



REPUBLIC OF ALBANIA
OFFICE OF THE PRESIDENT
SECRETARY-GENERAL

Courtesy translation

Protocol number: 982/2

Tirana, on July 26th, 2016

Topic - Response to your letter dated July 5th, 2016

Distinguished Chair, Professor Ebbesson,

Please permit me from the outset to thank You on behalf of the Office of the President of the Republic of Albania for Your letters of June 14th and July 5th, 2016 as well as Your commitment and engagement in presenting and introducing this issue to the Compliance Committee of the Aarhus Convention to be discussed on its 53rd meeting (Geneva, 21-24 June 2016).

As we noted and pointed out in our letters of May 5th and June 21st, 2016 the project implemented by the Municipality of Tirana in Tirana Lake Park has been associated and accompanied with serious concerns and objections by groups of non-governmental organizations, individuals and experts, as a project which is causing serious environmental damages to our capital, Tirana. Likewise, serious concerns and fierce objections have been raised by various stakeholders and interest groups about the total lack of information exchange, a non-transparent approach and not in compliance and accordance with the best practices of inclusiveness by the Municipality of Tirana. - all these later ones legislated in a series of documents and international and local strategic agreements where

Albania adheres for several years, as it is the case of the Aarhus Convention that our country has ratified and is implementing for a number of years already.

Following up also on the issues raised in Your most recent letter, that on July 5th, 2016, you will find below the necessary and summarized explanations, which we asses to answer the questions raised by You, as follows:

Regarding points 1 and 4 of your letter, we explain and clarify that the Office of the President of the Republic has submitted and presented formally to You the request to enable field expertise (a fact-finding mission) in Albania, that could contact all the involved parties and stakeholders as well.

Based on the foregoing and above mentioned, we ask the Commission to review the decision-making of the Municipality of Tirana, which is linked and connected to the actions carried out so far in the construction built in the Lake Park, and to present and deliver its findings regarding the compliance of the events' development and unfolding with the requirements of the Convention.

Regarding points 2 and 3 raised in your last letter of July 5th, 2016 we pose the following:

- Currently, the Tirana Administrative Court of Appeal is reviewing the lawsuit filed by several environmental non-governmental organizations, which have opposed the project implemented by the Municipality of Tirana;
- There was neither no procedure whatsoever where the public interest groups were invited by the Municipality of Tirana nor to have taken part in any form during the project design and its implementation. In addition, all non-governmental organizations with valid expertise in the field of environment, representatives of civil society and civil interest groups engaged in environmental issues have opposed in concept the project and they have done even more so during its implementation stage. Also, there is no information on whether there was any international organization involved in the design of the project and during its implementation. You will find more information about the exclusion of interest groups in the following point related to the chronological course of the events;

- With regard to the chronological flow and unfolding of this project and various concerns related to it, we would like to explain that the Municipality of Tirana, according to public information released by this body officially on February 8th, 2016, announced the winning company, that appeared in the form of a merger (a consortium) for the implementation of this project and on February 10th, 2016 it started to implement this project on the ground which immediately was met by an opposing public reaction.

Meanwhile the official decision by the National Council of Territory, as the responsible body based on the Albanian legislation in effect would have to preliminary approve the project, before the start of proceedings, was taken on February 12th, 2016. Also we inform you that the Ministry of Environment has rejected and has not approved the necessary environmental permit for the project, – an official document required by Albanian law, whose absence does not allow the start of work in normal conditions. Moreover, in this case, the relevant decision of the National Council of the Territory has been taken as a circulating, not debated and undisputed decision in this body and it has been accompanied also with the lack of agreement by some Ministers of the Governmental Cabinet, members of the National Council of Territory as well.

Likewise, the Mayor of Tirana has publicly accepted and acknowledged, after the construction work had already began, that an environmental study about the project was lacking and that the Municipality had started to work on carrying this study out.

Initiation and implementation of the project has been accompanied throughout all this time by criticism and protests from civil society members and professionals in the field of environment, who have installed tents near the site where the project was being implemented.

It should be emphasized, as we informed You earlier, that the representatives of environmentalist non-governmental organizations faced and suffered violent acts and pressure was exercised against the demonstrators, as well as the use of disproportionate police force, – all these highlighted also by the reports compiled and delivered by the Ombudsman

Office of the Republic of Albania. Massive police presence has been present throughout all the time when the project has been implemented.

Despite the obstacles encountered by the representatives of civil society, they have been able to document a part of the work performed featuring ongoing concern raised earlier about the distinctive lack in informing the stakeholders, the absence of inclusiveness as a key element, and that the massive scale of cementing being used for this project represented a major environmental harm to the Tirana Lake Park, the sole remaining *lungs* in the capital. Later on, the fact of cutting down trees at the place where this project was implemented was witnessed and evidenced by these very members.

In regards to the above, we inform You also about the likely environmental consequences that would be caused by implementation of this project and the lack of transparency by the Municipality of Tirana have been the subject of fierce discussions and debate in the Municipal Council of Tirana, exactly because such a project implemented in an area of high environmental and social sensitivity was passed and approved not only under the total absence of information and lack of organizing of an inclusive process at the stage of its drafting which would have led to a rightful decision-making, but also because the concerns raised and addressed either by experts or representatives of the City Council were not met with a single reflection moment by the Municipality during the implementation of this project.

In addition, we inform You that based also on the above mentioned concerns, an initiative to hold a local referendum in Tirana about the project was taken and the necessary signatures were collected by Tirana citizens who formally addressed the Central Election Commission to adopt and approve the holding of a local referendum on this issue. This body rejected that request, voting 4 against 3, with the argument that this request due to the very importance represented by Tirana Lake Park should have been presented as a referendum held on the national level.

- The Municipality of Tirana project is implemented by a merger of companies (consortium) "STAR TEK" Ltd., "Riviera" Ltd. and "Kaleshi"

Ltd. and the construction has been completed in the last days of May 2016, according to public official information of Tirana Municipality.

- As we have indicated above, two bodies are directly involved in decision-making and implementation of this project, the Municipality (City Hall) of Tirana and the National Council of Territory.

With regard to point 5 raised in Your letter, while once again stating the raised concerns, the degree of importance represented by this project through its potential impacts in the environmental and social areas, but also the absence of applied standards in the decision-making process and the possibility of the reenactment in similar future projects, we would like to present the request and also asses the opportunity and possibility to have your fact-finding mission taking place and being conducted by September 2016.

While thanking You once again for the commitment demonstrated, we look forward to continue our cooperation.

Yours sincerely,

SECRETARY GENERAL



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