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ZHVILLIM TË QËNDRUESHËM



Where are we headed after the Conference of the Parties 21 agreement in Paris?

*Kosovo and Climate Change:
Legislative coherence and implementation gaps*

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Table of Contents

List of Abbreviations.....	3
Executive Summary.....	4
Introduction.....	5
COP21 and Kosovo – What is Kosovo to do?	6
Kosovo’s climate change legislative and policy frameworks.....	8
Implementation progress and identification of obstacles.....	10
Conclusion and Recommendations	14

List of Abbreviations

CC - Climate Change

CCFS - Climate Change Framework Strategy

COP21 - The twenty-first session of the Conference of the Parties

EC - European Commission

EnCT- Energy Community Treaty

EU - European Union

GHG - Greenhouse Gases

KEPA - Kosovo Environmental Protection Agency

KES - Kosovo Environmental Strategy

LEDS - Low Emission Development Strategy

MESP - Ministry of Environment and Spatial Planning

NAMA - Nationally Appropriate Mitigation Actions

NAS - National Adaptation Strategy

NREAP - National Renewable Energy Action Plan

TPP - Thermal Power Plant

UNFCCC - United Nations Framework Convention on Climate Change

Executive Summary

Discussions surrounding attempts to mitigate and adapt to climate change as a global phenomenon are rather frequent and ongoing on today's industrialized society. The latest conference hosted by the United Nations Climate Change Conference held in Paris on December 2015 gathered worldwide leaders to brainstorm, discuss, and commit to mutual goals of mitigating the effects of climate change and controlling global warming to a less than 2 °C.

In the wake of these discussions, it becomes crucial to infer upon Kosovo's progress towards global initiatives of undertaking measures to mitigate climate change effects, both in terms of the legislative basis as well as the implementation progress. Having researched on the topic both in terms of literature review as well as qualitative primary data collection, it has been concluded that despite the existence of a relatively strong legislative basis, there are nonetheless numerous roadblocks hindering the adequate materialization of the laws and strategies. For example, even though Kosovo has adopted a Climate Change Framework Strategy (CCFS) which identifies the Nationally Appropriate Mitigation Actions (NAMAs) and the Low Emission Development Strategy (LEDS), the CCFS is nevertheless lacking absorption on day-to-day endeavours in the social, economic, and political sphere.

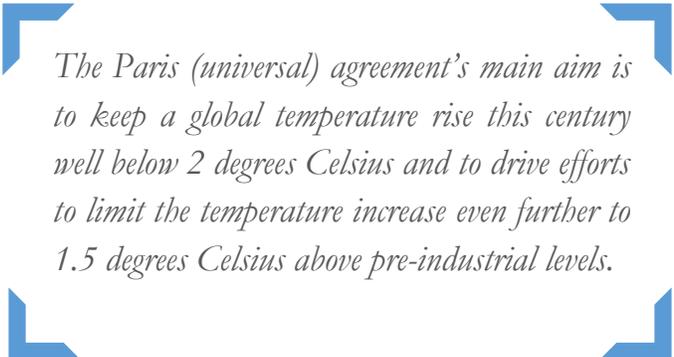
As such, the following barriers to the proper materialization of the CCFS have been identified: 1) lack of sufficient monetary funds, considering that Kosovo is not yet a signatory party of important climate treaties and thus cannot benefit from international donors' expertise and funding, 2) lack of relevant human capital skills, 3) lack of available statistics for greenhouse gas (GHG) emissions, 4) the non-identification of the GHG reference year or the overall non-identification of the most polluting sectors of the economy, and 5) negligence on the government's part to identify mitigation and adaptation to climate change as one of its priority goals.

In response to this, this paper recommends the course of action the country must take in order to align its national goals with the international ones. Having identified the barriers, this paper proposes several recommendations which if addressed would smooth out the process of implementing mitigation and adaptation measures identified under the CCFS and bringing Kosovo one step closer to fulfilling its sustainable development goals.

Introduction

Threatened by serious consequences of what we refer today as Climate Change, on December 12, 2015 leaders of almost 200 countries reached a landmark accord, which paves the way for a transition from a fossil fuel driven economy to one based on clean energy. While Climate Change is a phenomenon discussed all around the world for many years, the real action is taking place only now as science based evidence continuously suggests that Climate Change is indeed unequivocal.

