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The partnership between NGOs and public institutions for environmental protection in Kosovo: The complementarity of purpose

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Kosova experienced massive expansion of NGOs in the aftermath of the conflict of 1999 which was largely fueled by an increased presence of international donors and involvement by international NGOs with civil society concerns.

Unlike in 1990 the NGOs' role after the war changed. It wasn't anymore civil resistance but was dominated by programmes on human rights, reconciliation, multi-ethnicity, reconstruction and institution-building.
The number of NGOs deleing with environment is very limited in Kosovo

The new Constitution adopted in 2008 introduced a right of information and a duty of responsibility towards the environment in its Article 52 on the Responsibility for the Environment that says.

1. Nature and biodiversity, environment and national inheritance are everyone's responsibility.
2. Everyone should be provided an opportunity to be heard by public institutions and have their opinions considered on issues that impact the environment in which they live.
3. The impact on the environment shall be considered by public institutions in their decision making processes.

This paragraph 2 of Article 52 gives constitutional status to the basic general right of information, which is one of the rights envisaged by the Aarhus Convention on Access to information, public participation in decision-making and access to justice in environmental matters.

Aarhus Convention

- Kosovo has not acceded yet to this convention but has incorporated in its legislation the basic principles of the EU Directive that transposes the convention into EU law.
- The basic principles of the EU Directive "on public access to environmental information" informed the first Law Environmental Protection of 200390 and specially were incorporated in the Law on Environmental Protection adopted in 2009.

Kosovo Environmental Policy

- Law making authorities in Kosovo have failed to address the aspect of public participation in the Law on Environmental Protection. The Law lacks general guiding principles implying the right of citizens to participate in environmental decision making procedures.

Practically, all aspects related to Art. 6 of the Aarhus Convention (with the exception of the decision making procedures implying the EIA) have been left unanswered in the present Law.

The Law does not provide normative frames for procedures related to public participation in order to enable the public to submit, in writing or, as appropriate, at a public hearing any comment, information or opinions, which might be relevant to the proposed activity. It also lacks provisions related to public participation for the preparation of plans and programmes relating to the environment in a transparent and fair framework.

These requirements of Aarhus Convention should find their pronouncement in the present Law of Environmental Protection in order to facilitate the public participation in the field of environmental decision making procedures.

Therefore mechanism need to be developed for cooperation for NGO sector and government bodies in order to enhance environmental protection in Kosovo considering the situation for environment as a result of the conflict and transition .

Thank you!