



Netherlands Commission for
Environmental Assessment

SEA capacity building in Albania within a broader context of sustainable coastal zone management along the Adriatic coast

Memorandum by the NCEA

10 November 2005



Advice of the Secretariat

To World Bank
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CC - Alma Bako (Min. of Env.)
- Adrian Vasco and Ivica Trumbic of PAP/RAC
- Silvana Dracini
- Netherlands Embassy (Zumreta Jahic Boric) and
- REC (Mihallaq Qirjo)
From Mrs. Ineke Steinhauer (Technical Secretary - Netherlands
Commission for Environmental Impact Assessment)
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Subject SEA capacity building in Albania
within a broader context of sustainable coastal zone management
along the Adriatic coast
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1. INTRODUCTION

1.1 Relevance of SEA

Strategic Environmental Assessment (SEA) is an internationally recognized tool for the accounting of environmental aspects and sustainability considerations within proposed plans, programs and policies. SEA may be applied at all decision making levels (national and local), but is widely used to improve spatial planning as well as sector plans and programs. Evidence obtained from the application of SEA so far proves that this instrument assists decision makers to:

- achieve environmentally sound and sustainable development;
- prevent environmental obstacles for economic development;
- strengthen policy, plan and programme making processes;
- save time and money by avoiding costly mistakes;
- improve good governance and build public trust and confidence in decision making.

1.2 Role of the Netherlands Commission for Environmental Impact Assessment

With the assistance of the Netherlands Government under the Bank Netherlands Partnership Programme, the World Bank will support the Government of Albania and Montenegro with capacity building in the area of

Strategic Environmental Assessment (SEA). The World Bank has approached the Netherlands Commission for Environmental Impact Assessment (NCEIA) to provide its expertise and services in SEA. The Terms of Reference for the expected assistance of the NCEIA are provided in appendix 1 (September 2005).

The objective of the NCEIAs intervention can be summarized as designing and initiating the implementation of a coherent medium term (up to five years) programme for SEA capacity building in Albania and Montenegro with specific emphasis on processes/activities that contribute to sustainable coastal zone management of their Adriatic coast.

Specific activities within this overall objective can be summarized as:

- Carry out a SEA capacity gap assessment and assist the government in drafting a multi year SEA capacity building programme.
- Design and provide an SEA training course to the government and other stakeholders.
- Provide independent guidance on the implementation of a pilot SEA.
- Develop a dissemination strategy and materials, including the technical support for the organization of a regional SEA workshop.

To initiate these activities and establish first contacts with relevant stakeholders, the NCEIA visited Albania and Montenegro from 31 October till 4 November 2005 (see appendix 2 for working programme). This report reflects the findings of the visit to Albania only. A separate report will be available for Montenegro.

1.3 Approach for effective introduction of SEA

The approach to drafting a multi-year SEA introductory programme should be such as to raise ownership for SEA by the respective governments. The implementation of specific pilot SEA to familiarise both government and other stakeholders with SEA is further expected to contribute to this process. As part of the dissemination strategy and based upon practical experiences with the pilot SEAs, the respective governments could be assisted with the drafting of country specific SEA procedures and guidelines. If there is sufficient government buy-in, inter-ministerial SEA taskforces could become the driving force responsible for the implementation of the programmes. Finally, the program for introduction of SEA will include a coherent program for training of key stakeholders, aimed at ensuring that SEA processes are well understood, transparent and participatory.

2. FINDINGS

2.1 SEA capacity needs assessment

In accordance with the ToR, the capacity assessment started with an analysis of existing studies undertaken and discussions with representatives of the government, WB and other donor agencies, university and non governmental organizations. This assessment was limited to national level only. In follow-up missions the regional and local levels will be included as well to complement this first assessment.

2.1.1 Studies undertaken so far on SEA

In October 2004, a study has been published on the southern coastal region, called 'Priority Assessment Study and SEA as a tool in Coastal management in Albania'. This study was prepared by a group of experts engaged by PAP/RAC.