Amidst the 192 countries present in the Conference of the Parties (COP21), held in Paris in December 2015, Kosovo was not one of the fully fledged participants, although representatives of the Ministry of Environment and Spatial Planning (MESP) as well as the Mayor of Prishtina attended the conference. Kosovo is neither a member of the United Nations nor, resultantly, a member of the United Nation Framework Convention on Climate Change (UNFCCC), but as a signatory of the Energy Community Treaty, it is expected to live up to the standards set by this Treaty with regard to the transformation of the economies of Western Balkans countries into low carbon emission economies.



The Paris (universal) agreement's main aim is to keep a global temperature rise this century well below 2 degrees Celsius and to drive efforts to limit the temperature increase even further to 1.5 degrees Celsius above pre-industrial levels.

This paper presents developments leading to the COP 21 agreement and the latter's main features. Then, it turns to Kosovo's legislative and policy framework, implementation efforts and other actions taken to fight and adapt to Climate Change. The paper also looks at future plans and concretely suggested policies to meet the set targets with the aim of understanding the progress and identifying the gaps and issues to be tackled. These findings have been complemented with first hand data collected through interviews with relevant stakeholders, through which we were able to get an insight into the current developments in the area as well as to identify obstacles for the implementation of the Climate Change Framework Strategy (CCFS). Finally the paper presents the conclusions and a set of recommendations to be addressed by Kosovo institutions.

The road to COP21

The current average earth temperature as of January 2016 is marked at a 1.04 °C above the 20th century average of 12 degrees¹. This increase marks a new record of highest recorded increase in global temperature in the last 137 years¹. Scientific data suggest that the main cause of this change in temperatures is caused by the human activity.² Threatened by the ever increasing damaging human activity, the COP21 marks a significant milestone in long standing attempts to fight climate change. This fight was officially institutionalized by the UNFCCC in 1992². The main goal behind the UNFCCC was to achieve, under certain provisions the stabilization and the reduction of greenhouse gas emissions into the atmosphere to the levels that would not contribute to dangerous

¹ National Centers For Environmental Information: Global Analysis- January 2016, available at: <https://www.ncdc.noaa.gov/sotc/global/201601>

² Causes of Climate Change, Climate Action, available at: http://ec.europa.eu/clima/change/causes/index_en.htm

anthropogenic interference.³ Five years later, UNFCCC's third conference in 1997 adopted the Kyoto Protocol, in which industrialized countries committed to reduce their greenhouse gas emissions by 5% during the period of 2008-2012 in comparison to the base year of 1990.⁴ This commitment period was however postponed to 2020 in the 18th COP held in Doha, Qatar in 2012, under the Doha Climate Gateway.⁵ The Doha Climate Gateway also foresaw the creation and the capitalization of the Green Climate Fund that aimed at supporting countries towards their transition to low carbon economies.⁵

There were three other key conferences in the period between 1997 and 2013 which resulted in objectives that today provide the foundation of the Paris Summit. First, the 13th COP adopted the Bali Action Plan in 2007 where countries mobilized to identify the Nationally Appropriate Mitigation Actions (NAMAs) in the context of countries' domestic economic development and capacities to adapt climate change measures.⁶ Secondly, the 15th COP in 2009 resulted in the Copenhagen Accord which envisage the preparation of Low Emission Development Strategies (LEDS) for all Non-Annex I parties of the UNFCCC.⁷ Among others, the LEDS included setting up concrete measures in reducing greenhouse gas emissions and its financial implications, as well as the *self-monitoring, reporting and evaluation*.⁷ Lastly, from the Cancun Agreement in 2010 came up with the concept of transforming into *low-carbon economy/ies*.⁸ However, despite the annual Conference of Parties summits, its 21st session in Paris for the first time ever, since the establishment of the UNFCCC, succeeded to reach an universal agreement of keeping global warming below 2°C, while striving to drive efforts to limit the temperature increase even further to 1.5 degrees Celsius above pre-industrial levels.⁹

COP21 and Kosovo – what is Kosovo to do?

With 192 country leaders present in the 21st Conference of Parties organized by the UNFCCC, the world saw a unified commitment of more than 95% of world's polluters to jointly battle the consequences of global warming and undertake serious measures to reduce emissions through the revision of their national environmental and climate change plans. Concretely, the Paris Agreement covers five main pillars agreed by the signatory parties, as follows:

- **Mitigation** - reducing temperatures fast enough to achieve the temperature goal,
- A **transparency system** and a global stock-take- accounting for climate action,
- **Adaptation** - strengthening ability of countries to deal with climate impacts,
- **Loss and damage** - strengthening ability to recover from climate impacts,
- **Support** - including finance for nations to build clean, resilient futures.¹⁰

