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Chapter 1

Protection and preservation of biodiversity

Chairman: Z. Dedej,
National Environmental Agency, Tirana

Biodiversity strategy and action plan and their supporting legal framework

Z. Dedej, S. Sinojmeri, E. Halimi, B. Mejdiaj¹

Summary

The concept of biodiversity is complex and in many cases several definitions have come up. The concept has been accurately given in Article 2 of the “Convention on Biological Diversity”, as: “The variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems”. That convention was signed by Albania on January 5th, 1994. The high diversity of habitats and ecosystems of our country, like the marine and coastal ecosystems, lagoons and wetlands, river deltas, sand dunes, lakes, rivers, Mediterranean shrubs, broadleaf, conifer and mixed forests, meadows, alpine and subalpine pastures, offers a rich variety of plants and animals, namely about 3,200 species of vascular plants and 750 kinds of vertebrate species. The formulation of “Biodiversity Strategy and Action Plan” as well as the drafting of the “National Report on Biodiversity” constituted the leading accomplishments for the implementation of the “Convention on Biodiversity”. The conclusion of the above documents, as products of the experts, specialised Institutions and collected data over many years, opens a new perspective accompanied by well-defined tasks and relevant partners to be involved in carrying out the tasks laid down by the strategy and action plan. In parallel with these activities, the improvement of the legal framework makes up an important component. Two draft laws related to that area “On Nature and Biodiversity Conservation” and “On the Protected Zones” are being finished and ready to pass the relevant authorities for approval, by filling the gap inherited from the past.

Key words: National Report on Biodiversity, Biodiversity Strategy and Action Plan, National Environmental Agency actions.

1. Introduction

Although amongst the smallest European countries, Albania climatic peculiarities, its geographic position, its relief, and the hydrological, geological and pedological factors, immensely favour the development of a variety of natural habitats and sub-ecosystems, thus enabling the existence of 3200 species of vascular plants (30% of the European flora)

¹ Nature Conservation Department, National Environmental Agency, Tirana (Albania)

and 756 vertebrate species, distinguishing many relic species both endemic and subendemic. In an area of only 28 000 km², the marine, coastal, wetland and lake, delta and river, hilly and mountainous habitats of the lowlands and typical Mediterranean hills up to the sub-alpine and alpine ones do intertwine. The coastal and coniferous communities, non-marine water communities, shrubs, forests, vegetations of ponds, alpine pastures, etc. characterize these habitats. We should mention as well the characteristic habitats of rocky slopes, rocky cracks and hollows, caves, etc.

Adding the numerous habitats suffering the most intensive human intervention, which populated densely cities and villages, the industrial zones, the agricultural soils, fruit culture, mini-forest strips and the artificial dikes and reservoirs, we better understand the variety of habitats and sub-habitats as well as the living things populating those areas. Precisely this wealth and range of characteristics, mixed with the human activities determine the development of landscape, which witness the good understanding between man and nature.

Although the studies on biological variation have been and remain very serious, still a lot is to be done to know it better. Up to now 27 kinds and 150 sub-kinds of endemic plants, about 160 kinds of sub-endemic plants are known in Albania (including Kosovo), former Yugoslav countries, Serbia and Greece. Many species have a great economic value such as about 300 types of medicinal and aromatic plants, 40 species of forage values, 35 species of tanning and colouring value, 70 feeding species and 50 honey-producing species. In addition there are many species of fauna starting from the fish to molluscs, bee and silkworm, etc. The aesthetic values of the biological and landscape diversity have an extraordinary recreation and tourist importance, which in a near future will certainly promote the protection and conservation mechanisms by using the economic instruments.

The international community, being aware of the importance the conservation of biological diversity bears for their survival, in the meeting held in Rio de Janeiro, in June 1992, on the topic "Environment and Development", decided to create the "Convention on Biodiversity", in the context of preserving and improving the biological diversity. Being conscious of its extraordinary importance, this convention attaches to the conservation of flora and fauna and the sustainable development, the Albanian population is also aware of the great difficulties when facing the obligations deriving from its objectives and terms. Since 1994, when our country joined this convention, taking into consideration the above

reasons, it has become indispensable to design the national strategy and the “Action Plan for the Biological Diversity”, in the framework of the “Convention on Biodiversity”, which conditions the respect towards the objectives aiming at: preservation of biological diversity, sustainable use of its components and fair sharing of benefits deriving from the adequate use of genetic resources, as well as the transfer of appropriate technologies.