There is also an overview of the EIA/SEA system in Albania, initially elaborated by REC (Regional Environmental Centre), then updated early 2005.

2.1.2 Available staff and institutional capacity in relation to SEA

The EIA department has only 3 people (1 director, 2 staff). At district level there are regional offices (about 40 staff in total, involved in EIA but mainly in inspection tasks). So the capacity is very limited in relation to the huge amount of tasks.

The Ministry has recently changed from MoE to MoEFW, Ministry of Environment, Forestry and Water Management. Its web-site: moe.gov.al, at the moment under reconstruction.

2.1.3 Legal background of SEA

In the framework of the ESPOO convention, Albania has signed the SEA protocol (Kiev) in 2004, which is now being ratified by Albanian parliament.

SEA has a legal basis in Albania since January 2003, but implementation is difficult because procedures, guidelines and regulations are still lacking.

REC Albania started to make a list of strategies, policies and plans within the Ministries, to see which of these should/could be subject to SEA, but this information is difficult to get. All plans however should pass through MoEFW, so they might have this information.

2.1.4 Other actors/initiatives in the field of SEA and donor activities

The director of the EIA department of the Ministry of Environment has drafted a project proposal on EIA and SEA methodology and started discussions with SIDA for funding. Since 2001 she is also trying to put efforts into (the formulation of?) a project for environmental legislation and planning (in relation to spatial plans/urban plans).

The SIDA representative is however not aware of any EIA or SEA activities with MoEFW. SIDA's environmental specialist is at SIDA headquarters will be in Albania first week of December.

SIDA's environmental activities are related to solid waste management, co-financing in WB coastal management project, LEAP regional project (Albania, Macedonia and Kosovo) and forestry management program with SNV. In their strategic plan 2004-2007 environment is one of the six areas. For 2006 environment, private sector development and local government are priorities.

The Netherlands Embassy has chosen environment as a priority sector. The environmental specialist will have to draft a regional environmental programme for the Western Balkan, within the next couple of months. Environment is a central theme, because it is a trans-boundary item, it is politically neutral and an urgent problem and it has the potential to bring people together. Current environmental projects are mainly related to the grey environment, water and cleaning up (together with WB) of hot spots of (Porto Romano project 2003-2006). There is strong interest for environment and project proposals are welcome, but have to be regional (try to have trans-boundary aspects or coverage of at least two countries).

UNDP's environmental portfolio is expanding, but mainly relating to the three main conventions: CBD, Climate change and Desertification.

Activities of EU in relation to environment: together with UNEP, cleaning hotspots, the Phare programme and assistance to comply with EU legislation, a programme that might take 8-10 years still. Under the CARDS programme (Community Assistance for Reconstruction, Development and Stabilisation) environment is one of the focal points. One of the projects is ELPA: Environmental legislation and planning (till end 2006) which has 3 components: 1) MoEFW is developing a national environmental strategy 2) action plan for approximation of legislation 3) environmental planning in some regions. As part of the second component there is now a list of over 100 laws and strategies, before end 2006 this has to be complemented with timing and resources etc. Action plan will be implemented in 2007-2010. Component 3 is done in two regions: Shkodra and Lheke (?), this has to be ready by April 2006. The idea is to develop Regional Environmental Action Plans and undertake this in parallel with SEA. ELPA is being implemented with the help of consultant Jacobs and Louis Berger, who are very much interested in sharing experiences on SEA. Other EU-environmental activities are an environmental monitoring project, on air/water/biodiversity (in ToR phase) as well as regional development of the North (GEF, Shkodra, including lake).

2.1.5 Preliminary conclusions and proposed next steps

As a result of this first assessment, a few conclusions can be drawn already:

- There is not yet much work done on SEA. The study mentioned under 2.1.1. provides a good overview of the state of affairs.
- The governmental institutional capacity on SEA is non-existent. The EIA department has some theoretical knowledge, but no practical experience in Albania so far. SEA capacity in other ministries is zero. The same applies to decentralized government structures. For any SEA capacity building programme, a realistic assessment of the resources that the governments can be expected to provide for implementation, including their own budgetary resources and external assistance is

of utmost importance. Successful SEA introduction requires a careful design of the institutional framework. Several models are possible, for example an SEA secretariat within the MoEFW, combined with SEA units in the sectors at ministerial and decentralised levels. Therefore, institutional capacity should be a priority part of the design of a multi-year program, including how this can be financed.