³ United Nations Framework Convention on Climate Change (1992), available

at:http://unfccc.int/files/essential_background/background_publications_htmlpdf/application/pdf/conveng.pdf

⁴ Kyoto Protocol (1997), available at: http://unfccc.int/kyoto_protocol/items/3145.php

⁵ The Doha Climate Gateway (2012), available

at:http://unfccc.int/key_steps/doha_climate_gateway/items/7389.php

⁶ Bali Action Plan (2007), available at: <http://unfccc.int/resource/docs/2007/cop13/eng/06a01.pdf>

⁷ Copenhagen Accord (2009), available at: https://unfccc.int/meetings/copenhagen_dec_2009/items/5262.php

⁸ Cancun Agreement (2010) , available at: https://unfccc.int/meetings/cancun_nov_2010/items/6005.php

⁹ Sustainable Innovation Forum: Conference of Parties in Paris, 2015, available at:

<http://www.cop21paris.org/about/cop21>

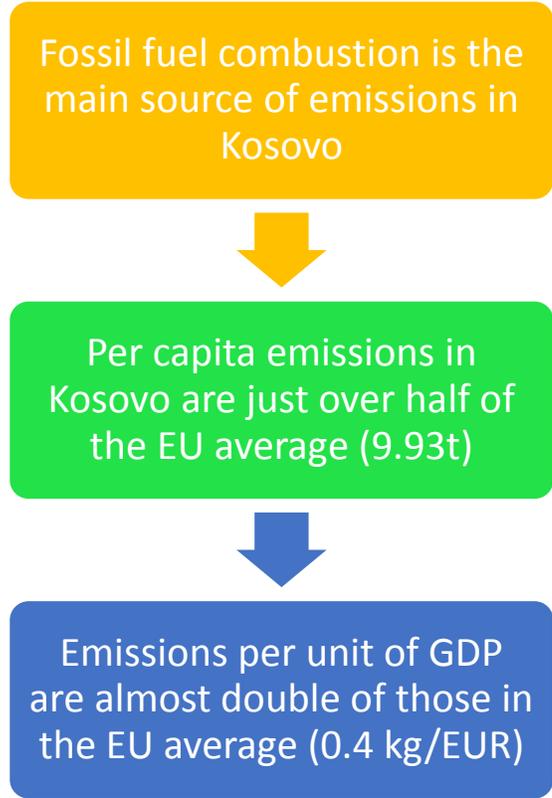
¹⁰ UNFCCC: Historic Paris Agreement on Climate Change, available at: <http://newsroom.unfccc.int/unfccc-newsroom/finale-cop21/>

However, the main difficulty for the implementation of this *almost* worldwide agreement is that its goals do not impose legally binding obligations upon the signatory parties. This follows from the fact that document doesn't take the form of a formal treaty and it does not set legally binding targets for reduction in carbon usage. It further leaves it up at the discretion of each country to set on their own the carbon reductions targets. Its suggested mechanisms for regular monitoring of progress as well as request for transparency, is expected to play on the card of 'name and shame' in case of non-performance of the parties vis-à-vis the agreement. Whether this mechanism will result to be successful, is yet to be seen, as the adoption of the agreement will be open for signature from 22 April 2016 until the same date in 2017.

Nonetheless, this agreement marks a promising start and is designed to contribute to the overall goal of fighting global warming. Now the question is, what should Kosovo do to this end?

As stated above, Kosovo is neither a member of the United Nations nor consequently a member of the UNFCCC. Nevertheless Kosovo is a signatory party to the Energy Community Treaty (EnCT), designed with the intention of creating a set of legally binding rules to regulate the energy market in the South-Eastern European region. This created expectations for Kosovo to adopt policies leading to a transition into a low-carbon economy.¹¹ The fulfillment of the set objectives under the EnCT, such as the attraction of investments, creation of an integrated energy market, enhancement of supply security, improvement of the environmental situation, and enhancement of competition at the regional level, are a legal as well as a political obligation for Kosovo. In addition the Climate Action of the EU, in its 2020 climate & energy package has put forth the 20-20-20 scenario, according to which the European Union (EU) Member States must, by 2020, cut greenhouse gas emissions by 20%, increase the share of renewable energy by 20%, and improve energy efficiency by 20%.¹² Given its aspirations to join the EU, Kosovo should preferably respect and integrate the climate & energy package by 2020. However, as also stated in the Annual Implementation Report of the Energy Community Treaty, Kosovo is encountering difficulties in accomplishing the goals set forth by the climate & energy package by 2020¹¹, especially regarding investments in renewable energy, because as stated by EnCT "*the fact that there are currently no concrete investment plans for Zbur hydro power plant is of concern, and without additional measures Kosovo will not reach the 2020 target*"¹¹. As such, there are possible ongoing discussions that the 2020 deadline might indeed be postponed to a later date, possibly even 2030²⁰.

