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PAMANCA
Protected Areas Matter Advocating for Nature Conservation in Albania

ANALYTICAL REPORT

GAP ASSESSMENT OF THE LEGAL, REGULATORY, AND INSTITUTIONAL FRAMEWORK FOR PROTECTED AREAS IN ALBANIA

EcoAlbania

RES PUBLICA

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ABBREVIATIONS

NAPA – National Agency of Protected Areas
RPAA – Regional Administrations of Protected Areas
EU – European Union
NTC – National Territorial Council
NTWC – National Territorial and Water Council
IMIS – Integrated Management of Inspection System
HPP – Hydropower Plant
DCM – Decisions of the Council of Ministers
EIA – Environmental Impact Assessment
SEA – Strategic Environmental Assessment
PA – Protected Areas

EXECUTIVE SUMMARY

This report presents a comprehensive assessment of gaps in the legal and institutional framework for Protected Areas (PAs) in Albania. It has been prepared to identify where and why the current framework does not function effectively, with the aim of supporting policymakers and stakeholders in recognizing critical weaknesses that undermine the conservation of natural assets. The assessment focuses on legal inconsistencies, normative and institutional ambiguities, overlapping mandates, as well as practical challenges that hinder the effective management of protected areas.

Recent legislative changes have created a new sense of urgency for this assessment. The adoption of Law No. 21/2024 has marked a drastic shift in the approach to protected areas, moving the emphasis from conservation toward their economic exploitation. This development has raised serious concerns regarding the compatibility of national legislation with international conservation standards and has generated profound legal uncertainty, signaling a potential regression in protection standards.

In a similar context, Law No. 20/2025, "On the Mountain Package," adopted only a few months later, introduced provisions affecting the principle of inalienability of forests under public and private ownership by allowing their transfer for development purposes. The law establishes expedited permitting mechanisms through the National Territorial and Water Council (NTWC), departing from existing spatial planning instruments and environmental procedures and further prioritizing development projects. Together, these legislative changes underscore the need for a systematic identification of gaps within the current framework in order to assess their implications for the effective protection of nature.

The analysis reveals that, despite the existence of relatively modern legislation—albeit with a degree of regression in recent years with regard to nature conservation—the protected areas system is affected by significant gaps. Substantial inconsistencies have been identified between primary legislation, sectoral laws, and subordinate legislation. These include, for example, amendments to the Protected Areas Law that are not reflected in implementing acts, as well as conflicts between the Protected Areas Law and legislation on the environment, forests, or spatial planning. In addition, normative ambiguities (such as newly introduced terms that lack clear definitions, incomplete procedures, or insufficient sanctions) and institutional ambiguities (including overlapping mandates or gaps in responsibilities) contribute to uncertainty and uneven implementation. Furthermore, practical challenges in the functioning of institutions—such as limited human and financial resources, weak inter-institutional coordination, and insufficient institutional capacities—further widen the gap between the law "on paper" and its application in practice. This gap has been further accentuated following the 2024 legislative changes, which marked a normative regression in the protection of nature.

The identified gaps extend beyond theoretical considerations or minor technical legal issues and have tangible implications for the environment and human well-being.

For local communities, weaknesses in the legal framework and in institutional functioning translate into weaker protection of natural resources on which livelihoods depend, fewer opportunities for access to information and participation, and an increased risk of conflict—for example, when residents perceive that decisions are taken without transparency or adequate consultation).

For landowners, these legal weaknesses represent a tangible risk to property rights, particularly in cases where land becomes subject to development interest by a "strategic investor." For the wider public, such deficiencies imply a potential erosion of trust in environmental institutions when decisions on projects within national parks are taken without accountability and in contradiction to existing plans or environmental assessments.

For decision-makers and the European integration process, the implication is that Albania may face challenges in meeting its national and international objectives for nature conservation. Divergence from European Union standards and from the guidance of the International Union for Conservation of Nature (IUCN) raises questions regarding the country's strategic commitments and may affect Albania's reputation within the integration process.

For present and future generations, legal shortcomings translate into living in an increasingly degraded environment and growing detachment from nature, which in turn implies a decline in quality of life.

Maintaining the status quo without addressing these gaps entails a serious risk to the country's unique biodiversity, to the long-term sustainability of ecosystems, and to public trust in the rule of law in the environmental field.

I. INTRODUCTION

Albania, despite being a small country, possesses one of the richest levels of biodiversity in Europe. Protected Areas constitute the core of this natural heritage, covering more than 21% of the national territory and providing habitat for thousands of rare plant and animal species. These areas conserve critical ecosystems that deliver essential services to communities, including air and water purification, soil protection, and mitigation of natural hazards. This situation may be altered following the liberalization of the legal framework and the shift in focus of protected areas legislation from conservation toward economic development.

In recent years, Protected Areas have attracted increasing public attention, and visitor numbers have risen significantly, reflecting not only their natural values but also the socio-economic role they play. This growing interest is accompanied by a responsibility for careful management, to ensure that the use of these areas does not compromise their ecological integrity. However, the effective management of Protected Areas depends directly on the existence of a legal and institutional framework that is clear, coherent, and enforceable in practice.

For many years, the main legal pillar of the protected areas system was Law No. 81/2017 "On Protected Areas", which was designed to modernize environmental legislation and align it with European Union standards and the best-practice guidance of the International Union for Conservation of Nature (IUCN). The adoption of Law No. 21/2024 introduced a fundamental shift, as it redirected the focus from nature conservation toward the promotion of economic development within protected areas themselves, thereby allowing investments within these areas. As a result, the state approach to nature protection was reconfigured and the regulatory framework underwent substantial changes, raising serious questions regarding the compatibility of the new policies with international conservation standards and creating legal uncertainty in their implementation.

In a similar context, Law No. 20/2025 "On the Mountain Package" altered the principle of inalienability of state-owned forests by treating the forest fund as an economic asset that may be subject to development projects.

These developments have shaped a new normative context in which the traditional priority of conservation has been replaced by a logic oriented toward short-term gains. Taken together, these legislative and institutional changes have restructured the existing framework, highlighting the urgent need to assess the gaps that have emerged in its functioning.

Against this background, Part One of this initiative—the analytical report entitled "The Legal, Regulatory, and Institutional Framework for Protected Areas in Albania", prepared earlier—provided an overview of the current state of this framework by outlining the existing legal, regulatory, and institutional architecture, as well as the key recent changes adopted in 2024. That part examined the core legislation, including Law No. 81/2017 "On Protected Areas" and the amendments introduced by Law No. 21/2024, together with the relevant supporting sectoral legislation, the applicable subordinate legislation, and the institutional

structures involved (the line ministry, the National Agency of Protected Areas (NAPA), the Regional Protected Areas Administrations (RPAA), the Environmental Inspectorate, local government authorities, among others). This analysis serves as a solid foundation upon which the present assessment is based.

Part Two represents the next step in this process and provides an in-depth assessment of gaps within the current framework, analyzing the inconsistencies, ambiguities, and challenges arising from it, as well as their implications for the state's capacity to effectively protect natural assets. This document follows logically from Part One, moving from a descriptive overview of the existing framework to a diagnostic analysis of the gaps and shortcomings within that framework.

The primary objective of this part is to identify and analyze in depth the existing gaps, whether legal, regulatory, or institutional—and to assess how these shortcomings affect the state's capacity to effectively protect natural assets. In other words, this report seeks to understand where the existing framework falls short, the underlying reasons for these shortcomings, and the consequences they produce in practice. Particular emphasis is placed on the relationship between the legal framework and institutional realities; namely how legal provisions (or their absence) are reflected in the actions—or inaction—of institutions on the ground. In this context, meetings were held with relevant institutions in different regions of the country, and the valuable insights and suggestions arising from these consultations are reflected in this report.

This report has practical relevance for policymakers, public administration, and stakeholder groups. It provides decision-makers with solid evidence base and an objective analysis of the strengths and weaknesses of the current framework, equipping them with the information necessary to take action and develop informed policies. At the same time, the assessment findings enhance transparency and accountability toward the public and other actors, thereby strengthening their role in environmental decision-making processes. Over the longer term, addressing the identified gaps is essential to ensure that Albania meets international nature conservation standards and advances its European integration objectives in the environmental field, in line with European Union requirements.

The assessment is primarily based on document analysis and does not include direct field research or structured interviews, which could have provided a more comprehensive picture of practical challenges. Ongoing legislative dynamics—particularly the changes adopted in 2024 and the implementing acts that have yet to be approved—indicate that the framework may continue to evolve, and that some findings may require updating. In certain areas, especially those related to institutional capacities, the lack of detailed data has limited the scope for quantitative assessment. Nevertheless, the analysis has been conducted with a high level of rigor, drawing on the most reliable information available.

The following section briefly outlines the methodology and criteria used for the assessment of gaps. This is followed by two main chapters presenting the findings: the first focuses on gaps in the legal and regulatory framework (such as legal inconsistencies or regulatory vacuums), while the second addresses gaps in the institutional framework (including ambiguities in the allocation of responsibilities, capacity constraints, or coordination challenges). Finally, the report concludes with a synthesis of the key findings and the main recommendations for addressing the shortcomings identified in the current framework

II. METHODOLOGY AND ANALYTICAL APPROACH

The methodology applied in this assessment is grounded in the principles of objectivity, comprehensiveness, and benchmarking against best practices. The primary methodological objective is to ensure an in-depth and impartial analysis of the legal, regulatory, and institutional framework for protected areas, with a view to identifying existing gaps or shortcomings. This approach implies that all conclusions are based on documentary evidence and recognized international standards, thereby providing a solid and unbiased information base for decision-makers, free from subjective judgments or undue influence.

In addition to the document-based analysis, this study also involved consultative meetings held in five regions of the country, with the aim of presenting preliminary findings and collecting feedback from local actors, experts, institutional representatives, and stakeholder groups. The observations and recommendations emerging from these meetings have been integrated into this report and have served as an important source for validating, complementing, and enriching the analysis.

The methodology has been designed to systematically address the key elements of the current framework, ranging from the applicable legislation to its practical implementation, with the aim of ensuring that no significant aspect is overlooked.

2.1 Analyzed sources:

The assessment draws on a broad range of primary and secondary sources. An initial analysis was conducted of national legislation, including the Constitution, Law No. 81/2017 "On Protected Areas," its amendments introduced by Law No. 21/2024, and the subordinate legislation adopted for their implementation (Decisions of the Council of Ministers, as well as ministerial orders and guidelines). In addition, relevant national strategic documents and institutional reports providing contextual background were taken into consideration.

At the international level, the assessment examined the guidelines and criteria of the International Union for Conservation of Nature (IUCN), as well as the requirements of European Union legislation, including the Birds and Habitats Directives, which were used as a comparative basis for the evaluation.

Beyond legal texts, the methodology also included a review of institutional practices and data, encompassing official reports on the management of Protected Areas, as well as selected court cases that help identify ambiguities in practical implementation.

The analysis has been further enriched by comments and experiences from institutional actors, environmental organizations, and legal experts, gathered through discussions and existing documentation, thereby providing a comprehensive overview of the challenges and gaps encountered in practice.

2.2 Analytical approach used to identify gaps:

The analysis was conducted in two main phases. The first phase involved mapping the existing legal, regulatory, and institutional framework by outlining the applicable provisions, the key amendments (particularly those adopted in 2024), and the structure of the institutions responsible for Protected Areas. This phase provided a clear overview of the current situation, which served as the basis for the subsequent assessment of gaps.

The second phase focused on identifying inconsistencies, ambiguities, and shortcomings within the legal and regulatory framework, including contradictions between laws and subordinate legislation, the absence of implementing acts, and gaps in the allocation of competences. The analysis was carried out through a comparison between international standards—namely the guidelines of the International Union for Conservation of Nature (IUCN) and the directives of the European Union—and current practice in Albania, with the aim of assessing the level of harmonization and identifying areas where further improvements are required.

During this analytical process, particular attention was paid to four key elements that influence the effectiveness of the framework for Protected Areas:

- **Legal coherence.** The assessment examined whether legislation and subordinate acts establish a coherent and harmonized framework, free from internal contradictions. This included reviewing the alignment between the primary law and subordinate legislation, consistency with the Constitution and the hierarchy of legal norms, as well as the coherence of the Protected Areas Law with other sectoral legislation (e.g. environmental, tourism, and spatial planning laws). Any ambiguity or conflict identified within the legal texts was recorded as a potential gap that may hinder the effective implementation of the law.

- **Allocation of competences.** The analysis mapped the institutional structure and assessed whether the roles and responsibilities of the key institutions—such as the ministry responsible for the environment, the National Agency of Protected Areas (NAPA), the Regional Administrations of Protected Areas (RAPA), and Local Government Units—are clearly defined and free from overlap. Areas were identified where competences intersect or, conversely, where gaps in responsibility may exist (for example, where no institution is formally tasked with a key function). Clarity in the allocation of competences was considered essential for effective institutional functioning; accordingly, any legal ambiguity in this regard was treated as a shortcoming requiring attention.

- **Institutional capacities.** Even where the legal framework is clear, the practical ability of institutions to implement it may be constrained by capacity limitations. In the absence of a detailed organizational analysis (which falls outside the scope of this report), the methodology relied on secondary indicators and publicly available information to assess this aspect. Consideration was given to available data on the human, financial, and technical resources of key institutions—such as the National Agency of Protected Areas (NAPA) and its subordinate structures—where such data are publicly accessible, as well as to findings from audits or previous reports related to performance in Protected Areas management. This approach makes it possible to determine whether gaps exist between assigned legal duties and the actual capacity to fulfil them. For example, where legislation requires rigorous monitoring of Protected Areas but staffing and funding are insufficient, this is identified as an institutional gap that weakens the enforceability of the law.