- SEA has a legal basis, but lacks instruments for implementation. This can therefore also be identified as a priority need.
- There could be interest in the co-funding of a multi-year programme on SEA with SIDA and the Netherlands Embassy, as they have identified environment as a priority for the coming years.
- The EU activity on Regional Environmental Action Plans, to which also SEA is proposed to be applied, should be followed closely to allow for sharing of practical experiences.

2.2 SEA training

2.2.1 **Training activities already undertaken in relation to SEA**

REC (regional office) has trained some experts: Albanian people have gone to training activities, workshops and seminars outside Albania (in the framework of ESPOO and Aarhus). REC also gave a regional SEA workshop for all Balkan countries (under the so-called Regional Environmental Reconstruction Programme, ReRep 1.4), but Albania did not participate.

The Faculty of Civil Engineering of the University gives a 10 week course on EIA (water and energy mainly), with case studies for students in the fifth year of environmental engineering (25 each year on average). SEA is only a very minor part of this.

A representative of the University, Faculty of Civil Engineering participated (as the only representative from Albania) in a two-day regional workshop by REC Szentendre on the presentation of the draft SEA manual for South Eastern Europe. A copy of the manual has been handed over to MoEFW. The manual is in web-site of REC (Albania office) but not being used in Albania.

A Finnish institute gave a one week SEA course in 2002. Details not known.

REC (Albania country office) has worked with national governmental level on legal issues mainly related to multilateral environmental agreements (international conventions: Aarhus and Barcelona). They did capacity building on EIA (mainly related to public participation in EIA), but nothing related to SEA. Some staff participated in regional SEA training.

REC has experience in capacity building. They have trained the Regional Environmental Inspectorates, the Ministries on Sustainable development issues, local authorities in LEAPs (local environmental action plans), NGOs in EIA/Aarhus/environmental education. REC could act and is interested in being a local partner in training activities, both providing training and taking care of logistical arrangements. When follow-up activities will take place, REC has a good candidate (a colleague that has been to Sweden for EIA and SEA training with SIDA/Ramboll).

In general SEA knowledge is absent or very low. Especially the Regional Environmental Authorities need urgent training.

Another actor that would need SEA training with priority would be the National Territorial Adjustment Board and the Regional Territorial Adjustment Boards. The National Territorial Adjustment Board holds its secretariat within the MPWTT (but will be placed elsewhere) and has a representation of all Ministries. The approach at central level would need to be very different from the local level approach. 'The biggest harm for the environment comes from the local authorities'.

2.2.2 Preliminary conclusions and proposed next steps

Preliminary conclusions so far:

- There has not yet been any SEA training being done before in Albania (check Finnish initiative).
- SEA knowledge is limited to some individuals. All interviewed persons expressed great interest and need for training.
- Training activities can probably best be planned after the reconstruction process within the new Ministries has been finalized. For any planning it would be necessary to have a list of the new Ministries and staff that would need (or that would be interested in) SEA training.
- Within the framework of the above mentioned expected activities of the NCEIA, a one week training will be provided. This training has an introductory character and could have an amount of 30-40 participants, with representatives of the most relevant Ministries, the above mentioned National Territorial Adjustment Board, University, NGOs, private sector (EIA consultancy firms), relevant Regional Environmental Authorities.
- It is proposed to have this training planned in the first half of 2006, but after having gained the practical experience from the SEA pilot on the South Coast Development Study and Plan (and possibly making use of the SEA experience gained with the EU funded Regional Environmental Action Plans, with parallel SEA).
- In any SEA training, the involvement of the MoEFW is highly needed, and possibly REC could be involved as well providing assistance both because of their experience in capacity building in environment related issues in Albania, as well as because of their SEA knowledge (regional expertise, REC headquarters regional office).