Taking into account that a majority of these objectives concur with the environmental and climate goals of COP Summit, investments in the climate area would not only improve the citizens' wellbeing and contribute to the country's sustainable development, they would further frame Kosovo as a country that is willing and able



¹¹ Energy Community Treaty (2005): Kosovo, available at: https://www.energy-community.org/portal/page/portal/ENC_HOME/AREAS_OF_WORK/Implementation/Kosovo

¹² European Commission, Climate Action: 2020 Climate&Energy Package, available at: http://ec.europa.eu/clima/policies/strategies/2020/index_en.htm

to undertake climate action and join international initiatives. Given that the nature of the Agreement signed in Paris is in itself not legally binding, the difference between being a member state or a non-member to the Agreement should not hold back Kosovo from efforts in implementing its goals. The conference's aim was to be universal, ambitious and realizable, balanced between adaptation and mitigation, sustainable, and flexible.¹³ It is precisely the last feature that is of importance to the developing countries and the least developed ones, as the notion of flexibility ensures the developing countries be given goals that are realistic to their level of development, needs and specificities.¹³ Moreover, the preamble of the agreement created expectations for developed countries to support the developing ones. In other words, the 'rich' countries should finance the 'poor' ones in order to move towards a low carbon economy and adapt to climate change proactively. This part, however, marks the first concrete impediment for the Government of Kosovo with regards to the attainment of the Climate Change (CC) goals. While financial support is guaranteed for other UNFCCC developing or least developed member countries, that is not the case for Kosovo. This nonetheless does not mean that Kosovo is deprived of other funding opportunities made available to it by the international community presence, which should be explored as well as smartly utilized.

Kosovo's Climate Change legislative and policy frameworks

In order to assess the standing of Kosovo against the COP21 goals, one has to understand what measures has the country undertaken so far to this end. Having identified and analysed the current policies which address climate change, one can say that the country has made a considerable progress in giving shape to the legislative and policy basis as far as climate change is concerned. The main documents regulating and addressing climate change in the country are:

1. **Law on Environmental Protection:** The Law aims to "harmonize and simultaneously promote social welfare and economic development with the basic principles of environmental protection according to the concept of sustainable development".¹⁴
2. **Kosovo Environmental Strategy (KES) and the National Environmental Action Plan 2011-2015**¹⁵. The document's overall objective is to "reduce pollution to levels which meet the EU *acquis* and international standards."¹⁵ In addition, it identifies key priorities in Kosovo's environmental sector including: "a) Completion of the environmental legislation in line with the EU *acquis*, b) Capacity building of relevant stakeholders, c) Implementation and integration of the environmental strategies in economic sectors, d) Establishing the eco fund, e) Public awareness campaigns, f) Adaptation of clean technologies"¹⁵.
3. **Climate Change Framework Strategy (CCFS):** The Strategy identifies mitigation and adaptation measures Kosovo should undertake to make sure it is developing sustainably.¹⁶

¹³ United Nations Conference on Climate Change: COP21, The Stakes, available at:

<http://www.cop21.gouv.fr/en/learn/what-is-cop21/cop21-the-stakes/>

¹⁴ Law on Environmental Protection No. 03/L-025, Article 1, available at: http://www.gazetazyrtare.com/e-gov/index.php?option=com_content&task=view&id=334&Itemid=28&lang=en

¹⁵ Kosovo Environmental Strategy and National Environmental Action Plan (2011-2015), available at:

[http://www.kryeministri-ks.net/repository/docs/REVISING_and_UPDATING_the_KOSOVO_ENVIRONMENTAL_STRATEGY_\(KES\).pdf](http://www.kryeministri-ks.net/repository/docs/REVISING_and_UPDATING_the_KOSOVO_ENVIRONMENTAL_STRATEGY_(KES).pdf)

*KOSID has however constantly opposed the construction of 'Kosova e Re' thermal power plant not only because it would introduce numerous negative externalities to the environment but also because the country has enough