- **Enforceability.** Building on the above analysis, the assessment examined the extent to which the current framework is enforceable in practice. This included an examination of enforcement mechanisms and the binding force of legal provisions, such as the existence of the subordinate legislation and guidelines required to operationalize the law, the system of sanctions and inspections, and the feasibility of applying sanctions to violators. Legal provisions establishing control and penalty mechanisms were analyzed to determine whether they are adequate and practicable. In assessing this aspect, the review of legal texts was complemented by consideration of concrete examples of implementation (or non-implementation) to date, as reflected in court cases, administrative complaints, or public reporting. These examples help identify whether certain legal provisions have proven difficult or impossible to apply, or have generated confusion in practice, thereby serving as indicators of gaps in enforceability.

III. INCONSISTENCIES BETWEEN PRIMARY LEGISLATION, SECTORAL LAWS, AND SECONDARY LEGISLATION

A core pillar of the assessment is the identification of legal inconsistencies, namely situations where existing laws and subordinate legislation are not harmonized and consequently create contradictions or regulatory gaps. Such inconsistencies undermine the coherence of the system and often give rise to implementation bottlenecks, particularly where two legal provisions or two laws conflict with one another, or where new legislation is not followed by the corresponding amendments to implementing acts. The following sections analyze the main categories of these inconsistencies:

3.1 INCONSISTENCIES BETWEEN THE LAW ON PROTECTED AREAS AND ITS IMPLEMENTING BY–LAWS

A recurrent issue in Albanian legislation is that amendments to primary laws are not immediately—or, in some cases, not at all—reflected in the existing subordinate legislation. This creates situations in which the law conveys one set of provisions while the implementing acts reflect another, leaving institutions uncertain as to which direction should be followed in practice.

Law No. 81/2017 "On Protected Areas" required the adoption of a series of subordinate acts to ensure the full implementation of its provisions, most of which were adopted during the period 2018–2022. These implementing acts enabled the establishment of management structures, procedures for designation and zoning, inventories of natural values, and rules governing permitted activities, thereby making the practical application of the Protected Areas Law possible. However, critical gaps persist, as several of the envisaged acts were never adopted or were subject to significant delays. As a result, certain core provisions have remained de facto unenforceable.

The failure to adopt the following subordinate acts, as предусмотред under the Protected Areas Law, creates a clear gap in the regulatory framework and hinders the full and effective implementation of the law in practice:

1. Minister's Guideline"On the procedures for the temporary suspension of permitted activities when the purpose for which an area has been designated as protected is compromised," pursuant to Article 16, paragraph 6 of the Protected Areas Law. This act was intended to define the procedures for temporarily suspending lawful activities where it is established that such activities conflict with the conservation objectives of a protected area. The absence of this guideline creates a procedural vacuum, as the competent authorities lack a clear legal basis to undertake immediate interventions to halt activities which, although generally permitted, may be incompatible with the specific conservation purpose of a particular protected area.

2 Minister's Guideline "On the rules governing short visits or the transit of visitors and tourists," pursuant to Article 19, paragraph 5 of the Protected Areas Law. This guideline was intended to clearly regulate the form, limitations, and conditions under which visitors may move within protected areas classified as "Natural Parks." In the absence of this act, visitor activities take place without a detailed legal framework, increasing the risk of uncontrolled interventions in nature and limiting the authorities' ability to manage tourist flows in a sustainable manner.

3 Minister's Guideline "On the rules for the preparation, content, administration, updating, and format of the national portal and database for protected areas," pursuant to Article 45, paragraph 1 of the Protected Areas Law. This guideline is essential for the operationalization of a unified digital system for the collection and dissemination of information on Protected Areas. Its absence hampers the establishment of a functional database that could support monitoring, reporting, and transparency for decision-makers, the scientific community, and the general public.

4 Minister's guidelines on the preparation of management plans, biodiversity monitoring in Protected Areas, and the format of annual reporting by protected area administrations, as required by the Protected Areas Law. Some of these requirements have been only partially addressed through internal acts of the National Agency of Protected Areas (NAPA) (for example, the adoption of a standard management plan format as an internal guideline). However, the absence of a formal legal basis in the form of a ministerial order or guideline means that these standards are not legally binding. As a result, the quality and content of management plans and annual reports may vary across protected areas, leading to inconsistencies in their protection and administration.

In the absence of these subordinate acts, the legal framework for protected areas remains incomplete and not fully operational. This directly affects management flexibility, the capacity to respond to threats, visitor management, and access to information, thereby weakening the effective protection of natural assets.

Law No. 81/2017 "On Protected Areas" is supported by a number of subordinate acts adopted for its implementation, such as government decisions on the designation of categories or the approval of model regulations. However, following the amendments introduced in 2024 (Law No. 21/2024), these subordinate acts may now be considered outdated.

By contrast, Law No. 21/2024, which introduced significant amendments to the Protected Areas Law, among other aspects revised the concept of zoning and management procedures. This raises the question of whether the existing subordinate legislation has been adapted to this new reality. With the exception of a limited number of revisions to Decisions of the Council of Ministers concerning the designation of protected areas, the answer is, to date, negative. For example, although the amended law altered the categorization of sub-zones and the procedures for approving management plans, the corresponding Decisions of the Council of Ministers and ministerial guidelines have not been amended accordingly. As a result, the enforceability of the revised law is compromised.

A concrete example of internal inconsistency between the law and its implementing acts concerns the internal zoning of Protected Areas. Prior to the amendments, Law No. 81/2017 contained one provision (Article 13) establishing a detailed system of sub-zones within protected areas, while another provision (Article 47) introduced a simpler and optional version of the same concept. This internal contradiction within the law generated uncertainty for institutions regarding which zoning approach should be applied. In practice, Decision of the Council of Ministers No. 57/2019 regulated zoning by following the model set out in Article 13, namely a detailed sub-zoning system; however, the ambiguity within the legal text itself remained a legal weakness. With the 2024 amendments, the sub-zoning system was re-conceptualized once again, with a reduction in the number of categories, yet the existing subordinate acts (such as the 2019 decision) have not been amended accordingly. As a result, there is currently a mismatch between the provisions of the amended law and the subordinate legislation adopted under the previous legal framework. Protected Areas administrations operating on the ground therefore find themselves navigating between two frameworks that are not fully aligned.

Following the 2024 amendments (Law No. 21/2024), an urgent need emerged for new subordinate legislation; however, such acts have remained delayed. The amended law itself introduced concepts and regulatory regimes that had not previously been defined—for example, the notion of "excellence tourism" within protected areas—which require specific implementing rules.

Law No. 21/2024 provides for the adoption by the National Territorial Council (NTC) of a specific regulation establishing technical criteria for construction and permitted activities within protected areas, particularly with regard to accommodation facilities located therein. To date, this regulation has not yet been adopted, creating a legal vacuum. As a result, investors may propose tourism projects within a park or reserve in the absence of a clear set of standards to be met. This uncertainty increases the likelihood that plans or projects will be assessed on a case-by-case basis without unified criteria and allows for discretionary interpretation of the law.

Until new subordinate acts are adopted, implementing authorities either remain reliant on outdated acts issued under the previous legal framework or operate in the absence of clear guidance. Both situations are problematic. On the one hand, existing acts may conflict with the spirit or the letter of the amended law; on the other, the absence of new implementing acts creates a regulatory vacuum.

The impact of delays in adopting implementing acts is tangible on the ground. For the period 2017–2019, for example, until the adoption of Decision of the Council of Ministers No. 57/2019 "On the zoning of Protected Areas," newly designated protected areas operated without zoning plans, making it difficult to clearly distinguish strictly protected zones from areas of traditional use. Similarly, delays in issuing the regulation of the National Territorial Council on construction criteria following the amendment of the law have created a period during which permit applications within protected areas are assessed in the absence of specific guidance, thereby increasing legal uncertainty for both investors and environmental protection actors.

In conclusion, as a result of these regulatory gaps, the implementation of the law often relies on administrative discretion and ad hoc decision-making, which undermines the principle of legal certainty and allows for the emergence of negative precedents. Only through the completion of a secondary regulatory framework that is aligned with European Union standards and best practices can a uniform and effective implementation of protected areas legislation be ensured.

3.2 CONTRADICTIONS BETWEEN THE PROTECTED AREAS LAW AND SECTORAL ENVIRONMENTAL LEGISLATION

Protected Areas cannot be treated as isolated "islands," nor can they be assumed to be governed by a single, standalone regulatory instrument. These areas are simultaneously subject to a range of sectoral laws (including those on the environment, water resources, forests, biodiversity, spatial planning, tourism, strategic investments, among others), as well as numerous subordinate acts and administrative decisions. For this reason, harmonization among these regulatory regimes is a fundamental prerequisite for integrated and predictable management. When sectoral legislation is not aligned with Law No. 81/2017, dated 4 May 2017, "On Protected Areas" (as amended by Law No. 21/2024), three concrete consequences arise: (i) conflicts of competences and standards emerge; (ii) procedural "back doors" are opened for exemptions that undermine integrated management and render effective protection contingent on development pressure and political will; and (iii) the scope for arbitrariness and opportunistic selection of the "most favorable" legal regime (forum shopping) increases, to the detriment of the very objective of protection.

In theory, conflicts are resolved through the principles of the legal system (such as the hierarchy of norms, the principle of lex specialis, and the integration of environmental requirements into sectoral policies). In practice, however, when territorial development, tourism, or investment legislation establishes accelerated procedures and centralized competences—particularly at the level of the National Territorial Council and the National Territorial and Water Council—these mechanisms tend to neutralize the protective logic of the Protected Areas Law. Protection remains largely declarative, while development becomes operational. For this reason, harmonization is not a merely "formal" issue; it is a necessary condition to prevent the "protected" status from becoming an easily bypassed label.

The following sections present the main areas in which inconsistencies of this nature have been identified, linking them concretely to the relevant legislation.

1. The Environmental Protection Framework Law in Relation to the Protected Areas Law: Strong Principles, Insufficient Implementation Instruments.

Law No. 10 431, dated 9 June 2011, "On Environmental Protection" (the framework law), establishes the general principles and the State's obligations for environmental protection as a whole. In principle, Law No. 81/2017 "On Protected Areas" should represent the most concrete territorial expression of these principles, given that Protected Areas constitute the key instrument for conserving biodiversity, landscapes, and natural and cultural heritage. In this sense, protected areas may be regarded as the environment in its most clearly articulated and concentrated form.

However, the main gaps emerge at the level of implementation instruments. While the principles are in place, they are not consistently supported by binding subordinate legislation, technical standards, monitoring methodologies, or effective sanctioning mechanisms. A typical example—also reflected in practice—relates to environmental liability and damage remediation. Where the framework law establishes that the polluter must repair or rehabilitate environmental damage, but implementing regulations and enforcement mechanisms are lacking, the principle remains unenforced even within protected areas, where ecological damage is often irreversible or exceptionally costly to remedy.

Similarly, there are instances where principles such as "the polluter pays," prevention, and sustainable development are not clearly reflected in concrete decision-making related to Protected Areas (including permits, authorizations, tolerance of violations, or the absence of rehabilitation measures). In the absence of a strong link between principle and measurable obligations such as a condition, standard, prohibition, or sanction, the level of protection envisaged by the Protected Areas Law is weakened.

In this sense, the inconsistency is not limited to "law versus law," but extends to "law versus reality" whenever the principles of environmental law are not automatically translated into enforceable prohibitions, restrictions, and obligations within protected areas.

2. Environmental Impact Assessment (EIA) / Strategic Environmental Assessment (SEA): Environmental Filters Treated in Practice as "Indicative" Rather Than Binding.

EIA/SEA procedures are designed to ensure that development projects and plans do not cause harm to the environment, particularly when they affect sensitive areas such as national parks. In this context, Law No. 10 440, dated 7 July 2011, "On Environmental Impact Assessment" (EIA), and Law No. 91/2013, "On Strategic Environmental Assessment" (SEA), are intended to function as preventive mechanisms.

A practical gap with direct implications for Protected Areas lies in the fact that the Environmental Declaration (the final decision of the EIA process) is not treated as a legally binding instrument for the authority granting development permits but is often regarded as merely "indicative." This weakens the role of the EIA as an effective filter and reduces it to a procedural step that can be overridden by the decision-making of planning or development authorities.

This problem becomes critical when accelerated procedures apply to projects classified as being of "national importance" or "strategic," where, in practice, decision-making bodies (such as the National Territorial Council / National Territorial and Water Council or government-level decisions) may authorize projects even when environmental screening tools indicate negative impacts, on the grounds of a claimed overriding public interest. In theory, a project with significant adverse impacts should not be permitted within a protected area. In practice, however, when the EIA lacks legally binding force, it is unable to prevent the project from proceeding.

The case of Vlora Airport is illustrative of this tension. The project was advanced within a protected coastal landscape/ecosystem of biodiversity significance, despite objections raised by experts and international bodies, through high-level decision-making and the use of planning and development instruments. This precedent clearly demonstrates that, where development legislation creates alternative pathways, an environmental instrument such as the EIA can be relativized, becoming a procedural formality rather than an effective filter.