Finally, after some endeavours, the National Environmental Agency was charged with the task of preparing and finalising that document, which ended in 1999 under the title “The National Report on the Strategy and Action Plan”.

Once again Albania proved to be an active participant in the European and World initiatives for the preservation of the biological values at regional and national level, by joining the international Institutions by ambitious and realisable initiatives and plans.

2. Biodiversity strategy and action plan

The concept of biological diversity was a relatively complicated issue given that many countries have different definitions about it. The “Convention on Biodiversity” gives the final definition. The “Convention on Biodiversity” makes the final unification at national level, but in respect to the international contexts this term is used in our strategy, we prefer to use the term “biodiversity” as defined in the “Convention on Biodiversity”. So the concept of biodiversity is given as follows:

“The variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems”.

The formulation of the “Strategy and Action Plan” as fundamental documents for the on-going work, states inter alia the general objectives of the “Convention on Biodiversity”, the tasks laid down to Albania following its accession and the priority instruments for the implementation of the “Action Plan”.

The “Biodiversity Strategy and Action Plan” also presents for the first time a study in the form of a national report. It aims at generally describing the values of biodiversity in Albania and the factors leading to the current situation, the threats and status of biodiversity and the identification of the priority issues and the strategic action plan as well.

Strategic principles: the implementation of the “Convention on Biodiversity” can be achieved only through the acceptance and accomplishment of the objectives and principles of protection, as well as the practices of sustainable development in the sectors that affect biodiversity, like agriculture, forestry, fishing, energy and industry, urbanisation, transport, tourism, water use and protection. These globally recognised principles, which our strategy is based on, are as follows:

principle of *Diligent Decision-making*: the decisions regarding the economic development are based on the best available information, and they adopt, as much as possible, measures which take economic and social factors into consideration, to serve as incentives for the protection and sustainable development of the biological and landscape diversity;

principle of *Avoidance/Elimination*: the application of procedures that require the “Environmental Impact Assessment” for any activity that might have considerable effects upon the biological and landscape diversity and, when appropriate, the guarantee of public participation in these procedures;

principle of *Prevention*: in order to avoid or minimise the possible negative effects of the activities upon the biological and landscape diversity;

principle of *Transfer/Shifting*: the activities which are expected to have considerable effects upon the biological and landscape diversity, but that could not be avoided, should, when appropriate, be shifted to areas which might be less affected by them;

principle of *Ecological Compensation*: the negative effects of physical changes which could not be avoided, should be balanced with compensating protection measures by the subject or part causing them;

principle of *Ecological Integrity*: the ecological processes responsible for species survival should be protected, at the same time the habitats supporting their survival should be preserved;

principle of *Restoration and Re-creation*: that means the rehabilitation of biological and landscape diversity, and when it is possible, its re-creation through necessary measures for rescuing and rehabilitating the endangered species or re-creating the appropriate conditions;

principle of *Best Technology and Practice*: from the environmental viewpoint, measures which are most appropriate for the protection and sustainable use of biological and landscape diversity;

Principle *Polluter/Destroyer pays*: according to this principle the responsible party should cover as much as possible the costs for the prevention, control, compensation, and minimisation of damages on biological and landscape diversity;

principle of *Public Participation and the Public's Right for Information*: the successful accomplishment and protection of biological and landscape diversity can be ensured by an adequate and active participation of the public, the scientific community, the individuals and other civil groups who use the terrestrial and marine resources in the process of decision-making via media and incorporating these issues in the education programmes.

Priority Topics and the Action Plan: this strategy identifies the priorities for the protection of biodiversity in compliance with the strategic principles, and also defines the priority topics, which separate programmes will address. They are as follows:

- the establishment of a Pan-European ecological network;
- the integration in other sectors of the biological and landscape diversity issues;
- the raise of awareness and support from the public and policy-makers;
- landscape protection;
- coastal and Marine ecosystems;
- river ecosystems and the related wetlands;
- inland wetland ecosystems;
- grassland ecosystems;
- forest ecosystems;
- high mountain ecosystems;
- action for the endangered species.

