

LOCAL GOVERNMENT POLICY IN EFFORTS TO FACE AND RESOLVE THE ENVIRONMENT PROBLEMS WHICH AFFECT PEOPLE HEALTH.

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Abstract

The environmental pollution problem which the world is facing recent years is becoming a real concern for the developed countries but also for the developing countries. This constitutes a real threat for the individual health and lives. For this reason, solution or minimization of the problems now existing requires the participation of many actors in central and local government level. Starting from this argument, this research covers some of the legal aspects related closely to the local administrations. Through a detailed analyse of the social and environmental legislation, legislation which forecasts and guides the work of local institutions, analyse of national strategies, the research offers a view which can help in understanding the management and control of the environment from the local government, also the efforts for improvement the life quality. Also, this research is focused on the importance of relation between local and central government in minimization or solution of healthy problems caused by pollution or bad management of environment. This research is focused in local policies of problem prevention, evaluation of situations and their solutions. In efforts to improve and further develop communities, this research aims to offer some recommendations which can serve to the above mentioned elements.

Keywords:

Environment policy, Social Policy, Environment pollution, Local government, Law, Health.

Introduction

In recent years the environmental problems tend to be seen and categorized as social problems due to the consequences they bring to the social development and in particular to the individuals welfare. Deemed important, we must emphasize the fact that environmental problems are now placed in the focus of many different international institutions and organizations which tent to place a balance between the environment and increasing demands of the human society. In fact more vulnerable are people living and working in industrial areas, whose exposure to different chemical and environmental factors is inevitable. This is a parallel we can do for Albania as well, which the impacts of the environmental degradation are largely inherited from the industrial development (mainly heavy industry) in the past¹. Yet environmental degradation is current growing problem which not necessarily is related only to the past, but related also to the abuse and misuse of the resources, the lack of standards and non functioning of institutions at local and central level. What is different in relation to the exposure towards environmental problems in Albania is that there is no constant monitoring and dynamic assessment in e evaluation of the impact of the pollution on the public health, level of sicknesses, means of prevention and medical treatment of the diseases, or an assessment for the costs that social and medical treatments for these individuals have over the national economy.

For the above reasons, the focus of this research is set to the role that local factor and institutions depending on it should take, not only to assist those individuals affected from the environmental degradation, but also for a more efficient management of the problematic situations created and better prevention of them in the future. Through an analysis of the legal, social and environmental framework and that which impacts the functioning of the local government and the practices followed from the local government institutions to support the individuals and

groups with special needs and analysis of the gathered data, in this research, information is obtained about the needs for intervention and services for the residents, and also in relation to the socio-economical and special needs. It should be emphasized that the legal regulatory framework with all these years improvements and additions, still does not respond to the requests of time, and monitoring and the ability to force law enforcements are weak. Considered above, the first objective of this research is the reflection over the legal, social, environmental and local government framework in function of the addressing of social issues with environmental nature and therefore provide recommendations for the legal and procedural improvements. A second objective is to improve existing practices or initiation of new practices over which local institutions function to deliver social services in local level as a condition for social development and of the community life quality.

Methodology

The chosen methodology for this research is:

1. *Social and Environmental framework analysis in the view of support and social schemes*
2. *Social framework analysis in the view of the environmental issues and problems and their impact on the residents who are exposed to the environmental degradation.*
3. *Legal framework analysis as the foundation on which the local governments functioning is base.*

Using this method allows us to collect broad and concrete information on the scope of the study, problems and issues that need to be addressed, by treating institutional and legal support of the needs for support and new social support schemes seen from the perspective of the local government institutions. For a complete analysis of the legal framework there are taken under consideration a number of International conventions of the environment where Albania is a signatory and laws, legal acts in force in the Republic of Albania in the field of social support and environment.

¹ UNDP (2008): *International consultancy for preliminary site investigation of a number of environmental hot spots in Albania - Main Report, Albania;*

4. *The study of the contemporary about to the health, social and environmental issues in Albania.*

This method serves to reflect and establish a general overview related to: state of the environmental elements, pollution level, types of relief and social schemes or programs for the individuals, families or communities. In this study, it is extensively analyzed the legal framework upon which many operating institutions are based to provide their assistance and services to the people in need and also the legislation that is directly related to the environmental issues and their treatment.

Background

1. Local Government and its characteristics

Local Government is an important institution for the delivery of services and compliance of the decisions taken from the local government with the activities and preferences of the local population, whose functioning in the Republic of Albania is based on the law no. 8652 dated 31.07.2000 "For the organization and functioning of the Local Government"². Two essential elements on which the functioning of local government is based are the *Local autonomy* which is expressed by the independent authority of local units to take initiatives in the benefit of the community and the *decentralization* which relates to the transfer of the authority and accountability of the public functions from the central government to the local government or other organizations in local level.

Decentralization involves the political, administrative and financial aspect. This means that decentralization involves creation of opportunities to manage functions in all directions, ranging from building the structures and management of their activity to the full exercise of financial functions, management of revenues and expenditures. This is the essence of the local government transformations and only such a process makes these local government real actors in exercising their various public functions.