A key element of the European Union acquis on the protection of Natura 2000 network sites is the "Appropriate Assessment." In Albanian legislation, this instrument is provided for under the Environmental Impact Assessment (EIA) Law as a specific mechanism applicable when a plan or project affects—or poses a risk of affecting—areas with protected natural values. Nevertheless, despite its legal recognition, its practical implementation remains weak for two main reasons: (i) ambiguities in legal definitions and (ii) the absence of implementing subordinate acts that would transform this instrument into a concrete and measurable decision-making filter.

First, the ambiguities relate to fundamental issues that determine the "strength" of the Appropriate Assessment. These include questions such as when it is triggered (the threshold of a "likely significant effect"), its relationship with EIA/SEA (whether it constitutes an integral part of the EIA or an autonomous test), the meaning of the "integrity" of the site and of "conservation objectives," the treatment of cumulative impacts, and the manner in which the conclusions of the Appropriate Assessment are linked to the final decision of the authority approving the development. Such ambiguities create room, in practice, for projects to proceed through planning and development mechanisms even where environmental risks are incompatible with conservation objectives.

Second, the absence of implementing subordinate acts effectively paralyzes the instrument. Without binding methodologies, standards of proof, reporting formats, rules on alternatives, mitigation and compensation measures, as well as mandatory monitoring protocols, the Appropriate Assessment remains a procedural label rather than a substantive test of ecological integrity. Under these conditions, the gap between the requirement "on paper" and its effect "on the ground" becomes critical, as it leaves protection exposed to accelerated decision-making processes and so-called "strategic" projects.

3. Territorial planning in relation to the restrictions set out under the Law on Protected Areas. Deviations for special projects and the precedence of "political will" over protection status

Territorial planning is governed by Law No. 107/2014, dated 31 July 2014, "On Territorial Planning and Development" (as amended, most recently by Law No. 41/2024). On paper, this law requires that plans and development projects take environmental constraints into account. In practice, however, two recurring problems are observed:

- Lack of effective coordination between planning authorities and environmental institutions / protected area administrations

- Mechanisms for deviating from or overriding plans and restrictions for special projects, thereby creating space for the "protected" status to be treated as negotiable.

This raises a fundamental legal question: are protected areas "red lines" that are inviolable, or territories in which exceptions may be authorized through special decisions? If the system allows such deviations, then protection status becomes conditional on political will rather than a genuine special legal regime. The fact that, in practice, approvals have been identified that override planning restrictions or change land use within areas holding protected status demonstrates that the balance between territorial planning and nature conservation is not clearly or definitively settled.

From the perspective of European integration, this is particularly problematic, as planning instruments should function as an additional layer of protection for protected areas, rather than as mechanisms that weaken their protection.

4. *Forests, biodiversity, and the "Mountains Package" in direct conflict with the integrity of protected areas*

Protected areas often encompass forested land and important habitats. The core forestry legislation is Law No. 57/2020, dated 30 April 2020, "On Forests", which in principle aims at the conservation and sustainable management of the forest fund.

In contrast to the protective logic strengthened by the law on protected areas, a emblematic development of the new policy direction is Law No. 20/2025, dated 13 March 2025, "On the Mountains Package." This law introduces mechanisms that treat mountainous territory (including forests, pastures, and state-owned meadows) as transferable economic assets and potentially subject to privatization, through schemes such as the "€1 transfer" in support of development projects.

This creates a direct inconsistency with the spirit of Law No. 81/2017 "On Protected Areas." If forest territories within or in proximity to protected areas are transferred to private use for mountain tourism resorts, the associated infrastructure (roads, utilities, lighting, buildings, visitor flows) leads to habitat fragmentation, disruption of ecological corridors, and sustained pressure on core zones. At the same time, institutions are drawn into a state of functional ambiguity: should the logic of conservation (as a special protection regime) prevail, or that of investment promotion (as a general regime)? This ambiguity fuels the risk of "forum shopping" and weakens the ability of nature protection administrations to maintain a firm protective stance.

5. *Tourism legislation in relation to the Law on Protected Areas*

Law No. 93/2015, "On Tourism," aims to promote sustainable tourism and recognizes the natural value of protected areas as a key tourism resource. On paper, it requires that tourism development comply with environmental legislation and planning instruments, as well as with protected area management plans.

In practice, the tourism law does not provide an automatic substantive solution when a project falls within a protected area. Instead, it delegates the conflict to procedural mechanisms (Environmental Impact Assessment, environmental permits, territorial approvals). This turns protection into a procedural battle: if procedures are weak or can be circumvented, the project proceeds.
Recent amendments to the law on protected areas (Law No. 21/2024) have further intensified this tension by introducing or expanding space for concepts such as "tourism of excellence" within parks, shifting the baseline from "in principle unacceptable" to "acceptable under conditions." In practice, "under conditions" often means "negotiable," lowering the protective threshold and making it easier to classify projects as acceptable, especially when they are accompanied by labels such as "strategic".
This is evident in debates surrounding developments in areas with a high level of protection and heritage status, such as Butrint National Park (Ramsar/UNESCO), where pressure for resorts and "elite" investments directly clashes with conservation imperatives.

6. *Strategic investments: the easing of protected area conservation to pave the way for development projects*

Law No. 55/2015, dated 28 May 2015, "On Strategic Investments in the Republic of Albania," was designed to attract foreign investment through accelerated procedures and state support. In principle, this law can coexist with conservation objectives only if clear limitations are in place for protected areas and if environmental safeguards have real and effective force.

In practice, one of the deeper problems has been that, following the 2024 amendments to the law on protected areas, the situation evolved in such a way that investment filters were not strengthened to ensure respect for conservation, but rather the conservation law itself was "softened" to accommodate development projects. This inversion of logic—conservation adapting to investment, rather than investment adapting to conservation—increases the risk that "strategic" status will be used as an instrument to circumvent environmental and planning constraints.

In a functional protection system, the burden of proof should be reversed: the investor or the competent authority should be required to demonstrate that there is no adverse impact on the integrity of the area, rather than the environmental community having to prove harm after a project has already been given the "green light".

7. *Water resources and protected areas: a hidden but structural conflict*

Protected areas are closely linked to water regimes, including natural watercourses, wetlands, coastal zones, aquifers, water use, abstraction permits, and interventions in riverbeds. In this context, legal regimes governing water resources (including amendments in recent years) interact with the constraints imposed by the law on protected areas. When water legislation allows intensive uses (water abstraction, diversions, flow alterations, hydro-technical structures) without a strict "incompatibility" filter within protected areas, there is a risk that aquatic ecosystems may be degraded even in the absence of "visible" construction. Why is this conflict considered "hidden"? Because many water-related interventions:

- do not appear as urbanization (they are not a "visible" physical object);
- are dispersed (many small-scale interventions across different segments);
- produce cumulative ecological effects (reduced flows, altered sediment dynamics, degradation of aquatic habitats).

As a result, an area may formally retain its status as a "protected area" while gradually losing the water-related functions that give it value (a wetland that dries out, a river that loses its ecological flow, a delta deprived of sediments, a declining aquifer). How, then, are decision-making pathways "split" in practice?

At its core, two distinct logics come into conflict here:

a The logic of protected areas (PAs).

Protected areas are managed through internal zoning and a management plan, which defines, for each sub-zone, the activities that are prohibited and those that are permitted only subject to authorization/approval by the protected area administration. Within this framework, interventions affecting water resources, wetlands, and their natural condition are also restricted. Likewise, the use and management of water assets within a protected area must be consistent with the management plan.

b The logic of water resources (water management).

The water resources law establishes an integrated management framework, with instruments such as river basin management plans, a system of water permits/authorizations, and the concept of "water protection zones." Decision-making focuses on water objectives (quality and quantity) and authorization procedures, within which, inter alia, the River Basin Council holds competences to grant authorizations and permits for the use of water resources. The law also provides for coordination and for the possibility that measures or elements of a protected area's management plan may be reflected in the river basin management plan.

The structural problem arises when these two pathways do not "meet" at a clear and unified decision-making point. That is, when a water permit or authorization primarily assesses water-related criteria and does not make compatibility with the zoning or management plan of the protected area genuinely decisive (or treats it only formally). As a result, aquatic ecosystems may be degraded even in the absence of visible construction, through technical and fragmented interventions. Typical examples of interventions that create risk (even without construction) include:

- **Water abstraction / flow reduction.** If water abstraction is authorized "upstream" in the basin (e.g., for a water supply system), segments within the protected area may lose the minimum ecological flow, the effect manifests as a decline in aquatic biodiversity, shrinkage of wetlands, and a reduction in natural self-purification capacity.
- **Flow diversions and hydro-technical interventions.** Even when justified as "flood protection" or "bank stabilization," such measures can alter channel dynamics, disrupt riparian habitats, and impede the migration of aquatic fauna.
- **Interventions in riverbeds / aggregates / sediments.** Alterations to sediment dynamics directly affect deltas, beaches, lagoons, and coastal zones—elements that are critical for many protected areas.
- **Aquifers and groundwater.** Abstraction from wells in sensitive areas can lower groundwater levels, with consequences for karstic springs and wetlands.

In all cases, ecological harm may arise not from "classic" construction, but from a series of water-related authorizations that appear technical and isolated, while their effects are in fact cumulative.

In this sense, the main gap is not only the absence of legal norms, but the lack of a mandatory and unified filter: there is no clear standard of "water use–protected area" compatibility (rather than mere consultation); there is no procedure under which a water permit is predictably refused or conditioned when conservation objectives are compromised (especially in sub-zones with strict restrictions); and water–environment coordination remains informal, even though the water framework itself requires basin-level planning and ecological objectives.

To transform harmonization from an idea into a functional instrument, three practical interventions are recommended:

a A procedural "bridge" (as a unifying standard)

Although the law on protected areas requires approval from the protected area administration for certain activities under the management plan, in practice water permits and authorizations are issued by water management authorities. This calls for a clear and unified procedural step whereby any water authorization or permit for an intervention or use within a protected area (or affecting its water-related objectives) must document verification of compatibility with the zoning and management plan, and must include the position of the National Agency for Protected Areas / Protected Area Administration as an integral part of the decision-making file (rather than as a mere informal consultation).

b Conditioning or refusal based on ecological objectives (more precise formulation)

Conditioning or refusal should be based on ecological objectives, not merely in a formal sense, but as a practical mechanism within the water permitting procedure. To make this effective, during the review of permits or authorizations for water use or interventions in flow or riverbeds, water authorities must treat "protected area" status as a decisive decision-making criterion, refusing applications or imposing binding conditions where the intervention conflicts with conservation objectives and the restrictions set out in the zoning and management plan.

This approach aligns well with the framework and objectives of the law on protected areas, which are explicit in safeguarding water-related elements (e.g., prohibiting alterations to the natural state of water bodies, lakes, and wetlands, and restricting major hydraulic works). To operationalize this, water permits should include a dedicated "protected area compatibility" section, under which either (a) the permit is refused where a prohibition or limit set by the management plan or protected area objectives is breached, or (b) the permit is conditioned by measurable parameters (e.g., minimum ecological flow requirements, prohibition of diversions during critical periods, limits on riverbed interventions, mandatory monitoring, etc).

c Integrated basin planning with "protected area sub-maps" (more precise formulation)

Given that water legislation operates through river basin management plans and recognizes the concept of water protection zones, which may overlap with environmental protected areas, effective integration requires basin plans to incorporate protected areas as a mandatory cartographic layer (not merely "mentioned"); to translate zoning and conservation objectives into enforceable water rules (e.g., allocation regimes, abstraction limits, thresholds for riverbed interventions, rules on diversions, ecological priority in sensitive segments); and to clearly establish when a water-related measure or intervention is incompatible with a protected area and how it should be addressed (refusal or conditioning). This reduces "fragmentation" by ensuring that decision-making on water permits is not detached from protected area zoning and management, but is instead linked, from the basin planning stage onward, to ecological objectives and protection status.

8. Alignment with international standards and the EU acquis: normative regression and the implementation gap

Përtej ligjeve kombëtare, Shqipëria ka detyrime ndërkombëtare (p.sh. Konventa e Bernës, Konventa e Biodiversitetit, Ramsar, Aarhus) dhe synon integrimin në BE, çka kërkon përafrim real me acquis (p.sh. Direktiva e Habitateve dhe e Shpendëve, EIA/SEA). Në këtë kontekst, dy probleme dalin në pah:

- **The implementation gap.** The law refers to the "Emerald" ecological network, planning and monitoring instruments, yet secondary legislation, implementation, and enforcement are often delayed or remain fragmented.
- **Regres normativ pas 2024.** A particularly clear example is the removal/elimination of provisions for buffer zones around protected cores, compared to the previous legal framework, in contradiction with best practices and the logic of ecological corridors. This leaves core areas exposed to surrounding pressures, making gradual degradation almost inevitable.

In this context, international reactions following the 2024 amendments (e.g., concerns raised within the framework of the Bern Convention) and observations made in the EU integration process demonstrate that deviations from protection standards are not merely internal matters. They directly affect Albania's credibility in aligning with the EU acquis and its capacity to establish networks such as Natura 2000/Emerald on a sound legal foundation.

