

Process Framework for Involuntary Restrictions

Date: January 12, 2014

CEPF Grant: #63851

Grantee: The Urban Research Institute

Project Title: Conservation of Biodiversity in Patoku lagoon, Ishmi and Mati River outlet through Integrated River Basin Management

Project Location: Patok, Albania

Grant Summary

1. Grantee organization: Urban Research Institute
2. Grant title: Conservation of Biodiversity in Patoku lagoon, Ishmi and Mati River outlet through Integrated River Basin Management
3. GEM number: 63851
4. Grant amount (US dollars). \$180,000
5. Proposed dates of grant: January 2014-June 2015
6. Countries or territories where project will be undertaken: Albania
7. Summary of the project.

A. Project background

The proposed Integrated Watershed Management Plans (IWMP) for Mati and Ishmi river will define roles and responsibilities to be shared among the stakeholders, will set up management goals and objectives, and identify actions, measures and mechanisms that will ensure preservation and enhancement of Biodiversity in Patoku lagoon. IWMP for Mati and Ishmi Rivers will be supported by a Biodiversity monitoring plan that will help measuring the success and progress made in the implementation of the IWMP.

The proposed project activities will also aim at involving business sector in the watershed management, building up public-private partnerships and finding out mechanisms of Payment for Environmental Services (PES) at watershed level that will enable sustainable use of nature resources, preserve and enhance biodiversity.

If the proposed project will not be implemented, the Patoku lagoon and the estuarine waters of Drini Bay will continue to be further deteriorated and its biodiversity will be further lost. That's because all efforts made so far to stop ecosystem degradation of the Patoku lagoon and halt its biodiversity loss have failed to address the root causes of the threats, which are linked with past and today's developments in the two river basins of Mati and Ishmi that have created and greatly influenced the Patoku lagoon system. With no project scenario, legal and institutional responsibilities related to Patoku lagoon and Mati and Ishmi river basin management will continue to be not properly defined and shared among the central and local government authorities; legal, institutional and financial instruments and mechanism how to ensure the sustainable use of natural resources and biodiversity enhancement in the coastal lagoons and in their inland watersheds will not be searched and established; local capacities on how to manage Patoku lagoon and to protect and enhance its biodiversity will not be built; awareness raising activities will not be able to influence change in behavior and attitude of local communities and stakeholders towards nature and Biodiversity conservation. With no project scenarios it will not be possible to demonstrate examples of best practices that contribute to biodiversity protection and enhancement and to enable local communities to improve their livelihood and increase benefits deriving from sustainable development and management of coastal ecosystems.

The proposed project is likely to have some adverse short-term impacts upon a few community members whose current livelihood will be affected by the imposed regulations and rules related to illegal hunting, fishing and gravel extraction from riverbeds.

A. 1. Hunting

The project is expected to help enforcing a hunting ban in the area of Patoku lagoon. It is important to clarify that the project in its self is not posing any additional restriction to local communities besides those imposed by the existing law.

Indeed, Article 11 "Areas where hunting is forbidden" of the Law Nr.10 253, dated 11.3.2010 "On hunting" as amended, stipulates that "hunting is forbidden in surfaces of coastal wetlands that serve as habitats for migratory birds"

Furthermore the Order of the Minister of Environment Nr. 283 dated 10.4.2013 "On the approval of the list of surfaces of coastal wetlands that serve as habitats for migratory birds" designates the Important Bird Areas that serve as habitats for migratory birds and also defines the boundaries of the IBAs. Under this order Patoku lagoon, as part of the Nature Managed Reserve of Patok-Fushe-Kuqe-Ishem", is designated as IBA nr. 5.

Thus, since April 2013, the above regulatory framework forbids hunting in the area of Patoku lagoon.

A2. Fishing

The project would only help imposing the measures foreseen by the current fishing legislation. Again, it is important to stress that the project in its self is not posing any additional restriction to local communities.

The current Law Nr. 64/2012 "On fishing" defines the term "illegal fishing" as any activity undertaken by unauthorized individuals that do not have any fishing permit for a considered location.

Furthermore, current legislation forbids fishing with toxic substances, equipment generating electric shock and explosives.

A3. Gravel extraction

The project is expected to help imposing the implementation of the Decision Nr. 1 dated 13.01.2010 of the National Water Council "On the temporary control of the new permits for the exploitation of the gravels at river beds".

