of Environment, Forests and Water Administration.

In this context, the RAC/SPA signed a Memorandum of Understanding in 2012 with the Centre for Mediterranean Cooperation of the International Union for the Conservation of Nature (IUCN-Med) considering that:

1. A comprehensive assessment needed to be undertaken of the legal and institutional framework for conservation of coastal and marine biodiversity and the establishment of protected areas in the Adriatic region;
2. The analysis and recommendations of the legal and institutional framework for marine protected areas would contribute to the preservation and protection of marine biodiversity, as well as other natural resources constituting the Adriatic biodiversity assets.

The MoU thus identified as an activity the “assessment of and support for Adriatic countries’ priority needs for legal, policy and institutional reforms to strengthen the creation processes and the management of marine protected areas”.

The present document entitled *Albania and Marine Protected Areas: Legal and Institutional framework assessment for conservation of coastal and marine biodiversity and the establishment of MPAs* is the outcome of the above-cited activity in the country.

This report is the result of investigations and discussions closed in November 2013. A revised version could be considered in the future according to the changes occurring in the legal and institutional system of Albania.

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1 <http://www.unepmap.org/index.php?module=content2&catid=001015>





Himara Bay © INCA.

# Context in Albania

The Republic of Albania is a country in South-Eastern Europe. It is bordered by Montenegro to the northwest, Kosovo to the northeast, the former Yugoslav Republic of Macedonia to the east and Greece to the south and southeast. Albania formally applied for European Union membership on 28<sup>th</sup> April, 2009.

Albania has a coastline 427 km long: 273 km of coast in the West facing the Adriatic Sea and 154 km of coast in the South West on the Ionian Sea. Internal waters represent 735 km<sup>2</sup> and the territorial waters (extending from the internal waters to 12 nautical miles offshore) represent 5,322 km<sup>2</sup>. The total is about 6,000 km<sup>2</sup>, and the country needs to declare 600 km<sup>2</sup> to comply with the 10% MPAs requirement of the Convention on Biological Diversity (Aichi targets, 2012).

Albania's marine ecosystems and coastal wetlands are rich in habitat typologies and associated biodiversity. They constitute an important part of natural heritage, not only for the country itself, but also for the Mediterranean region as a whole.

In situ nature preservation in Albania started some 50 years ago, but it was more strongly developed after 1990. There are currently about 799 protected areas, including 750 Nature Monuments, in Albania, covering around 16 % of the total land area of the country<sup>2</sup>.

Despite the long coastline and the important role of the marine ecosystem in the country's nature and biodiversity, history, culture, tourism and socio-economy in general, there were no marine protected areas established in Albania until 2010. The existing coastal protected areas, including mainly coastal lagoons, river mouths and deltas, are also supposed to encompass marine habitats close to them, although these habitats have never been designated or managed as MPAs<sup>3</sup>.

Recently, marine research has been developed in Albania, increasing awareness on Marine Protected Areas (MPAs) and marine conservation<sup>4</sup>. The first MPA proclaimed was the Sazani Island – Karaburuni Peninsula, on 28<sup>th</sup> April 2010, with the status of National Marine Park (IUCN category II) covering an area of 12,570 ha (about 2% of territorial waters).

Other areas have been proposed as potential MPAs: first in 1999, by the National Biodiversity Strategy and Action Plan (NEA/AKM 1999); more recently in 2013, by the Strategic Plan for Marine and Coastal Protected Areas (INCA, MoEFWA and UNDP Albania).

The main threats to the coastal marine environment have been identified and are listed hereafter: uncontrolled urban and tourism development; increased pollution in particular due to untreated waste and sewage discharged into the sea; deforestation and erosion; low public awareness and education level on marine and coastal issues; abusive interventions in river beds and watersheds; unsustainable land reclamation in coastal wetlands; illegal fishing and hunting; and unsustainable fishery and aquaculture.

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2 Ministry of Environment: [www.moe.gov.al](http://www.moe.gov.al).

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3 VARSTVO NARAVE, Supl. 1 (2011).

4 Id.



Karaburun MPA © INCA.

# Methodological approach

The methodological approach adopted for the development of the present document had been defined in the Memorandum of Understanding signed between the RAC/SPA and IUCN-Med office in 2012.

In accordance with this agreement, the IUCN-Med gathered all available information and legal contents through bibliographical research, interviews with national stakeholders and national consultation.

The questionnaire below was developed by the IUCN ELC<sup>5</sup>. It was used as a tool to guide the assessment of the legal, policy and institutional framework for MPAs in Albania

Items for assessment	
<b>Marine Protected Areas Generic Legal Framework</b>	
1	Provide an overview of the country (economic situation, status of the natural resources and ecosystems, surface covered by the Marine Protected Area national system, etc...).
2	What are the primary protected area legal instruments? <ul style="list-style-type: none"> <li>• Give the full title of each (if there is more than one) and the year adopted or issued.</li> <li>• Does the legal instrument govern the protected areas system overall (both terrestrial and marine protected areas), or is there a specific instrument for the marine protected areas system? Explain.</li> </ul>
3	Identify the level of government that enacted the instrument (national parliament, sub-national parliament, ministerial level, etc.)
4	Identify the Minister or other policy level body with overall powers for implementation of the PA instrument.
5	Identify any specialized protected areas agency/department responsible for daily implementation/oversight of the protected areas system (both terrestrial and marine PAs or only MPA?)
<b>Scope of legal framework</b>	
6	Does the legal framework for the PA system recognize governance and management options? <ul style="list-style-type: none"> <li>• Centralized approach where the protected area is entirely publicly 'state' owned property and managed by government at national level;</li> <li>• Decentralized approach where management of public land may be delegated to provincial/state or local government units;</li> <li>• Public/private partnership through a co-management arrangement between the government and other stakeholder(s), including communities;</li> <li>• Private management: protected areas are owned and voluntarily managed by private sector entities (Private Protected Areas [PPAs], both non-profit and for-profit);</li> <li>• Management by the indigenous peoples and local communities.</li> </ul>

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<sup>5</sup> Lausche, Barbara. (2011). *Guidelines for Protected Areas Legislation*. IUCN, Gland, Switzerland. xxvi + 370 pp.

Marine Protected Areas Policy	
7	Does the legal instrument identify a marine protected areas policy, goals and objectives by which the area(s) should be established and managed? Explain.
8	Are there other policy documents referenced in the legal instrument as part of the policy framework for the system or site – e.g. national biodiversity strategy; national sustainable development strategy, etc? Specify.
9	Are there legal provisions in the PA system referencing other international law commitments (e.g. CBD) or regional agreements (e.g. Barcelona Convention) as policy and objectives for the protected areas system or site? If so, specify.
10	Does the PA system incorporate the following international environmental principles? <ul style="list-style-type: none"> <li>• Precautionary Principle</li> <li>• Public participation and access to information. Does the protected areas' legal instrument or other established legal or administrative practice provide for (public consultation, access to information, right to review proposals for establishing protected areas)?</li> <li>• Recognition of local communities and indigenous peoples. Are there any (special policy provisions recognizing rights or status of local communities or, in countries where this applies, indigenous peoples rights)?</li> <li>• Cultural values.</li> </ul>
Objectives	
11	Is the legal instrument explicit about objectives for the protected areas system, and if so, provide the language.
12	Indicate if there is explicit language that the primary objective of protected areas is conservation, and if so, provide the language.
Definitions	
13	Is there a definition in the legal instrument for the term “protected area”, and if so please provide. <ul style="list-style-type: none"> <li>• Is this definition consistent with the IUCN definition?<sup>6</sup></li> <li>• Is the term “marine protected area” defined in the legal instrument; if so, give language.</li> </ul>
14	Does the legal instrument define different management categories of protected areas by conservation objective (national parks, marine protected areas, habitat conservation areas, cultural sites, etc.), and, if so, please provide. <ul style="list-style-type: none"> <li>• Are any of the IUCN management categories applied to marine protected areas? Explain.</li> </ul>
Institutional Arrangements	
15	Who has authority to establish the marine protected area(s), is that authority identified in a legal instrument? Explain.
16	Does the legal framework provide for other entities to have responsibility for management functions? If so, provide details.
17	Are mechanisms provided for interagency cooperation among main government agencies responsible for marine matters (e.g. marine conservation, fisheries, shipping, customs, etc.)? Explain.



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<sup>6</sup> A protected area is a clearly defined geographical space, recognized, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values (IUCN Definition 2008).

MPA System Planning	
18	<p>Does the legal framework for marine protected areas require preparation of a plan for the protected areas system to guide its development and management? And if so, please indicate:</p> <ul style="list-style-type: none"> <li>• What are the general purposes and content of the plan;</li> <li>• Who or which entity is responsible for preparing, maintaining and using the plan.</li> <li>• What are the key elements that should be taken into account when adding new protected areas to the system (e.g., representativeness, uniqueness, international compliance, supporting essential ecological processes or biodiversity, etc.).</li> <li>• Is there a requirement for periodic review and assessment of the system plan with respect to overall goals and objectives of the protected area system? Explain.</li> </ul>
19	<p>Does the legal framework for marine protected areas authorize or provide for:</p> <ul style="list-style-type: none"> <li>• zoning,</li> <li>• no-take zones,</li> <li>• strictly protected zones,</li> <li>• marine science research by permit,</li> <li>• environmental monitoring?</li> </ul>
20	<p>Are there special requirements for how boundaries are defined for a marine area as a whole and any zones within the area; is there a requirement for stakeholder or local community consultation in setting the boundaries? Explain.</p>
21	<p>Are there provisions authorizing the designation of buffer zones for marine protected areas or conservation corridors between marine areas? Explain.</p>
Establishment, amendment, abolishment of MPAs	
22	<p>Who has the authority to establish, amend, and abolish a protected area? Are these powers all held by the same authority? If the same authority does not have all three powers, identify who is the authority for the different powers, and explain why these powers have been divided.</p>
23	<p>What is the procedure for establishing, amending or abolishing a protected area?</p>
Finance	
24	<p>Does the protected area's legal framework authorize special financing tools for the marine protected area system?</p>
Management Plan	
25	<p>Is there a requirement for a management plan? If so, describe the provisions Including:</p> <ul style="list-style-type: none"> <li>• provisions on the required content of the plan, possibility of zoning for different classifications and conservation purposes</li> <li>• procedures for the preparation of the plan (circulation and consultation among scientific and technical bodies inside and outside of government; requirements and procedures for public and stakeholder participation)</li> <li>• Authority(ies) responsible for implementing the management (co-management agreements with other authorities).</li> </ul>
Environmental Impact Assessment (EIA)	
26	<p>Does the protected area's legal framework require environmental impact assessment (EIA) for any proposed project or activity, public or private, where there may be significant environmental impacts to the protected area, and if so, explain, including any procedures or specific requirements that may be specified, including for preparation, review, public comment, decision-making authority, and appeal.</p>
Other	
27	<p>If applicable, identify and discuss other legal instruments (e.g. in fisheries, tourism, etc.) which provide authority for some form of protection, whether partial or full, of specific sites, ecosystems, or species habitats; indicate their potential impact on the protected area's legal framework and, as relevant, how the various instruments are or should be harmonized, networked, or coordinated.</p> <p>Indicate any other special features unique to the marine protected area's legal framework, e.g., part of a large marine ecosystem project, part of a transboundary marine protected area, specific species protection, special status under international law (e.g., IMO, World Heritage Site, etc.).</p>

The results of this state-of-the-art appraisal were presented together with a pre-assessment during a wrap-up national workshop to which key national stakeholders for MPA identification, declaration and management had been invited (see report of the workshop in Appendix 2). A review of the information collected so far and the priority needs diagnosis were the main objectives of this national workshop.

Building on the national consultation, IUCN-Med was able to formulate recommendations (presented in PART III) for improving the existing legal and institutional framework, as well as regarding some other priorities identified by the country

# Part I

## Legal and institutional framework for marine protected areas in Albania

### I. LEGAL AND POLICY FRAMEWORK FOR MARINE PROTECTED AREAS

In Albania, no law or policy has been specifically developed for Marine Protected Areas. Therefore, the main laws and strategic documents that apply for protected areas also apply for MPAs.

#### A. Legal instruments for MPAs<sup>7</sup>

There are two major legal acts governing the conservation of Protected Areas in Albania:

- Law for “Protected Areas” (8906 of 06.06.2002) amended by the Law “On some supplements and changes in Law 8906 of 06.06.2002” (9868 / 04.02.2008),
- Law on “Biodiversity Protection” (9587 of 20.07.2006).

#### A.1. Law on Protected Areas

The Law on Protected Areas (8906 / 06.06.2002 amended by 9868 / 04.02.2008) sets the framework for the proclamation, administration, management and sustainable use of protected zones and natural biological resources, and provides the basis for the development and mitigation of environmental tourism and other economic benefits<sup>8</sup>. This law, which was amended in 2008, aims at the declaration, preservation, administration, management and usage of protected areas and their natural and biological resources. According to the law, protected areas are established to provide the preservation and regeneration of natural habitats, species, natural reserves and landscapes.

According to the Law on Protected Areas, the six categories of protected areas in Albania follow the system of IUCN management categories (further detailed under section III).

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<sup>7</sup> Authors also recommend reading pp. 122-134 of the “Protected area gap assessment: marine biodiversity and legislation on marine protected areas” published in 2010 by MoEFWA, UNDP, GEF.

<sup>8</sup> Zuna *et al.*, 2010.

The Ministry of Environment has the obligation to formulate objectives for the monitoring of protected areas, direct their organization and realization, and elaborate and publish the monitoring results. The administrations of the protected areas are established by the Council of Ministers.

Finally, in terms of public information, article 13(1) refers to the participative approach in declaring a protected area. It is specifically written: “upon receipt of opinion from local government organs, specialized institutions, non-profit organizations and from private owners in case their estates are included in the protected area”.

#### A.2. Law on Biodiversity Protection

The Law No. 9587 on Biodiversity Protection (9587 / 20.07.2006) aims at preserving and protecting biological diversity by regulating the sustainable use of its elements through the integration of the main elements of biodiversity in the strategies, plans, programmes and all levels of decision-making.

As the scope of the law on biodiversity includes aquatic and marine areas, it is a relevant instrument for the establishment of marine protected areas.

#### B. Other relevant instruments

In addition to the laws previously presented, other legal instruments are also relevant for MPAs:

- Law on “Protection of the Marine Environment from Pollution and Damage” (8905 / 06.06.2002)
- Law on “Fishery and Aquaculture” (7908 / 05.03.1995), revised in 2012 and adopted as the Law on “Fishery” (64/2012 / 31.05.2012)
- Law on Environment Protection (Nr. 10 431 / 09.06.2011)
- Law for the Environmental Impact Assessment (Nr. 10 440 / 07.07.2011).