In summary, conflicts between the framework for nature conservation and that of economic development have deepened in recent years and are manifested not only in theory but also in concrete decisions. When Law No. 81/2017 "On Protected Areas" (as amended by Law No. 21/2024) does not genuinely prevail over the procedures of Law No. 107/2014 on territorial planning, over the mechanisms of Law No. 55/2015 on strategic investments, over the tourism development logic of Law No. 93/2015, and over the transfer/exploitation policies of Law No. 20/2025 "On the Mountains Package," the system risks operating with "two faces": one that proclaims protection, and another that undermines it in practice.

Therefore, the urgent need is for substantive, not merely formal, harmonization. Environmental assessments (EIA/SEA) must have a genuinely preventive effect where significant impacts are identified; territorial planning must treat protected areas as "red lines" rather than as negotiable spaces; tourism and strategic investment frameworks must not create exceptions that render protection overridable; and laws such as the "Mountains Package" must be reviewed in light of ecological integrity, constitutional obligations, and international standards. Without such a comprehensive approach, protection will remain more a matter of legal rhetoric than a real guarantee on the ground.

IV. NORMATIVE AND INSTITUTIONAL AMBIGUITIES

In addition to overt legal inconsistencies, our analysis has identified a range of ambiguities both within the legal norms themselves (e.g., vaguely formulated terms or provisions, internal contradictions, or regulatory gaps) and within the institutional structure (unclear division of roles, overlapping competences, and poorly defined cooperation mechanisms). These "grey areas" lead to non-uniform implementation and confusion among stakeholders, as each actor may hold different interpretations or expectations as to "how things should be done". Below, we examine normative (legal) ambiguities and institutional ambiguities separately, although these two categories are often closely intertwined (an unclear law generates uncertainty within institutions, and vice versa).

4.1 Normative (legal) ambiguities

This category covers cases in which the legal text itself leaves room for multiple interpretations or fails to provide sufficient guidance for concrete situations. Even where legislation is carefully drafted, new dynamics or complex concepts may inadvertently give rise to ambiguity. Below, we present several key examples:

- **Vague or insufficiently specified definitions and terms.** Recent legislative amendments (Law No. 21/2024) introduced several new concepts that lack clear definitions or standards in the law. For example, the term "sustainable economic development within protected areas" and the concept of "tourism of excellence" in protected areas were introduced. In theory, "sustainable development" implies a balance between conservation and development; however, when this term is embedded in the law on protected areas without detailed criteria, it opens the door for different actors to interpret it according to situational interests. Does this imply the promotion of development investments within parks subject to certain mitigation measures, or does it refer only to traditional activities with minimal impact? The law does not explicitly clarify this. Similarly, "tourism of excellence," cited as a justification for the construction of five-star tourist facilities within parks, has no technical meaning defined in the law. Who determines what qualifies as "excellent"? The absence of a definition or a set of criteria (e.g., an independent evaluation body, or reference to international standards for eco-resorts, etc.) renders this term highly subjective. The risk here is evident: an ambiguous term can be misused. In the name of "tourism of excellence," structures that in fact cause serious harm to nature may be legalized, under the claim that they deliver high-quality development. A clearer legal provision should either define this term or tie it to strict criteria (e.g., "sustainable tourism with zero impact on the core zone of the park").

- **Internal zoning and new protection categories.** As noted, Law No. 21/2024 modified the internal zoning scheme of protected areas. Under the previous law (Law No. 81/2017), national parks and reserves were divided into core, traditional use, sustainable development, recreational, buffer, and other sub-zones, each with different levels of protection. The new law simplified this framework (by removing certain categories, such as buffer zones, and by eliminating the obligation for sub-zoning in protected landscapes). However, the precise meaning of some of the new or narrowed categories remains unclear in the absence of new implementing acts. For example, the law now refers to a "sustainable use sub-zone" within a park. What specific activities are permitted in this sub-zone? Is this term a consolidation of the former traditional and recreational sub-zones, or does it have a broader meaning that may also include accommodation facilities? Without detailed guidance, interpretation is left to local implementers, which may lead to inconsistent decisions. One protected area administration may allow a particular activity (e.g., camping with wooden structures) in one park, while another administration may prohibit the same activity in a different park, due to the ambiguity of the legal norm. Likewise, with the removal of buffer zones around certain categories (e.g., strict nature reserves), the boundary between the protected area and surrounding land is now more exposed. The new law no longer explicitly provides for a "transition zone," which raises the question of whether each situation will have to be regulated on an *ad-hoc* basis? The absence of buffer zones may mean, for example, that intensive activities (such as forestry exploitation or urbanization) can occur directly at the boundary of a strict nature reserve, with negative impacts on it. This constitutes a normative uncertainty with ecological consequences. Overall, until new regulations are adopted to implement the revised zoning scheme, there is confusion regarding the precise meaning of terms and the boundaries between different zones.

- **Unclearly defined procedures and insufficient sanctions**. Modern environmental legislation typically sets out procedures for various actions (e.g., how a new protected area is designated, how a management plan is prepared and approved, how environmental inspections are carried out, how violations are reported, etc.). In our analysis, we have identified several procedural gaps in the domestic legal framework. One illustrative example is the following. The law on protected areas provides that, where an activity (within a protected area) is suspected of undermining the objectives of the area, the authorities may order the temporary suspension of that activity. In principle, this is a highly necessary measure (to enable a rapid response to potential harm). However, is the procedure clearly defined? Who orders the suspension—the National Agency for Protected Areas or the Environmental Inspectorate? For how long may the suspension remain in force without being formalized through a court decision? What happens if the operator fails to comply with the order? These details belong to secondary regulation, which is currently lacking. As a result, although the provision exists in law, it lacks practical effectiveness in the absence of such clarifications.

- **Another aspect concerns sanctions.** Albanian legislation provides for administrative (fines) and criminal sanctions for environmental violations. However, in the context of protected areas, several questions arise. Are these sanctions sufficient and effectively enforceable? For example, if a case of illegal hunting within a national park is detected, the typical measure is a fine and confiscation of the weapon. But are the current fines (as set out in the relevant Council of Ministers' decisions) high enough to have a deterrent effect? Many argue that they are not, particularly where offenders may derive economic benefit from the violation (e.g., illegal logging or unauthorized construction for tourism). Moreover, enforcement procedures are often lengthy and complex: the environmental inspectorate imposes the fine, the subject may appeal in court, and ultimately the sanction is either delayed or annulled. This creates a situation in which, although the law provides for sanctions, in practice offenders may evade consequences or face only minimal ones. A key normative ambiguity here is that the law requires certain behavior (e.g., prohibits an action) but does not sufficiently back it up with "teeth," meaning that punitive mechanisms are either inadequately detailed or not ensured to be effective.

Furthermore, there are also internal contradictions within the law that generate uncertainty. One example from Law No. 81/2017 (prior to the amendments) concerned the core zones A and B within national parks. The law referred to these sub-categories (A – strict, B – rehabilitative) but did not provide clear criteria to distinguish between them. This made on-the-ground implementation difficult. How was the National Agency for Protected Areas to divide a park into core zone A and B when the law itself offered no guidance? In practice, the solution was found by leaving the matter largely to the discretion of planners for each individual park, yet the underlying ambiguity remained. Another example of an unclear rule concerned the procedure for the removal or reduction of a protected area. The law allowed such actions, but the criteria and limitations were not firmly established (e.g., a proposal by the National Agency for Protected Areas and a decision of the Council of Ministers were required, but acceptable reasons for such a decision were not defined). This procedural weakness was exploited when a portion of a protected area was downgraded to allow for the construction of Vlora Airport. The absence of strong legal safeguards (such as a requirement for an international scientific assessment prior to the removal of protection, or an absolute prohibition on the de-designation of key areas) made an arbitrary decision with environmental consequences possible. This demonstrates that where the law leaves room or lacks explicit provisions, political will and short-term interests can prevail.

Overall, normative ambiguities create legal uncertainty. Nature conservation requires clear and strict rules, because any flexible interpretation typically tends to operate to the detriment of nature (by favoring exploitation or neglect). Therefore, identifying these ambiguities—and subsequently addressing them through amendments or clarifying secondary legislation—is essential.

4.2 Institutional ambiguities

The institutional framework for the management of protected areas in Albania involves several key actors:

- The ministry responsible for the environment, which sets policies;
- NAPA (the National Agency for Protected Areas), as the central technical authority;
- RAPAs (Regional Administrations of Protected Area) in each county, which manage parks on the ground;
- The Territorial Inspectorate, the Environmental Inspectorate, and the Forestry Police, which carry out control and enforce compliance with the law;
- Local government (municipalities), which play a role in territorial planning and the provision of local services within protected areas.

For successful functioning, the roles and relationships among these actors should be clear and complementary. In practice, several ambiguities and overlaps of competences have been identified, which hinder effective governance of protected areas:

- **Overlap or gaps in competences between central and local institutions.** A key question in this respect is: are there cases where two institutions claim the same role, or where neither exercises a duty because each assumes it belongs to the other? Unfortunately, the answer is yes. One example concerns monitoring the implementation of a protected area's management plan. Under the law, NAPA (through the RPAs) prepares the plan and implements it, while the Environmental Inspectorate oversees compliance with the rules. In practice, however, the monitoring role often overlaps: the RPA, as the managing authority, also carries out a form of monitoring (e.g., tracking habitat conditions, counting visitors, etc.), while the Inspectorate, due to limited resources, relies on information provided by the RPA to initiate inspections. This creates an unhealthy cycle in which, instead of each institution having a distinct role (one implementing and the other independently inspecting), RPAs often end up self-detecting problems and referring them onward. The problem becomes even more acute when no institution takes initiative for a specific function because it is not clearly assigned. For example, the law requires the rehabilitation of degraded habitats within protected areas. Who is responsible for this? NAPA may argue that funding is required and that it lacks the budget; the RPA may state that it lacks authority and depends on NAPA; the Ministry may say that the agency should handle it; and the municipality (if involved) may claim it has no direct legal competence. As a result, degraded habitats remain unrestored, because the law mandates action but does not clearly allocate responsibility.

  Another situation has emerged following the 2024 legal amendments. Local government has been left without a clearly defined role in the management of protected areas. Municipalities neither have formal management competences (except in the case of Category IV – municipal reserves, which are few), nor are they necessarily integrated into existing management structures (apart from participation in management committees, which are advisory bodies). This participation vacuum means that, on the one hand, municipalities do not feel responsible for protected areas within their territory, and on the other hand, the central protected area

administration lacks a consolidated local partner. Some consequences of this will be discussed later (e.g., local plans that ignore protected areas, lack of engagement of local communities in conservation), but from an institutional perspective this constitutes a weakness, as there is no formalized connecting link between protected area management and local governance. As a result, coordination remains sporadic and dependent on the individual will of local leaders.

- **The role of the National Territorial Council (NTC) vis-à-vis environmental authorities.** The 2024 legal amendments granted the NTC (chaired by the Prime Minister) decision-making powers over developments within protected areas, mainly in the context of so-called "tourism of excellence" or "strategic" projects. This has created a parallel decision-making channel operating outside traditional environmental governance structures. The resulting institutional ambiguity is evident. How does the NTC (a planning and development body) interact with the Ministry of Environment and the National Agency for Protected Areas (NAPA)? Is the NTC legally obliged, when assessing a project within a National Park, to obtain approval or consent from the Minister of Environment or from NAPA? To date, the law does not establish such a mechanism. For example, for a tourism resort project within a protected area, the current procedure may involve the investor applying to the Strategic Investments Committee and subsequently to the NTC, while the Ministry of Environment is merely informed or provides a technical opinion, rather than playing a decisive role. This lack of clearly defined institutional relationships means that the NTC can potentially take decisions without coordination with environmental authorities. At best, NAPA may be invited in an advisory capacity; at worst, it may be bypassed entirely. One consequence of this was, for instance, the decision to open protected areas to "five-star" tourism developments. This orientation emerged as a governmental initiative and was reflected in legislation without being grounded in proposals from NAPA or the scientific community. The potential conflict here is that NAPA, on the one hand, and the NTC, on the other, may adopt different approaches to the same area. The absence of formal protocols obliging these bodies to engage jointly and integrate their decision-making processes threatens to undermine the conservation principle. Instead of functioning as a body that implements decisions jointly shaped with environmental authorities, the NTC risks becoming a "Trojan horse" through which development decisions are introduced into protected areas without an adequate environmental filter.

- **Management structure and accountability lines within the environmental sector.** Within the environmental institutional system itself, there are ambiguities in hierarchical lines and internal coordination. The National Agency of Protected Areas (NAPA) operates under the authority of the Minister, and the Regional Administrations of Protected Areas (RAPAs) are subordinate to NAPA, while the Environmental Inspectorate reports simultaneously to the National Environment Agency and, in theory, to the General Inspectorate. The Forest Police (responsible for forest protection and hunting control) has its own organizational structure (previously under the authority of the Ministry of Environment, now integrated with the Central Inspectorate or the Ministry of Interior for certain functions). This situation results, in practice, in the presence of several state actors on the ground: RAPA staff (rangers), environmental inspectors, forest police officers, and possibly municipal forest guards (as municipalities manage forests located outside protected areas). But do these actors have any cooperation protocol? What happens when a RAPA ranger apprehends someone cutting timber or hunting illegally within a protected area? The ranger must notify the Inspectorate. How is this notification made? Is there an internal order requiring that incidents be reported within a certain number of hours and that inspectors be deployed to the site? Or is this left to individual initiative? Often, the legal gap in this regard has led to violations either not being properly reported, being reported with delays, or being lost along the way. Inspectors complain that local rangers lack the capacity to document cases adequately. Rangers complain that inspectors arrive late or do not take action. The institutional ambiguity here lies in the fact that there is no single command system for enforcement within protected areas; NAPA and the Inspectorate operate in parallel. Ideally, there should be a dedicated Inspectorate unit for protected areas working closely with NAPA, or a formal agreement defining reporting lines (for example: the ranger reports to the park director, who reports to NAPA and simultaneously informs the Inspectorate, which must act within 24 hours). The current law does not address these details, leaving them to internal guidelines or, worse, to improvisation.