The CCFS, the most recent policy document adopted in 2014, coupled with other legislative and policy documents, creates a firm foundation for the “climate” legislative package. Even though the CCFS has not been approved by the Assembly of Kosovo yet, it nonetheless marks a crucial step taken towards adapting and mitigating climate change effects. Adding to this the Low Emission Development Strategy (LEDS) and a National Adaptation Strategy (NAS) makes the entire framework principally harmonized with the UNFCCC goals on mitigating climate change effects. The LEDS has two main goals: 1) Developing the country’s capacities to fulfil its obligations under the UNFCCC and EU once it becomes a member, and 2) Slowing down the increase of GHG through enhanced energy efficiency, investments in renewable energy, and the use the natural resources in a sustainable manner.¹⁶ The LEDS also identifies the Nationally Appropriate Mitigation Actions (NAMAs) which include:

- 1) Setting up a National Inventory System of GHG and strengthening the reporting of GHG,
- 2) Implementing Kosovo’s Energy Efficiency Action Plan 2010-2018,
- 3) Implementing the National Renewable Energy Action Plan (NREAP) 2011-2020,
- 4) Increasing the efficiency of production of electricity through replacement of Thermal Power Plant (TPP) Kosovo A with ‘New Kosovo/Kosova e Re’ TPP*,
- 5) Preventing lignite self-ignition in Kosovo coal mine,
- 6) Using non-hazardous solid waste as alternative fuel in industrial production,
- 7) Manure storage, preparation, and application methods,
- 8) Implementing Climate Protection Strategy in the forest sector in Kosovo.¹⁶

On the other hand, the NAS identifies three main objectives in addressing and adapting to climate change:

- 1) Improving the mechanisms of disaster risk reduction especially in sectors vulnerable to climate change,
- 2) Enhance the adaptive capacity of natural systems, particularly vulnerable sectors and communities including marginalized groups,
- 3) Capacity building of national and international actors and stakeholders involved in mitigating and adapting to climate change.¹⁶

As seen above, the CCFS and the enacted environmental laws are in coherence with the outcomes of COP Summit throughout the years, including the Kyoto Protocol. Nonetheless, after the COP21, Kosovo needs to re-evaluate its goals and policies in order to sharpen further the suggested action, as the goal set by the Paris Agreement requires stringent action by each country. This aside, compared to the region and given that it’s been only eight years since Kosovo’s Declaration of Independence, Kosovo managed to put in place a sound legislative basis and is in the process of developing an Action Plan to address Climate Change. However, to understand the effectiveness of adapting and mitigating climate change, one must also look upon the progress on the implementation of developed strategies and the real mitigating effects. The section below illustrates the progress made in implementing the strategy, as well as it identifies the roadblocks that hinder this implementation.

quantified potential to develop the renewable energy sector. For more, please refer to one of KOSID’s studies conducted in the matter:

http://kosid.org/file/repository/Kammen_RAEI_Sustainable_Energy_Options_for_Kosovo_20_May_2012.pdf

¹⁶ Climate Change Framework Strategy for Kosovo (2014), available at: http://mmph-rks.org/repository/docs/Climate_Change_Framework_Strategy_19022014_FINAL_717626.pdf

Implementation progress and identification of obstacles

Even though the legislative and policy frameworks of Kosovo regarding Climate Change are in coherence with the goals of UNFCCC and the EU climate change legislation, the country lags behind in implementing the measures identified in these documents. The Nationally Appropriate Mitigation Actions identified under LEDS are still not gaining momentum. Amongst others, the country has not yet set up a GHG inventory; there have been minor steps taken to either invest in clean, renewable technology or adopt best available technologies to produce electricity from lignite; and little investments have been made in improving the energy efficiency of the residence and/or public sector. It is however worth mentioning that the MESP is in the process of preparing the GHG inventory for 2013 (the one for 2012 has already been created), which will shed light upon the most polluting sectors of the economy and the needed intervention areas. Moreover, the MESP is in the process of developing the Action Plan for Climate Change and the MESP committee for climate change has also been created as of August 2015, with highest level government representation.¹⁷ The table below indicates the level of progress with regard to the attainment of the main measures on the basis of the obligations set out in the listed documents and through the CCFS.