### B.1. Law on protection of the marine environment from pollution and damage

The Law No. 8905 on protection of the marine environment from pollution and damage (6 June 2002) concerns the protection of the marine environment of the Republic of Albania from pollution and damage, through prevention and deterrence of such harm caused by human activity in the sea and in the coastal zone. The "marine environment" is defined as (Article 2.1.):

*The sea of the Republic of Albania together with the fauna and flora, the sea wealth, the resources of the sea bed and of the sea subsoil including the coastal line, the beaches, the ports, the harbours and land territories, the lagoons and river deltas and the lake streams running into the sea.*

The protection of the marine environment is subject to all the environmental laws and by-laws of the Republic of Albania and the international conventions, protocols, agreements to which the Republic of Albania is a party.

The cleanliness of the marine environment, its protection from pollution and damage is a duty of the central and local governmental structures, civil organizations and citizens.

Numerous activities which are forbidden are outlined while the control of the sea environment and sea activity is handled by the Inspectorate of Protection of the Environment (IPE), the Port Authorities, licensing authorities and other structures as defined by law. The control over the conditions and qualities of the marine environment for purposes of monitoring and recording of changes in the environment is permanent and continuous. The IPE exercises control over the impact produced by the various activities in the marine environment and enforces the implementation of the environmental law and the terms and conditions stipulated in the environmental permit. The IPE interacts with Port Authorities, the Fishing Inspectorate, the State Police and the Coast Guard of the Republic of Albania.

### B.2. Law on Fishery

The Law on "Fishery and Aquaculture" (7908 / 05.04.1995) applied to fishery and aquaculture activities undertaken in the waters and territory of the Republic of Albania. It was amended by Laws No. 8763/2001, No. 8870/2002 and No. 10.001/2008. Finally a new law was prepared and adopted, called the "Law on Fishery" (64/2012, 31.05.2012) (LF). The law clearly responds to the requirements of the EC regulation 1967/2006 (21.12.2006) concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea

The intention of the law is to ensure a rational and accountable exploitation of aquatic biological resources and development of aquaculture; to better organize management of the fishing and aquaculture sectors; to provide protective *conservation measures in order to ensure the protection of biological water resources*; to support the sustainable development of the fishery and aquaculture sectors, as well as create better social-economic conditions for producers; to insure consumers' demand and interests by introducing to markets, fishery products permissible for human consumption; and to promote

and regulate scientific and technological research in the fisheries and aquaculture sectors.

It establishes the central consultative Commission for Fisheries and Aquaculture (CFA) (also named Fishery Management Organization, with national and local branches). The central branch is inside the MoEFWA and at regional level, the Local Commissions for Fisheries and Aquaculture are in close relation to the local administrative authorities.

The law contains provisions on fishing and prohibitions of fishing, one of which is the prohibition to change the quality of waters and the direction of their flow so as to prevent damage of the environment, aquatic species or aquaculture structures, except in cases authorized according to the law. The delivery of aquaculture licences is the responsibility of the MoEFWA in connection with other ministries concerned.

Fishing "protected areas" are geographically defined sea areas in which all or certain fishing activities are temporarily or permanently banned or restricted, in order to improve the exploitation and conservation of living aquatic resources or the protection of marine ecosystems, based on a precautionary approach. There is a chapter on management of lagoons and other estuarine waters where the agreements on management are listed (including no fishing zones in a specific area around river mouths or natural or artificial lagoon openings). This management decision covers about 1% of the territorial waters.

Inspections for enforcement of this law and relevant ensuing regulations are undertaken by the Fishery Inspectorate (Article 36 of this law). The Fishery Inspectorate will cooperate with the Inspectorate of Environmental Protection, public and financial police, harbour offices, military forces and any other organs as directed by the government. The Fishery Inspectors, when encountering transgressions of this law and ensuing by-laws, have the duty and the right to: arrest the violator and possibly seize the vessel on which the violations are evidenced.

### B.3. Law on Environmental Protection (No. 10 431 / 09.06.2011)

The 2011 Law on Environmental Protection, No.10431, replaces the 2002 Law No. 8934 and transposes the Directive 2004/35/EC on environmental liability. This Law entered into force in 2012. It provides a clear legal basis and a framework for further transposition of a large number of environmental directives which are relevant to the protection of the environment. Many new by-laws are required for the implementation of the new Law. Drafts of some have already been prepared, e.g. DCM on the Implementation of Pollutant Release and Transfer Register, and DCM on Public Access to Environmental Information.

The Law sets out the framework for providing a high level of protection for the environment, its preservation and improvement, prevention and reduction of human health-associated risks and improvement of the quality of life both today and for the next generations, while ensuring sustainable development. It includes articles on the principles of environment protection, the protection of environment ingredients, environment protection during the planning process, the prevention and control of pollution (including sections on environmental norms and envi-



ronmental permits), environmental monitoring, environmental information, environmental responsibility, policy instruments regarding environment protection, the responsible state bodies and administrative infringements.

#### B.4. Law on Environmental Impact Assessment (No. 10 440 / 07.07.2011)

The 2011 Law on Environmental Impact Assessment, No. 10440, aims at improving the existing environmental impact assessment (EIA) system. It fully transposes the Directive of 27 June 1985 "On the assessment of the effects of certain public and private projects on the environment" as amended by Directive 97/11/EC, Directive 2003/35/EC and Directive 2009/31/EC (Chapter 2).

This law revises and updates the previous Laws (8990 of 23.01.2003 and 10050 of 24.12.2008).

The Law aims at ensuring a high level of environment protection by preventing, minimizing and compensating for the environmental harms to be caused by projects not yet implemented, and enabling an open decision-making process during the identification and evaluation of negative environmental impacts. It lays out the framework for the requirements, responsibilities, rules and procedures for the evaluation of negative environmental impacts. The Law includes the following articles: procedures for assessing the environmental impact, EIE parties and consultation, access to information and confidential data, planning authorities' decision-making, borderline environment EIE, EIE's experts, appeal and sanctions.

### C. Policy framework for MPAs

#### C.1. National Biodiversity Strategy and Action Plan

As part of its obligations under the Convention of Biological Diversity (CBD, ratified in 1996), Albania developed a National Biodiversity Strategy and Action Plan (NBSAP). Adopted in 1999, the NBSAP includes some specific recommendations, including the development of a biodiversity monitoring programme, a clearing house mechanism, a bio-safety programme and the establishment of a biodiversity secretariat. The National Council for Nature and Biodiversity (NCNB), created by Decree in 2000, and chaired by the Deputy Prime Minister, included all the relevant ministries and was in charge of the monitoring of the implementation of the NBSAP. In 2002, after the creation of the Ministry of Environment, nowadays the Ministry of Environment, Forests and Water Administration (MoEFWA), all the functions of the NCNB were transferred to this Ministry.

The main objectives for the implementation of the NBSAP in Albania are the following:

- Protection and improvement of biological and landscape diversity;
- Incorporation of the principles and policies required for sustainable biodiversity use and management; and
- Promotion of sustainable development for present and future generations.

The Strategy defines the main directions for preserving biodiversity and habitats through their identification and proclamation as protected areas, and through protection of species in and outside the protected areas.

Since its creation, a series of strategy recommendations have been implemented such as:

- Drafting and implementation of the Law on biodiversity protection, 2006, and the Law on protected areas, 2002, as amended;
- Designation of new Protected Areas: increase of protected areas coverage from 5 % to 12.57 %, in accordance with the proposed network project in the strategy, taking into account the European ecological network elements and international guidelines including those European;
- Preparation and implementation of action plans for specific threatened and endemic species of wild fauna and flora (among others, 2 action plans elaborated on cetaceans and *Posidonia oceanica* meadows);
- The Strategy and Action Plan for Wetlands 2006 is another document that complements the framework of plans for elements of biodiversity;
- Another national document is the action plan for the global environment regarding the implementation of three United Nations conventions, the so-called Rio Conventions (Biodiversity, Climate Change and Desertification).
- Decision of the Council of Ministers No. 84, 27.1.2009, "On determining the criteria for establishment of a biodiversity inventory and monitoring network", providing a necessary element for a functional biodiversity monitoring network.

According to the Fourth National Report to the United Nations Convention on Biological Diversity (December 2010), future plans for biodiversity consist of:

- A further increase in Protected Areas surface coverage of up to 17 % in 2013;
- Implementation of management plans for existing Protected Areas and elaboration of new ones for the remaining Protected Areas;
- Implementation of existing action plans for species and drafting of new ones for globally threatened and endemic species in order to ensure their favorable conservation status;
- The setting-up of the network of biodiversity monitoring and inventory in accordance with the new legal provisions in place;
- Implementation of the Emerald network of the Areas of Special Conservation Interest (ASCIs) as a contribution to the Pan-European Ecological Network (PEEN) and the Pan European Strategy on Biological and Landscape Diversity (PEBLDS).
- Review of the national Programme of Work on Protected Areas in the light of new developments from the CDB and CoP;

— Assessment of achievements concerning the objective to halt the loss of biodiversity by 2010, in compliance with the approach of the European Environment Agency (EEA).

## C.2. Tourism Strategy and Cultural Heritage Strategy

Both of these policy instruments are looking at protection, conservation and management of natural and cultural resources and in particular the development of natural protected areas, sites with cultural and historical values, and natural landscapes.

In a document entitled “Sector Strategy on Tourism 2007 – 2013”<sup>9</sup> (approved through the Decision of the Council of the Ministers (VKM) No. 884, dated June 11th, 2008, “On the approval of the Sector Strategy on Tourism”), the Ministry of Tourism, Cultural Affairs, Youth and Sports reviewed the *Strategy of Tourism Development* (2003) and its interactions with the *Strategy on the Development of Natural and Environmental Tourism* (June 2006) and the respective Action Plan.

In this document, the need was recognized “to create a virtuous cycle of sustainable development based on tourism; the Government of Albania (GoA) together with municipalities, tourism operators and NGOs, must protect and re-evaluate the sites, parks, cities and protected areas which are the core assets of its tourism sector”.

It was emphasized that “ecotourism should be seen as a priority considering the important potential and role it plays towards the development of Cultural Tourism (...) Optimal coordination is needed for this purpose with the Ministry of Environment, Forests and Water Administration, as the institution responsible for the development of protected environmental areas, natural resources and the impact of tourism on the environment”.

Considering that “nowadays, tourists evaluate a country’s environmental responsibility and preservation efforts” and that “consumers from developed countries may change their buying decisions based on the perception of negative environmental impacts or performance”, Albania appeared to be “ideally situated to meet the shifting demands of an increasingly nature and culture oriented tourism market”.

Thus, “coordination among a large number of governmental institutions” and “the coordinated efforts of a number of ministries, local government, institutes, as well as NGOs, the Academy of Sciences, international agencies and bilateral assistance programmes” were considered some of the main challenges to ensure sustainable eco-tourism.

The strategy for Tourism was drafted ten years ago. Today, there is a need for further analysis (gaps, information available), in particular regarding the impact on MPAs.

Albania has made significant progress in protecting biodiversity through a legislative and institutional framework, as well as by taking some concrete steps in this respect. The most significant progress achieved is the one on Protected Areas coverage in the country, which was doubled in a 5-year period. The

areas protected in 2010 attained about 13 % of the country’s territory and represent about 15 % to date. MPA development is also considered in the NBSAP and recently by the Strategic Plan for Marine and Coastal Protected Areas (INCA, MoEFWA and UNDP Albania, 2013).

## II. INSTITUTIONAL ARRANGEMENTS FOR MARINE PROTECTED AREAS

### A. Governing bodies for PAs

This section will present the existing institutional framework for PAs/MPAs in Albania, including the governing bodies at national and sub-national level.

#### A.1. Ministry of Environment, Forests and Water Administration (MoEFWA)<sup>10</sup>

The Ministry of Environment, Forests and Water Administration (MoEFWA) is the main organization responsible for the protection of nature. The mission of the Ministry is to draft and propose policies, strategies and action plans for the protection and administration of the environment, forests, waters and fisheries, in order to achieve sustainable development and improve the quality of life, and enable the country to join the European Union. The accomplishment of this mission is carried out through participation, initiation and coordination of the activities that lead to long-term developments and well-being, by protecting nature and raising the awareness of the public.

The MoEFWA’s main tasks include:

- Implementation of relevant national policies,
- Definition of priority environmental and forestry investments,
- Development of national research programmes in the environmental field, and,
- Coordination of environmental protection-related activities of the other ministries and local authorities.

The MoEFWA may propose measures for the protection and preservation of the environment, forestry and water resources, and is responsible for the implementation of water policy and forestry policy.

In its organigram, the MoEFWA incorporates the General Directorate of Environmental Policies, which in turns includes the Directorate of Biodiversity where the Sector of Protected Areas and National Parks can be found. Cooperation is extended to other Directorates inside the ministry and to implementing institutions, such as Agencies in the districts which also include the protected area administration in their composition.

The MoEFWA also drafts policies on the protection of nature especially for biodiversity conservation, as well as legislation. As regards the nature protection field, the Ministry of Environ-

9 [http://www.dsdc.gov.al/dsdc/pub/strategy\\_of\\_tourism\\_2007\\_2013\\_1033\\_1.pdf](http://www.dsdc.gov.al/dsdc/pub/strategy_of_tourism_2007_2013_1033_1.pdf)

10 For an analysis in detail of the institutional framework for the environment in Albania, the authors recommend the reading of “Albania – Environmental Performance Reviews. Second review”, published by the United Nations Economic Commission for Europe (UNECE) in 2012. [http://www.unece.org/fileadmin/DAM/env/epr/epr\\_studies/AlbaniaII.pdf](http://www.unece.org/fileadmin/DAM/env/epr/epr_studies/AlbaniaII.pdf)

ment, Forests and Water Administration cooperates with: the Ministry of Agriculture, Food and Consumer Protection on agricultural biodiversity, the Ministry of Public Works, Transport and Telecommunication, assuring decision-taking on territorial usage, the Ministry of Tourism, Culture, Youth and Sports, which drafts and implements policies on tourism development, and the Ministry of the Interior, in order to manage local natural resources.

### National Monitoring Network

A National Monitoring Network has been established for carrying out the monitoring of the quality and changes in the status of the environment and in specialized institutions that cover monitoring of the whole territory of the Republic of Albania. The Environment and Forestry Agency (EAF) is the competent authority for the management of the National Monitoring Network (Environmental Law, 2011).

### A.2. Other relevant governing bodies

#### Inter-Institutional Maritime Operational Centre (IMOC)<sup>11</sup>

In 2009, the Government of Albania established an Inter-Institutional Maritime Operational Centre, in order to respond to the recommendation of the International Maritime Organization (within the framework of the United Nations Convention on the Law of the Sea – UNCLOS). This inter-ministerial institution has to ensure the surveillance of the Albanian maritime space, in order to carry out the organization, planning, coordination and direction of operations at sea, in compliance with national and international maritime legislation.

The Ministries involved in this institution are the Ministries of the Interior, Defence, Finance, Environment, Forest and Water Administration, Public Works and Transportation, Agriculture, Food and Consumers' Protection, and Tourism, Culture, Youth and Sports.

The IMOC's mission is to guarantee the management and control of the Albanian maritime borders, safety out at sea and interaction of the state institutions that have responsibilities and interests within the maritime space.

The IMOC is a national institution that guarantees the sovereignty and sovereign rights of the Albanian state in the maritime space through integrated management of national sources of the institutions that are responsible for, and have interests in, the sea.

