

Albania and Marine Protected Areas

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

2014

The designation of geographical entities in this book, and the presentation of the material, do not imply the expression of any opinion whatsoever

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**PART I – LEGAL AND INSTITUTIONAL FRAMEWORK
FOR MARINE PROTECTED AREAS IN ALBANIA** 14

**I. Legal and policy framework
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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 Protot PREC

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.

Our thanks go first to the **Ministry of Environment, Forest and Water Administration of Albania** and in particular to Prof. Dr Pellumb Abeshi, General Director of Environment, for his continued support and collaboration.



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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) as part of the Strategic Partnership for the Mediterranean Sea Large Marine Ecosystem "MedPartnership"¹ (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 Under-

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



Himara Bay © INCA.



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.

Items for assessment	
Marine Protected Areas Generic Legal Framework	
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"> • Give the full title of each (if there is more than one) and the year adopted or issued. • 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.
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?)
Scope of legal framework	
6	Does the legal framework for the PA system recognize governance and management options? <ul style="list-style-type: none"> •

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"> • Precautionary Principle • 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)? • 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)? • Cultural values.
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"> • Is this definition consistent with the IUCN definition?⁶ • Is the term "marine protected area" defined in the legal instrument if so, give language.
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"> • Are any of the IUCN management categories applied to marine protected areas? Explain.
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.

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"> • What are the general purposes and content of the plan; • Who or which entity is responsible for preparing, maintaining and using the plan. • 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.). • 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.
19	<p>Does the legal framework for marine protected areas authorize or provide for:</p> <ul style="list-style-type: none"> • zoning, • no-take zones, • strictly protected zones, • marine science research by permit, • environmental monitoring?
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>Ae.579 2undaries? Explain.</p>

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

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

ronmental permits), environmental monitoring, environmental

— 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”⁹ (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

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)¹¹

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

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

B.2. Management plan

Management plans for protected areas are described in the

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 institu-

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)¹⁷.

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

- 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 MedPAN¹⁹ 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:

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 envi9(o)-4.8(n)1.7(n)0.5(e)-3.5(e).7(n 04F57A(n M)7 -gs)-1.4009R82-2.0(s)1.8b2.

■ Albania is also member of the All,
Adriatic-Ionian Initiative²¹

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.

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.

— *Best Practice Guidance on Recognising Protected Areas and Assigning Management Categories and Governance Types* published in 2013 by the IUCN WCPA²⁵.

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 fra

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 Centre²³. 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 IUCN²⁴.

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.

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

agement challenges involved by MPAs” as recommended by IUCN Guidelines for Protected Areas Legislation.

require special legal consideration to address their distinct fea-

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

isolation”.

“A number of characteristics of marine ecosystems make them

legal framework is to be effective in supporting marine and coastal protected areas.”

general goals such as the following:

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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

and so

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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"> — 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. — 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). — Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources and Activities, Date adopted: 7 March 1996 (Siracusa, Italy). — 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). — 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).

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

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)?	The Ministry structure includes the following Directorates: —	

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>

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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"> Is this definition con gÚ p 		

MPA System Planning	MPA System Planning	MPA System Planning
<p>18</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"> • What are the general purposes and content of a plan; • Who or which entity is responsible for preparing, maintaining and using the plan. • 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.) • Is there a requirement for periodic review and assessment of the system plan with respect to overall goals and objectives of the 		

Establishment, amendment, abolition of MPAs		Establishment, amendment, abolition of MPAs		Establishment, amendment, abolition of MPAs	
22	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.	Establishment is under the MoEFWA, amendment and abolition are not explicit in the texts.		Is it necessary to consider the amendment of the Law on Protected Areas accordingly?	
23	What is the procedure for establishing, amending or abolishing a protected area?	Same comment		Same comment	
Finance		Finance		Finance	
24	Does the protected area legal framework authorize special financing tools for the marine protected area system?	Apparently (to be confirmed)	0	0	0 amendment from Does Government comment on Protected

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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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.

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.