¹⁷ Government of Kosovo: Establishment of the Climate Change Committee, available at: http://www.kryeministri-ks.net/repository/docs/Vendimet_e_Mbledhjes_se_45-te_te_Qeverise_se_Republikes_se_Kosoves_2015.pdf, August 2015

Table 1: Kosovo's progress in developing and implementing climate mitigation and adaptation measures

Completed	<ul style="list-style-type: none"> Law on Environmental Protection Environmental Strategy for Kosovo 2005-2015 Kosovo Environmental Strategy (KES) and the National Environmental Action Plan (NEAP) Climate Change Framework Strategy Low Emission Development Strategy drafted and Nationally Appropriate Mitigation Actions (NAMAs) identified National Action Plan Identified Creation of Greenhouse gas inventory for 2012 Creation of the ministry committee for climate change
In progress	<ul style="list-style-type: none"> Creation of Greenhouse gas inventory for 2013 Identification of the most polluting sectors of the economy Increase in collaboration with the region, i.e the electricity interconnection between Kosova and Albania, contributing to diversification of the electricity mix for both countries and security of supply Investments in diversifying the energy mix, i.e renewable energy sources Drafting the Action Plan for Climate Change Working group to monitor the implementation of the CCFS
Still to be addressed	<ul style="list-style-type: none"> Set the reference year for Greenhouse gases Regular self-monitoring and reporting- data publications of CO₂ emissions throughout the years Creation of a department to monitor the progress of Climate Change Framework Strategy Creation of an eco-fund engendered by citizens' environmental taxes Improving mechanisms of disaster risk reduction Use of non-hazardous waste in fuel production Manure storage, preparation , and application methods National measures taken to improve on energy efficiency Thorough research in Kosovo's renewable potential and recycling Investments in decreasing CO₂ emissions in the previously identified problematic sectors including the energy and the transport sector

What we come to understand is that even though initial steps have been taken to materialize the CCFS, at this point there is little to be inferred regarding the progress made towards climate change mitigation actions or even regular self-monitoring or reporting.

To start with, the **non-identification of the GHG inventory for 2013 or the reference year** is hindering the identification of the most polluting sectors, a point that must be identified prior to starting the undertaking of mitigation and adaptation measures. In addition, **lack of available statistics** about the most polluting sectors of the economy or its percentage change throughout the years is yet an additional factor which hampers

Kosovo's progress toward sustainable development. Indeed, 'the two barriers are the foundation of a strong and successful implementation of sustainable measures which would decrease climate change effects in the country.'¹⁸

The lack of any significant progress in this area is also documented in the European Commission's Progress Report for Kosovo for 2015, according to which:

*'Kosovo remains at an early stage of harmonisation with the acquis. No progress was made on environment and climate change and in the coming year, Kosovo should in particular: 1) set up an environmental monitoring network for air and water; 2) establish systematic strategic planning on climate action.'*¹⁹

When trying to infer upon why Kosovo is encountering these implementation barriers, one may say that lack of resources, both financial and human, is a key reason. With regard to financial resources, as mentioned earlier, given that Kosovo is not yet a signatory party to the UNFCCC or its Kyoto Protocol, it does not benefit from international donors such as the Green Climate Fund, and thus has very little monetary funds allocated for investment in the environmental and climate sphere, which was also confirmed by the Kosovo Government representatives.¹⁸ Moreover, as presented by the MESP representatives, and also verified through the official budget documentation, only around 1% of the Kosovo's annual budget is allocated to the MESP.²⁰ Such a percentage indicates that the country cannot rely on its domestic resources when intending to push forward the goals listed in the CCFS. Having that in mind, mitigation and adaptation measures are rather costly to implement, Kosovo is trapped in a cycle of documents and strategies that are rarely implemented. In addition, the lack of skilled human resources to push forward and provide expertise to the implementation of Nationally Appropriate Mitigation Actions further worsens Kosovo's possibility to get out of this cycle of non-implementation. Such expertise would also be a crucial component of a department in charge of monitoring the implementation of CCFS. The establishment of monitoring department within MESP would mark a crucial step and would ensure that the implementation of the CCFS is progressing.¹⁸

Last, but not least, despite the lack of financial and human resources to catalyse climate action, one must also reflect upon Kosovo government priorities, and whether climate change is one of them. Taking into account the fact that mitigation and adaptation measures toward climate change are long-term processes, politicians might have little incentives to push forward any action that they won't reap the outcomes and praise on achievements during their political mandate. Moreover, there is a widespread tendency to sacrifice sustainable development for economic development based on the reasoning that the citizens' economic and social welfare and action towards fighting poverty and unemployment prevail over climate change concerns. The fact that Kosovo government is not prioritizing climate change in its political agenda is further confirmed by the Senior Planning Policy Officer at the Prime Minister's Office for Strategic Planning, according to whom the government is rather focused on alleviating poverty and unemployment, enhancing economic growth, and resolving the current political tensions, and thus might sacrifice climate action at the current time being.²¹

¹⁸ Beqaj, Vjosa, The Department Head of Sectorial Policies at MEI, Interview given to the Institute for Development Policy (INDEP), October 2015.