The IMOC coordinates and leads:

#### — **Costal Operations for the control of the maritime border;**

- Costal Operations against illegal trafficking;
- Costal Operations in the war against terrorism;
- Costal Operations against organized crime;
- Search and Rescue Operations, as well as first aid at sea;

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11 [http://www.mod.gov.al/eng/index.php?option=com\\_content&view=category&layout=blog&id=221&Itemid=574](http://www.mod.gov.al/eng/index.php?option=com_content&view=category&layout=blog&id=221&Itemid=574)

- **Anti-Pollution Operations;**
- **Operations to enforce fishing regulations;**
- **Operations to preserve the ecological equilibrium and maritime environment;**
- **Operations for the protection and good administration of fishing wealth (ethological bio-measurement);**
- **Operations for safety on the sea.**

#### The Ministry of Tourism, Cultural Affairs, Youth and Sports

The Ministry of Tourism, Cultural Affairs, Youth and Sports is part of the Albanian government responsible for implementation of government tourism, cultural affairs, youth and sports policy.

An important percentage of Albania's national income comes from tourism. Tourism - as of 2013 - funds 10% of the gross domestic product, and this figure is expected to rise dramatically within the next decade. In 2011, Albania was listed as the top travel destination worldwide, by Lonely Planet. The bulk of the tourist industry is concentrated along the Adriatic and the Ionian Sea coast. The latter has the most beautiful pristine beaches, and is often called the Albanian Riviera. The increase in foreign visitors is dramatic; Albania had only 500,000 visitors in 2005, while in 2012 it had an estimated 4.2 million tourists which represents an increase of 840% in only 7 years<sup>12</sup>.

The Ministry of Tourism's mandate, role and functions concerning the marine environment in general and MPAs in particular has not been clarified, but they could play a role in the future, in particular in relation to the development of activities within and around protected areas, and the collection of entry fees or licenses for some activities that could assist in the MPAs' or PAs' management.

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12 <http://en.wikipedia.org/wiki/Albania>

### III. SPECIFIC GOVERNANCE AND MANAGEMENT FOR MARINE PROTECTED AREAS

#### A. Governance

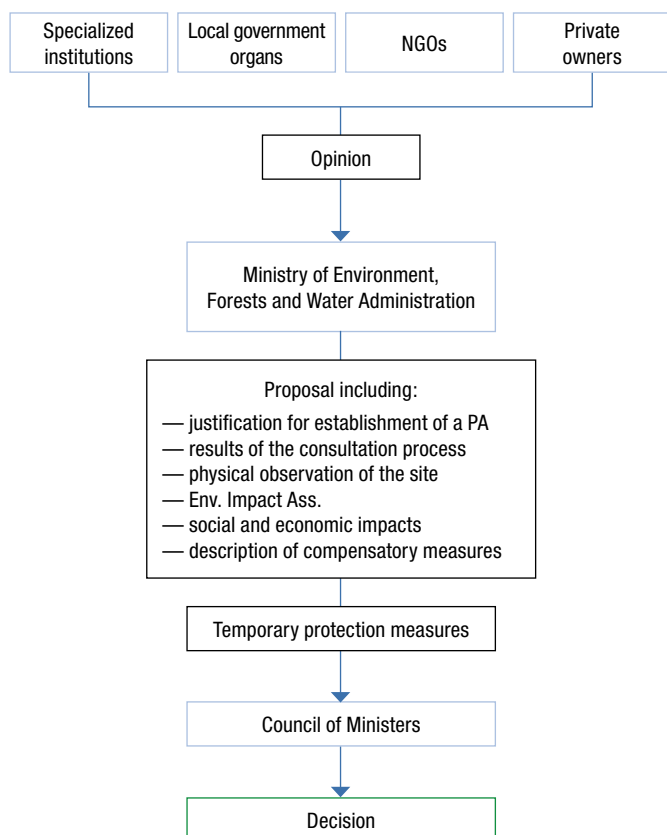
##### A.1. Procedures of proclamation and establishment of PAs (including MPAs)

Article 13 of the Law on Protected Areas describes the process for the declaration of a protected area, while Article 14 details the content of the declaration.

*“1. Declaration of a protected area and of its buffer area shall be made by decision of the Council of Ministers on the proposal of the Minister of Environment upon receipt of opinion from local government organs, specialized institutions, non-profit organizations and from private owners in case their estates are included in the protected area.*

*2. The Council of Ministers approves the procedures for proposal and declaration of buffer and protected areas. The Ministry of Environment shall prepare them [the procedures] in reliance with criteria of the biodiversity convention, relevant guidelines of the European Union and national environmental plans and strategies.*

*3. Any natural or juridical person shall have the right to ask the Ministry that his own private territory or part of own natural objects be declared or included in one of the categories of protected areas.”*



**Figure 1:**  
**Process for designation of a new MPA in Albania.**

#### B. Management

##### B.1. Definition and categories of PAs (including MPAs)

As mentioned before, Albanian legislation does not include a separate definition for MPAs, which are therefore included in the general definition of protected areas.

In Article 3(1) of the Law on Protected Areas (n°8906 of 2002)<sup>13</sup>:

*“Protected areas shall be declared land, water, sea and coastal territories assigned for protection of biodiversity, cultural and natural properties, co-accompanying, which are managed in a legal manner and with contemporary scientific methods.”*

According to Article 2 of the Law on Protected Areas (n° 8906 of 2002), *“the categorization of the areas, status and level of protection for each area is based on the criteria of the World Union for Nature Conservation”.*

According to Art. 4, there are six (6) categories of PAs:

- a) Strictly natural reserve/scientific reserve (Category I);
- b) National Park (Category II);
- c) National Monument (Category III);
- d) Natural managed reservation/area of management of habitats and species (Category IV);
- e) Protected Landscape (Category V);
- f) Protected area of managed resources/protected area with multi-purpose use (Category VI).

Although the Albanian Law on Protected Areas (LPA) includes the IUCN categories, they have been written with a strong terrestrial focus and therefore the different types of activities prohibited or permitted, depending on the category and thus the level of protection, are not relevant for MPAs and could complicate the application of the law to marine protected areas<sup>14</sup>.

A buffer zone may be declared around a protected area and the 2008 amendment to the LPA introduces the principle of internal zoning. Article 4/2 stipulates that the issue of zoning of the territory of the protected area must be elaborated, mentioning that the decision of the Council of Ministers, which declares the protected area, shall define the title, the surface and the degree of protection of its subzones. The territory of the protected area will be divided into subzones according to the importance of habitats and ecosystems, while internal zoning may contain a central area, recreation area, the area of traditional use, the area of sustainable development and other subzones which fit the territory. A similar zoning can be used as an important management tool to establish MPAs that can provide multiple benefits, such as combining fisheries management with nature conservation or sustainable tourism.

<sup>13</sup> English translation available on <http://faolex.fao.org/docs/pdf/alb60472E.pdf>

<sup>14</sup> Marine Protected Areas Report Albania, final report October 2009, Millieu.

## B.2. Management plan

Management plans for protected areas are described in the Law on Protected Areas, article 15:

1. *The Ministry of Environment, other state organs and local government or in collaboration with third parties shall prepare management plans for each protected area.*
2. *All management plans of protected areas, which are not prepared by the Ministry of Environment, shall be endorsed by this Ministry in order to assure conformity with objectives of this law or of other related laws.*
3. *Management plans of protected areas will be incorporated in governmental policies, plans and programs related to it as well as in the national, regional or local decision-making.*
4. *Management plans of protected areas will include at least the following:*
  - a) *Objectives of management of a protected area;*
  - b) *Mechanisms and direction authority either of the Ministry of Environment or of the other state organs or of other organizations or natural and juridical persons;*
  - c) *Processes and categories of activities which threaten or are menacing to the protected area and its surrounding areas inclusive;*
  - d) *Regulatory or administrative measures necessary to avoid or lessen the identified threats;*
  - e) *Permitted activities within the protected area;*
  - f) *The right [adequate] activities for surrounding areas including buffer areas and beyond;*
  - g) *Conditions for control of tourism and other services;*
  - h) *Data on former ownership of the ground and rights to use biodiversity elements within it including traditional lifestyle of population or local community;*
  - i) *Conditions to develop traditional lifestyle activities, of the area or of the biodiversity elements within it, provided that they do not oppose [contradict] objectives of administration of protected area;*
  - j) *Conditions to share profits from establishment and administration of protected area, in particular with local communities and populations;*
  - k) *Conditions for scientific research, inventory and monitoring;*
  - l) *Financial resources, those profitable inclusive;*
  - m) *Any other special conditions for the mentioned area.*
5. *Management plans of protected areas will be revised and elaborated periodically in compliance with time needs.*

According to Art. 17, the implementation of the management plan is the responsibility of “the administration of area protection” while the follow-up of implementation is performed by a management committee whose “composition, functions, duties and responsibilities shall be determined by decision of the Council of Ministers”.

It is interesting to underline that the notion of delegation is introduced in the same Article: “To implement management plans, institutions, public or private, juridical persons, local or foreign, non-for profit environmental organizations, may be engaged in applying rules and procedures of competing and bidding.”

## C. Financing

Presently, the Law does not provide for rules regarding funding for implementation or management and conservation measures for MPAs. And in the same way that significant parts of environmental investment in the country have been supported since the first EPR by strong donor assistance, PAs are funded through international projects. Unfortunately, the results remain limited. In this regard, a document was drafted for the setting up of an Environmental Fund but at the date of the present study it is still not operational.

The table below is taken from the Programme of Cooperation 2012-2016 between the Government of Albania and the United Nations<sup>15</sup>.

**Outcome 2.2:** National authorities and institutions, the private sector and the general public protect, preserve and use natural resources more sustainably, with consideration to the impacts of climate change and to the achievement of European environmental standards.

**Outcome 2.2.1** The National Government has legal and regulatory mechanisms ready for implementation and ensures compliance with Multilateral Environment Agreements and the Rio Principles.

**Indicator 1:** Selected areas of national legal framework in compliance with EU legislation and economic instruments for environment available.

**Baseline:** Limited number of economic instruments, limited financial self-sustainability and technical capabilities.

**Target:** Environment Fund established, laws on excises and environment-related taxes amended and relevant Euratom Treaty obligations met.

15 <http://www.al.undp.org/content/dam/albania/docs/GoA-UN-Cooperation-Programme.pdf>

# Part II

## Stakeholders' analysis for marine protected areas in Albania

### I. OTHER STAKEHOLDERS RELEVANT FOR MARINE CONSERVATION

Beside government bodies and management authorities who were described in PART I, there are other types of stakeholders that should generally be considered for MPAs. They may be grouped as follows:

- Civil society (not for profit): this group includes universities, research institutes, NGOs, local community organizations, etc.
- Private sector (for profit): this group includes firms, professional fisheries organizations, tourist operators, coastal developers, etc.
- Other stakeholders and the general public.

The present study following an institutional approach does not include description of the private sector in the stakeholder analysis.

#### A. Academic and marine research institutes

All the following institutes are playing or could play a role in the study, research and monitoring of the marine environment. It could be necessary to specify the responsibility of each one in order to avoid duplication of efforts.

##### Academy of Sciences

The Academy of Sciences was constituted in 1972. Its function today is based on Law N° 9182, dated 02.05.2004, "About the Academy of Science of Albania". It had been one of the most important scientific institutions in the Republic of Albania, but after the reform of 2006-2007 when most of its scientific institutions joined the Universities, it became an honorific institution.

##### The Institute of Geosciences and Energy, Water and Environment

The Institute of Hydro-meteorology was embedded into the Polytechnic University of Tirana, becoming the Institute of Geosciences and Energy, Water and Environment.

##### Albanian Geological Survey (AGS)

The Albanian Geological Survey carries out its activity in the field of geosciences based on Law N° 8366, adopted by the Assembly of the Republic of Albania, dated 02.07.1988, which recognizes it as a scientific and technical advisor to the state in the field of geosciences. The Institute is responsible for the monitoring of the surface, underground and marine water's quality, risk assessment and soil pollution.

#### B. NGOs

Non Governmental Organizations (NGOs) are key actors in the development and implementation of environmental policy, and have the possibility to complement government agencies with appropriate levels of transparency and participation, from national to local level. In this way, NGOs can ensure transparency and civil society participation, contributing in turn to good governance structure and mechanisms. The main NGOs with a potential role in marine protected areas' legislation, identification, selection, management and public awareness are listed hereafter, but others could be considered at local level. All the registered NGOs can be found in the site of the Regional Environmental Center (REC) of Albania<sup>16</sup>.

##### B.1. Institute for Nature Conservation in Albania (INCA)

The Institute for Nature Conservation in Albania – INCA is an NGO established in July 2000. The INCA's main goal is to facilitate and help professional capacity building through training and a participatory approach, safeguarding of the environment, conservation of the natural environment treasures and rural development in the country, protection of flora and fauna, the assessment of biodiversity, management of protected areas, raising awareness of the public and policy and decision makers, and undertaking conservation measures when possible and appropriate to protect species and their critical habitats. The task of the Institute is also to link nature

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16 [http://rectivitysrv.rec.org/fmi/xsl/NGODirectory/recordlist.xml?-lay=All\\_field&-max=20&-sortfield.1=sort\\_name&sortorder.1=ascend&Country=Albania&Town=&Name\\_english=&Work\\_priorities\\_coded=P13&-find=Search](http://rectivitysrv.rec.org/fmi/xsl/NGODirectory/recordlist.xml?-lay=All_field&-max=20&-sortfield.1=sort_name&sortorder.1=ascend&Country=Albania&Town=&Name_english=&Work_priorities_coded=P13&-find=Search)

conservation and biodiversity issues with all the other items or fields of science that have an impact on nature resources in Albania. The Institute will also be part of the process for the improvement of the legislation in the country and other issues related to capacity building in Albania's environmental institutions and to its integration into Europe. As far as protected areas are concerned, the INCA has contributed to several projects such as the Protected Areas Gap Assessment and Marine Protected Areas Development (May 2008 - June 2010) and it is currently involved in the project related to Institutional support to the Albanian Ministry of Environment, Forest and Water Administration for Sustainable Biodiversity Conservation and Use of Protected Areas financed by Italian Cooperation and implemented by the IUCN (September 2011 – December 2013).

### B.2. Protection and Preservation of the Natural Environment in Albania (PPNEA)<sup>17</sup>.

Through its actions, the PPNEA is involved in different topics such as forestry, landscape, wildlife, rural development etc. PPNEA has been involved, together with other stakeholders, in the joint management of the Prespa Lakes Basin (Management Committee). PPNEA is at present working for the "Institutional Support to the Albanian Ministry of Environment, Forest and Water Administration for Sustainable Biodiversity Conservation and Use of Protected Areas", financed by Italian Cooperation and implemented by the IUCN (September 2011 – December 2013). In the same context, the PPNEA recently initiated a project aiming at the common protection and development of the trans-boundary protected area of Sharr-Korab with the participation of local stakeholders.