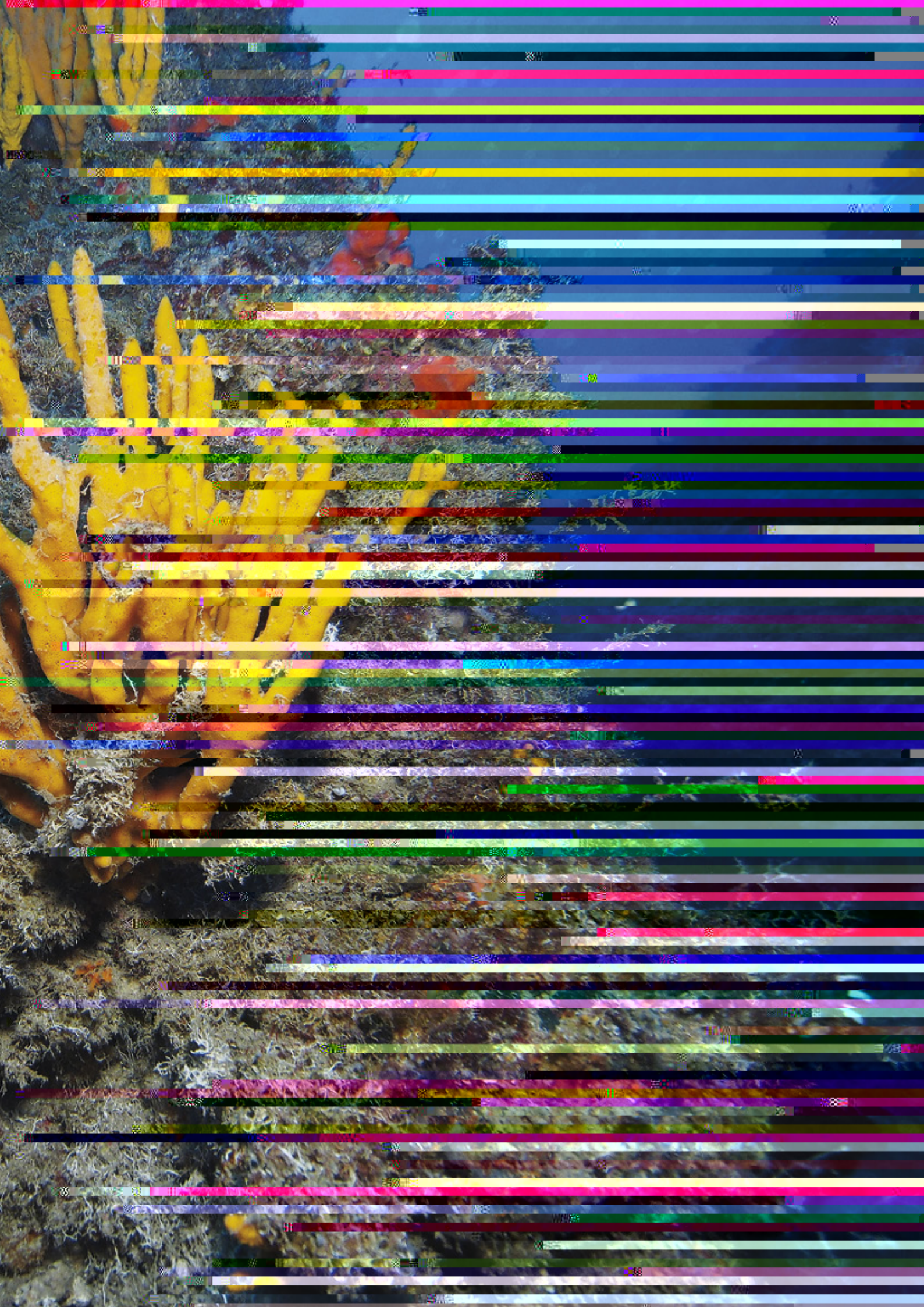
- Soft loans
- Financial support is provided in accordance with defined guidelines and conditions enumerated in the Support Program.

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 s p s ?



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 atten-



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