¹⁹ Kosovo Progress Report 2015, European Commission, available at: http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_kosovo.pdf

²⁰ Malsiu, Muhamet, Head of Environmental Inspectorate at MESP, Interview given to the Institute for Development Policy (INDEP), October 2015.

²¹ Sagonjeva, Vedat, Interview given to the Institute for Development Policy (INDEP), October 2015

Ultimately, what is most concerning is that despite the existence of the legislative tools and the promising mechanisms that are in place, the energy sector developments in Kosovo are taking a different course from what the rest of the world is pledging to. With the latest decision of the Government and signing of the Agreement (*read Memorandum of Understanding*) on December 18, 2015 between the Ministry of Economic Development and the new investor, Kosovo is looking to build a 500 MW power plant based on lignite, with the intention to secure energy in the long-term for the country. Such action is a paradox, especially at this point of time when the Paris Agreement is being “viewed as a signal to global financial and energy markets, triggering a fundamental shift away from investment in coal, oil and gas as primary energy sources toward zero-carbon energy sources like wind, solar, hydro and biomass”²² On the other hand, one is not to forget that the emissions from the two existing power plants, Kosova A and Kosova B, combined, are 74 time higher than what is allowed under the EU standards as provided by the European Commission (EC) Directive for Large Combustion Plants.²³ As such, these two power plants are the biggest ‘enemies’ to the environment and the major polluters in the country, hence the need for immediate intervention in this regard becomes an imperative.

²² Nations Approve Landmark Climate Accord in Paris, The New York Times, December 2015, available at: <http://www.nytimes.com/2015/12/13/world/europe/climate-change-accord-paris.html>

²³ Kosovo: Country Environmental Analysis - Cost Assessment of Environmental Degradation, Institutional Review, and Public Environmental Expenditure Review, World Bank, available at: <http://siteresources.worldbank.org/INTKOSOVO/Resources/KosovoCEA.pdf>

Conclusion and Recommendations

Same as is the case with many other areas, it comes as no surprise to state that the legislative basis in Kosovo applicable to policies and actions regarding climate change are in compliance with EU *acquis* and the outcomes of the Conference of Parties. Having drafted the CCFS, which outlines an action plan and identifies the NAMA to be taken in order to mitigate climate change effects and reduce GHG emissions into the atmosphere, the Government of Kosovo has set positive grounds for action in this regard. However, there is still an existing gap between the existing legislation and policies and implementation.

Moreover, Climate Change continues to be a marginalized topic of interest in Kosovo given that the country is hit by serious problems such as high unemployment and poverty. Nevertheless, driven by the outcomes of the COP21 and the Agreement in itself, it becomes a moral as well as a social obligation to commit more seriously towards implementing the pledged measures in order to attain the common set goals. Having in mind all the identified obstacles, this paper proposes a set of measures presented below which would ensure significant progress with regards to sustainable economic growth with due respect for human rights and appropriate consideration for environmental protection.

In line with the findings and the arguments elaborated above, this paper proposes the following recommendations which could decrease the gap between the current enacted legislation and its respective implementation:

1. **Setting up the GHG inventory for 2013 and identifying the reference (base) year.** The greenhouse gas inventory for 2013 will provide a clear pattern of the most polluting economic activities and their respective CO₂ emissions and thus is the primary obligation that must be fulfilled before initiating any intervention in the economic sectors. Moreover, it is also crucial to determine upon a reference year of greenhouse gases to which the percentage decrease (or increase) in emissions will be compared. The Kyoto Protocol has identified 1990 (or alternatively 1995) as the general base year for countries involved but however has also allowed flexibility in endorsing the country to choose for themselves the base year. So far Hungary, Bulgaria, Slovenia, Poland, and Romania have however set different base years, based on their level of development and transitioning to a market economy. Kosovo might follow a similar path, identifying its base year by taking into account the aforementioned factors. In fact, the CCFS under one of its LEDS intervention sheets has identified the Kosovo Environmental Protection Agency (KEPA) and the MESP as the responsible institutions in charge of setting up the GHG inventory and start regular reporting in the period 2014-2020.
2. **The Kosovo Environmental Protection Agency (KEPA) to prepare regular reports on self-monitoring and evaluations** as obliged under the Low Emission Development Strategy in the CCFS. In order to ensure a regular and standardized reporting, the LEDS should in addition make sure to identify the time limits for the reports as well as the provisions under which the monitoring and evaluations are to be documented. Regular and standardized reports will provide a continuous update regarding the direction Kosovo is headed concerning climate change and will also be an indicator of the effectiveness the contemporary actions have on mitigating and adapting to climate change.
3. **The creation of a department to monitor the progress of Climate Change Framework Strategy implementation and assess the effectiveness of measures in place.** Kosovo is either way obliged under the Energy Community Treaty to prepare biennial reports on GHG inventory and updates in regards to mitigation and adaptation measures. Such reports are vital in measuring the progress of the country and identifying the needed steps that must be undertaken to ensure the country's sustainable

development. Moreover, regular reports account for transparency both to the domestic as well as the international stakeholders involved or affected by climate change mitigation and adaptation measures.