### B.3. Association for Protection of Aquatic Wildlife in Albania (APAWA)

The work priorities are: animal/wildlife protection, biodiversity, environmental education, nature protection, publications and water management. The principal activities of the association are: awareness raising campaigns, conferences, meetings, education, information dissemination, monitoring, public meetings, publishing, research and training.

### C. Public information

In Albania, public information on environmental issues is a constitutional right as referred to in Article 56 of the 2002 Law on Environmental Protection which recognizes that *"Everyone has the right to be informed on the status of the environment and its protection"*. The 2011 Law on Environmental Protection reconfirms this right in Article 46 on the right to receive and/or use environmental information. In addition, Albania is one of the pioneers of the Aarhus Convention, having made a substantial contribution throughout its preparation process and having been one of the first countries to ratify it in 2001.

Moreover, in 2005 the Prime Minister's Order N° 202 on Improving Transparency through an Increased Use of the Internet and Improvement of Existing Websites was issued to improve the transparency of the work carried out by public

institutions through increased use of the Internet and improvement of existing websites. As a consequence, the MoEFWA as well as the other ministries are obliged to make available on their websites for public access any environmental information they possess.

## II. ONGOING PROJECTS AND NETWORKING

### A. International projects

In the framework of the activities of the MedMPANet project (RAC/SPA) and the MedPAN South project (WWF-MedPo), regional training sessions were organized followed by actions to enhance the capacity of the beneficiary countries to achieve sustainable fisheries targets within MPAs. A report entitled "Protection of Marine Biodiversity in Albania: Karaburun - Sazan Marine National Park", was prepared in 2011 by the national NGO INCA as a first contribution to start establishing the basic fishing database and implementing several activities promoting the recently established MPA.

Another key project related to MPAs/MCPAs in Albania is the project entitled "Improving Coverage and Management Effectiveness of Marine and Coastal Protected Areas", co-financed by the Global Environment Facility and managed by the UNDP in cooperation with the MoEFWA<sup>18</sup>. This project is being implemented during the period 2011-2016. The main project outputs will be:

- Developing the Strategic Plan of the MCPA (SPMCPA) including an MCPA expansion scenario with a 10-year vision (see Box 1);
- Developing a simple monitoring system for the MCPA to be applied at local level; particular support for the Karaburun-Sazani MPA administration and the other relevant local institution for a smooth monitoring system implementation resolving conflicts, contradictions and/or overlapping among national and local institutions;
- Guidance on the implementation and enforcement of the MPA expansion, covering issues such as: restrictions on construction along the coast, introduction/amendment of tourism loads indicators, ban on fires, regulation of livestock pastures in the coastal lagoons and wetlands etc;
- Development of a guideline document on establishing financial mechanisms for the MCPA;
- The project will further support the MPA in the Karaburuni-Sazani locality including development of management and business plans;
- Creation of buffer zones for the existing coastal PAs and the new MPAs;
- Creation and support of the cross-sectoral forum on PA management with advisory function at Ministry level;

<sup>18</sup> [http://www.al.undp.org/content/albania/en/home/operations/projects/environment\\_and\\_energy/protecting-albania-s-marine-and-coastal-biodiversity/](http://www.al.undp.org/content/albania/en/home/operations/projects/environment_and_energy/protecting-albania-s-marine-and-coastal-biodiversity/)

<sup>17</sup> <http://www.ppnea.org/about.html>

— A system-level MCPA management effectiveness assessment for all coastal and marine PAs (METT).

So far the project has recently developed, among other things, a “Strategic Plan on Marine and Coastal Protected Areas that will inform coordinated decision-making for ecosystem-based spatial management, ensuring sustainable development while conserving and managing natural biodiversity and resources”.

## B. Networking

### ■ The MedPAN<sup>19</sup> Network of MPA Managers in the Mediterranean.

APAWA and the Directorate of Forests, Vlora district - MPA Karabuni are both partners of the MedPAN network.

#### MedPAN’s vision of the roadmap for 2020:

*“To achieve by 2020 a connected, ecologically representative, effectively managed and monitored network of Marine Protected Areas which ensures the long term conservation of the key components of the marine biodiversity and gives solid support to the sustainable development of the region.”*

Four strategic objectives for the roadmap 2020:

- Establish an ecological network of MPAs which is representative and connected
- Achieve effective, efficient and sustainable management and good governance in Mediterranean MPAs
- Develop territorially and sectorially integrated governance of Mediterranean MPAs while promoting the sharing of environmental and socio-economic benefits
- Increase the allocation of financial resources to establish and maintain an ecological network of effectively managed MPAs.

This roadmap is justified by the challenges still faced by the region regarding MPAs. Indeed, while countries are already committed, there is still a need for:

- A stronger political commitment,
- Further effort on a national level as well as greater cooperation, coordination and mutual assistance at Mediterranean level.
- New integrated management and governance approaches must be developed at all levels and translated into political commitments.

A note about the Adriatic Protected Areas Network (AdriaPAN)<sup>20</sup>, “a bottom-up initiative”, whose “aim is to make contacts between Protected Areas in the Adriatic easier, to improve their partnership effectiveness, both in management and planning activities. AdriaPAN is a growing network with great potential for joining efforts in environmental protection and sustainable development”. AdriaPAN is an integral part of the wider MedPAN.

<sup>19</sup> <http://www.medpan.org>

<sup>20</sup> <http://www.adriapan.org/index.php/en/home-en>

### Box 1:

#### Proposed Marine and Coastal Protected Areas

Source: “Strategic Plan for Marine and Coastal Protected Areas (SPMCPAs) – Plan Design & Development. Final draft version, April 2013. Prepared by INCA for MoEFWA and UNDP Albania. Appendix 5.

#### The Bay of Porto-Palermo



Porto Palermo bay, known as Panorma bay in ancient times, is situated southeast of Himara town, between the peninsula of Panorma and peninsula of Kavadon, on the Ionian Sea. Inside the bay there is an attractive rocky peninsula, which extends about 300 meters into the sea.

#### The area from Vjosa river mouth to Sazan and Karaburun (the entire Vlora Bay)

The area includes the Vlora Bay area from the western part of the Vjosa river mouth. The eastern coast of the Karaburuni peninsula starts from Pasha Limani up to Cape Karloveci bypassing capes Kallogjeri, Raguza, Sevasini, Shën Vasili, Gjatë, Dim Kushta and Shëngjani, including also the Orikumi lagoon.

#### The area from Cape Rodoni to Patoku lagoon

Rodoni Cape is a hill that separates the Erzeni watershed from the Ishmi river; the highest hill rises to 223 m in Likmetaj. The coastline, represented by Tortonian sandstone-clay banks, is an erosive area and generally barren. Terrestrial vegetation is dominated by Mediterranean macquis. The site includes several important habitats as per HD, as well as several species of conservation interests.

#### The coastal area from the Buna river mouth to Viluni lagoon

It is found in the northern part of the country and includes the marine and coastal part of the landscape protection area of the Buna river.





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#### ■ Albania is also member of the All, Adriatic-Ionian Initiative<sup>21</sup>

The All was originally founded with the aim of providing common and concerted solutions to shared problems, from fighting against organized criminality to the need to protect the natural environment of the Adriatic-Ionian Sea.

Many years after the establishment of the Adriatic-Ionian Initiative, its geopolitical environment has changed significantly. Particularly among the All Participating Countries, Slovenia entered the EU in 2004 and Croatia in 2013, while the other Adriatic-Ionian east side coastal countries (Albania, Bosnia and Herzegovina, Montenegro and Serbia), even if with different timeframes and conditions, are gradually approaching the EU within the Stabilization and Association Process framework, as a prelude to a future EU membership. Notwithstanding these changes, the reasons which had justified the establishment of the All still persist, and they have even become stronger over time.

#### Adriatic-Ionian Macroregion

The basic task of the Adriatic-Ionian Macroregion is to connect the territories; it includes promoting their sustainable development and, at the same time, protecting the fragile sea, coastal and inland environment.

The Macroregion is not a geographical region with pre-defined boundaries; it is a functional area, composed of national, regional, and local bodies coming together to tackle a number of shared issues. It involves territories in Albania, Bosnia-Herzegovina, Croatia, Greece, Italy, Montenegro, Serbia and Slovenia.

#### The National Ecological Network as part of the Pan-European Ecological Network (PEEN)

The Pan-European Ecological Network (PEEN) originated from the Pan-European Biological and Landscape Diversity Strategy (PEBLDS). It aims to link different European and national protected areas and ecological networks with the goal of ensuring a favorable conservation status for Europe's key ecosystems, habitats, species and landscapes.

Albania participated in the project carried out by the European Centre for Nature Conservation (ECNC) that produced for the first time an Indicative map of the PEEN for South-Eastern Europe. The map identified the core nature areas of European importance, existing corridors between these areas, and areas where new corridors could and should be established. However, this process is in its early stages of implementation in Albania.

#### Important Bird Areas (IBAs) in Albania

According to the study "Inventory of Wetlands in Albania" carried out by ECAT Tirana in cooperation with EKBY Greece, sites have been identified as IBAs for Albania.

Furthermore, their status towards designation as SPAs for birds, as per the provisions of the Birds Directive, has been prepared by the elaboration of the national legal framework with the approval of the law "On protection of wild fauna" in late 2008.

#### Emerald process

The identification of Areas of Special Conservation Interest (ASCIs) was carried out in the period 2002-2008 for Albania. As a result, 25 potential Emerald sites were identified and studied. The process of evaluation by the Council of Europe is ongoing.

#### EU Strategy for the Adriatic and Ionian Region (EUSAIR)<sup>22</sup>

At the time of writing this report, a public consultation on the EU Strategy for the Adriatic and Ionian Region (EUSAIR) had just been launched.

This public consultation aimed to reach relevant stakeholders and to gather their ideas in order to make sure that the Strategy is realistic in its starting point, appropriate in its objectives and responsive to the real needs of inhabitants of the Region. The overall objective of the EUSAIR is to promote sustainable economic and social prosperity of the Region through growth and jobs creation, by improving its attractiveness, competitiveness and connectivity, while at the same time preserving the environment and ensuring healthy and balanced marine and coastal ecosystems.

21 <http://www.aai-ps.org/>

22 [http://ec.europa.eu/regional\\_policy/consultation/eusair/index\\_en.cfm](http://ec.europa.eu/regional_policy/consultation/eusair/index_en.cfm)

## Part III

# Comments and recommendations for marine protected areas in Albania

As mentioned before, the first MPA, the Sazani Island–Karaburun Peninsula, was proclaimed in 2010, with the status of National Marine Park (IUCN category II) and covers an area of 12,570 ha. The proclamation of the first MPA should be considered as a step forward in strengthening and enlarging the protected areas system in Albania, which is one of the most important objectives of the Work Programme and Action Plans of the Ministry of Environment, Forests and Water Administration. Within this framework, the aim is for the protected areas to cover about 20% (currently about 16%) of the country's overall surface as a long-term objective.

### I. GENERAL COMMENTS AND RECOMMENDATIONS

The following comments and recommendations were drawn from the analysis of the legal and institutional framework as well as from discussions which arose during the national workshop organized in July 2013 (see Appendix 2).

Many of the recommendations for improving the existing legal and institutional framework for MPAs, as well as regarding some other priorities identified by the country, are based on general principles presented in 3 major documents:

- *Guidelines for Protected Areas Legislation* published in 2011 by the IUCN Environmental Law Centre<sup>23</sup>. Mainly Part III, Chapter 2: *Special issues for marine protected areas*.
- *Guidelines for Applying the IUCN Protected Area Management Categories to Marine Protected Areas* published in 2012 by the IUCN<sup>24</sup>.

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23 Lausche, Barbara. (2011). *Guidelines for Protected Areas Legislation*. IUCN, Gland, Switzerland. xxvi + 370 pp.

24 Day J., Dudley N., Hockings M., Holmes G., Laffoley D., Stolton S. & Wells S., 2012. *Guidelines for applying the IUCN Protected Area Management Categories to Marine Protected Areas*. Gland, Switzerland: IUCN. 36pp.

- *Best Practice Guidance on Recognising Protected Areas and Assigning Management Categories and Governance Types* published in 2013 by the IUCN WCPA<sup>25</sup>.

These principles are themselves supported by extensive IUCN experience in the field of legal and institutional country assessments regarding protected areas, as well as experience and good practices when applying IUCN management categories and analyzing governance models for PAs in general and MPAs in particular.

Moreover, as early as 2009, in view of the establishment of the first MPA in Albania, Milieu Ltd. was commissioned by UNDP Albania to produce a legal framework assessment for MPAs in Albania entitled *Marine Protected Area report*. The authors thus recommend also reading this report and in particular page 49 which summarizes the main findings of this assessment.

#### A. Legislation, policy and strategic planning

The national legislation under the umbrella of the Law on Protected Areas and the Law on Biodiversity Protection as well as the strategic document accompanying it, the National Biodiversity Strategy and Action Plan, elaborate on the issue of PAs.

The current definition of a protected area in Albanian legislation suggests that protected areas can be declared in the marine areas (Article 3 (1) of Law No.8906 on protected areas); "*Protected areas* shall be declared land, water, sea and coast territories assigned for protection of biodiversity, cultural and natural properties, co-accompanying, which are managed in legal manner and with scientific contemporary methods". Nevertheless, the Albanian legislation does not include a separate definition for MPAs.

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25 Dudley N. (Editor) (2008). *Guidelines for Applying Protected Area Management Categories*. Gland, Switzerland: IUCN. x + 86pp. with Stolton S., Shadie P. and Dudley N. (2013). **IUCN WCPA Best Practice Guidance on Recognising Protected Areas and Assigning Management Categories and Governance Types**, *Best Practice Protected Area Guidelines Series* No. 21, Gland, Switzerland: IUCN.

Participants in the national workshop, when asked about the necessity to develop a specific law for MPAs, answered that there was no need for a new law, beside the one on Protected Areas, but that decrees and orders of the Ministry in charge could indeed be considered for better enforcement and understanding of the existing legal framework.

This idea is supported by the fact that in Albania the implementation of the provisions of the laws are followed by by-laws that are drafted and which complete the legal basis for specific elements of nature. Marine and coastal habitats and species could be the subject of such documents.

The legal framework and national strategy could thus be *"tuned to the special threats, scientific knowledge and management challenges involved by MPAs"* as recommended by *IUCN Guidelines for Protected Areas Legislation*.

*"Today, scientists and policy experts alike recognize that MPAs require special legal consideration to address their distinct features. In response, states are increasingly enacting legislation to take into account the unique challenges of marine ecosystem management and conservation". Thus, "it is important to review aspects of the marine environment that present special challenges which need to be reflected, as appropriate, in legislation".*

*"A number of characteristics of marine ecosystems make them inherently different from terrestrial systems. These differences, it is now recognized, require special legislative treatment if the legal framework is to be effective in supporting marine and coastal protected areas."*

*The same approach is to be applied to policy. Indeed, "Policies on marine and coastal protected areas could emphasize general goals such as the following:*

- (a) Establish and maintain a network of marine and coastal protected areas (MCPAs) that is comprehensive and representative for the purpose of conserving the full range of marine habitats and ecosystems, giving priority protection to those which are rare or unique;*
- (b) Advance through national action the worldwide network of MCPAs;*
- (c) Promote regional cooperation on shared marine resources and important marine ecosystems;*
- (d) Provide for the continued social and economic well-being of people affected by the creation of MCPAs;*
- (e) Promote the use of a wide range of governance approaches for the management of MPAs."*

(Guidelines for Protected Areas Legislation, IUCN.)

