

## THE INFLUENCE OF ENVIRONMENTAL NGO-S, IN THE IMPLEMENTATION OF THREE MAIN PILLARS OF THE AARHUS CONVENTION IN THE REPUBLIC OF KOSOVO

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### ABSTRACT

Large development step of NGO-s, in general, but also the inclusion of the environmental NGO-s, itself is done in Kosovo since 2000, the activities of NGO-s in Kosovo as well as around the world has increased rapidly due to direct communication, establishing a connection between the Internet and through local, regional and international cooperation in all parts of the world. It raised and strengthened the public's right to participate in the design and implementation of environmental protection policies.

The environmental situation in Kosovo leaves much to be desired. Central and local government needs the active participation of NGO-s, and environmental experts to develop policies that enable public support for the implementation of the three pillars of the Aarhus Convention in practice. Country - Kosovo also needs the active role of NGOs, but environmental NGO-s need urgent moral and financial support from central and local government so that their influence on policy implementation , and monitoring of these policies at the same time will be much more efficient and effective. It is exactly the Aarhus Convention that gives this right. It establishes the basic right to have access on environmental information, participation and right to address to justice and underlines the necessity of facilitating the procedures for disclosure regardless of nationality, citizenship or residence. The right of citizens on information, participation in decision-making processes at the local level and the right to address the courts represents the principle of democratic regulation of the state and the main precondition for transparent and responsible work of local self governments Establishment and operation of environmental NGOs in Kosovo began during 2000, according to Statistics of the NGO-s, within the Ministry of Public Administration there are over 58 environmental NGO-s, profile and functional hours are very few.

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## INTRODUCTION

The role of citizens and non-governmental organizations ( NGO-s ), as regards the implementation of the three principal pillars of the Aarhus Convention ( UNEP 2006), associated with environmental requirements are increasingly important. We witness everyday environmental degradation and permanent danger to our health. Access to information is necessary for the participation of all citizens to participate in decision-making processes for all environmental issues. Public participation approach enables the country citizens to express their thoughts and thus to improve the content of decisions from the decision-making authority, one of the most important pillars is the third pillar of the Aarhus Convention which covers access to justice, provides access to justice in decisions affecting environmental projects and gives the right to accept acts or non acts by private persons to public authorities ( UNECE. 2001). Without respect of the principles of transparency, principles of environment and responsibility involvement, decisions taken by the institutions of central and local level are more likely to be harmful for the environment and might be unstable.

Environmental NGO-s , with their actions to protect the environment and ensure democracy (ANTYPAS, A. 2003) of environment should be developed not only in the domestic context, but also transnational (e.g. European Community) and international arena. To strengthen national and international legislation, civil society must be able to operate in it, for example, the European Court of Justice, as well as international procedure of complaint. Complaints can also be submitted to the UNECE Secretariat in Geneva, Switzerland of Aarhus Convention for not respecting or implementing of the Aarhus Convention. The process of implementing the Aarhus Convention includes a wide array of actors. Not all environmental NGO-s in Kosovo, we can even count them (because there are very few ), exercising the rights specified in the Convention)

It is necessary to understand that implementation per se is a broader process than compliance. “In implementing any convention, parties are concerned with ensuring compliance” (Stec and Casey- Lefkowitz 2000).



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Chart 1. Scheme Aarhus Convention

## THE METHODOLOGY USED IN THE RESEARCH

Samples have been selected from the official list of environmental NGOs taken from the database of environmental NGOs registration within the Ministry of Public Administration in Prishtina. Diversity according to base statistics related to registered NGOs, there is a very good number of environmental organizations, which have email and contact numbers, records these which exist since 2000. There are over 55 environmental NGOs, but highly organized and profiled NGOs are very few in the Republic of Kosovo. The Access Initiative developed a Methodology to measure the progress in Implementation of the Aarhus Convention. This method has been applied in many countries, the degree - level implementation of the Aarhus Convention has been studied through this method in several European countries to the EU - es, for example, Bulgaria, Estonia, Hungary, Ireland, Latvia, Poland, Portugal and Ukraine. The Acces Initiative method (Kiss, C. et al. (2006 ), is based on 148 research questions, or indicators, which the researchers of NGOs, or others who use to assess provisions of their governments for transparency and national accountability in decisions affecting the environment. TAI Researchers apply 148 indicators in the overall national level, as well as at least 18 case studies. The method refers to the framework of research questions, indicators, and research tools (including general instructions on the selection and source documents ), which are used to perform a national assessment TAI for access to information, participation in decision-making, environmental law, and capacity building. The assessment based on this method, refers to the process