2.3 SEA pilots

2.3.1 The SEA for the South Coast Development Study and Plan

The idea of the pilot would be to use this as a model to show how to do appropriate SEA. However, all SEA capacity building should be specific and tailor made to the Albanian circumstances (and as much as possible in line with eg. requirements in the framework of EU pre-accession). The project has funds available for future training.

Stakeholders:

The two key Ministries involved in the SEA pilot for the South Coast Development Study and Plan are the Ministry of Public Works, Transport and Telecommunications (used to be MOTAT, Ministry of Territorial Adjustment and Tourism) and Ministry of EF and W.

The draft report is ready, but has not yet been presented to the Albanian authorities and is thus not yet publicly available. While the report was being prepared, a change of Government took place (July 2005). The representatives of the new authorities will be acquainted with the study at the earliest possible opportunity (end of November?). The Ministry of PWTT has received 5 copies of the Interim report. The MPWTT is the leading agency. They are heading an inter-ministerial committee, with MoPWTT, MoEFW, Min. of Culture and Tourism, Sports and Youth, Min. of Economics and Trade, Min. of Internal Affairs and Institute for Urban Planning being members. This committee will give comments on draft reports.

At the moment the National Council on Territorial Adjustment has its secretariat under the MPWTT, but it will be moved to the Prime Ministers office. This Council is very important in terms of decision making on all matters relating to territorial adjustment. All Ministers have a seat. There are also regional and local councils.

The Institute of urban planning is a technical structure: all urban planning has to be submitted to this Institute in order to have comments.

There is also a technical commission, headed by the Deputy Minister of Planning, but with representation of other Ministries (15-20 members of which Environment is one). Remarks made in this commission will be sent to the National council for decision making.

Contact person for follow-up activities within the Ministry of PWTT would be the project director for the South Coast Development Study and Plan, as it is not yet known how the restructuring of the Ministry will be looking like.

Contents:

The SEA pilot is undertaken according to the Terms of reference 'Integrated Coastal Development Study and Plan for the Albanian Southern Coast' (end 2004) and Minutes of meeting between the Ministry of Territory Adjustment and Tourism and PAP/RAC (February 2005).

The team that undertakes the work is a multinational team (national and international experts) of the consortium of PAP/RAC and Sogreah (French). Sensitive issues are the tension between public and private ownership and the issue of compensation. The way of working is: teamwork → fieldwork → workshop → reflection → reporting.

The interim report, Oct. 2005 (about 250 p.) consists of three parts: I = Development Study, forward looking assessment in view of integrated coastal development, II = Development of Plan, preparation of land use plan, III = Policy Action Plan. Chapters are: 1) Physical content and resources of the southern coastal region, 2) socio-economic development; driving forces, 3) tourism development, 4) carrying capacity of the region, 5) coastal development pressures, policy responses and 6) development vision for the southern Albanian coastal region.

Planning:

When comments have been received, the interim report will be corrected (within 2 weeks approx.). It is not clear whether it needs formal approval

before entering into the phase II (the actual plan, requiring another 3 months). If formal approval would be necessary, this could take some time, as all Ministries are being restructured at the moment.

2.3.2 Possibilities mentioned for other pilots

Several other possibilities were mentioned for SEA pilots:

- Spatial planning of greater Tirana.
- Trans-boundary areas of natural value: Shkodra lake (with Montenegro), Lake Ochrid, with Macedonia, Euronatura (Greece, Macedonia, Albania and ...). River delta... in the Northern part of Albania (with Montenegro).
- Controversial projects like Thermal power plant (Min. of Energy vs. MoEFW).
- The LEAPs (local environmental action plans).

In general it was recommended to avoid too complex pilots. Eg. all plans where land property is an issue, you will end up with conflicts. Try to find simple SEA, to show that it can work and use these as a model. Examples could be the agriculture sector or a local level medium and small scale industry or business development. At regional level (chark) SEA pilots would also be more difficult as these are seen by local government as of no benefit or competitors. Also national strategies, plans or programmes should be avoided as pilots, because these are generally lists with general visions, rather than priorities of needs. They are not very realistic in terms of financing or government capacity to implement them.