Albania is a party to a considerable number of Multilateral Environmental Agreements and Conventions (see Appendix 1) which can serve the country as an opportunity but which also constitutes an obligation to create laws and policies for the establishment and protection of MPAs.

Already, a UNDP project recently developed a Strategic Plan on Marine and Coastal Protected Areas as mentioned previously in this document. This strategic plan is pending approval by the government.

Albania needs to ensure that the Protected Area system incorporates the following international environmental principles:

- Precautionary principle;
- Public participation and access to information;
- Recognition of local communities;
- Cultural values.

The NBSAP, as an obligation of the Convention of Biological Diversity, is a positive step towards harmonization with International conventions. The most significant progress achieved is the one on Protected Areas coverage in the country, which doubled in a 5-year period. The areas protected in 2012 reached about 15% of the country's territory. The NBSAP had proposed eight areas along the Albanian coast as potential areas for being proclaimed Marine Protected Areas.

The process of the country's accession to the EU has also worked as an important driving force in harmonizing with the EU Acquis and protecting different habitat types. The Natura 2000 network will provide further opportunities as well as more obligations.

*"In 2007, the Commission of the European Communities issued guidelines on how to implement the Directives with respect to the EEZ. The Guidelines for the establishment of the Natura 2000 network in the marine environment (EC, 2007), include discussion of different marine zones, legal aspects for implementing environmental legislation in the marine environment, marine habitats types, and how to locate and select marine Natura 2000 sites. Legal drafters in EU Member States should be familiar with these guidelines as background to formulating legal provisions for designating MPAs out to their EEZs in order to be in compliance with these Directives."* (Guidelines for Protected Areas Legislation, IUCN)

According to the Fourth National report to the United Nations Convention on Biological Diversity (December 2010, for the period August 2007-December 2010), Albanian national legislation is being intensively aligned with EU Directives on the environment, since the country is in the accession process to enter the EU. This serves as a driving force for Albania in the direction of environmental protection by improving its legal system and protecting its natural resources. The foremost challenge is the enforcement and control mechanism that would allow for implementation of the existing legal framework with respect to conservation and management of marine and coastal protected areas.

Moreover, participants in the workshop underlined that there was a strong need for less duplication and more harmonization of the legal framework. In addition, some texts are the responsibility of the parliament (environmental law) or the responsibility of a ministry (fisheries).

According to a report written by Milieu Ltd for UNDP Albania, *"Despite the existing international and European legal framework on MPAs, it remains a challenge for the country to incorporate this into national law and policy"* (Marine Protected Area Report Albania, final report, October 2009). This statement remains true in 2013.

These hurdles may lead Albania to quickly lose many assets in its biodiversity and natural habitats, including coastal and marine assets.

Regarding policy tools, the strategy for Tourism was drafted ten years ago. Participants in the workshop recognized that there is now a need for further analysis (gaps, information available), in particular regarding the impact on MPAs.

## B. Institutions

Although strengthened, the MoEFWA suffers from two major difficulties: (1) an inadequate staff to cover its expanding workload, and (2) a population that often does not understand why environmental protection constraints are placed upon its activities.

Indeed, all participants in the workshop agreed that the implementation of most international instruments is under the responsibility (in addition to the Ministry of Foreign Affairs) of the MoEFWA. There is certainly a need for reinforcement of the administration and expertise of the Ministry to cope with all the requirements of these instruments.

### IMOC

During the workshop, on several occasions, the IMOC put forward its willingness and capacities to help with regard to issues faced by MPAs, in particular law enforcement at sea and monitoring:

- The IMOC is available to support MPAs and could play an important role as it is in charge of the vessels monitoring system (Blue Box). This system is currently being financed until 2017 and developed with the private sector.
- As it has been recently established, other stakeholders are not aware of the fact that the IMOC has competencies regarding marine environment, fisheries and implementation of the protocol on ICZM (integrated coastal zone management).
- There may be some duplication that will need to be addressed, i.e. coast guards and armed force mandates for surveillance at sea.
- For the IMOC, the competence of the MoEFWA and local authorities is clear as far as terrestrial environment is concerned. On the other hand, it is less clear when it comes to the marine environment: maritime transport, tourism in MPAs, etc.

Therefore, mechanisms provided for interagency cooperation among main government agencies responsible for marine matters (e.g., marine conservation, fisheries, shipping, customs, etc.) would need improvement. It is therefore recommended to develop protocols of cooperation for MPAs.

## C. Management

Participants in the national workshop recognised that:

- Management could be delegated but this means a decentralized system towards regional/local levels. This so far doesn't exist. Decentralization is an option being consid-

ered but impossible to implement now within the existing legal framework: a new instrument is therefore needed.

- On the other hand, the law for fisheries accepts co-management.
- Efficiency of management needs to be increased. Who will manage the coastal and marine areas and more specifically the MPAs, with another question raised on the wetlands connected to the sea? The MoEFWA answered that a state agency could be needed for PAs with subsections such as marine, lagoon, coastal and terrestrial.

It is true that *“management experience with protected area categories for marine environments is much less developed than for terrestrial environments (...); experts acknowledge that there is less guidance and best practice available on how to apply the IUCN protected area categories to marine systems for management and regulation (...). In the past, many PA managers were of the view that MPAs should be either category I, II or III. As countries strive to meet global and national MPA targets, the conservation community is recognizing the growing need to use the full range of PA management categories to protect marine biodiversity.”* (Guidelines for Protected Areas Legislation, IUCN)

Participants informed the workshop that there is no survey for Natura 2000. The exercise is presently being tested. The MoEFWA agrees that Natura 2000 sites will be used for international declaration of sites.

The UNDP thinks that, as Albania is in a transitional period to enter the EU, the issue of Natura 2000 sites is URGENT and that there is a need for management plans.

Therefore, it is recommended that Albania might need to use guidelines to define the format of the management plans, the process for their revision, including the participation of all relevant stakeholders, as well as the selection of the members of the Management Committee, according to the categories of protected areas and the specificities of the region (activities, ecosystems, species, etc.).

The 6 categories of protected areas in Albania as described by the Law on Protected Areas are based on IUCN management categories for PAs. But as the report of Milieu on MPAs underlines, *“both the description of the areas and the related level of protection have been written with a strong terrestrial focus”*. Thus, management of MPAs would benefit from a reformulation in the legal instruments of definitions, intents of PAs (objectives) and the types of activities prohibited (level of protection).

Also, the management of marine protected areas can be complemented by existing legislation regulating fisheries activities (monitoring and control, co-management of fisheries communities, minimum protection measures, fisheries licences, etc.).

## D. Multi-stakeholders approach

Article 13.1 of the 2002 Law on Protected Areas prescribes a participative approach in the declaration of a protected area, and the Law on Biodiversity Protection further elaborates on the importance of participation. A participative approach

would also be needed in management and planning processes (i.e. zoning).

Public participation and a multi-stakeholders approach play a very important part in setting up environmental governance. In the long run, the raising of environmental awareness has proved to be a very positive step in nature and marine conservation in Albania, involving types of stakeholders other than the governing ones, sharing and communicating existing experience and knowledge in management issues among them. Thus, there is no doubt more participation of all stakeholders of MPAs will also prove positive, to solve conflicts of interest for example.

Moreover, *“in sharp contrast to most terrestrial issues, the diverse institutions with marine interests and activities have little tradition of coordination or little perceived need to collaborate. (...) Some mandates are outdated, or overlap, compete or leave gaps and uncertainty as to which agency should take the lead. This makes the need for institutional mechanisms for coordination and collaboration on matters related to MPAs all the more critical.”* (Guidelines for Protected Areas Legislation, IUCN)

On the basis of the status and role of respective non-governmental ecological organizations, Albania may choose to stimulate their activities and support them with a view to providing elements for the pursuit of the objectives of environmental protection.

In Albania, co-management for PAs does not exist. Thus, one recommendation would be to consider additional options for the delegation of management (NGOs, private entities, local communities) or co-management between public and private sectors as new models of governance. Indeed, participants in the workshop recognised that a participatory approach is not yet part of the culture in Albania where decision-making is very centralized.

This study following an institutional approach did not include the private sector in the stakeholder analysis. It is therefore recommended to undertake a thorough analysis of the stakeholders in the private sector.

## II. SPECIFIC COMMENTS AND RECOMMENDATIONS

During the national workshop, participants requested IUCN-Med to focus on some specific issues when writing recommendations in the framework of the present study: the NBSAP; the process for EIA; funding sources for MPAs.

### A. NBSAP

When and if Albania wishes to revise its NBSAP, the following recommendations could be made in order to support the country in the implementation of the Aichi target:

— Develop a specific section on the marine environment including the consideration of marine biodiversity (flora: algae and seagrasses; fauna: benthic and pelagic species with particular attention to fishes, marine turtles, marine mammals and seabirds), marine activities (tourism, fisher-

ies, pollution, traffic, others), marine spatial planning (in connection with land use planning in a context of Integrated coastal zone management) and management (including in particular marine protected areas and fishery reserves).

— Based on this section, identify the needs for improvement of the legislation and related institutional mechanisms to manage the marine and coastal environment more efficiently with strict coordination and collaboration between relevant marine and terrestrial administrations.

In relation to marine protected areas, a specific recommendation could be to develop a national strategy for marine protected areas (identification, selection, declaration and management of marine sites and marine biodiversity conservation), including fisheries reserves and red listing.

### B. Does MPA declaration need an EIA and SEA?

During the workshop, the MoEFWA informed participants that any public or private activity in PAs (and thus MPAs) needs an EIA (new decree), and UNDP representatives recognized that it could be considered as an UNDP gap, considering that the Law on PAs is not clear enough on this point.

An Environmental Impact Assessment (EIA) is an assessment of the possible impacts that a proposed project may have on the environment, consisting of the environmental, social and economic aspects. The purpose of the assessment is to ensure that decision-makers consider the impacts (environmental, social and economic) when deciding whether or not to proceed with a project.

Definition: *“The process of identifying, predicting, evaluating and mitigating the biophysical, social, economic and other relevant effects of development proposals prior to major decisions being taken and commitments made”.*

EIAs are unique in that they do not require adherence to a predetermined environmental outcome, but rather they require decision-makers to account for environmental values in their decisions and to justify those decisions in the light of detailed environmental studies and public participation and comments on the potential environmental impacts.

A Strategic Environmental Assessment (SEA) is a systematic decision support process, aiming to ensure that environmental and possibly other sustainability aspects are considered effectively in policy, plan and programme making.

In this context, following Fischer (2007), the SEA may be seen as:

- a structured, rigorous, participative, open and transparent environmental impact assessment (EIA) based process, applied particularly to plans and programmes, prepared by public planning authorities and at times private bodies,
- a participative, open and transparent, possibly non-EIA-based process, applied in a more flexible manner to policies prepared by public planning authorities and at times private bodies, or
- a flexible non-EIA based process, applied to legislative proposals and other policies, plans and programmes in political/cabinet decision-making.

An effective SEA works within a structured and tiered decision framework, aiming to support more effective and efficient decision-making for sustainable development and improved governance by providing for a substantive focus regarding questions, issues and alternatives to be considered in policy, plan and programme (PPP) making. The SEA is an evidence-based instrument, aiming to add scientific rigor to PPP making, by using suitable assessment methods and techniques.

Based on these two definitions, a legal instrument, national strategy or policy on MPAs needs an SEA within the government, while the declaration of an individual MPA needs an EIA with strong public participation.

### C. Financing sources for MPAs (see also Appendix IV)

During the workshop, the UNDP team stressed that, as Albania is in a transitional period to access the EU, the issue of Natura 2000 sites is URGENT and that there is a need for a management plan, adding that it could be a source of EU funding.

In general, regarding funding sources for MPAs:

- The UNDP remarked that “there is no provision regarding the funding of implementation in the law. A final draft for an Environmental Fund was done but the process is blocked because of a lack of political consensus”.
- The MoEFWA informed the workshop that “fines penalties are collected locally then go to central budget”.
- INCA (a key NGO) added that “donors fund in priority Protected Areas but results are limited. Take the example of the Prespa lake”.

The PA legal framework in Albania clearly needs improvement regarding financing tools for MPAs. A proper system to cover at least part of the basic needs such as enforcement and monitoring would need to be implemented. One recommendation would be to consider an EF or EPF.

Funding, in particular to finance the Environmental Fund, could come from the following sources:

- Amounts allocated in the state budget to subsidize the Fund.
- Grants and donations presented by national and foreign organizations for the purpose of protecting and promoting the environment.
- Fines levied and legal or agreed-upon compensation for any damage caused to the environment.
- Tax imposed on air travel tickets or visas (or a percentage) issued in the country.
- Financial returns from experimental projects undertaken.
- Amounts collected for services rendered to third parties.
- Fees for licenses issued by the Ministry for activities within protected areas.

A very useful publication for an overview of the possibilities for funding a protected area is *Funding Protected Area Con-*

*servation in the Wider Caribbean: A Guide for Managers and Conservation Organizations*, by Ruth Norris <sup>26</sup>.

The chart in Section III, pages 18 to 22, provides a schematic look at the possibilities, with comments about advantages, disadvantages and circumstances under which each one is most useful and appropriate.

Another option to consider is related to the potentialities in the future of the carbon market.

### What is an environmental fund or environmental protection fund?

An Environmental Fund (EF) or Environmental Protection Fund (EPF) is a fund established by Law within the country. Its goal is to stimulate investment in the environmental sector to support the government's environmental, social and economic policies. To realize this goal, the EPF provides financial assistance on a competitive basis for projects that benefit the environment. In addition, the EPF seeks to foster partnerships between the financial community and both the public and private business sectors to increase investment in environmental initiatives.

**Objective:** To provide financial assistance to implement environmental projects conforming to Environmental laws.

**Vision:** To encourage investment in the environmental sector by supporting environmental, social and economic policies required to achieve sustainable development.

In order to achieve environmental improvement, substantial investments need to be undertaken in the environmental sector. Investments are needed not only in the field of pollution control, but also in the development of environmentally friendly technology, the provision of environmental services and the establishment of sound environmental systems. This investment field has given rise to an innovative financial tool to stimulate environmental investment.