of country level performance in providing access to information, participation, and justice, including the collection of data to answer selected research questions. The analysis of problem consists on the central research question, already raised through questions and sub-questions. Central question in research is: What can be learned from the implementation of the Aarhus treaty in Kosovo in connection with improving the implementation of other treaties? and several sub - questions to answer this question are as follows: What is the treaty of Aarhus? What changes should be applied to the account of the Aarhus Convention? theoretical approaches that exist in the successful implementation of international conventions? What makes the implementation of a convention successful? What makes Kosovo an interesting case study of the implementation of the Aarhus Convention. Where is Kosovo in the process of implementing the Aarhus Convention and what was the situation like before? Interviews were held with NGO-s officials, materials have been collected, coded and well transcribed. Then a separate questionnaire has been formulated for each pillar which contains 15 adequate questions on information, participation and the right to court for any environmental dispute. Questionnaires were distributed to 58 environmental NGOs based on the registration base of NGO-s, where environmental NGOs are a strong voice and strong supporter of the implementation of this most important convention for the promotion of environmental democracy. Upon receipt of responses from NGOs, all data have been collected and analyzed by IBM SPSS 20, where corresponding tables and graphs have been obtained for all the pillars and finally the table and chart with the overall results. The research strategy was based on the framework of qualitative research suggested by Marshall and Rossman (1989). In accordance with their approach, since the purpose of the study was exploratory, a case study was chosen as the most efficient research strategy. The fundamental techniques used for data collection were in-depth unstructured open-ended interviews and observations. To get a deeper understanding of the case, the field study was supplemented with the analysis of the national legislation.

## RESULTS AND DISCUSSION

Table 1. NGO-s Results on the information of public on environmental issues

| Q1 | Q2 | Q3 | Q4 | Q5 | Q6 | Q7 | Q8 | Q9 | Q10 | Q11 | Q12 | Q13 | Q14 | Q15 |
|----|----|----|----|----|----|----|----|----|-----|-----|-----|-----|-----|-----|
| 1  | 1  | 1  | 1  | 2  | 2  | 2  | 1  | 2  | 1   | 1   | 1   | 1   | 1   | 1   |
| 1  | 1  | 1  | 1  | 2  | 2  | 2  | 1  | 2  | 1   | 1   | 2   | 2   | 1   | 1   |
| 1  | 1  | 1  | 1  | 2  | 2  | 2  | 1  | 2  | 1   | 3   | 1   | 1   | 1   | 1   |
| 1  | 1  | 1  | 1  | 2  | 2  | 1  | 1  | 2  | 2   | 2   | 1   | 3   | 1   | 1   |
| 1  | 1  | 1  | 1  | 2  | 2  | 1  | 1  | 2  | 2   | 2   | 1   | 3   | 2   | 2   |
| 1  | 1  | 1  | 2  | 2  | 2  | 1  | 2  | 3  | 2   | 2   | 1   | 3   | 1   | 1   |
| 1  | 1  | 1  | 1  | 2  | 2  | 1  | 1  | 3  | 1   | 1   | 1   | 1   | 1   | 1   |
| 1  | 1  | 1  | 1  | 2  | 2  | 2  | 2  | 3  | 1   | 1   | 1   | 1   | 1   | 1   |

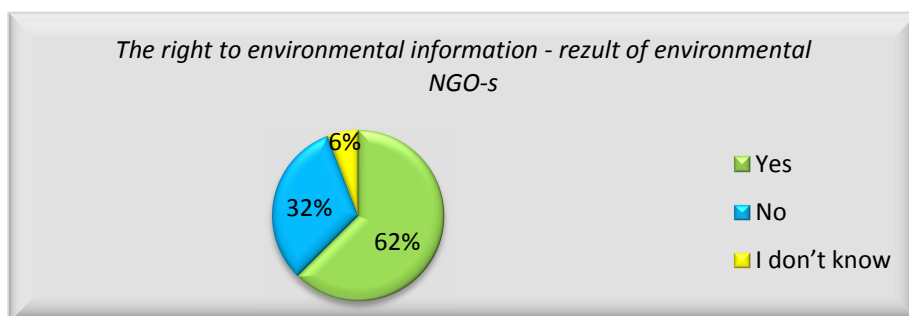


Chart 2. In the second chart it is clear as regards public information related to the environmental issue from the results taken from NGO-s, it shows that 62% have responded with yes, 32% with no and 6% Don't know.