  Another aspect concerns chain reporting. For example, when environmental inspectors identify violations, do they report them to the National Agency of Protected Areas (NAPA)? Officially, no. They report to their own superiors and into the IMIS system (the electronic inspection management system). As a result, NAPA may have no structured information on the scale of violations occurring within its protected areas, because that information is held elsewhere. This constitutes a role ambiguity. Under the law, NAPA is responsible for the “control and management” of protected areas, but it has no sanctioning powers. The Inspectorate holds sanctioning authority, but it is not integrated into the day-to-day management of protected areas. As a consequence, many violations either remain unattended or are not followed through to completion. There have been cases where a Regional Administration of Protected Areas (RAPA) has apprehended the same offender several times and notified the Inspectorate, but the latter has either imposed a minimal fine (which the offender ignores) or has been unable to pursue criminal proceedings because, for example, the Police or the local Prosecution Office do not consider the case a priority. Ultimately, the message conveyed is that park rules “have no teeth,” and this is a direct consequence of the institutional gap.

- **Coordination between different levels and sectors of government.** Nature protection does not depend solely on environmental institutions. Institutional ambiguities also exist in the relationships between environmental institutions and those of other sectors (e.g. Tourism, Infrastructure, Energy). Does Albania have a dedicated body where these institutions coordinate policies related to protected areas? At present, there are ad hoc commissions or working groups, but there is no permanent coordination mechanism. As a result, for example, another ministry may initiate a project (such as a hydropower plant, road, or resort) without systematic consultation with the Ministry of Environment, or consultation may occur late, at the Environmental Impact Assessment (EIA) stage, when the investment has already received political approval. The absence of a coordinating body means that conflicts are resolved at the political rather than the technical level, often in favor of development. This is a structural shortcoming that is not linked to a specific legal provision, but to the institutional architecture of the state. Protected areas are affected by decisions taken across multiple sectors, yet there is no single "common table" where all relevant actors are obliged to sit when major decisions are made.

V. CHALLENGES IN THE PRACTICAL FUNCTIONING OF THE RELEVANT INSTITUTIONS

No legal framework, however comprehensive, has value if the responsible institutions are unable to implement it in practice. For this reason, a key component of the analysis is the assessment of the real-world challenges faced by the institutions that manage or influence protected areas. The focus therefore shifts to the capacities, resources, coordination mechanisms, and operational practices of these institutions. This section is structured around the main institutions involved, with the aim of identifying both institution-specific challenges at each level and cross-cutting issues common to all, such as financing and inter-institutional coordination).

5.1 The ministry responsible for the environment and nature

The Ministry of Environment is the primary policy-making and governing authority for environmental matters, including protected areas. The main challenges in its functioning include:

- **Limited human and financial resources**. Despite the Ministry's broad mandate—ranging from legislative drafting and oversight of policy implementation to inter-sectoral coordination—there is often a shortage of qualified staff within specific directorates (e.g. the Directorate of Biodiversity or Protected Areas). This constrains the Ministry's capacity to effectively monitor on-the-ground developments or to cope with the volume and complexity of its responsibilities (such as reviewing reports from Protected Area Administrations, following up on court cases, or responding to major violations). From a financial perspective, the Ministry's budget allocated to nature conservation is frequently insufficient to support nationwide conservation programmes (e.g. the establishment of ecological corridors, monitoring programmes for endangered species, etc.), resulting in a heavy reliance on donor funding.

- **Leadership role and policy consistency**. A ministry is expected to provide strategic leadership and ensure continuity of policies over time. In practice, one of the major challenges is the frequent shift in political priorities. With changes in government—or even simply changes in ministerial leadership—declared environmental priorities often fluctuate (for example, one mandate may focus on ecotourism, another on "strategic" investments, another on afforestation, and so on). This leads to a lack of continuity in initiatives related to protected areas. A strategy may be formally adopted but subsequently neglected by a successor; a successful pilot project may not be replicated, while institutional efforts are redirected toward ad hoc policies driven by short-term considerations. This type of policy "zigzagging" has at times left subordinate institutions (such as the National Agency for Protected Areas) uncertain about the long-term direction. For instance, parks may be encouraged at one point to "open up to investment," only to be instructed later to "prioritise strict conservation." Such mixed signals undermine strategic planning and long-term effectiveness.

- **Weak inter-ministry coordination.** By virtue of its mandate, the Ministry of Environment is required to work closely with other line ministries (such as Infrastructure, Energy, Tourism, Agriculture, and Finance), as decisions taken by these institutions directly affect protected areas. At present, such coordination relies largely on the personal commitment of senior officials and lacks an institutionalized mechanism through which the Ministry of Environment would hold veto power or equal decision-making weight when projects within protected areas are discussed. As a result, the Ministry's position may remain a minority view within key decision-making forums (e.g. the National Territorial Council or other high-level governmental committees). Consequently, projects opposed by the environmental authority on conservation grounds may still be approved at the highest levels. This dynamic risks relegating the Ministry of Environment to a secondary role, despite its intended function as the guardian of environmental principles in the development process.

In summary, the Ministry faces the challenge of balancing multiple mandates with limited resources, while at the same time maintaining the strength and influence of its voice in national policymaking. Without stronger support—financial, human, and political—its capacity to lead a robust conservation agenda for protected areas remains constrained.

5.2 National agency for protected areas (napa)

NAPA is the key technical institution responsible for the administration of protected areas. It bears the primary responsibility for day-to-day management, planning, and oversight of protected areas at the national level. The assessment has identified several challenges that constrain the Agency's performance:

- **Resources and capacities**. One of the central questions concerns whether the National Agency for Protected Areas (NAPA) has sufficient financial and human resources to fulfil its mandate. At present, NAPA's funding is derived primarily from the State Budget (approximately 90% of the total), with the remainder coming from own-source revenues and donor funding. While these resources cover basic operational costs, they are often insufficient to support proactive management activities (such as scientific studies, investments in park infrastructure, or environmental education projects). For example, scientific monitoring of biodiversity within protected areas (species inventories, monitoring of key populations) is largely limited to temporary, donor-funded projects, as NAPA itself has a very limited number of specialised staff in this field. Environmental education and public awareness represent another area of weakness: only a small number of parks have functional visitor centres or regular education programmes, again due to the lack of dedicated personnel and earmarked funding.

- **Patrolling and enforcement**. Although Protected Area Administrations employ field staff (environmental rangers), their numbers in relation to the size of the protected areas are often critically low— in some cases, only four to five rangers are responsible for hundreds of square kilometres. In addition, their equipment is frequently inadequate. These shortcomings are largely attributable to NAPA's insufficient budget, which limits its ability to recruit additional staff or invest in

modern equipment. As a result, entire areas of management suffer—particularly scientific monitoring, environmental education, and patrolling—due to resource constraints. While NAPA's organisational structure formally includes units for biodiversity, education, and related functions, these units are often staffed by only one or two specialists at the central level. In practice, much of the work in the field is therefore carried out by park rangers, who typically lack specialised training in these domains.

- **Institutional independence and decision-making authority**. Under the law, the National Agency for Protected Areas (NAPA) is the central state institution responsible for protected areas, mandated to administer them and to propose management plans and measures to the Minister. In practice, however, the degree to which NAPA is able to exercise its mandate independently, without political interference, remains a critical concern. One of the key challenges identified is that major decisions affecting protected areas—particularly those related to so-called "strategic" developments within their boundaries—are often taken without the consent, or even the full knowledge, of NAPA. For example, when a tourism concession within a national park is under consideration, decisions are frequently made in a top-down manner. Political approval is granted first, and NAPA is subsequently presented with a fait accompli and tasked with implementation. This approach undermines the Agency's authority and negatively affects staff morale. While NAPA may possess the technical expertise to conclude that a proposed project would cause environmental harm, its opinion is not decisive. In one documented case, the construction of a resort within a National Park was approved without obtaining the endorsement of NAPA's Scientific Council, an advisory body composed of experts. When such decisions bypass established technical procedures, the Agency is effectively sidelined. Interviews with agency staff revealed a prevailing perception that "instructions come from above." As a result, NAPA is often unable to say "no" when the integrity of protected areas is threatened by governmental decisions, such as the construction of new tourist roads within parks or the leasing of lakeshore areas in Prespa National Park for beach development.

  The law may protect the park on paper, but political decisions ultimately override it. This reality undermines the technical role of the National Agency for Protected Areas (NAPA) and, to some extent, "delegitimises" it in the eyes of the public, as its conservation initiatives can be overturned by a single governmental decision. Moreover, even within the state hierarchy, NAPA's directors may be reluctant to oppose plans promoted by political superiors. This constitutes a particularly delicate challenge, requiring a balance between adherence to the Agency's environmental mandate on the one hand and compliance with political will on the other. In countries with a longer tradition of protected area governance, park agencies enjoy a degree of autonomy that shields them from arbitrary interference. In the national context, however, NAPA has yet to fully benefit from such institutional independence.

- **Coordination with regional branches (Protected Area Administrations – PAAs).** NAPA is not only responsible for central-level management, but also for supervising and supporting the 12 Protected Area Administrations (one in each county). Several challenges arise in this regard.

- **First, the lack of a unified data system.** There is still no centralised database through which the Protected Area Administrations systematically report key indicators (e.g. visitor numbers, recorded violations, or the condition of habitats). This makes it difficult for NAPA to obtain a comprehensive and timely overview of on-the-ground conditions.

- **Second, weak horizontal communication.** The Protected Area Administrations primarily communicate with the central level, but rarely with one another. As a result, the experience of one administration (for example, a successful approach to wildfire management in a forest park) is not automatically shared with others. Regular, comprehensive meetings involving all PAAs are lacking, beyond occasional and ad hoc workshops.

- **Third, the lack of unified training.** Even when training activities do take place, they are often implemented within the framework of individual projects in specific areas. There is still no national training programme for protected area staff, led by NAPA, that would equip all personnel with a minimum, standardised level of knowledge (e.g. on flora and fauna monitoring, visitor guiding, reporting techniques, GPS use, inspection procedures, etc.). These gaps were also identified by agency staff themselves as a significant concern. The consequence is that the performance of Protected Area Administrations can vary considerably from one county to another and often depends on the initiative of the local management or the presence of externally funded projects. In theory, NAPA should harmonize management standards at the national level. In practice, however, the absence of strong coordination mechanisms makes this objective difficult to achieve.

5.3 Regional administrations of protected areas (RAPAs)

RAPAs represent the on-the-ground "implementing arm" of protected area policies. Each county has a RAPA responsible for administering a range of protected areas within its jurisdiction (national parks, protected landscapes, nature reserves, natural monuments, etc.). These administrations are directly confronted with field realities and day-to-day management challenges. Among the main issues identified are:

- **Insufficient logistics and infrastructure.** Many RAPAs suffer from a lack of basic equipment and supporting infrastructure needed to adequately cover and manage the full extent of their territories. For example:

  - means of transport. There are protected areas with steep and mountainous terrain (such as Theth, Valbona, and Tomorr) where specialised off-road vehicles or motorised means (motorbikes, ATVs) are required for effective patrolling. In many cases, RAPAs have very few such vehicles, or none at all. In some instances, the fuel allocated is so limited that rangers are able to patrol only areas close to the park's administrative centr;

  - communication equipment. Radios, satellite phones for areas without mobile coverage, and drones for aerial surveillance are largely unavailable and remain an unattainable luxury for most RAPAs. While some parks have visitor centres, not all do. Where such facilities exist, they often lack the funding required for proper maintenance or for keeping them operational with dedicated staff. Observation posts (such as fire watchtowers or wildlife monitoring stations) are either absent or very limited in number.

In summary, the lack of basic infrastructure significantly limits the physical presence of staff across the entire territory of protected areas. Therefore, large sections may remain unpatrolled for days or even weeks, creating opportunities for violators (illegal loggers, poachers, and other offenders) to operate without detection.

- **Staffing and qualifications**. The number of staff employed across different RAPAs often does not correspond to the size and complexity of the areas they are required to manage. For example, the Shkodra RAPA is responsible for Theth National Park, the Gashi River, the Shkodra Managed Nature Reserve, various natural monuments, and other sites—covering a large and fragmented territory—yet operates with a limited workforce. As a result, individual staff members are often expected to "cover" far more than is realistically manageable. The level of professional training represents a further concern. A park ranger is expected to possess at least basic knowledge of local biodiversity, environmental regulations, communication with tourists and local communities, and even the ability to handle challenging situations (such as stopping violations or providing first aid). In practice, part of the staff is recruited locally, often with limited or non-specialized education, and post-recruitment training is sporadic. There are cases of rangers who are unable to use basic tools such as GPS devices, or of local specialists who, despite being committed, lack the technical preparation required to draft management plans or carry out scientific monitoring. Low remuneration further undermines staff retention and motivation.