Decentralization of local government means a better service for the residents and as a result means a greater proximity between local authorities and residents. This closeness means more familiarity with the local needs and mostly means a more active civic participation. The law makes local governments responsible for many public services and functions, but does not give the authority and tools necessary and appropriate to accomplish them. Local government capacity to act as regulatory authority is quite limited, even for its responsibilities. Central authorities and their specialized organs, determine almost all service standards and procedures undertaken by local governments. However, despite the large number of tasks that local government must meet, citizen participation remains essential for local government. One of the main principles of local government is civic participation in monitoring the decision making in local authorities and citizen input in decision-making process. Citizen's participation in local government activities has shown to give a positive contribution to the process of planning and

development. By involving the community, these processes can be speeded up, resources can be used more efficiently, can improve the sense of "local ownership" growing confidence of citizens and their skills in dealing with local government. However regardless the legal definitions it is noticed a clash between the two governments levels and on the other hand the public participation in decision taking processes almost does not exist. This would be an important element which precedes one of the essential provisions of the Aarhus Convention³, which necessarily defines engagement and public participation in decision making for environmental issues as a legitimate right.

2. Analysis of the legal and institutional framework for the support and social services related to the environmental problems in Albania

In this part of the research it is presented an analysis of legislation in the field of social support by considering the population groups that are located in regions and areas with problems and environmental degradation. The following analysis has examined:

- The type of assistance and the types of social services;
- The existing scheme of economical assistance;
- Categories benefiting from social schemes;
- Management of social scheme.

The purpose of the laws with social character is to assist individuals or groups in need, so that it can secure their livelihood, develop personal opportunities and to be able to maintain their integrity because of limited skills and opportunities in the economic, physical and social field. Trying to reduce poverty levels, such laws define and foresee opportunities for service delivery and provide a better living. Law no. 9355, dated 10.03.2005 "On social assistance and services"⁴, is the law in force on which they base their work many of the institutions that are directly related to the provision of social services. The law in question provides in detail all the categories of beneficiaries and types of assistance and social services will be offered to these categories. Basically this law is a regulation of relations between state-individual in an effort to secure those individuals and groups the vital possible minimum. There are two main definitions of this law, namely: "*Economic assistance*" mean the support, financially and materially for individuals with special status and families in need. "*Social Services*" mean the whole services offered to individuals and groups in need, which are not able to cope with their own resources, to fulfill their living needs, protection, development and rehabilitation of individual opportunities to overcome the emergency needs or chronic. We understand what includes economic assistance and social services for the purposes of this law. Recipients of social assistance and social services provided are:

1. Families without income or insufficient income;

³ Aarhus Convention, Denmark 1998: "On the public's right to information, participation in decision making and the right to a court to issue related to the environment"

⁴ Law no. 9355, dated 10.03.2005 "On social assistance and services"

² Law no. 8652 dated 31.07.2000 "For the organization and functioning of the Local Government"

2. Orphans over 25 years old, unemployed, who are not in institutions or under guardianship;

3. Parents with more than 2 children born at the same time, belonging to families in need.

As seen from the above classification of economic assistance is destined for the vulnerable groups unprotected. Criteria and procedures for obtaining economic assistance are determined by the Council of Ministers. On the other hand, the application and documentation to take benefits of social care services are submitted to the administrator of society, which are local government units. At the local level, the council of the municipality/commune has the right to approve specific criteria to provide economic assistance or to provide care from the local budget funds, to families with many members or poor families. As seen from the above Presentation State Social Service has the right to develop and propose new services undetermined previously a preliminary assessment of needs for residents affected by environmental degradation, they can be included as beneficiaries in a new program of social support and health. What is most important is that independence should be given to local decision-making institutions, so only bodies of local government level (council of the municipality/municipal) can:

1. Draft plan for the development of social care services based on resources, needs and local priorities;

2. Adopt and support the development of care services based on needs assessment of local priorities.

Social administrators are responsible persons that should identify, refer and cover the services of qualified individuals in need, but their work on the ground is not always realized. Given all the above treatment of the law in force it is noticed that the category of beneficiaries is clearly limited. Also the type of services provided is very limited. People with other needs but which are not defined in the aforementioned articles of the law could not be helped because the functioning of state structures is based on the application of certain laws. This gap of services for the category of individuals, families and communities with specific needs, shows that the Albanian government does not take into account other specifications, different, to which is battling over the years. Social legislation has left out groups of the population that are in certain situations for reasons that are out of their control. None of the listed categories do include individuals or communities who are affected by environmental problems because they are located in areas designated as "hot spots" Existing legislation in force, there is not any particular case reference for additional services to community such as health or information services, etc.