The strategy particularly defines what the “Action Plan” should realise based on:

- current situation of biodiversity;
- factors that cause loss or worsening;
- actual protection measures;
- objectives of Action Plan.

actions and proposed measures and the responsibilities according to:

- policies and legislation;
- site and Zone Preservation and Management;
- protection and Management of specie/habitat;
- advice;
- further research and monitoring;
- communication and publication.

In addition to the priority activities of the “Action Plan”, the needs for change and action were set forth, taking into account among other things the economic instruments and the biodiversity and landscape integration in other development sectors.

Among the objectives following the “Biodiversity Strategy” in agriculture, as one of the priority and affinity domains for biodiversity, ranks the respect towards the green plan, the consideration of “EU Regulations on Agro-Environment” and 13 priority measures are stated for the sustainable agricultural development, focusing on:

- re-forestation of the abandoned lands;
- setting up the protection barriers against erosion;
- planting of bushes and trees in the coastal lowlands;
- restoration of natural vegetation alongside the rivers;
- re-creation of wetlands in some rather saline and former marsh lands;
- forestation of watersheds to avoid floods, sliding, etc.;
- development of agro-forestry;
- use of new technologies to decrease deep tillage;
- new technologies for the cultivation of different agricultural plants through artificial irrigation;
- rehabilitation of polyphyte pastures through evaluating the stages of degradation and vegetation succession;
- raising the farmers' awareness on the benefits of organic agriculture;
- promotion and application of models of Mediterranean and Albanian organic agriculture, taking into consideration the agro-silvo-pastoralism;

application of the biological control of pests and pathogens of agricultural crops and forests in order to low down the use of pesticides.

The integration of environmental management systems and environmental policies in the domain of energy, tourism, fishing, transport, army, etc, makes up one of the tasks the “National Action Plan for Biological Diversity” should target. For each domain, explanation packages of environmental orientation frameworks will be available.

The “Action plan” is mainly focused on:

- expanding and strengthening the “National Network” of the protected areas;

- biodiversity conservation outside the protected areas;

- need for *ex situ* conservation;

- need for further research and monitoring;

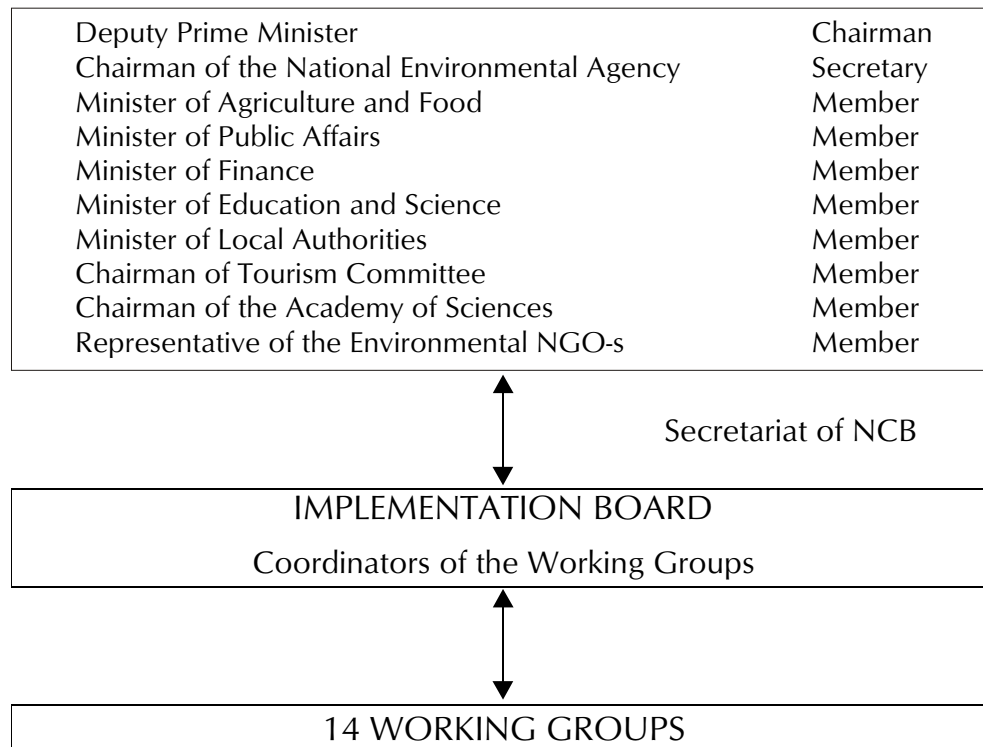
- information use and management;

- education, training and extension service programmes, raising the awareness of the public and the support of decision-makers and policy-makers.