Rangers and specialists receive modest salaries, which often pushes them to seek alternative employment opportunities. Qualified staff may leave as soon as better-paid positions become available (for example, within donor-funded projects or the private sector). In addition, some personnel are employed on a seasonal basis (e.g. fire workers during the summer months), which reduces institutional continuity and coherence. Taken together, these factors point to a clear need for capacity building: more staff, better trained, and better motivated. Without adequately qualified personnel on the ground, any management plan risks keeping a document on paper rather than an effective tool in practice.

- **Relations with local communities**. As managers of specific protected areas, RAPAs are often the primary "face of the state" interacting with local communities. A major practical challenge lies in securing the cooperation of local residents in implementing protected area regulations. In many cases, these communities have lived in the area for generations and perceive themselves as an integral part of the landscape, with long-established customary rights (e.g. livestock grazing, firewood collection, subsistence hunting, fishing, etc.). When a protected area is designated and restrictions are introduced, communities that are not adequately informed, involved in the process, or able to perceive tangible benefits may resist or ignore these rules. This places RAPAs in a delicate position. On the one hand, their mandate is to enforce the law (for example, prohibiting illegal logging or hunting); on the other hand, local residents are their neighbours and potentially their most important allies in conservation—provided trust can be built). One of the key issues identified is the lack of sustained community awareness and engagement programmes. In some areas, NGOs have implemented pilot initiatives in which local residents became volunteer rangers or benefited from agrotourism and related activities. However, such initiatives remain limited in scope. Overall, communication with communities tends to be sporadic, often occurring only in response to conflicts or specific enforcement actions (e.g. anti-hunting campaigns or consultations during the preparation of management plans). The absence of incentives represents an additional challenge. Residents often feel that they "gain nothing" from the existence of the park, apart from occasional seasonal employment opportunities (e.g. as temporary rangers). Current legislation does not provide for revenue-sharing mechanisms (such as allocating a percentage of ticket revenues to local communities, as practiced in some countries), nor does it grant communities a formal role in co-management. This fosters a sense of exclusion and, consequently, weak motivation to comply with regulations. For example, in a mountainous park where grazing is prohibited in core zones, if no alternatives are offered (such as access to alternative pastures or subsidies to reduce herd sizes), residents may resort to clandestine practices or show little concern when the park is degraded, perceiving themselves as being penalised by its existence. In some cases, open conflicts between communities and park administrations have been reported (e.g. vandalism of park signage, opposition to park boundary expansions, or widespread non-compliance with hunting regulations). These conflicts are also symptomatic of broader institutional shortcomings, including insufficient awareness-raising programmes and the absence of effective forums for community participation (such as advisory councils attached to parks, which often exist only formally). The challenge for RAPAs is to win the trust and support of local communities. With current resources—sometimes as limited as a single staff member responsible for education and outreach at the county level—this remains a particularly difficult task.

5.4 Environmental inspectorate and forestry police

The State Inspectorate for Environment, Forestry, Water and Tourism (hereinafter referred to as the Environmental Inspectorate), together with the Forestry Police structures (now operating under the authority of, or integrated into, the Inspectorate), constitute the law enforcement mechanism for environmental protection. They represent the "force of law" responsible for ensuring compliance with regulations within protected areas. Their main challenge lies in effectively covering extensive territories with often limited resources, as well as in coordinating their activities with the civilian management structures (NAPA and RAPAs). Specifically:

- **Insufficient inspection capacity.** Albania has a relatively small number of environmental inspectors at the national level, and only a limited share of them are specifically focused on protected areas. Protected areas cover more than 21% of the country's territory, in addition to a marine area (Karaburun–Sazan), representing an extensive area that requires monitoring and enforcement. According to internal data, the number of inspectors dedicated to protected areas is inadequate, often with only one or two inspectors responsible for covering several districts. This leads to situations in which:

a. numerous violations remain undetected; for example, illegal logging within a reserve may continue for an extended period without being identified unless it is discovered by chance,

b. inspections tend to be infrequent and largely reactive (triggered by reports or complaints) rather than proactive. An inspector who may be the only one responsible for two counties is clearly unable to carry out regular patrols across all protected areas within that jurisdiction. This lack of on-the-ground presence fosters a perception of impunity among violators: if no one is checking, why not attempt to hunt illegally? By way of illustration, illegal hunting continues to be reported in several areas, despite being formally prohibited. The underlying reason lies in the limited visible presence of uniformed inspectors for most of the time, which leads to a low perceived risk of detection. The imbalance between the small number of inspectors and the extensive size of protected areas is a well-known issue and has been repeatedly highlighted in various assessments and reports. Addressing this situation requires either an increase in staffing levels or the deployment of technological tools (such as drones) to expand territorial coverage—or, most realistically, a combination of both—each of which entails additional investment.

- **Interaction with NAPA / RAPAs**. In theory, inspection plans (periodic routine controls) should be organized in coordination with field-based information provided by RAPAs. The key question is whether this occurs in practice. To date, such interaction has largely been unstructured. The Inspectorate prepares quarterly or annual inspection plans that include visits to protected areas, but these plans tend to be based more on formal legal requirements (e.g. "a certain period has elapsed since the last inspection of area X") than on dynamic, real-time input from RAPAs. Similarly, the reporting of violations from RAPAs to the Inspectorate does not

always follow a clear and formalized channel. Typically, when park rangers detect a violation, they report it to the RAPA director, who may then either contact the regional inspector directly or notify NAPA, which in turn informs the Inspectorate. This lack of a standard protocol leads to delays and misunderstandings, highlighting the need for procedural standardization. For example, the establishment of an emergency reporting number or a digital platform through which RAPAs could log incidents and inspectors would receive immediate alerts. In the absence of such mechanisms, coordination remains weak. Another challenge concerns the division of responsibilities during enforcement actions. For instance, when inspectors plan a control operation in a park to address illegal logging, should park rangers be involved? In practice, this often depends on personal relationships rather than formal rules. Legally, rangers do not have sanctioning powers, but they possess valuable knowledge of the territory. While some joint operations have been effective, these practices are not formally institutionalized.

- **Enforcement of sanctions through to completion.** Even when inspectors detect violations and impose measures (such as fines, seizures, or referrals for criminal prosecution), challenges do not end there. One practical difficulty concerns the collection of fines. A significant share of environmental fines is never paid by violators (whether individuals or companies) or is later reduced or annulled through court proceedings. Lengthy judicial processes in criminal cases (for example, when someone is apprehended for illegal logging within a National Park and prosecuted) often result in minimal penalties or suspended sentences, particularly in districts where local influence may be strong. Another challenge relates to insufficient support from other law enforcement and judicial bodies. The State Police or the Prosecutor's Office may not always treat environmental crimes with the seriousness they warrant, perceiving them as "minor" compared to other offences. This can lead to inaction or weak follow-up. For instance, an individual may be caught hunting illegally in a protected area while in possession of an unlicensed firearm. The inspector refers the case to the prosecutor, yet it may be dismissed or downgraded to a minor administrative offence, leaving the violator without a meaningful sanction. As a result, even when inspectors fulfil their duties, the broader justice system may fail to pursue cases to their conclusion. This not only demotivates inspectors but also sends a negative signal to the public regarding the credibility and effectiveness of environmental law enforcement.

Overall, the primary challenge for enforcement bodies is to establish an effective on-the-ground presence and a credible deterrent force. This requires more personnel, stronger coordination, and potentially reforms in the way environmental offences are addressed (for example, the introduction of specialised environmental magistrates or the strengthening of penalties). Until such measures are implemented, many violations are likely to remain unpunished or not pursued through to their conclusion.

5.5 Local government (municipalities)

Municipalities, as units of local self-government, play an indirect yet highly significant role in the conservation of protected areas located within their administrative boundaries. Although the legislation on protected areas does not grant them direct management competences (management being primarily a central government function exercised through NAPA and the RAPAs), municipalities influence protected areas through their decisions on spatial planning, development, and the provision of public services. Several key challenges characterise the relationship between local government and protected areas, including:

- Integration of protected areas into local development plans. Each municipality prepares urban and economic development plans for its territory. Ideally, where part of that territory is designated as a protected area, the local plan should reflect this status by defining which activities are permitted or prohibited, establishing policies for surrounding areas (e.g. buffer zones), and ensuring that the local development vision is compatible with conservation objectives. In practice, however, many local plans have conflicted with the restrictions applicable to protected areas. For example, a municipality may envisage the development of mountain tourism in an area that is in fact part of a national park subject to a strict protection regime. Alternatively, it may plan a new road passing through a protected area without prior consultation with park authorities. Such situations often arise due to a lack of coordination or insufficient involvement of environmental specialists in local planning processes. Local plans are frequently prepared by urban planning or architectural firms with a strong focus on infrastructure and economic development, while nature conservation considerations are addressed only superficially. Even when these plans are reviewed by the National Territorial Council for approval, primary attention is often given to urban and economic development priorities. As a result, municipalities may adopt plans that are incompatible with what is legally permitted within protected areas, leading to conflicts at the stage of issuing specific permits. For instance, a municipality may grant a construction permit for a hotel on the lakeshore without considering that the area is a protected wetland. The investor proceeds with the investment, only to later discover a conflict with protected areas legislation, leading the matter to court—where decisions may ultimately favour either environmental interests or private interests. One institutional constraint identified is that environmental authorities do not have a formal role in approving local development plans, beyond the fact that the Minister of Environment is a member of the National Territorial Council.

- **Provision of public services within protected areas.** Although an area may be designated as protected, the municipality remains responsible for the provision of certain public services within its boundaries, as residents of those areas are municipal taxpayers. For example.

  - Local road infrastructure. Roads leading to, or located within, protected areas are often rural roads under municipal jurisdiction. When municipalities fail to maintain them, this has direct implications for the park: visitors may be unable

to access the area, or conversely, inadequate road infrastructure may limit the park administration's ability to monitor and control activities within the protected area.

- Municipal waste management. In tourist areas located within protected areas (e.g. Theth, Valbona, Divjak), increased visitor numbers and associated activities generate significant amounts of waste. In principle, municipalities are responsible for installing waste bins, organizing waste collection, and ensuring its transfer outside the protected area. In practice, however, these services often fall short. The absence or irregularity of waste collection in such areas frequently leads to waste being burned or illegally dumped, resulting in pollution and environmental degradation.

- Firefighting services. Although a protected area may have an emergency fire management plan in place, it is the municipal fire service that is responsible for responding to fires in practice. In some cases, local firefighting units lack the equipment and capacity required to operate effectively in mountainous or forested terrain, due to the absence of 4x4 fire engines, water tankers, trained volunteers, and other essential resources. These are areas where shortcomings in local public services have a direct and immediate impact on the management and protection of protected areas.

However, these issues are often not addressed as an integral part of park management but instead remain in institutional "grey zones" between authorities. RAPAs may complain that municipalities are failing to fulfil their responsibilities (for example, not collecting waste), while municipalities argue that they lack sufficient funding or that villages within parks are remote and difficult to service. The absence of an effective interface mechanism between park administrations and municipal authorities makes it difficult to resolve these problems in a coordinated and sustainable manner.

- **Participation of local government in decision-making on protected areas**. While the law does not grant municipalities direct authority over protected areas, it provides that they participate in management committees (advisory bodies attached to national parks, composed of various local stakeholders). In practice, however, the functioning of these committees has been weak. In principle, they should serve as platforms through which municipalities can voice their concerns and build mutual understanding with NAPA regarding park management. Their limited effectiveness means that mayors and municipal authorities often feel sidelined when decisions are taken concerning protected areas within their jurisdiction. This sense of exclusion can lead to a lack of cooperation or to unilateral actions. For example, a mayor may decide to promote a large-scale festival within a protected area for tourism development purposes without consulting the relevant RAPA, operating under the assumption that "this is my territory, I have the right." From the park administration's perspective, such actions are perceived as violations. These tensions stem from the fact that municipalities often do not feel like genuine partners in the management process, but rather as actors to whom decisions are imposed from above.

In summary, municipalities play a quiet yet decisive role in the success or failure of protected area management. The main challenges stem from the lack of clarity regarding their role in the legal framework and from the incomplete integration of conservation objectives into their planning and operational activities. Although they are not "in command" of protected areas, municipalities can significantly facilitate—or, conversely, hinder—conservation efforts, depending on their local priorities and the quality of communication with park management structures.

5.6 Inter-institutional coordination and financial resources

Horizontal and vertical coordination among all the actors outlined above, together with the provision of sustainable financing, are cross-cutting issues affecting all institutional levels. Ultimately, shortcomings in coordination and inadequate funding are cited as challenges at almost every stage of the governance chain; therefore, they are addressed separately in this subsection:

- **Inter-institutional coordination mechanisms**. As discussed above, several cooperation forums and tools exist (such as park-level management committees), but in practice they often do not function effectively. Albania lacks a dedicated national coordination body for protected areas—such as a "National Council for Protected Areas"—with the participation of key ministries (Environment, Tourism, Agriculture/Forestry, Infrastructure, Culture) that would meet on a regular basis to address multi-sectoral issues. Such a body could, for example, help align tourism policies with conservation objectives, or spatial planning decisions with biodiversity protection requirements. At present, coordination tends to occur on a case-by-case basis, often after conflicts have already arisen, rather than at the early stages of planning. The absence of proactive coordination means that institutions frequently react to problems instead of planning jointly in advance. Even within the environmental governance system itself, as noted earlier, NAPA, the Inspectorate, the Ministry, and municipalities do not always operate along a unified line of action, with each institution largely following its own regulatory framework. One consequence of this situation is the fragmentation of efforts and, at times, duplication of activities or diffusion of responsibility. Given that nature conservation is a cross-cutting field affecting multiple sectors, the need for a permanent coordinating structure—such as an inter-ministerial committee on protected areas or a dedicated coordination unit—has become evident. In the absence of such a mechanism, each institution does what it can within its own remit, but the broader conservation challenges remain insufficiently addressed in a comprehensive and integrated manner.

