

# Annex 9

Date: 09.03.2016

## **Position of environmental organizations in Tirana on decision-making regarding the implementation of the project for the construction of a children's playground in "Tirana Grand Park"**

Honorable Mr. Erion Veliaj,

Through this letter, we would like to publicly convey to You the position of a group of environmental organizations in Tirana, with regard to the decision-making process and chronological occurrence in Tirana Grand Park. From a distance but not only, we have followed carefully the presentation of the grand park playground project and three defenses that Tirana Municipality was obliged to present in public debates. With regret we have seen and felt the clashes and violence between citizens and police forces. Therefore, our position is presented to You as a broader analysis of the local decision-making.

By monitoring your work and statements about the above mentioned project, firstly we would like to draw your attention on some important pillars of good governance and environmental decision making (but not only) in a democratic society:

**a. The votes that Tirana citizens entrusted You on June 21, 2015, cannot be considered a priori as approving votes for all project ideas presented in your electoral campaign!**

Albania is a democratic country. We have almost fully transposed, among other things, relevant European Union Directives on horizontal legislation, which specifically strengthens the role of the public in environmental decision-making and applies the principles of environmental protection with the main focus on sustainable development. Also, since 1998, Albania is a signatory country of the Aarhus Convention, which has been ratified in 2000 by our Parliament.

**b. In a democracy the majority decides, but the minority is respected! The arrogance doesn't honor You, Mr. Mayor! For this project, Tirana Municipality has failed to argue publicly the accusations against its non-transparent decision-making, charges which show that Your decision has harmed the democracy and it appears as a weak governance model. To go wrong is human, and in the decision-making process for this project Tirana Municipality has gone wrong<sup>1</sup>. In**

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<sup>1</sup> Among many other legal acts bypassed by your decision making process we are listing below the environmental related ones:

1. Articles 23, 48 and 56 of the Constitution of Albanian Republic
2. Law no. 10 431, date 9.6.2011 "on Environmental Protection"
3. Law no. 146/2014 "on Public information and consultation"
4. Law no. 119/2014 "on the Right for Information"
5. Law no. 8672, date 26.10.2000 "on the Right to Access to Information, Public Participation on Decision Making and Access to Justice in Environmental Matters" (Aarhus Convention).
6. Law no.10 440, date 7.7. 2011 "on Environmental Impact Assessment"

**these conditions, a public apology is only decent and acceptable and Tirana Municipality must resume from the beginning the appropriate and transparent procedures for this project.**

- c. Civil Society represents larger groups than only Non-Government Organizations, but at the same time it represents as well a single individual. **You must improve the communications channels and the transparency to the citizens, to whom you owe accountability.** To back up our suggestion: The web page of Tirana Municipality, in regards to "Green and Smart Cities", it is a hermetic webpage. It is not possible to get any information about upcoming activities or documents and consultations on important local projects. The invitations often are announced few minutes before the start of the meetings, through phone calls, and only to a small group of people, while afterwards these meetings are presented as successful consultations. Furthermore, the discussions during these meetings, regardless of how accomplished, are not made public. This way the interested citizens are not informed for the issues discussed in the meeting and to which extent the recommendations of the present are included at the final decision of the local projects
- d. It is disappointing to see you continually planting trees and counting tree seedlings at the Grand Park. We are trustful that the dedicated sectors and the agencies near the Municipality can be enough responsible for doing the work they are paid for. **We have high expectations for Your governance.** We want to discuss together in a transparent and inclusive manner about local plans and strategies, which should sustainably develop our city. This means integration of environmental protection, in close collaboration with your citizens, in every public service.
- e. It is equally disappointing to hear from you about a "transparent offer" to monitor your work and matriculate every tree in the Park. Mr. Mayor, Albanian legislation gives every citizen the right to monitor, to be informed and right to participate in decision making in each project that is developed and implemented in the area of his residence. We do believe that the citizens of Tirana are clearly doing this role. That's why today, the municipality is obliged to report for the playground project. **We welcome more commendable offers under a cooperative spirit of collaboration!**
- f. **Thank Your citizens!** It is stimulating to see that a small group of citizens is protecting the public interest by all means. In 20 years environmental organizations have worked to raise awareness so that all Albanian citizens can be involved and active like these ones. We have to state that these people are organized without the support of NGOs, without strong and properly structured arguments (even though they have the media support of strong opinion leaders), and by declaring their civic non politicized identity. Do thank them for their opponence and for doing

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7. Decision no.16, date 4.1.2012 "on the public right to access environmental information"

8. Decision of Council of Minister no. 247, date 30.4.2014 "on the determination of rules, requirements and procedures for public information and participation in environmental decision making "

Adding here that "opinions against" the project for the construction of the playground in lake park are not managed through civil dialogue with citizens, but through media statements from a distance and violence encouranging behaviour.

their duty as good citizens, and persuade them through hard working that you have the same aim.

It's sad to hear you refer to them with insults, naming them as "a group of vandals" due to the fact that they are few in number. It is even sadder confronting them with police forces prompting violent crashes. It is even more discouraging this decision making behavior, having in mind that we do refer to You as a public figure raising from the civil society, who has fought for democracy, protects and believes in it.

In this framework, **we request you:**

1. **Do make public the development plan for the "Tirana Grand Park" area.** Tirana Municipality has referred it in some public appearances, declaring it as the project of the Park revival. Please be informed that this plan is subject to the submission of proper Strategic Impact Assessment procedures. In this way, the citizens will not have to fight the big bad "Ogre" (as you have stated).
2. **From this plan, develop in detail the playground project and make it public as an official document!** Citizens again, will not have to fight the big bad "Ogre" (as you have stated).
3. Consequently, **Suspend the actual works for the implementation of the playground project until the proper information and public participation by following proper legal procedures of a democratic state.**
4. **Improve communication channels, communication infrastructure and spirit of communication with the citizens, by properly involving them in environmental decision-making process.**

**With faith,**

environmental organizations in Tirana<sup>2</sup> supporting this position:

1. Albanian Ornithologists Association (AOS)
2. Albanian Society for the Protection of Birds and Mammals(ASPBM)
3. Biologist of Albania
4. EcoAlbania
5. Iliria

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<sup>2</sup> We would like to underline the fact that we are a group of non-governmental, non-political organizations working in Albania for the protection of environment, and we do have good experiences of cooperation with regard to good governance and environmental decision making with local government units. **We are not politically affiliated, but we would appreciate if all politicians would believe in our believing in our spirit , that of environmental protection and democratic governance !**

6. GO2
7. Institute for Environmental Policy(IEP)
8. Milieukontakt Albania
9. Environmental Center for Development, Education and Networking (EDEN)
10. Organic Agriculture Association

**CC:**

1. Mr. Bledar Çuçi, Minister, Ministry of State for Local Issues
2. Mr. Aldrin Dalipi, Head, Tirana Municipality Council
3. Mr. Igli Totozani, Ombudsman, Ombudsman of Albania
4. Mr. Lefter Koka, Minister, Ministry of Environment
5. Mr. Besnik Dervishi, Commissioner for Freedom of Information and Protection of Personal Data - Data Protection Authority Albania