One of the important tasks defined in this document is the establishment of a steering structure for their accomplishment. This structure will be called “*The National Council for Nature and Biodiversity*”. The Council will be chaired by the Deputy/Prime Minister of the Albanian government and will regulate the relations between the Implementation Board and the Working Groups (Fig.1).

The definition of the leading ways to implement the “Action Plan” constitutes one of the concrete values of the strategy on biodiversity. It includes the guidelines for the reforms and the institutional reinforcement, like legislation, strengthening of institutions, decentralisation policies, guidelines for the economic assessment of price-income for the biodiversity protection in Albania, the international cooperation, including conventions, agreements, etc.

Fig. 1. Structure of “The National Council for Nature and Biodiversity”



Legislation: the legal framework represents one of the basic elements the successful implementation of the “Biodiversity Strategy” and Action Plan” (BSAP) depends on. Although the Albanian legislation has many absences, there are actually a large number of laws on which this BSAP is based on. Among the most essential ones we could mention:

- Law No. 7623, dated 13.10.1992: On the Forests and Forest Service Police;
- Law No. 7662, dated 19.01.1993: On Plant Protection Service;
- Law No. 7664, dated 21.01.1993: On Environmental Protection;
- Law No. 7722, dated 15.06.1993: On the Protection of Medicinal, oil of ether and Taniferous Plants;
- Law No. 7796, dated 17.02.1994: Mining Law of Albania;
- Law No. 7875, dated 23.11.1994: On Hunting and Wildlife Protection;
- Law No. 7908, dated 05.04.1995: On Fishing and Aquaculture;
- Law No. 7917, dated 13.04.1995: On Pastures and Meadows;
- Law No. 7929, dated 11.05.1995: On the Protection of Fruit Trees;
- Law No. 8093, dated 21.03.1996: On Water Resources;
- Law No. 8405, dated 17.09.1998: On Urban Planning.

In addition to the above laws there are many other laws that help indirectly, on regulations, decisions etc, which make up the framework to be considered as a relatively acceptable platform for a more complete legal framework supporting the “Biodiversity Strategy and Action Plan”.

Two are the major directions that are suggested by BSAP which condition an appropriate creation of the legal and non-formal framework. They are:

- adoption of the existing legislation and the issuance of new laws based on contemporary models;

- promotion of respect towards the existing legislation.

In this context special attention is given to the “Law on the Protected Areas and Biodiversity”. They both will provide an impetus to complete the laws with elements that either was slightly or never treated before. The prepared drafts are underway and will probably soon pass the Albanian Parliament.

The preparation of other synergy laws is another task deriving from BSAP. The formulation of a number of laws related to biodiversity protection, like the law on “Evaluating the Environmental Impact” (EEI), would facilitate the operation of instruments and mechanisms, in non-formal ways, but always based on fundamental laws.

The process of legal framework reinforcement will be accompanied by offering the right to public and private structures to compete for the right of managing the protected areas in conformity with the management programmes and state policies which are formulated by the central environmental authorities, experts of relevant fields and which certainly have enjoyed the public approval.

3. Conclusions

“Biodiversity and Action Plan Strategy” constitutes a formal document which paves the way for the implementation of concrete policies to the benefit of environmental protection and sustainable development. The recent approval by the Council of Ministers is a step forward which allows the strengthening of biodiversity conservation activities, and for the first time it legalises a “National Council for Nature and Biodiversity” to have considerable authority.

The tasks that derive from this approval are binding to all the institutions, NGO-s and experts that are involved in biodiversity protection in order to cooperate together and concretely realise the objectives of the “Biodiversity Strategy and Action Plan”.

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