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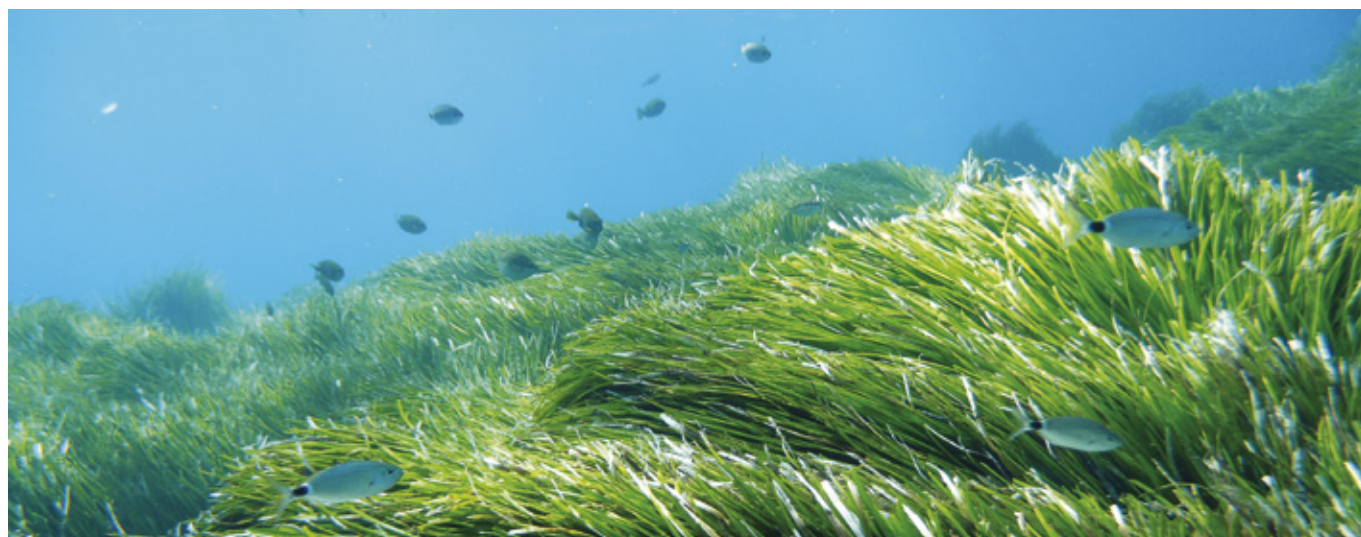
<sup>26</sup> [http://cep.unep.org/issues/Funding\(E\)-final.pdf](http://cep.unep.org/issues/Funding(E)-final.pdf)

## Appendix I

### International Conventions and Multilateral Agreements ratified by Albania, of interest for Marine Protected Areas

International level	United Nations Convention on the Law of the Sea, Montego Bay, 10 December 1982.	In force 6 November 1994, ratified on 23 June 2003
	Convention of Biological Diversity (CBD), Rio de Janeiro, 5 June 1992, entry into force: 29 December 1993	Albania is a party to the CBD since 5 January 1994 and ratified it on 10.11.1996
	Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar)	Came into force for Albania on 29 February 1996
	The World Heritage Convention	Ratified by Albania in 1979
	Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus, 1998)	Ratified by Albania in 2000
	CITES Convention on International Trade in Endangered Species of Wild Fauna and Flora (Washington, D.C., on 3 March 1973, amended in Bonn, on 22 June 1979)	Accession by Albania on 27 June 2003
	ESPOO Convention (Finland) "On Environmental Impact Assessment in a Transboundary Context."	Albania ratified the convention on 4 October 1991. It later ratified the amendments and protocol

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Regional level	Convention “On the Conservation of European Wildlife and Natural Habitats” (Bern Convention)	Ratified by the Albanian Parliament by the law “On the ratification of the “Convention on the conservation of European wildlife and natural habitats (Bern Convention)”, published in the Official Journal no.7, dated 4.4.1998 (page 251)
	Convention “On the conservation of migratory species of wild animals” (Bonn Convention) and its Agreements for Cetaceans (ACCOBAMS), European populations of bats (Eurobats) and conservation of African-Eurasian Migratory Water birds (AEWA)	Albania has acceded by law N° 8692, dated 16.11.2000 “On the accession of the Republic of Albania to the Bonn Convention “On the conservation of migratory species of wild animals” and agreements of this Convention”, published in the Official Journal 43, dated 13.11.2000 (page 1936)
	Convention for the Protection of the Mediterranean Sea against Pollution (Barcelona 1976)	<p>Accession by Albania on 30 May 1990 and the amendments were accepted on 26 July 2001. The protocol on Specially Protected Areas was accepted on 30 May 1990 and the Protocol on SPA and Biodiversity ratified on 26 July 2001. Moreover the following protocols and action plans were ratified by Albania:</p> <ul style="list-style-type: none"> <li>— Action Plan for the Protection of the Marine Environment and the Sustainable Development of the Coastal Areas of the Mediterranean (Mediterranean Action Plan or MAP Phase II) Date adopted: 10 June 1995 (Barcelona, Spain) - replacing the Mediterranean Action Plan (MAP) adopted in 1975.</li> <li>— Protocol for the Prevention and Elimination of Pollution in the Mediterranean Sea by Dumping from Ships and Aircraft or Incineration at Sea. Date adopted: 10 June 1995 (Barcelona, Spain).</li> <li>— Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources and Activities, Date adopted: 7 March 1996 (Siracusa, Italy).</li> <li>— Protocol for the Protection of the Mediterranean Sea against Pollution Resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil (Offshore Protocol). Date adopted: 14 October 1994 (Madrid, Spain).</li> <li>— Protocol on the Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and their Disposal (Hazardous Wastes Protocol). Date adopted: 1 October 1996 (Izmir, Turkey).</li> </ul>



## Appendix II

# Report of the National Workshop on MPAs held in Tirana, Albania, in July 2013 (available in English only)

The following is an extract of the "Report of the national consultation regarding Priority needs for legal, policy and institutional reforms to strengthen the creation processes and the management of marine protected areas in Eastern Adriatic", issued in September 2013.

### CONTEXT

In the framework of the activity entitled "Assessment of and support for Adriatic countries' priority needs for legal, policy and institutional reforms to strengthen the creation processes and the management of marine protected areas" of the the MedMPAnet Project – Regional Project for the Development of a Mediterranean Marine and Coastal Protected Areas (MPAs) Network through the boosting of MPA Creation and Management (<http://medmpanet.rac-spa.org/>), the Regional Activity Centre for Specially Protected Areas (UNEP/MAP – RAC/SPA) and the Center for Mediterranean Cooperation of the International Union for the Conservation of Nature (IUCN-Med) organized national workshops on MPAs' legal and institutional frameworks in Albania, Croatia and Montenegro.

According to the objectives set, a national consultation should have been conducted also in Bosnia and Herzegovina, but could not take place for the reasons communicated by IUCN-Med to the RAC/SPA. These events were held in the different countries on the following dates:

For Albania: preparatory meeting in Tirana in April 2012 and review meeting in Tirana in July 2013.

### OBJECTIVE

The objective of these workshops was to review with national stakeholders, experts and NGOs, the findings of the study conducted in the countries concerning the assessment of the Legal, Policy and Institutional Framework for MPAs, then to examine options for improving the declaration and management of marine protected areas, including participatory mechanisms.

Outputs of the national consultations carried out in the countries by means of those workshops will be used to finalize the more comprehensive country reports expected at the end of November 2013: *ALBANIA AND MARINE PROTECTED AREAS: Legal and Institutional framework assessment for conservation of coastal and marine biodiversity and the establishment of MPAs.*

### PARTICIPANTS

Representatives of the relevant ministries and national environmental agencies, MPA managers and public institutions in charge of MPA management (and if not specific to MPA, Protected Area), relevant bilateral or multilateral programme agencies, research institutes and academics, relevant NGOs and experts were invited. The three workshops were able to gather fifty two persons (see attendance lists below).

In Albania (47 invitations/24 participants):

1. Fatos Bundo, Ministry of Environment, Forest and Water Administration (MoEFWA)
2. Nihat Dragoti, Ministry of Environment, Forest and Water Administration (MoEFWA)
3. Elvana Ramaj, Ministry of Environment, Forest and Water Administration (MoEFWA)
4. Elvita Kabashi, The United Nations Development Programme (UNDP) in Albania
5. Violeta Zuna, The United Nations Development Programme (UNDP) in Albania
6. Eno Dodbiba, The United Nations Development Programme (UNDP) in Albania
7. Astrit Aliaj, Interministerial Maritime Operation Center (IMOC/QNOD), Durrës
8. Shefqet Bruka, Administrative Director, Interministerial Maritime Operation Center (IMOC/QNOD), Durrës

9. Arjan Cinari, Fishery Management Organization, Shkoder
10. Kujtim Onuzi, Albanian Geological Survey
11. Zamir Dedej, Institute of Nature Protection in Albania – INCA
12. Genti Kromidha, Institute of Nature Protection in Albania – INCA
13. Mirjan Topi, Protection and Preservation of Natural Environment in Albania (PPNEA)
14. Andrea Ghiurghi, IUCN Programme for South-Eastern Europe, Albania
15. Roland Kristo, Agriculture University, Fishery expert
16. Ermira Koçu-Deçka, Legal expert, Conservation and Sustainable Use of Biodiversity at Lakes Prespa, Ohrid and Shkodra/Skadar, National Coordinator, GIZ
17. Doreid Petoshati, UNDP MPA project, Vlore
18. Klodiana Gorica, University of Tirana, Faculty of Economy, Deputy Dean, Specialist in Tourism
19. Rigers Bakiu, Agricultural University of Tirana

The following participants indicated their willingness to join the meeting but were unable to attend.

20. Franka Paloka, Institute for Sustainable Development
21. Regional Environmental Center (REC)
22. Arduen Karagjozi, MoEFWA
23. Denis Grabocka, MoEFWA
24. Gezim Musabelli, MoEFWA

*Note for Albania: Due to general elections, it proved difficult to mobilize all key national stakeholders to review the findings of the study or even to participate in a national workshop. Although the SPA National Focal Point in Albania, Mr Pellumb Abeshi, of the MoEFWA, answered positively to IUCN-Med's request to organize a national workshop on MPAs, he did not attend the meeting personally, proposing that the event take place within the first ten days of July, and designating the INCA (national NGO, member of IUCN) as the focal point for the organization of the event.*

## AGENDAS

Each workshop lasted one day. All workshops followed the same general agenda. Topics covered during the workshops concerned:

1. The current status of the legal and policy framework as well as the institutional arrangements for MPAs
2. The existing system for stakeholders' participation in the identification, establishment and management of MPAs
3. The presentation of a general stakeholder participation toolkit
4. A priority needs diagnosis and options for improvement.

The time dedicated to each topic during the day was adapted to each country's requirements (for example, in Croatia, participants did not feel the need to spend much time on the stakeholder participation toolkit, while in Montenegro, the consultation process being more advanced, more effort was dedicated to the Priority needs diagnosis).

See Agenda of the workshop hereafter.

Agenda Albania, Tirana, 10 July 2013
09:30 - 09:45 Registration of participants
09:45 - 10:00 Opening: Presentation of the study and objectives of the workshop
10:00 - 10:30 Session 1 : Findings of the study (state of the art)
10:45 - 11:15 Questions and discussion
11:15 - 11:45 Coffee break
11:45 - 12:45 Session 2: Priority needs diagnosis
12:45 - 13:30 Questions and discussion
13:30 - 14:30 Lunch
14:30 - 15:15 Session 2: Recommendations on Priority needs diagnosis
15:15 - 16:00 Session 3: Stakeholder participation toolkit
16:00 - 16:20 Coffee Break
16:20 - 17:30 Conclusions
17:30 - 17:45 Closure of the workshop

## CONTENTS

The workshops were all facilitated by IUCN-Med, Alain Jeudy de Grissac.

Presentations were made which summarized the findings of the first phase of the study. The first phase was basically bibliographical research and brief analysis based on legal documents in order to draft a state-of-the-art appraisal. These findings had previously been sent for revision to all of the countries' National Focal Points for SPAs (in Albania: the General Director of Environmental Policies, Ministry of Environment, Forest and Water Administration) and some key national stakeholders (other governmental agencies and NGOs).

The following three working documents were distributed to the participants prior to all meetings for comments and review:

- Legal and Institutional country assessment for MPAs;
- Matrix summarizing the existing framework and identifying priority needs to improve the establishment and management of MPAs;
- General Stakeholder Participation Toolkit.

## COMMENTS OF WORKSHOPS' PARTICIPANTS ON THE WORKING DOCUMENTS

### In Albania:

*The following general comments were made by the participants during the workshops:*

In general regarding the document presented by IUCN-Med (legal and institutional frameworks for MPAs in Albania): the description of specific instruments such as the law on fisheries or the law on biodiversity protection needs to be improved, as well as the description of the main administrations such as fisheries, tourism and maritime traffic.

There are some projects for marine areas, draft strategy for MPAs under preparation, not adopted, but they could only serve as technical documents for reference.

The UNDP manages a project on MPAs, and apparently another report has been produced by a Belgian expert on shortcomings in MPAs, could be on the Internet site of the UNDP.

As it is a RAC/SPA initiative, recommendations could be made by the experts attending the meeting, then transferred to the SPA focal point, then the MPA focal point (Barcelona Convention) and funding could be identified for assistance with legal and institutional improvements related to MPAs. Another option is to simply review the documents and propose improvements on gaps, weaknesses and strengths, and let the government consider the proposals.

The Law on Fisheries (and aquaculture 64-2012) includes decision 400/22 concerning implementation of the EU decision of 2006 and in particular the control system for IUU (unreported and unregulated fishing).

Based on Law 64-2012, fisheries protected areas could be defined in the future and activities could be limited or prohibited.

MoEFWA: The law on protected areas includes zoning and sub-zoning.

Law for integrated management of waters 111/2012 in line with EU requirements.

There is a strong need for less duplication and more harmonization of the legal framework. In addition, some texts are the responsibility of the parliament (environmental law) or the responsibility of a ministry (fisheries).

All legal instruments need enforcement at all levels in the matter of MPAs and marine conservation; the IMOC is very important as it includes the vessel monitoring system as an option.

IMOC: important for MPAs, marine environment, fisheries and ICZM.

IMOC: Do they or can they have a role? Yes, but some duplications have to be identified with the coast guards mandate or the armed forces (navy or terrestrial mandates).

The IMOC is available to support MPAs. It is a recently established institution, thus other governmental institutions maybe aren't really aware of its competencies or of the role it could play. For the IMOC, the competence of the MoEFWA + local authorities is clear as far as land is concerned, whereas regarding marine environment it is not as clear: e.g. maritime transport? Tourism in marine environment? MPAs?

The IMOC blue box (vessel monitoring system) is financed until 2017 and developed with a private company.

10 years ago, the national strategy for tourism was drafted. There is a need for analysis, information is lacking, in particular on tourism in and around MPAs.

2011 NPE: the law needs improvement on wildlife species and Natura 2000, in line with progress of the EU process.

The Nature protection agency + Department of legislation + Research Institute (for biological research) are preparing proposals for PAs or MPAs that will be delivered to the Council of Ministers for their decision.

A national strategy for protected areas has been partly drafted and reviewed (objective 2020 could be approved soon).

The national plan in relation to the integration of Albania into the EU will include short and long term goals for MPAs; the strategic paper (produced within the framework of the UNDP project) includes 8 new MPAs.

When describing PPNEA: list the departments and their functions and indicate the management committee for protected areas.

Efficiency of management needs to be increased. Who will manage the coastal and marine areas, and more specifically the MPAs, with a question raised on the wetlands connected to the sea?