3. Albanian environmental legal framework

Another side is important to evaluate the consideration of these communities for social and health support is the review of environmental legislation in force⁵. The legal framework that addresses environmental issues is enriched a lot especially since 2000. But from the social and human point of view, there is much more to be done for this legal

framework to be developed. Environmental legislation⁶ is totally new, with a clear trend alignment with European legislation. It consists of all levels and types of laws and regulations, starting with the Constitution, general laws and specific government decisions, orders and instructions, regulations, norms, standards, etc. Its implementation is mandatory for any legal entity, domestic and international, which operate within the territory of Albania. Main obligations of individuals and entities have to deal with: environmental licensing, environmental monitoring and discharge on it, providing information on emissions into the environment and state of the environment, measures to reduce pollution and environmental damage, public information about pollution and environmental damage, public participation in the process of environmental impact assessment, etc. Clear definition of institutional responsibilities and obligations has brought improvements in institutional and organizational character, thus increasing the powers of environmental protection institutions. All activities affecting the environment should undergo an environmental impact assessment and the process of obtaining environmental permits. Despite the achievements, the practical implementation of environmental legal framework still leaves much to be desired, that because the environmental legal framework supports and encourages more the use of control and command than environmental economic instruments.

Conventions and International Acts

In the framework of active cooperation with international environmental programs and institutions or organizations concerned, our country participates to numerous international environmental agreements and is making serious efforts to implement the obligations deriving from membership. The implementation of obligations deriving from the membership in these conventions leads us not only to protecting the environment, improving quality of life, but also in economic growth, because their essence is the principle of sustainable development. Among the international acts that is important to note within this study It is the: Convention of Aarhus (Denmark Aarhus, 25 June 1998): "On the public's right to information, participation in decision making and the right to a court to issue related to the environment".

Results and conclusions

Analysis of this legislation relates directly to how much environmental laws in our country consider and anticipate the social problems caused by pollution and environmental degradation. Law "On Environmental Protection", is the basic law that expresses in summary the aims, principles and rules of environmental management, which even though remains one of the most complete laws in this field for the wide range it covers and the fact that provides in detail concepts such as environmental policies, environmental impact assessment, environmental permits, limiting pollution, monitoring and records, environmental

⁶ Law no. 8990, dated 23.01.2003 "For assessment of environmental impacts"

⁵ Law no. 8934, dated 05.09.2002 "For environment protection"

controls, sanctions and what is the most important role of the public, this law leaves out the treatment its social aspect of the impact of environmental problems. Shortcoming of this law remains in the fact that although it recognizes and establishes criteria for pollution and environmental impact, setting even a "national monitoring program" there is no article it cites any forms of intervention to support populations affected by environmental degradation any form, level of impact or support programs that can be offered. Environmental legislation largely treats and provides legal matters related to the environment itself. Emphasize that within all these series of laws there does not exist one special article treating the individual concerned by environmental problems or violations that occur in this direction from the impact of pollution on the environment or any other aspect of further forms of assistance or intervention each situation either locally or centrally. Like this in many cities in which the face of ecological disaster (Tirana, Elbasan, Fier, Berat, etc.) local government have failed to undertake initiatives to prevent, minimize or rehabilitated effects caused. In the functions of local government established by law, it is not provided the proper environmental management, which brings gaps in managing problematic situations created. Although in recent years there have been taken many assessments and environmental analysis associated with negative effects on the population of the areas studied, so there is a greater awareness for the environment in which we live, yet there is not any approved legal action and the specific type of sanction intervention. Even though there are approved or in process of drafting the outcome of important bills like those on environmental impact assessment, water protection, protecting the Earth from pollution and erosion, for rates, gaseous emissions, liquid discharge rates, for biodiversity, for environmental information and management of urban waste, still it is not found any reference for planning or support schemes for residents affected by the pollution of environmental degradation. Such initiatives will be very important if undertaken with the goal of bringing necessary changes in

legislation by reviewing and extending the scheme beneficiaries and thereby enable the mitigation of social problems in the country. Responsible state structures at the local level and beyond without appropriate professional experience in the absence of sufficient financial resources, have not been able to manage in a sustainable manner the range of all environmental problems and consequences that follow them. On the other hand the lack of clear definition of specific responsibilities and powers on decision-making, leads to disability and deficiency due to parallelism or distribution of scarce services.

Recommendations

Based on all the above analysis and once again reemphasizing the importance that treatment environmental problems in a timely and proper manner to avoid social problems, it comes to some recommendations.

- Review in the local level of beneficiary categories including communities, families, individuals affected by environmental problems affecting the health, etc.
- Support from central institutions and/or local authorities to undertake studies or in-depth socio-economic projects and environmental over the impact and social consequences of environmental problems in the hot spots defined in Albania or in areas where these problems occur most frequently.
- The accurate identification and documentation of the number of persons affected in the direct manner from environmental issues, through the statistical data as well as organizing local structures for this purpose.
- Planning pilot projects for rehabilitating the affected individuals through some particular units in the take of proper suitable service.
- An important point in successfully managing challenging situations will be training and qualification of specialists of social support on the specific issues of the impact of environmental problems having on the health of residents of communities located in areas with significant environmental degradation which in that way or other are part of environmental problems.

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