4. **Revisions of the current Climate Change plans to align with the Paris Agreement objectives –** Having established that Kosovo has already created favourable grounds to start tackling climate change problems, after the signed Agreement in Paris, it almost becomes an imperative to revisit these policies and goals in order to align with the rest of the world towards meeting the 2°C set target. This is especially important now that the country has decided to invest in the building of the new power plant. At this stage, having not had consideration for the idea to divest its investment in the energy sector from investments in coal (a widely embraced practice around the world), the Government should take all precautionary measures to ensure that the investor invests in the newest environment friendly technology with the highest standards for the reduction of potential pollution.
5. **The creation of an eco-fund** engendered by environmental taxes of the citizens of Kosovo. The fund, also proposed under the CCFS would be established separately from the national budget of the country and would alleviate the problem of monetary funds by allocating a considerable domestic financial amount to implement the action plan identified under the framework strategy. INDEP has already analysed the possibility of establishing a separate fund to improve efficiency in the energy sector²⁴, similarly, an eco-fund would be a more general approach in generating monetary funds to address mitigation and adaptation measures to environmental issues and climate change.
6. **Prioritize environmental concerns in the institutional level.** Currently, the Government of Kosovo does not necessarily have mitigation and adaptation to climate change as top priority in its political agenda.²⁵ However, it is of crucial importance that the Government prioritizes sustainable development hand in hand with economic development should it strive to fulfil its international obligations and aspire for membership in the United Nations and the European Union. Moreover, a healthy environment is a right each citizen of Kosovo is entitled to; a clean air indicates wellbeing of the current and the future generations. On this note, the Government has to seriously tackle the future of the two existing power plants, especially Kosova A – the oldest power plant that is destined for decommissioning by 2017. Lastly, due to the raised awareness of global citizens, sustainable development is becoming a competitive factor in the global, ever increasing, green society of nowadays.
7. **Increase capital investments in clean energy sources.** Given that the country must fulfil the 20-20-20 energy targets set forth by the Energy Community Treaty by 2020 (now possibly postponed to 2030), investing in clean energy sources would not only diversify the energy mix away from carbon and toward cleaner choices, but would also contribute towards mitigating climate change and accomplish the goal of classifying carbon as a “stranded” asset. Aware that Kosovo lacks financial resources to increase capital investments, the following pathways might aid in an increase of monetary funds: 1) establishment of the eco-fund as a separate entity from the national budget, 2) Establishment of public-private partnerships (PPP) with international enterprises involved in renewable energy (RE) installations or energy efficiency improvements, and 3) General foreign direct investment attractions in the RE sector by estimating Kosovo’s RE potential beforehand.
8. **Increasing the collaboration with the region towards mitigation and adaptation to climate change.** This is especially crucial in the energy sector, where Kosovo could benefit from the natural endowment of Albania’s hydropower, but is not limited to the energy sector alone. Moreover, this

²⁴ INDEP: Funding Energy Efficiency in Kosovo: Benefits and Barriers, p.35 (2015), available at: http://www.indep.info/documents/1064_INDEP_Energy%20Efficiency%20Fund%20-%20Kosovo%20Policy%20Paper.pdf

²⁵ Sagonjeva, Vedat, Interview given to the Institute for Development Policy (INDEP), October 2015

collaboration can prove to be fruitful also in the exchange “carbon” market as once the GHG inventory has been completed, the region could engage in emission trading of greenhouse gases with other countries. The concept of emission trading, first introduced under Article 17 of the Kyoto Protocol, enables a country that has not reached its GHG pinnacle in a given year, to “sell” the remaining unused gap to an interested country which has exceeded its targets of greenhouse gases for the given year.²⁶ As such, should Kosovo after having surpassed its GHG targets in a particular year wants to industrialize further but cannot do so without emitting more GHG into the atmosphere, it could engage in emission trading with a nation which has not used its own GHG inventory.

²⁶ Kyoto Protocol, Article 17 (1997), available at: http://unfccc.int/kyoto_protocol/items/3145.php