Table 2. NGO Results on participation of public for environmental issues

| Q1 | Q2 | Q3 | Q4 | Q5 | Q6 | Q7 | Q8 | Q9 | Q10 | Q11 | Q12 | Q13 | Q14 | Q15 |
|----|----|----|----|----|----|----|----|----|-----|-----|-----|-----|-----|-----|
| 1  | 2  | 3  | 2  | 3  | 2  | 1  | 2  | 2  | 2   | 2   | 2   | 1   | 1   | 3   |
| 1  | 2  | 1  | 2  | 1  | 2  | 2  | 2  | 1  | 2   | 2   | 2   | 2   | 1   | 2   |
| 1  | 2  | 1  | 2  | 2  | 2  | 3  | 2  | 2  | 2   | 2   | 2   | 1   | 1   | 2   |
| 1  | 2  | 1  | 2  | 2  | 3  | 3  | 2  | 2  | 2   | 2   | 1   | 1   | 3   | 2   |
| 1  | 2  | 1  | 2  | 2  | 3  | 2  | 2  | 2  | 2   | 2   | 2   | 1   | 2   | 1   |
| 2  | 1  | 1  | 2  | 2  | 2  | 2  | 2  | 3  | 2   | 2   | 1   | 2   | 2   | 2   |
| 1  | 3  | 1  | 3  | 2  | 1  | 1  | 1  | 1  | 2   | 1   | 1   | 3   | 1   | 2   |
| 1  | 3  | 2  | 1  | 1  | 1  | 1  | 1  | 3  | 1   | 2   | 1   | 1   | 1   | 1   |

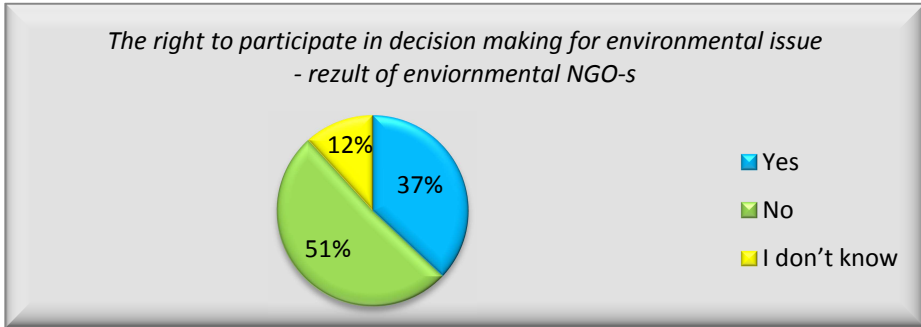


Chart 3. From the third chart it is clearly shown that as regards the information of public related to environmental issue taken from the NGO, 51% have responded with no, 37% with yes and 12 % don't know.

Table 3. NGO-s Results on the right of public to address the court for environmental issues

| Q1 | Q2 | Q3 | Q4 | Q5 | Q6 | Q7 | Q8 | Q9 | Q10 | Q11 | Q12 | Q13 | Q14 | Q15 |
|----|----|----|----|----|----|----|----|----|-----|-----|-----|-----|-----|-----|
| 2  | 1  | 2  | 1  | 2  | 2  | 2  | 2  | 2  | 2   | 2   | 2   | 2   | 2   | 1   |
| 2  | 1  | 2  | 2  | 2  | 2  | 2  | 2  | 2  | 2   | 2   | 2   | 2   | 2   | 1   |
| 2  | 1  | 2  | 2  | 2  | 2  | 2  | 3  | 2  | 2   | 2   | 2   | 2   | 1   | 2   |
| 2  | 1  | 2  | 2  | 2  | 2  | 2  | 2  | 2  | 2   | 2   | 2   | 3   | 2   | 2   |
| 2  | 1  | 2  | 2  | 2  | 2  | 2  | 2  | 2  | 2   | 2   | 2   | 2   | 2   | 2   |
| 2  | 2  | 1  | 1  | 3  | 1  | 1  | 1  | 1  | 3   | 2   | 2   | 2   | 1   | 2   |
| 2  | 1  | 2  | 2  | 2  | 2  | 2  | 2  | 1  | 2   | 1   | 2   | 2   | 2   | 1   |
| 1  | 1  | 2  | 1  | 2  | 1  | 1  | 3  | 2  | 2   | 2   | 2   | 1   | 2   | 1   |