In accordance with the above decision, the governmental authorities do not have to issue permits for the exploitation of inert materials, such as sand and gravel, neither for Ishmi nor for Mati River.

The same decision remains in force also after the adoption of a new legal framework, first through the Decision Nr. 1 dated 07.07.2011 of the National Water Council "On the management of gravel exploitation for road construction" and later through the approval of the Law Nr 111 dated 2012 "On integrated management of water resources".

Based on the above, the project in its self is not posing any additional restriction to local communities besides those imposed by the existing legislation. Thus the project will only work towards enforcement rather than new restrictive measures.

B. Participatory Implementation - detail the participatory planning process for determining restrictions, management arrangements, and measures to address impacts on local communities.

Restrictions to illegal hunting, fishing and gravel extraction from river beds are already imposed by the existing legislation, however the project will work to sort out and implement the restriction through a participatory approach, including;

1. Identification of all local community members engaged with the illegal activities (hunting, fishing, gravel extraction);
2. Preparation and implementation of a communication plan with affected persons;
3. Involving the affected persons in discussions for the identification of the mitigation measures;
4. Designing a mitigation plan for the affected persons (In consultation with affected persons and local government authorities), by involving as much possible of the affected persons in the project activities (possible employment in the project activities).
5. Monitoring the implementation of the mitigation plan for affected persons;

C. Criteria for eligibility of affected persons - how the local communities will participate in establishing criteria for eligibility for assistance to mitigate adverse impacts or otherwise improve livelihoods. In cases with significant consultations and social analysis during preparation, these criteria may be included in the Framework. However, in most cases they will be developed, or at least refined during implementation.

According the existing legislation none of the affected persons from the restriction imposed for hunting, fishing and gravel extraction are eligible to exert these activities. However, eligibility criteria will be defined and agreed during the meetings with the affected persons. There is a strong commitment from the local authorities within the project area to enroll the affected persons in the existing social assistance cash benefit scheme and labor programs offered by the Communes.

D. Measures to assist the affected persons - The Framework should describe how groups or communities will be involved in determining measures that will assist affected persons in managing and coping with impacts from agreed restrictions.

Detailed measures to assists the affected persons will be identified and agreed during the consultation process with the affected persons and when designing the mitigation plan (see paragraph B).

E. Conflict resolution and complaint mechanism - how conflicts involving affected persons will be resolved, and the processes for addressing grievances raised by affected communities, households or individual regarding the agreed restrictions.

The project is not anticipating any conflict with the affected persons as their livelihood is not based on illegal activities. However through the complaint mechanisms the affected persons will have the possibility to communicate their complains. The project will assist them to address their needs to the local authorities and business sector. As mentioned above the project will maximize the possibilities to involve the affected persons in the implementation and benefits from the project activities (such as works for breeding platforms for waterbirds, training for Eco guides, summer & winter schools, waste cleanup etc)

F. Implementation Arrangements – roles and responsibilities of different stakeholders.

The first step of the project will be to define and sign a memorandum of understanding with roles and responsibilities of URI, ASPBM and respective communes and municipalities in the project area.

As described above a Mitigation Plan will be discussed and agreed with the affected persons. Meanwhile adequate assistance will be discussed and agreed with the local authorities to implement and facilitate the mitigation measures.

- URI and ASPBM will be responsible for identification of all affected community members, and prepare, in close consultation with them and local authorities, Mitigation Plan. Besides that, both organizations will involve the affected members in education campaigns, awareness activities and, whenever possible, consider their participation and benefits from project activities.
URI will ensure, through establishment of the grievance and complaints mechanism, the affected persons 'complaints are received and taken into consideration.
- Local authorities, the village headman and councils will be responsible for overseeing conflict resolution, in accordance with local dispute resolution practices, where necessary.
- Affected community members (recognized as traditional users).
- Regional authorities will be involved in (if any) conflict resolution only where resolution is not possible at the local level (e.g. occasionally people of foreign origin and/ or people with large-scale destructive hunting equipment are apprehended, and will need to be processed by district authorities.

G. Monitoring and evaluation Arrangements

A specific Monitoring and Evaluation plan for Process Framework will be designed and agreed with affected members and other stakeholders. Anyhow, periodic site visits, reports and usual monitoring tools will be used here as well.