Preconditions for effective SEA pilots: have MoEFW involved.

2.3.3 Preliminary conclusions and proposed next steps

- The identified 'South Coast Development Study and Plan' is suitable for an SEA pilot, because the interim report has been released recently and forms the basis for the actual plan. Therefore timing appears to be perfect.
- The NCEIA proposes to start with the formation of a working group of experts and plan a visit to Albania early January 2006. The pilot will be designed as a joint activity of the NCEIA and the relevant Albanian authorities (MoEW and MPWTT and consultants) at national and decentralized levels, mobilising their expertise and providing a possibility for 'training-on-the-job' in the practical application of SEA. This will then also serve as a case study/example for the training activity.
- In order to start the work, the NCEIA would need to know when the interim report is publicly available, and need more information on the decision-making processes (newly conformed Ministries, who needs to approve what etc..)
- Based on the experiences with this first pilot, specific opportunities for other SEA pilots can be identified as part of the multi-year SEA capacity building programme. Some suggestions have been mentioned already, but will be determined in relation to the most pressing capacity gaps/institutional obstacles and have to be in line with the priorities of the authorities in Albania.

2.4 Dissemination strategy and materials

This component has not yet been subject of this first visit, as it can only be designed based on the components mentioned under the preceding paragraphs.

2.5 Multi-year SEA program

The activities performed under 2.1 to 2.4 form the basis for a multi-year program on SEA, which will be drafted by the staff of the MoEFW in close co-operation with the NCEIA. It will need to (i) provide the framework for the planning and execution of all SEA activities in the period mid 2006-2008 (?) (ii) ensure effective resource allocation for donor supported SEA activities and (iii) assess how donor funded SEA activities can be executed most effectively. The approach that is generally used by the NCEIA is provided in Appendix 3 and can for the framework for developing such a multi-year program. The NCEIA will make use of comparable experiences in other countries.

Appendix 2: Working programme

Monday 31 October

- 9.00 Meeting with Alma Bako, director of EIA department
- 10.00 Meeting with World Bank, both Washington based staff (Rita Cessti, Kateljijn van den Berg and Ruxandra Floroiu, all from ESSD Unit, Europe and Central Asia region) and Tirana WB office staff (Drita Dade, ...) and Silvana Dracini, project director of the Integrated Coastal Zone Management Project
- 11.00 Meeting with Adrian Vasco, member of the PAP/RAC team undertaking the SEA for the South Coast
- 12.30 Meeting with Entela Cobani, Faculty of Civil Engineering, University
- 14.30 Meeting with Peter Troste, Programme Officer, SIDA, Swedish Embassy
- 20.00 Dinner with World Bank staff Rita Cessti, Kateljijn van den Berg and Roxana Floroiu

Tuesday 1 November

- 9.00 Meeting at EU delegation with Robert Nelson, Head of Operations Section II (Economic reform/Infrastructure) and L Lazar Korra, Programme manager Agriculture and Environment
- 11.30 Meeting with Drida Dade, WB Albania office
- 12.00 Reading Integrated Coastal Development Study and Plan
- 13.15 Meeting with Daniel Gjoini, Director of Territory Planning Department within MPWTT

- 15.00 Meeting with Zumreta Jahic Borrc, environmental specialist, Netherlands Embassy
- 16.00 Regional Environmental Centre, Albania office, Mihallaq Qirjo, country director for Albania
- 18.30 Meeting with UNDP, Mr. Batkhujag Baldangombo, Assistant Resident Representative
- 19.30 Dinner with Delegation of the EU, Ministry of Environment, Albania, ELPA project: Environmental Legislation and Planning, Albania, with Lynda Thorn (team leader), Jonathan Wagner (environmental planner) and Toby Roxburgh (ICZM and Biodiversity).