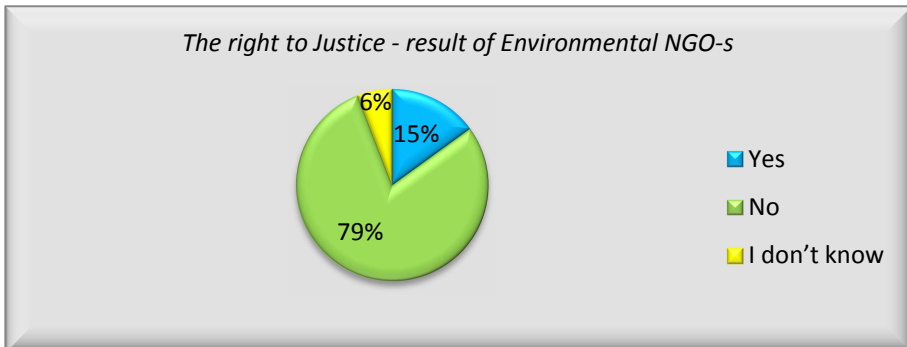


Chart 4. From the fourth chart it is clearly shown that as regards the information of public related to environmental issue taken from the NGO-s, 79% have responded no, 15% yes, and 6% don't know.

Table 4. Overall result of NGO-s for the three pillars of the Aarhus Convention related to the right on information, participation on decision making and the right of public to address to the court for environmental issues

| Q1 | Q2 | Q3 | Q4 | Q5 | Q6 | Q7 | Q8 | Q9 | Q10 | Q11 | Q12 | Q13 | Q14 | Q15 |
|----|----|----|----|----|----|----|----|----|-----|-----|-----|-----|-----|-----|
| 1  | 1  | 1  | 1  | 2  | 2  | 2  | 1  | 2  | 1   | 1   | 1   | 1   | 1   | 1   |
| 1  | 1  | 1  | 1  | 2  | 2  | 2  | 1  | 2  | 1   | 1   | 2   | 2   | 1   | 1   |
| 1  | 1  | 1  | 1  | 2  | 2  | 2  | 1  | 2  | 1   | 3   | 1   | 1   | 1   | 1   |
| 1  | 1  | 1  | 1  | 2  | 2  | 1  | 1  | 2  | 2   | 2   | 1   | 3   | 1   | 1   |
| 1  | 1  | 1  | 1  | 2  | 2  | 1  | 1  | 2  | 2   | 2   | 1   | 3   | 2   | 2   |
| 1  | 1  | 1  | 2  | 2  | 2  | 1  | 2  | 3  | 2   | 2   | 1   | 3   | 1   | 1   |
| 1  | 1  | 1  | 1  | 2  | 2  | 1  | 1  | 3  | 1   | 1   | 1   | 1   | 1   | 1   |
| 1  | 1  | 1  | 1  | 2  | 2  | 2  | 2  | 3  | 1   | 1   | 1   | 1   | 1   | 1   |
| 1  | 2  | 3  | 2  | 3  | 2  | 1  | 2  | 2  | 2   | 2   | 2   | 1   | 1   | 3   |
| 1  | 2  | 1  | 2  | 1  | 2  | 2  | 2  | 1  | 2   | 2   | 2   | 2   | 1   | 2   |
| 1  | 2  | 1  | 2  | 2  | 2  | 3  | 2  | 2  | 2   | 2   | 2   | 1   | 1   | 2   |
| 1  | 2  | 1  | 2  | 2  | 3  | 3  | 2  | 2  | 2   | 2   | 1   | 1   | 3   | 2   |
| 1  | 2  | 1  | 2  | 2  | 3  | 2  | 2  | 2  | 2   | 2   | 2   | 1   | 2   | 1   |
| 2  | 1  | 1  | 2  | 2  | 2  | 2  | 2  | 3  | 2   | 2   | 1   | 2   | 2   | 2   |
| 1  | 3  | 1  | 3  | 2  | 1  | 1  | 1  | 1  | 2   | 1   | 1   | 3   | 1   | 2   |
| 1  | 3  | 2  | 1  | 1  | 1  | 1  | 1  | 3  | 1   | 2   | 1   | 1   | 1   | 1   |
| 2  | 1  | 2  | 1  | 2  | 2  | 2  | 2  | 2  | 2   | 2   | 2   | 2   | 2   | 1   |
| 2  | 1  | 2  | 2  | 2  | 2  | 2  | 2  | 2  | 2   | 2   | 2   | 2   | 2   | 1   |
| 2  | 1  | 2  | 2  | 2  | 2  | 2  | 3  | 2  | 2   | 2   | 2   | 2   | 1   | 2   |
| 2  | 1  | 2  | 2  | 2  | 2  | 2  | 2  | 2  | 2   | 2   | 2   | 3   | 2   | 2   |
| 2  | 1  | 2  | 2  | 2  | 2  | 2  | 2  | 2  | 2   | 2   | 2   | 2   | 2   | 2   |
| 2  | 2  | 1  | 1  | 3  | 1  | 1  | 1  | 1  | 3   | 2   | 2   | 1   | 2   | 1   |
| 2  | 1  | 2  | 2  | 2  | 2  | 2  | 2  | 1  | 2   | 1   | 2   | 2   | 2   | 1   |
| 1  | 1  | 2  | 1  | 2  | 1  | 1  | 3  | 2  | 2   | 2   | 2   | 1   | 2   | 1   |