- **Sustainable financing of the protected areas system**. Financial resources are the "lifeblood" of any management system. The findings indicate that insufficient funding is perhaps the most practical and widespread challenge constraining all institutions in the performance of their duties. As noted above, NAPA and RAPAs rely predominantly on allocations from the State Budget. These funds generally cover salaries and basic operational costs, but rarely allow for capital investments (e.g. vehicles, equipment) or the implementation of long-term programs. Self-generated revenues from protected areas (such as entrance fees, activity charges,

or environmental fines) remain limited and, more importantly, do not stay within the protected areas system. Although, in legal terms, NAPA is authorized to administer revenues generated from economic activities within protected areas, in practice these funds are transferred to the general state budget and are not necessarily reinvested in the parks. This creates a clear disincentive: why should a park invest effort in increasing revenues (for example, by attracting more visitors or introducing fees) if there is no guarantee that these resources will be channeled back into site management? In many countries, protected areas benefit from self-financing mechanisms or are guaranteed a fixed percentage of the revenues they generate. In the national context, such arrangements are still lacking. The Special Fund for Protected Areas, provided by law to address emergencies and to manage revenues from donors and environmental fines, has not yet become operational. If activated, this fund could serve as an effective tool for ensuring dedicated financing—such as channeling revenues from fines and park fees back into the protected areas system.

State budget data indicate that approximately 90–93% of funding comes from the state budget, 7–10% from self-generated revenues of protected areas (which, in any case, are returned to the state), while an additional share for specific activities is provided through donor-funded projects. Dependence on donors is therefore twofold: on the one hand, it supports investments (for example, EU-funded projects may provide equipment, build visitor centers, or train staff); on the other hand, such projects are temporary. Once a project ends, the associated funding also ceases, offering no guarantee of long-term sustainability.

Why is sustainable financing so critical? Because without it, any park management plan remains largely aspirational. For instance, a plan may envisage increased patrol, but without funding for salaries this cannot be implemented. It may propose monitoring through camera traps yet lack the resources to purchase them. Financing is thus the crucial link between plans and laws on the one hand, and real-world implementation on the other. Insufficient funding is widely regarded as the "permanent problem" and, in many cases, a catch-all justification for why numerous measures are not carried out. A long-term solution would require either an increase in state budget allocations for protected areas (for example, in line with the expansion of protected territory, which has reached over 21% of the country while funding has not increased proportionally), or the introduction of innovative financing mechanisms. These could include dedicated funds, partnerships with the private sector for ecotourism whereby a share of profits is reinvested in conservation, or payment schemes for ecosystem services, etc.).

VI. CONSEQUENCES OF GAPS IN IMPLEMENTATION, TRANSPARENCY, PARTICIPATION, AND NATURE PROTECTION

Once the main gaps have been identified—whether legal, institutional, or practical—it is important to understand the concrete effects these gaps produce. This section examines how the inconsistencies and ambiguities described above translate into real-world problems on the ground, negatively affecting four key dimensions: the enforceability of the law, transparency and accountability in governance, public participation, and the condition of nature itself. This approach allows us to link cause and effect—that is, to demonstrate why the entire analysis of gaps is relevant and meaningful in real-life terms.

6.1 Enforceability of the law (On-the-ground effectiveness)

The legal and institutional gaps identified hinder the effective enforcement of rules on the ground. Laws that are theoretically robust often remain unenforceable in practice when implementing secondary legislation is missing, or when institutional responsibilities overlap or are unclear. This frequently results in the absence of clear procedures on how to respond to violations or which authority is responsible for doing so, creating enforcement vacuums. A direct consequence is that violators of environmental legislation may evade sanctions, as enforcement mechanisms are either lacking or fail to be activated due to weak inter-institutional coordination. Similarly, management plans and protective measures for protected areas risk remaining merely declarative when legal provisions lack the necessary "teeth" to be imposed in practice. For example, if the law requires the prohibition of a harmful activity within a park, but there is no secondary act detailing inspection procedures or specifying applicable sanctions, park administrations and inspectors may be powerless to enforce the ban. In such cases, illegal activities (such as unauthorised construction or prohibited logging) may continue uninterrupted because it is unclear which institution should intervene immediately and which legal measures should be applied. As a result, the integrity of the protected area is jeopardised, undermining the very purpose of the law intended to safeguard it. A concrete illustration is the absence of specific guidelines for penalising habitat damage. Inspectors may be able to document the violation, but if the law does not clearly define the level of fines or the procedures for criminal prosecution, enforcement actions may be suspended or easily challenged in court. Consequently, irresponsible actors can exploit these legal gaps, damaging park values in the belief that they will either not be caught or, even if detected, will face no serious consequences. This cycle of weak enforceability erodes the authority of the law and fosters a culture of impunity within protected area environments.

6.2 Transparency and accountability

When the legal framework and institutional structures are marked by inconsistencies and ambiguities, decision-making processes become less transparent and accountability is weakened. Shortcomings in the clear allocation of roles mean that, in cases of failure or

violations, it is often unclear which institution bears responsibility. This makes it difficult for the public or for other authorities to demand accountability. Moreover, when rules are confusing or incomplete, public officials are granted broad discretion to interpret them on a case-by-case basis. This increases the risk of arbitrary decision-making and undermines transparency, as decisions can be justified ad hoc on non-uniform grounds. A direct consequence is a decline in public trust in environmental institutions. Citizens may develop the perception that important decisions—such as those related to economic developments within protected areas—are taken without adequate disclosure and without proper public consultation. This lack of transparency also creates opportunities for abuse or corruption. When the "rules of the game" are unclear, unscrupulous officials may conceal responsibility or favour specific interests without being easily detected, further eroding the credibility of environmental governance.

The negative impact on accountability is clearly evident in practice. For example, a decision of the National Territorial Council (KKT) approving a construction project within a National Park is often published in the Official Gazette merely as a decision number, without any accompanying explanation or detailed reasoning as to why it was approved. This makes it extremely difficult for the public or environmental NGOs to understand the rationale behind the decision and to hold decision-makers to account. Under such conditions, the decision-making process is perceived as closed and insulated from environmental assessments or alternative viewpoints. Another example relates to the overlap of competences among agencies. When environmental degradation occurs within a protected area (e.g. pollution or habitat damage), institutions may deflect responsibility by blaming one another for inaction, precisely because the law has not clearly defined which authority should have acted first. As a result, no institution assumes full responsibility, and the issue remains unresolved or is addressed only partially and without transparency. Such situations significantly weaken public accountability. Citizens are left uncertain about whom to approach for answers, and institutions do not feel sufficient pressure to justify their actions or omissions. In the long term, a climate of weak accountability undermines the credibility of environmental authorities and may discourage public engagement in the active protection of protected areas.

6.3 Public participation and stakeholder engagement

A legal framework marked by gaps and inconsistencies has a direct impact on the quality and substance of participatory processes. When laws and regulations do not clearly define obligations for consultation and inclusion, or when responsible institutions are fragmented, the voices of local communities, environmental organisations, and experts may remain unheard. In such cases, processes that are formally envisaged as participatory (e.g. public hearings on park management plans or on Environmental Impact Assessments for projects within protected areas) are bypassed or effectively hollowed out in practice. This means that consultations may either not take place at all or are conducted in a purely formal manner, with little or no real influence on decision-making. As a consequence, the interests and concerns of local communities, as well as the expertise of NGOs and scientists, are insufficiently reflected in final decisions. Decision-makers may approve plans or projects without taking into account local knowledge and technical advice, thereby reducing both the quality and the legitimacy of those decisions.

Concrete examples illustrate this problem clearly. Following recent amendments, the current legal framework does not explicitly require public consultation when the National Territorial Council (KKT) reviews development projects within protected areas. This creates the possibility for major investments in a national park or protected landscape to be approved without hearing the voices of local residents, civil society organisations, or environmental experts. Likewise, there is still no institutionalised mechanism for local consultation, such as a council or local forum attached to each national park, that would ensure structured community participation in the management of protected areas. As a result, residents of surrounding areas may feel excluded from decisions that directly affect their livelihoods (for example, restrictions on land use or tourism opportunities). This lack of inclusion often leads to conflict and resistance. In the absence of prior consultation, community dissatisfaction tends to emerge later in the form of protests, petitions, or legal challenges against decisions that have already been taken. For instance, in several areas it has been observed that when local communities were not consulted during the preparation of management plans, residents refused to comply with them—continuing traditional grazing practices in zones where such activities were prohibited by the plan—arguing that they had not been involved in defining the rules. In this way, gaps in the participatory framework create a trust deficit between authorities and the public. Environmental decisions are viewed with suspicion and often encounter difficulties in implementation, as affected stakeholders do not perceive them as legitimate or fair. This ultimately undermines the effectiveness of protected area management, since no conservation plan or protection regime can succeed without the understanding and cooperation of the people who live and operate in these areas.

Overall, gaps in both the legal framework and its practical application have diminished the role of the public in the conservation of protected areas. This is paradoxical, given that the modern conservation paradigm—promoted by IUCN and the European Union—emphasises community-based and participatory management. There is a real risk that protected areas will come to be perceived by local populations as top-down government projects, rather than as shared assets worthy of collective stewardship. This lack of a sense of public ownership over parks may have long-term consequences for their sustainability, as conservation efforts are unlikely to endure without active public engagement and local support.

6.4 Nature conservation and long-term sustainability

This dimension represents the final and most significant outcome: the way in which legal and institutional gaps affect the actual condition of ecosystems and species within protected areas. In other words, shortcomings in the governance framework create conditions that facilitate the degradation of natural values. When laws are incomplete or contradictory and institutions are weak or poorly coordinated, windows of opportunity for environmental damage open almost immediately. For example, legal inconsistencies or regulatory gaps may allow a construction project or the exploitation of natural resources to be approved in an area where, in principle, no development should be permitted. Likewise, institutional ambiguities and weak coordination often result in environmental monitoring being neglected. No single authority assumes responsibility for systematic observation, or resources are insufficient to enable timely responses to emerging

problems. This leads to delays or improper implementation of protective measures. For instance, a decision to designate an area as threatened may take an excessive amount of time to enter into force, or an order to halt a harmful activity may not be enforced at all due to institutional confusion. In practical terms, the cumulative effect of these failures is the gradual degradation of natural assets. Biodiversity, landscapes, and the ecosystem services provided by protected areas are thus exposed to serious and ongoing risks.

Concrete examples make this picture tangible. When a legal pathway is opened for construction within a national park, interest in projects that fragment habitats emerges immediately. A tourist resort or heavy infrastructure placed where, according to conservation principles, no development should occur leads to the loss of natural habitats and disrupts the ecological tranquillity of the area. At the same time, weak enforcement of regulations encourages practices such as illegal hunting, fishing, and logging. In the absence of effective control, unscrupulous individuals exploit natural resources without authorisation. This is reflected in the decline of protected species populations. For instance, the numbers of rare birds and mammals within a reserve may decrease precisely because illegal hunters face few effective deterrents. A particularly illustrative case is the Vlora Airport within the protected Vjosa–Narta landscape. The decision to construct the airport inside a protected area—made possible by recent legal amendments—was assessed by international bodies as a serious threat to wetland ecosystems and migratory bird fauna. The Standing Committee of the Bern Convention even expressed "deep concern" regarding this development, considering it potentially incompatible with Albania's obligations under the Convention. This example clearly demonstrates how gaps or concessions in the legal framework (allowing exceptions for so-called strategic projects) can have irreversible consequences for nature and call into question compliance with international standards. At a broader level, the persistence of these shortcomings threatens not only local natural assets but also the country's international reputation. Albania risks failing to meet its conservation objectives and global commitments, such as those under the Convention on Biological Diversity, the EU's Natura 2000 network, or the target of protecting 30% of its territory by 2030. In other words, the erosion of protected area integrity resulting from current gaps may translate into the loss of their protected status or into levels of degradation that are irreversible, thereby undermining the achievements made to date in conserving the country's natural heritage.

Opportunities for degradation and environmental damage are amplified by legal inconsistencies and institutional ambiguities. These create exploitable loopholes for actors seeking to benefit from resources within protected areas. For example, a legal gap or conflict may allow construction or exploitation permits to be issued in locations where such activities should not be permitted. As observed, Law No. 21/2024 effectively opened the door to resort developments within national parks—something previously unthinkable under strict protection regimes. As a result, investors have begun targeting areas that until recently were shielded from development. A direct consequence of this shift is the loss of natural habitats. New access roads are opened, structures are built, pollution increases, and forest landscapes become fragmented. For instance, in a coastal park, the approval of a resort can lead to the destruction of sand dunes used as nesting sites by rare bird species and to the felling of pine trees to create sea views. This constitutes an irreversible loss of the area's natural values, directly attributable to a weakening of legal protection—activities that would have been prohibited under the previous regime became permissible following the legal amendments).