MoEFWA: a state agency could be needed for PAs with subsections such as marine, lagoon, coastal and terrestrial.

IMOC: no maps, no regulation documents, lack of awareness in particular of the movements of boats in MPAs. Safety is also the responsibility of the IMOC and there is a problem of competence on the sea to clarify, in particular with the Ministry of Tourism.

The MoEFWA indicates that they have good cooperation with the Ministry of Tourism, but not enough, they need reinforcement with the Directorate of Tourism.

Everybody could benefit from more information on PAs and MPAs and wetlands, but there is a limitation due to the lack of staff.

UNDP: there is no signalization in PA.

IMOC: who has the mandate for MPAs, environment or tourism? This need clarification, as they are all in internal waters.

→ MOE develops policy and standards.

→ Tourism delivers permits.

→ Inspectors are from the MOE, need to be specified.

Network for monitoring and control need to be defined, in particular in case of violation.

Tourism boats need to be equipped as per the EU directive, but this is not implemented and potentially dangerous, even if they have permits.

Implementation of the Maritime strategy directive will help in the future.

Lagoons connected to the sea, are they lagoons area, marine area or terrestrial areas? The best example could be Butrinti with multiplicity of competences, including archaeological department of Ministry of Culture.

More specific comments were done when discussing the matrix presented by IUCN-Med (see text highlighted in green):

Items for assessment	Status and planned changes	Priorities to consider
Protected Areas Generic Legal Framework	Protected Areas Generic Legal Framework	Protected Areas Generic Legal Framework
<p><b>1</b> Provide an overview of the country (economic situation, status of the natural resources and ecosystems, surface covered by the Marine Protected Area national system, etc...).</p>	<p>See doc. Albania has applied to enter the European Union, and is in the accession process (adaptation of national legislation)</p>	
<p><b>2</b> What are the primary protected area legal instruments?</p> <ul style="list-style-type: none"> <li>• Give the full title of each (if there is more than one) and the year adopted or issued.</li> <li>• Does the legal instrument govern the protected areas system overall (both terrestrial and marine protected areas), or is there a specific instrument for the marine protected areas system; explain</li> </ul>	<p>In Albania, the legislation to be considered for the marine environment and in particular the marine protected areas is as follows:</p> <p>Law for "Protected Areas" (8906 of 06.06.2002) amended by the Law "On some supplements and changes in law 8906 of 06.06.2002" (9868 / 04.02.2008)</p> <p>Law on "Biodiversity Protection" (9587 of 20.07.2006)</p> <p>Law on "Fishery and Aquaculture" (7908 / 05.03.1995), revised in 2012 as the Law on "Fisheries" (64/2012 of 31.05.2012)</p> <p>Law on "Protection of Marine Environment from Pollution and Damage" (8905 / 06.06.2002)</p> <p>Recent changes can be noted in most of the texts. There is no specific instrument for Marine Protected Areas, being considered as protected areas.</p>	<p>Is there a need for additional changes in the existing texts or for a better understanding through application Decrees? <b>YES, no new law but decrees and orders of the ministries in charge for better enforcement and understanding</b></p> <p>Is there a need for a specific mention of marine protected areas? <b>YES</b></p>
<p><b>3</b> Identify the level of government that enacted the instrument (national parliament, sub-national parliament, ministerial level, etc.)</p>	<p>Adopted by the parliament, national application</p>	<p>The declaration of MPA is supported by the MoEFWA while an MPA for fisheries could be declared by decree of the law for fisheries (64/2012) or by order of the minister</p>
<p><b>4</b> Identify the Minister or other policy level body with overall powers for implementation of the PA instrument.</p>	<p>The Ministry of Environment, Forestry and Water Administration (MoEFWA), including also the fishery</p>	<p>IMOC to be added and its mandate clarified</p>

5	Identify any specialized protected areas agency/department responsible for daily implementation/oversight of the protected areas system (both terrestrial and marine PAs or only MPA)?	<p>The Ministry structure includes the following Directorates:</p> <ul style="list-style-type: none"> <li>— Directorate of Environmental Protection Policy</li> <li>— Agency for Environment with national and regional branches</li> </ul> <p>Directorate of Environment  Directorate of Forestry and pastures?  Directorate of Water?  Directorate of Fisheries</p> <p>Inspectorates for fisheries, environment?</p> <p>Control and enforcement at sea (and therefore in marine protected areas) seems to be the responsibility of the IMOC, this administration being Inter-institutional (and potentially under the Prime Minister, to be confirmed)</p>	Need for clarification, including mandates of the different directorates and inspectorates, in particular their roles and functions in relation to marine environment management, research, monitoring, control and enforcement.
<b>Scope of legal framework</b>			
6	<p>Does the legal framework for the PA system recognize governance and management options?</p> <ul style="list-style-type: none"> <li>• Centralized approach where the protected area is entirely publicly 'state' owned property and managed by government at national level;</li> <li>• Decentralized approach where management of public land may be delegated to provincial/state or local government units;</li> <li>• Public/private partnership through a co-management arrangement between the government and other stakeholder(s), including communities;</li> <li>• Private management: protected areas are owned and voluntarily managed by private sector entities (Private Protected Areas [PPAs], both non-profit and for-profit);</li> <li>• Management by the indigenous peoples and local communities.</li> </ul>	<p>Centralized approach, and, Delegation of management, control and enforcement to the regional and local level</p>	<p>Is it interesting to consider additional options for delegation of management (ONGs, private, local communities) or co-management between the public and private sectors?</p> <p style="color: green;">Management could be delegated but this means decentralized system towards regional/local. This so far doesn't exist. Decentralization is an option considered but impossible to implement now within the existing legal framework: new instrument needed.</p> <p style="color: green;">On the other hand, the law for fisheries accepts co-management</p>
<b>Marine Protected Areas Policy</b>			
7	Does the legal instrument identify a marine protected areas policy, goals and objectives by which the area(s) should be established and managed; explain.	Not specifically, they are considered as protected areas and follow the same administrative rules	Is there a need for specific recognition of marine protected areas or marine and coastal protected areas based on a specific decree or other legal instrument? <span style="color: green;">NO</span>
8	Are there other policy documents referenced in the legal instrument as part of the policy framework for the system or site – e.g., national biodiversity strategy; national sustainable development strategy, etc? Specify.	<p>The NBSAP (within the framework of the CBD) has been approved and is implemented. This instrument does not explicitly quote MPAs but consider them as PAs.</p> <p style="color: green;">More analysis needed in the document.</p>	

9	<p>Are there legal provisions in the PA system referencing other international law commitments (e.g. CBD) or regional agreements (e.g. Barcelona Convention) as policy and objectives for the protected areas system or site? If so, specify.</p>	<p>The NBSAP has been developed as per the requirements of the CBD.</p> <p>Being a Contracting Party to the Barcelona Convention, Albania is bound by the SPA and biodiversity protocol.</p> <p>Albania is also Party to the Law of the Sea, Ramsar Convention, World heritage Convention, GFCM, etc.</p> <p>More analysis needed in the document.</p>	<p>The implementation of most of these instruments is under the responsibility (in addition to the Ministry of Foreign Affairs) of the MoEFWA. There is certainly a need of reinforcement of the administration and expertise of the Ministry to cope with all the requirements of these instruments.</p> <p>The participants agree.</p> <p>Who report to the different conventions:</p> <p>RAMSAR → MoEFWA</p> <p>CBD → MoEFWA</p> <p>GFCM → MoEFWA+fisheries</p>
10	<p>Does the PA system incorporate the following international environmental principles?</p> <ul style="list-style-type: none"> <li>• Precautionary Principle.</li> <li>• Public participation and access to information. Does the protected areas legal instrument or other established legal or administrative practice provide for (public consultation, access to information, right to review proposals for establishing protected areas)</li> <li>• Recognition of local communities and indigenous peoples. Are there any (special policy provisions recognizing rights or status of local communities or, in countries where this applies, indigenous peoples rights)</li> <li>• Cultural values.</li> </ul>	<p>Being part of the CBD, the precautionary principle is included in the national system.</p> <p>Public participation and access to information are not properly identified in the different legal texts and not properly implemented.</p> <p>Local communities and cultural values are recognized in the World Heritage Convention to which Albania is Party.</p>	<p>Include formally all these principles in the relevant law on protected areas and in particular marine protected areas</p>
<b>Objectives</b>			<b>Objectives</b>
11	<p>Is the legal instrument explicit about objectives for the protected areas system, and if so, provide the language.</p>	<p>The Law for "Protected Areas" (8906 / 06.06.2002 amended by 9868 / 04.02.2008) sets the framework for the proclamation, administration management and sustainable use of protected zones and natural biological resources and provides the basis for the development and mitigation of environmental tourism and other economic benefits<sup>27</sup>. This law, which was amended in 2008, aims at the declaration, preservation, administrations, management and usage of protected areas and their natural and biological resources.</p>	<p>Is it necessary to define specifically marine protected areas or to specify the objectives of MPAs? <b>NO</b></p>
12	<p>Indicate if there is explicit language that the primary objective of protected areas is conservation, and if so, provide the language.</p>	<p>See previous</p>	<p>See previous</p>

<sup>27</sup> Zuna *et al.*, 2010.

Definitions		Definitions	Definitions
13	<p>Is there a definition in the legal instrument for the term "protected area", and if so please provide.</p> <ul style="list-style-type: none"> <li>Is this definition consistent with the IUCN definition?<sup>28</sup></li> <li>Is the term 'marine protected area' defined in the legal instrument; if so, give language</li> </ul>	<p>According to the law on Protected Areas, the definition is that "protected areas are set to provide the preservation and regeneration of natural habitats, llojes, natural reserves and, landscapes".</p> <p>Yes, in the same law, the IUCN Management Categories for protected areas are quoted as the national reference.</p>	
14	<p>Does the legal instrument define different management categories of protected areas by conservation objective (national parks, marine protected areas, habitat conservation areas, cultural sites, etc.), and, if so, please provide</p> <ul style="list-style-type: none"> <li>Are any of the IUCN management categories applied to marine protected areas; explain.</li> </ul>	<p>The first marine protected area of Albania, the Sazani Island – Karaburuni Peninsula, was proclaimed in 2010, with the status of National Marine Park (IUCN category II)</p>	
Institutional Arrangements		Institutional Arrangements	Institutional Arrangements
15	<p>Who has authority to establish the marine protected area(s), is that authority identified in a legal instrument; explain.</p>	<p>The MoEFWA is the relevant authority for declaration</p>	<p>The declaration of MPA is supported by the MoEFWA while an MPA for fisheries could be declared by an application decree of the law for fisheries (64/2012) or by order of the minister</p>
16	<p>Does the legal framework provide for other entities to have responsibility for management functions? If so, provide details.</p> <p>Are mechanisms provided for interagency cooperation among main government agencies responsible for marine matters (e.g., marine conservation, fisheries, shipping, customs, etc.); explain.</p>	<p>Regional or local delegation for the management</p>	<p>Delegation and co-management could be envisaged</p>
17	<p>Are mechanisms provided for interagency cooperation among main government agencies responsible for marine matters (e.g., marine conservation, fisheries, shipping, customs, etc.); explain.</p>	<p>To check → YES</p>	<p>Need more links between administration, in particular for management, monitoring and enforcement</p>

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<sup>28</sup> A protected area is a clearly defined geographical space, recognized, dedicated and managed, through legal or other effective means, to achieve the long term conservation of nature with associated ecosystem services and cultural values. (IUCN Definition 2008).

	MPA System Planning	MPA System Planning	MPA System Planning
<p><b>18</b></p>	<p>Does the legal framework for marine protected areas require preparation of a plan for the protected areas system to guide its development and management? and if so, please indicate:</p> <ul style="list-style-type: none"> <li>• What are the general purposes and content of a plan;</li> <li>• Who or which entity is responsible for preparing, maintaining and using the plan.</li> <li>• What are the key elements that should be taken into account when adding new protected areas to the system (e.g., representativeness, uniqueness, international compliance, supporting essential ecological processes or biodiversity, etc.)</li> <li>• Is there a requirement for periodic review and assessment of the system plan with respect to overall goals and objectives of the protected area system; explain</li> </ul>	<p>A plan for marine and Coastal protected Areas is under preparation.</p> <p>A document (diagnostic) for identification of potential marine protected areas was developed.</p> <p>The country is planning to respect the recommendations of the CBD and the Aichi targets.</p> <p>Is there a review and assessment mechanism of the MPAs development plan?</p>	<p>Is it interesting to develop a national strategy for MPAs, Natura 2000 marine sites, and other marine sites such as the marine protected areas for fisheries recommended by FAO and GFCM?</p> <p>Does the country need to develop a review and assessment mechanism that could be similar to the one for SPAMI (RAC/SPA, Barcelona Convention)?</p>
<p><b>19</b></p>	<p>Does the legal framework for marine protected areas authorize or provide for:</p> <ul style="list-style-type: none"> <li>• zoning,</li> <li>• no-take zones,</li> <li>• strictly protected zones,</li> <li>• marine science research by permit,</li> <li>• Environmental monitoring.</li> </ul>	<p>No specific quote and definition of marine protected area zoning system,. There is a need for precisions on marine research and on the monitoring system.</p>	<p>A technical document on zoning, research and monitoring could be prepared and serve as reference for the national network of marine protected areas.</p>
<p><b>20</b></p>	<p>Are there special requirements for how boundaries are defined for a marine area as a whole and any zones within the area; is there a requirement for stakeholder or local community consultation in setting the boundaries; explain.</p>	<p>No requirement for boundaries definition, Implication of local communities and stakeholders is not clearly defined in the legislation.</p>	<p>Improve the definition requirements for boundaries</p> <p>Improve the public participation mechanisms (definition of the mechanism for MPAs in a technical document)</p>
<p><b>21</b></p>	<p>Are there provisions authorizing the designation of buffer zones for marine protected areas or conservation corridors between marine areas; explain.</p>	<p>Not explicit</p>	



Establishment, amendment, abolishment of MPAs		Establishment, amendment, abolishment of MPAs		Establishment, amendment, abolishment of MPAs	
22	<p>Who has the authority to establish, amend, and abolish a protected area?</p> <p>Are these powers all held by the same authority? If the same authority does not have all three powers, identify who is the authority for the different powers, and explain why these powers have been divided.</p>	<p>Establishment is under the MoEFWA, amendment and abolishment are not explicit in the texts.</p>		<p>Is it necessary to consider the amendment of the Law on Protected Areas accordingly?</p>	
23	<p>What is the procedure for establishing, amending or abolishing a protected area?</p>	<p>Same comment</p>		<p>Same comment</p>	
Finance		Finance		Finance	
24	<p>Does the protected area legal framework authorize special financing tools for the marine protected area system?</p>	<p>Apparently (to be confirmed), there is limited funding from the Government to Protected Areas, and projects are assisting in their definition, selection, declaration and management. New sources of funding have to be identified and perhaps included in the LPA legislation, such as the creation of an Environmental Protection Fund, receiving donations but more important fines resulting of environmental prosecutions for illegal behavior or damage. Revenues from tourism (foreign and/or national) could be envisaged.</p>		<p>Need improvement, a proper system to cover at least part of the basic needs such as management, enforcement and monitoring.</p>	
Management Plan		Management Plan		Management Plan	
25	<p>Is there a requirement for a management plan; if so, describe the provisions Including:</p> <ul style="list-style-type: none"> <li>provisions on the required content of the plan, possibility of zoning for different classifications and conservation purposes</li> <li>procedures for the preparation of the plan (circulation and consultation among scientific and technical bodies inside and outside of government; requirements and procedures for public and stakeholder participation)</li> <li>Authority(ies) responsible for implementing the management plan (co-management agreements with other authorities)</li> </ul>	<p>The MoEFWA is responsible for the preparation of the management plan, to be incorporated in governmental policies.</p> <p>The management plan implementation is delegated to a management committee, set-up at the local level with all relevant stakeholders.</p>		<p>Is it necessary to prepare technical documents on the format of the management plan, on its revision, including the, participation of all relevant stakeholders, as well as the selection of the members of the Management Committee, according to the categories of protected area and the specificities of the region (activities, ecosystems, llojes...).</p>	