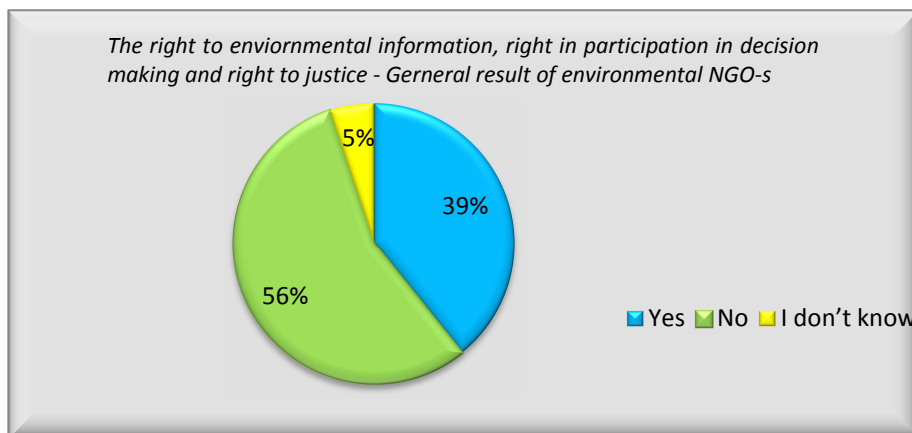


Chart 5. In the fifth chart, it is clearly shown the result taken from the NGO-s, for the three pillars of the Aarhus Convention on the right of information, participation in decision making and the right of public to address the court for environmental issues 56 % have responded no, 39% yes, and around 5 % don't know .

## **CONCLUSIONS AND RECOMMENDATIONS**

- In conclusion, it is worth saying that a lot of work has been done to build the capacity to fulfill the public's right to three elementary pillars of Aarhus Convention.
- Supportive international organizations have had and have a crucial role in the development of NGOs in the last decade.
- Of course, the shape of the support itself determines the outcome. In the area studied here, the result is often existential, that means very large dependence of local NGO-s in external funding.
- One of the major deficits of environmental NGO-s in Kosovo is the fractionation of sector in many small NGOs that are not functional, which in most cases are not known beyond the local level.
- Professionalization and specialization of NGO-s is and should be of special importance.
- Activity support of environmental NGO-s is needed- orienting towards the requirements of the local community in terms of environment.
- There is financial lack and apparent lack of a state policy for financial support of environmental NGO-s.
- Many environmental NGO-s are only registered and have not implemented any project.
- We can freely say that there are NGO-s that are not profiled, which try to operate only with the members of the founding act or only with the president, where in practice this management is impossible and in lack of funding, most of them have left the activity.
- Increase of campaigns with educational and awareness activities of environmental NGOs should be done in coordination with State institutions.



- Establishment and strengthening of NGO-s, consulting ties to increase the level of environmental information on the overall state of the environment in the country
- Strengthening economic instruments by the central and local institutions regarding NGOs
- central and local government to allocate subsidies to NGO-s which are active in preserving and protecting the environment - stimulating instrument for NGO-s.
- NGO-s should use the maximum space that gives Kosovo law and international law, related to their active participation in the process of drafting laws, environmental policies as inclusive part of decision-making on environmental issues.
- Strengthening and capacity building of NGO-s in relation to the above issues as information, education and awareness campaigns for the preservation and protection of the environment.
- Increase of voice of NGO-s and responsible institutions for inclusion of environment in the curricula of the educational system, which would help in sensitizing pupils, students and the recognition of the risks from enormous environmental pollution.
- NGO-s should develop through their activities to distribute information through brochures or leaflets, posters, roundtables and visual media conferences or even distribute different written environmental information.
- Training and strengthening the capacity of NGO-s in relation to environmental hazards and enable prevention of negative factors for a sustainable environmental development in the Republic of Kosovo.

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