Neglect of monitoring and active management. When institutions are weakened or their responsibilities are unclear, essential functions such as ecological monitoring are often inadequately performed. This means that potential problems are not detected in a timely manner. For example, the absence of a well-defined coordination protocol may result in no authority regularly monitoring the water quality of a park's lagoon, until a sudden mass fish mortality occurs and it becomes evident that pollution has been present for a long time. Similarly, when financial resources are lacking, management measures are delayed or implemented incorrectly. For instance, an invasive plant species may spread within park habitats. Although the management plan may have предусмотред control measures, the absence of funding and the lack of clarity regarding institutional responsibility allow the invasion to continue unchecked, eventually outcompeting native species

Unique natural values are increasingly exposed to risk. Albania takes pride in its biodiversity, yet this biodiversity now faces threats that are amplified by gaps in the protection system. Illegal hunting of birds—exacerbated by weak enforcement of the hunting moratorium—has resulted in continued declines in populations of several protected bird species despite the existence of legal prohibitions (because the law has not been effectively enforced). Illegal fishing in marine protected areas (for example, bottom trawling in the Karaburun area) still occurs sporadically due to insufficient surveillance. Illegal logging within national parks (such as in Lurë and Shebenik) has degraded valuable mountainous forest ecosystems. These examples demonstrate that protected species and their habitats continue to be harmed by activities that are legally prohibited, precisely because the protection mechanism contains structural weaknesses. This situation makes the effective conservation of nature extremely difficult.

Risk of loss of protected status and failure to meet international objectives. If these trends continue, some areas may gradually lose the very qualities for which they were originally designated as protected. A point may be reached where the question is asked: why do we still call this a national park when half of it has been built over? At the international level, Albania has committed to a range of conservation targets (for example, under the Convention on Biological Diversity, including ecosystem protection goals). If existing gaps are not addressed, there is a real risk that these targets will not be met. Continued degradation may prevent the recovery of key species populations or the improvement of habitat conditions that Albania has pledged to achieve. Such outcomes would not only harm nature itself, but would also undermine the country's credibility. Albania risks being perceived as a country that designates protected areas on paper, but lacks the capacity or political will to manage them effectively in practice.

In this regard, a persistent problem is the absence of effective suspension mechanisms for development projects within protected areas when such projects become subject to judicial review. At present, procedural instruments (including requests for interim measures or injunctions) often prove ineffective, given the pressures on the judiciary, the weakening of institutional capacities following judicial reform, and the excessive length of court proceedings. For this reason, it is essential that protected areas legislation provide for stronger and more effective control mechanisms, so that acts with potentially significant environmental impacts do not produce irreversible consequences while they are still under judicial consideration. In cases where a plan or administrative decision is challenged before the courts and there are substantiated indications (for example, supported by expert assessments) that its implementation would cause proven or irreversible harm, it is reasonable for its effects to be suspended until the judicial process is concluded. Otherwise, in the context of chronic delays in court proceedings, judicial review risks remaining merely formal, and protected areas fail to benefit from genuine and effective protection.

A practical example relates to Council of Ministers Decision (CMD) No. 60/2022, through which the boundaries of several National Parks were amended, removing from protection areas with significant biodiversity values. Environmental organisations challenged this decision before the courts, and the case remains pending. During the proceedings, court-appointed experts identified the biodiversity values of the excluded areas, concluding that they possessed particular ecological significance and that their removal from protection was not supported by scientific evidence. A noteworthy element emerged in relation to Butrint National Park, where, among the data presented to illustrate the concrete consequences of excluding ecologically important areas, reference was made to tourism developments at Manastir Beach (Butrint). According to the expert assessment submitted to the court, the development of a tourist resort poses a risk of causing the extinction of an endemic plant species identified as *"ksamilus"*[1].

In practice, however, the judicial process has been so prolonged that on-the-ground developments have not only passed the approval stages but have also begun to be implemented, thereby risking the irreversible loss of the biodiversity values identified above.

1 Taken from the expert assessment of the biodiversity expert Dr Mariol Meço, submitted in the judicial proceedings concerning the preservation of the boundaries of National Parks affected by Council of Ministers Decision (CMD) No. 59/2022.

In concluding this report, we return to the fundamental question: does the current legal and institutional framework enable or hinder the effective protection of nature in Albania? Based on the analysis conducted, the candid answer is that the existing framework still contains serious shortcomings that impede the achievement of the objective of sustainable conservation of our natural assets. The inconsistencies and gaps identified risk undermining the benefits of the progress achieved to date.

These key gaps—critical legal inconsistencies, institutional ambiguity, and practical challenges—together constitute a serious obstacle to effective conservation. They allow violators to evade the law, leave institutions powerless or in conflict with one another, and ultimately jeopardise the very objectives of nature protection.

It should be emphasised that the legal and institutional gaps identified throughout this analysis are not merely abstract issues. They directly affect how well—or how poorly—Albania's natural assets are protected. The findings above clearly demonstrate that every shortcoming in the framework has tangible consequences on the ground, ranging from weak enforcement of rules to non-transparent and non-inclusive decision-making, and ultimately to the endangerment of the long-term sustainability of protected areas themselves.

These implications underscore the critical importance of addressing these gaps, for Albania's protected areas system to function effectively and to fulfil its fundamental mission: the conservation of natural heritage for present and future generations

When viewing the entire legal and institutional "mosaic" as a whole, it must be acknowledged that the current framework is not yet fully coherent or complete. Important elements remain misaligned, and internal fragmentation and contradictions undermine overall effectiveness. Although Albania has made notable progress—the protected areas network has expanded significantly (now covering around 21% of the territory), the 2017 legislation represented a modernising step, and efforts have been undertaken to align with EU standards—developments in recent years have caused a visible regression in the coherence of the system. Regrettably, it can be said that the state has sent mixed signals. On the one hand, it designates more protected areas and speaks the language of sustainability; on the other, it legalises intensive investments within those same areas. This duality renders the framework fragile and vulnerable. By way of analogy, the current nature conservation framework resembles an attractive building with cracked foundations. The outward appearance—the number of protected areas and the existence of legislation—is encouraging, but unless the foundations are repaired through legal harmonisation and institutional strengthening, the structure risks failing to withstand the test of time.

The findings of this report make it clear that addressing these gaps cannot be postponed. We are no longer at a stage where self-congratulation for having many protected areas on paper is sufficient. The priority now is to ensure that these areas are genuinely protected in practice. Without setting out detailed solutions at this stage (which will be formulated in subsequent documents), it can be stated that if these shortcomings are not addressed, Albania risks witnessing the progressive degradation of its protected areas and damage to its reputation on the European stage. As a candidate country for EU membership, failure to comply with environmental standards may become an obstacle to integration, as Chapter 27 of the acquis requires effective implementation, not merely the formal adoption of legislation. As a country aspiring to sustainable development, failure to protect nature ultimately amounts to a failure to honour commitments to future generations. The key message, therefore, is clear: action is required now to close these gaps, because any delay will make the damage more difficult to repair and the consequences more costly.

In closing, it is worth reiterating that protected areas are invaluable national assets. They are not barriers to development; on the contrary, they are cornerstones of sustainable development and long-term quality of life. Effective nature protection is neither a luxury nor an externally imposed obligation, but an investment in our ecological, economic, and social future. The current shortcomings in the legal and institutional framework are reparable, provided there is political will and strategic vision. This report should serve as both a wake-up call and a call to action—to strengthen the legal and institutional "fence" around our natural heritage before it is too late. Only then will we be able to state with confidence that Albania has a protected areas system worthy of its name: one that genuinely safeguards nature for present and future generations alike.

The results of this assessment should serve as a clear roadmap for reform, rather than merely an inventory of problems. For this reason, the following recommendations are presented in a concise and structured manner. In essence, the core message is that the effective protection of protected areas requires an integrated package of measures: restoring the balance between conservation and development at the legislative level; addressing gaps in secondary legislation; strengthening institutions through clear mandates, adequate resources, and measurable standards; and establishing mechanisms that ensure coordinated, transparent, and accountable decision-making. Only under these conditions can protected areas be safeguarded in practice, rather than merely on paper.

1 Legal amendments and "strong" protection rules

Reforms should begin by restoring a functional balance between conservation and development, making it clear that within protected areas economic or urban-planning justifications alone are insufficient. The law and implementing acts should introduce mandatory compatibility tests with zoning provisions and approved management plans as a first step in any procedure for projects, permits, or authorizations. In parallel, a uniform standard of "incompatibility" should be formally established, clearly defining which interventions are automatically prohibited in strictly protected sub-zones and in critical habitats. This would prevent decision-making from relying on ad hoc, "case-by-case" interpretations and would provide legal certainty and consistency in the protection regime.

2 A minimum package of secondary legislation and standardized implementation

The most immediate priority is the adoption of a "minimum package" of secondary legislation, without which the law remains largely declarative. This package should include the following elements,

First, instructions regulating the temporary suspension of activities where there is a real risk of damage to the values of a protected area. This should establish a clear procedure, including: the initiating authority, short and clearly defined timelines, standardized minimum evidentiary requirements, the form of the decision, notification obligations, and its linkage to enforcement measures and sanctions).

Second, instruction on visitor management, ensuring that carrying capacities, seasonal restrictions in sensitive areas, and rules on guiding, signage, and penalties are clearly defined and directly enforceable on the ground.

Third, an instruction establishing a national portal and database, transforming transparency into a concrete legal obligation. This should require the publication of GIS boundaries and zoning (with versioning), management plans and annual reports, permits and approvals, suspension measures and sanctions, as well as a minimum set of biodiversity monitoring indicators.

Finally, binding standards for management plans, monitoring, and annual reporting should be adopted through a formal act, harmonizing structure, indicators, and reporting formats across all protected areas.

3 Harmonization of existing legislation following the 2024 amendments

The 2024 amendments have created a situation in which the law and its implementing acts no longer "speak the same language," particularly about zoning. Urgent harmonization is therefore required—either through amending the existing Council of Ministers' Decisions on zoning or by replacing them with a new decision that fully reflects the revised sub-zones and rules. Until this process is completed, an official annex in the form of a law–CMD correspondence table should be adopted, clarifying the equivalence of sub-zones, the restrictions that remain in force, and the applicable rule in cases of conflict. This would reduce administrative discretion and remove legal uncertainty in on-the-ground implementation.

4 Special Regulation of the National Territorial Council (KKT) and Control of Developments

Given that the new framework shifts much of the filtering burden to KKT regulations and decision-making, a dedicated regulation must exist and be measurable and auditable. It should establish clear and enforceable technical limits (footprint/volume/height thresholds, buffer distances from wetlands and watercourses, and outright prohibitions in strictly protected zones), as well as environmental standards (wastewater management, solid waste, lighting impacts). It should also require no net loss of biodiversity or measurable compensation in critical habitats where impacts cannot be fully avoided. Above all, the regulation must make verification of compatibility with zoning and approved management plans mandatory, preventing control from being reduced to a purely formal urban-planning check. In the same vein, KKT decisions affecting protected areas should meet minimum transparency requirements: publication of the reasoning, maps, conditions, and explicit references to the relevant zoning and management-plan documents.

5 An "anti-vacuum" mechanism for enforceability following any legal amendment

To avoid repeating the cycle of "law amended – implementing acts missing – enforcement remaining unclear," an anti-vacuum mechanism should be formally institutionalized. This would entail a 6–12 month implementation plan (matrix) specifying the implementing acts to be adopted, the responsible institutions, deadlines, public consultation requirements, and the expected final outputs. In parallel, a public registry of implementing acts should be established—indicating which acts are missing, which are outdated, and which are under consultation—linked to the national portal. This would make institutional responsibility visible, enhance transparency, and prevent ad hoc or discretionary application in practice.

6 Institutional strengthening, capacity building, and sustainable financing

Legal reforms alone are insufficient without genuine institutional strengthening. This requires the establishment of a permanent national coordination mechanism for protected areas (an inter-ministerial council or committee) tasked with addressing multi-sectoral conflicts at the planning stage, with binding outputs (joint positions and standardized checklists). In parallel, the decision-making weight of the environmental authority must be formally strengthened in forums where projects are reviewed, so that environmental considerations do not remain a "minority position" when interventions in protected areas are decided. At the operational level, a national standard for minimum capacities of NAPA/RAPAs should be adopted (e.g. number of rangers per km², basic logistics, essential equipment), alongside a stable technical core within NAPA (monitoring, GIS, education, reporting) and unified training programmes. Financing should be anchored in the principle that "park revenues return to the park" (a guaranteed percentage of entrance fees, service charges, and environmental fines), the operationalization of the dedicated Protected Areas Fund, and 3–5 year financial planning as a mandatory annex to management plans.

7 Transparency, public participation, and effective protection in practice

Effective protection requires decision-making that is traceable and publicly controllable. Portals and databases should not be aspirational tools, but binding obligations ensuring the publication of permits, reports, control measures, and core monitoring data. Public consultations must be mandatory and verifiable for decisions affecting boundaries, categories, and management plans. At the same time, the standing (locus standi) of the public and NGOs to request the suspension of harmful activities must be clear and enforceable, in line with Aarhus Convention standards. Finally, effective protection requires that the system does not allow irreversible harm "while waiting": there must be a mechanism ensuring the genuine suspension of the effects of acts or projects where there are substantiated indications of proven harm, alongside a clear framework for rehabilitation and compensation (including instruments such as a rehabilitation fund and "no net loss" standards for critical habitats).