Environmental Impact Assessment (EIA)	Environmental Impact Assessment (EIA)	Environmental Impact Assessment (EIA)	Environmental Impact Assessment (EIA)
<p><b>26</b></p>	<p>Does the protected areas legal framework require environmental impact assessment (EIA) for any proposed project or activity, public or private, where there may be significant environmental impacts to the protected area, and if so, explain, including any procedures or specific requirements that may be specified, including for preparation, review, public comment, decision-making authority, and appeal.</p>	<p>Not specifically, but projects that could impact on nature conservation are subject to EIA</p>	<p>Considering that the declaration of a Marine protected Area is a project, even if developed by the Government, it could be subject to an EIA, in particular for its social and economic impacts on the local population.</p> <p>MoEFWA: "any public or private activity in PA (thus MPA) needs an EIA (new decree)"</p> <p>UNDP: "could be considered UNDP gaps". " Law on PA not clear enough on this point".</p> <p>General EIA then detailed EIA?</p> <p>IUCN should write a box in the document describing EIA general process</p>
Other	Other	Other	Other
<p><b>27</b></p>	<p>If applicable, identify and discuss other legal instruments (e.g. in fisheries, tourism, etc) which provide authority for some form of protection, whether partial or full, of specific sites, ecosystems, or Ilojes habitats; indicate their potential impact on the protected areas legal framework and, as relevant, how the various instruments are or should be harmonized, networked, or coordinated.</p> <p>Indicate any other special features unique to the marine protected areas legal framework, e.g., part of a large marine ecosystem project, part of a transboundary marine protected area, , specific Ilojes protection, special status under international law (e.g., IMO, World Heritage Site, etc.).</p>	<p>Need additional work to identify gaps, conflict between legislations, conflicts between mandates of administration, etc. Need a section on capacity building</p> <p>Need specific comments during the meeting.</p> <p>Need a specific section on financing MPAs</p>	<p>All these points and others to debate during the meeting</p> <p>Participatory approach: no yet part of the culture in Albania where decision is very centralized.</p> <p>There's no survey for Natura 2000. Natura 2000-marine: "emerald network". The exercise is presently being tested. The MoEFWA agrees that Natura 2000 sites will be used for international declaration of sites.</p> <p>UNDP thinks that Albania being in a transitory period to access EU, the issue of Natura 2000 sites is URGENT and that there's a need for management plan. They add: could be a source of EU funding.</p> <p>Funding sources for MPAs:</p> <p>UNDP says "there's no provision regarding the funding of implementation in the law. A final draft for Environmental Fund was done but the process is blocked because of lack of political, consensus. Maybe this will change with new elected government (summer 2013)".</p> <p>MoEFWA says "fines penalties are collected locally then go to central budget".</p> <p>INCA (NGO) says "donors fund in priority Protected Areas but results are limited. Take the example of the Prespa lake."</p>

## CONCLUSIONS and NEXT STEPS

### For Albania

General and specific comments made by participants in the workshop on the working documents (legal and institutional assessment for MPAs+Matrix for priority needs diagnosis), should be included in the country report. In particular regarding the document presented by IUCN-Med (legal and institutional frameworks for MPAs in Albania): the description of specific instruments such as the law on fisheries or the law on nature protection needs to be improved, as well as the description of the main administrations such as fisheries, tourism and maritime traffic.

Participants also asked IUCN-Med to draft two more contents:

- A box in the country report describing the general process for EIA
- A brief note on the role and function of a national environment fund.

Next step: once all comments are included in the document, and the two contents prepared, the IUCN is to send the draft of the country report for revision to all participants of the workshop for final inputs or correction.

The final version will be then translated in Albanian and revised by National SPA Focal Point.

Next step: IUCN should identify translator. Possibly interpreters of the workshop as they proposed.

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## Appendix III

# IUCN definition and management categories for protected areas

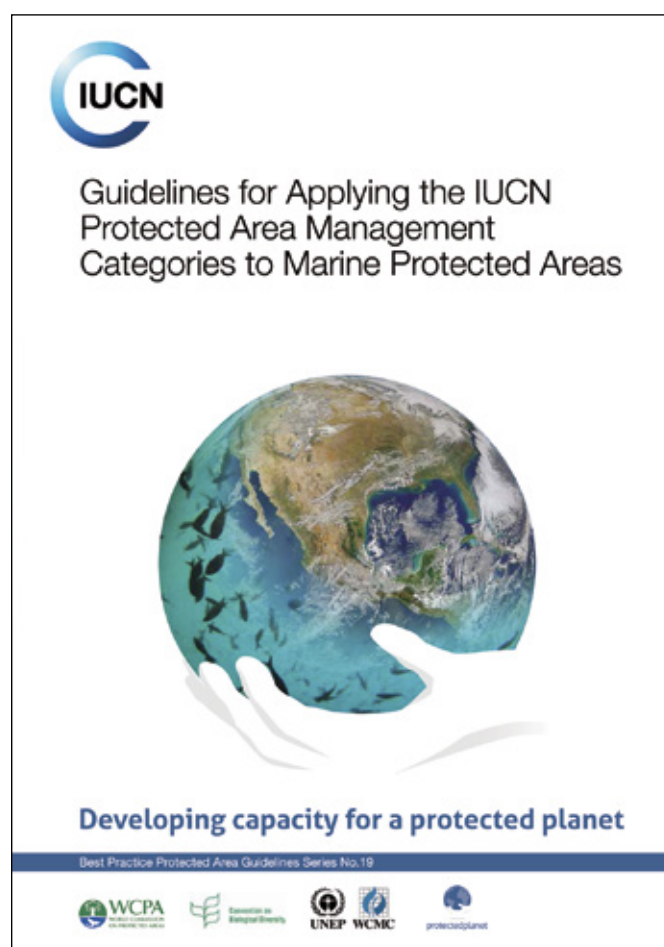
The IUCN definition and categories of PAs apply to both terrestrial and marine protected areas.

According to the IUCN, a protected area is: “A clearly defined geographical space, recognized, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values”.

In applying the categories system, the first step is to determine whether or not the site meets this definition and the second step is to decide on the most suitable category. The appropriate IUCN category is assigned based on the primary stated management objective of the MPA (which must apply to at least 75% of the MPA).

Protected areas in the world have different designations, and are managed with different objectives. In order to facilitate their organization and foster the use of a common standard at international level, the IUCN designed a global categorization system. The system adopted by the members of the IUCN in 1994 recognizes six categories assigned according to the management objectives of the PAs<sup>29</sup>. The definition of these categories by management objective was elaborated in the 2008 IUCN-WCPA guidelines for applying protected area management categories<sup>30</sup>. The table next page gathers those definitions<sup>31</sup>.

The authors of the present document suggest the reading of the *Guidelines for applying the IUCN Protected Area Management Categories to Marine Protected Areas*. Day J., Dudley N., Hockings M., Holmes G., Laffoley D., Stolton S. & S. Wells, 2012. Gland, Switzerland:IUCN.



[https://cmsdata.iucn.org/downloads/iucn\\_categoriesamp\\_eng.pdf](https://cmsdata.iucn.org/downloads/iucn_categoriesamp_eng.pdf)

29 IUCN-WCPA. 1994. *Guidelines for Protected Area Management Categories*. IUCN and WCMC, Gland, CH.

30 Dudley, N. (Editor) (2008). *Guidelines for Applying Protected Area Management Categories*. Gland, Switzerland: IUCN. x + 86pp.

31 Lausche, Barbara. (2011). *Guidelines for Protected Areas Legislation*. IUCN, Gland, Switzerland. Xxvi+370 pp.

Category	Definition by management objectives
Category I a: Strict nature reserve	Strictly protected areas set aside to protect biodiversity and also possibly geological or landform features, where human visitation, use and impacts are strictly controlled and limited to ensure protection of conservation values. Such protected areas may serve as indispensable reference areas for scientific research and monitoring.
Category I b: Wilderness area	Protected areas are usually large unmodified or slightly modified areas, retaining their natural character and influence without permanent or significant human habitation, which are protected and managed so as to preserve their natural condition.
Category II: National park	Protected areas are large natural or near-natural areas, set aside to protect large-scale ecological processes along with the complement of species and ecosystems characteristic of the area, which also provide a foundation for environmentally and culturally compatible spiritual, scientific, educational, recreational and visitor opportunities.
Category III: Natural monument or feature	Protected areas are set aside to protect a specific natural monument, which can be a landform, sea mount, submarine cavern, geological feature such as a cave or even a living feature such as an ancient grove. They are generally quite small protected areas and often have high visitor value.
Category IV: Habitat/species management area	Protected areas aim to protect particular species or habitats, and management reflects this priority. Many category IV protected areas will need regular, active interventions to address the requirements of particular species or to maintain habitats, but this is not a requirement of the category.
Category V: Protected landscape/seascape	A protected area where the interaction of people and nature over time has produced an area of distinct character with significant ecological, biological, cultural and scenic value, and where safeguarding the integrity of this interaction is vital to protecting and sustaining the area and its associated nature conservation and other values.
Category VI: Protected area with sustainable use of natural resources	Protected areas that conserve ecosystems and habitats, together with associated cultural values and traditional natural resource management systems. They are generally large, with most of the area in a natural condition, where a proportion is under sustainable natural resource management and where low-level non-industrial use of natural resources compatible with nature conservation is seen as one of the main aims of the area.

# Appendix IV

## Case study, the existing EPF for Egypt

### Who can benefit from the EPF?

The EPF provides financial support both to projects that return a financial profit, as well as those that are non-profit. All kinds of organizations may apply to the EPF for funding provided that they are legally registered and allowed to undertake the proposed project. These include public and private sector businesses, educational and academic institutions, non-governmental organizations, as well as government institutions and agencies. In all cases, applicants must be willing to provide a share of total project costs as it is the EPF's policy not to provide 100% of project financing, and they must demonstrate their capability, both financial and technical, to undertake the proposed project.

### What kind of projects will be considered for funding?

General EPF guidelines for projects under consideration are:

- Projects that address severe environmental problems in need of urgent solutions.
- Projects that benefit a large number of people.
- Replicable projects.
- Projects that have been studied and are ready for implementation.
- Projects that fulfill sustainable development objectives. e.g. employment generation and poverty alleviation, based on cooperation between various agencies/sectors of society.

Every year the EPF issues a plan detailing financial support programmes offered for that year. The plan specifies areas of focus based on environmental priorities, as well as the types of financial assistance that will be provided.

### What kind of financial support can the EPF provide?

The EPF is capable of providing financial support using a number of different mechanisms:

- Grants are offered to support the projects of governmental agencies, NGOs, universities and research centres on

condition that the projects are applicable and not purely research.

- Soft loans
- Financial support is provided in accordance with defined guidelines and conditions enumerated in the Support Program.

### Cooperation with Banks

The grants deal will be received through withdrawn checks from the Fund's account at the Central Bank.

One of the Fund's objectives is to stimulate other sources to participate in the financing of environmental investments. This objective is both strategic and practical. On a strategic level, to fulfil its role as an evolving, transitional financing instrument, the Fund must foster the development of other sources and mechanisms of environmental finance so as to better establish the 'Polluter Pays' Principle as a norm and to contribute to the longer-term goal of sustainable development. On a more immediate practical level, given the Fund's limited resources, it needs to leverage additional funds to meet its annual investment objectives.

The Fund's current financing policies and mechanisms are designed to leverage the involvement of other financing sources. As a general rule the Fund will not finance 100 percent of project costs; applicants must therefore secure co-financing from other sources, including their own funds. In providing interest rate subsidies, the Fund is purposely encouraging applicants to seek and obtain finance from other sources, typically commercial banks or other lending institutions. Hence, interest rate subsidies directly contribute to the engagement of capital markets in the financing of environmental investments. In this way, the Fund hopes to increase the involvement of the private sector and its financial resources in the field of environmental protection.

In the case of interest rate subsidies, the EPF collaborates with banks that offer loans for environmental investment projects. The terms and conditions of this collaboration are specified in detailed agreements between the Fund and the bank.



The collaborating bank will evaluate the project application to determine the creditworthiness of the project holder in accordance with the agreement with the Fund. In the event the bank approves the loan for the selected project, the Fund will cover the interest rate subsidy on the loan in accordance with conditions agreed upon with the participating bank.

For projects that have already obtained the bank's approval for a loan and the Fund's approval of the project, the Fund will transfer funds to the lending bank in accordance with loan conditions.

The EPF signed several agreements with the largest banks in the country to enhance this relationship with banks. This will support projects selected by the Fund for the interest rate subsidy program. In addition, the bank will draw the Fund's attention to other environmental projects that have applied for loans.

### **How does the EPF work?**

The Environmental Protection Fund offers financing for projects on a competitive basis. Proposed projects are evaluated based on a number of criteria (environmental merit, financial viability, thoroughness of design and preparation, capability of the applicant, conformity with environmental priorities for the year, etc.) and the best projects are selected for funding. The application evaluation and selection procedures are designed to provide maximum clarity and speed for applicants and are carried out according to predefined project cycle procedures.

The project cycle is composed of the following steps:

- At the start of each fiscal year, the EPF announces its annual plan and the financial support programmes offered for that year by means of a publicity campaign designed to familiarize potential applicants with EPF programmes.
- Applicants interested in securing funding fill out and submit an Application Support Form to the EPF, which has an overview of the project, the applicant, the requested level of funding.
- EPF staff reviews the submitted application forms and informs applicants whether or not their projects are eligible for EPF funding.
- The EPF's Fund Management Committee convenes to review the eligible forms and select projects according to the criteria announced in the annual plan.
- The seven members appointed by the Fund Management Committee are appointed by Ministerial decree for a two year period. Committee members include two senior executives, an EPF manager (who acts as treasurer) and three external environmental specialists.
- Projects selected by the Fund Management Committee sign agreements with the EPF, partner banks etc., and disbursement of funds is based on schedules detailed in the signed contracts.
- The EPF conducts continuous monitoring and evaluation of on-going projects to ensure adherence to the terms of the contract and successful implementation of the project.





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