

SUSTAINABLE
DEVELOPMENT-ROAD
THAT MUST BE TAKEN

This edition of policy papers is developed to assist the civil society and citizens, in general, engage in an informed debate and have access to expert knowledge, views and opinions on topics of importance for EU integrations. Areas in which the Republic of North Macedonia will lead its EU accession negotiations are both complex and diverse, while reforms that need to be implemented will open many dilemmas that necessitate an expert debate. For more contents produced under the project “CSO Dialogue – Platform for Structural Participation in EU Integrations”, visit the website: **www.dijalogkoneu.mk**

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INTRODUCTION



Our biggest challenge in this new century is to take an idea that seems abstract, the idea of sustainable development, and turn it into reality..[1]



Facing an unwavering environmental distortion, depletion of natural resources, social inequality and injustice, poverty, unemployment, and much more, scholars have acknowledged the need for a new philosophy, i.e. new paradigm for development. Such paradigm would mark the end of traditional economics and its replacement with sustainable development, built upon three pillars: economic growth, social justice and environmental protection. This represents a globally accepted philosophy of development and progress, summarising the humankind's spiritual ideals into a single logical unit. The philosophy of economic growth, understood as accumulation of material wealth, has been defeated and has lost the battle to the ethical concept of sustainable development. Top values given primacy under the concept of sustainable development concern equality, fairness, ethics and accountability before present and future generations.

Any country wishing to earn the attribute of accountable in terms of its development policy integrates the concept of sustainable development as public policy underlining its current and future actions, i.e. enshrines this concept in its highest legislative act - the constitution, but also in its laws, strategic and developmental documents, etc. The question raised here is whether our country pursues a policy of sustainable development? In other words, has North Macedonia defined the pillars of its sustainable development in the constitution? Is the country attempting to reflect various aspects of sustainable development in its sector-specific laws? Has the country designed its strategy for sustainable development?

When answering these questions, this document will also answer the question whether the European Union implements a sustainable development policy and what importance does the EU assign to sustainable development. Do the Treaties on Establishing the European Union include provisions that refer to sustainable development? Has the EU designed its strategy for sustainable development? Do individual member-states create policies aimed at sustainable development? Answers to these questions are important because North Macedonia's strategic goal is membership in the EU, which further underlines the need for building national policies that are consistent with those adopted at EU level.

In the attempt to answer these questions, this document presents the current state-of-affairs, both in the European Union and the Republic of North Macedonia. It also provides concluding observations, underlying positive steps taken and detecting omissions made, and puts forward several general recommendations.

[1] Kofi Annan.

ATTAINMENT OF SUSTAINABLE DEVELOPMENT IN THE EUROPEAN UNION



Sustainable development is a fundamental goal of the European Union. This concept has been made one of the main aims of European integration.[2]



The Republic of North Macedonia has defined its integration in the European Union as strategic goal under its foreign policy. “Another equally important strategic goal, in addition to NATO membership, is membership in the European Union”.[3] This goal enjoys the support from majority of citizens in the country, and therefore it is important to establish whether the European Union also pursues a policy of sustainable development. This question has been best and most concisely answered by Romano Prodi, President of the European Commission, when addressing the European Parliament in Strasbourg, in May 2001: “Sustainable development is not only the environment. It aims to ensure that economic growth, social cohesion and environmental protection can go hand in hand. This is the core of the European model of society that we wish to strengthen and preserve for the next generations. Economic, social and environmental goals are not contradictory, they are complementary... The sustainable development strategy is essential for ensuing balanced, fair and sustainable society in Europe. The planet’s future depends on sustainable global development and the best way for the European Union to promote it is to practice what it declares and to lead by example”.

It is believed that the European Union is best positioned to assume the leader role in driving sustainable development at global level. It is one of the biggest donors of developmental assistance, the biggest trading partner and the biggest source of direct private investments in the world. The European model of integration is based on implementation of mutually supporting strategies for economic growth, social development and environmental protection. Investment in the joint future with its closest neighbours is crucial for the EU’s long-term political stability. Hence, EU enlargement is based on developmental programs that provide political stability and ensure economic conditions, social cohesion and environmental sustainability.

The strategic approach to EU integration should inevitably follow the principles of sustainable development as unique prism for assessing developmental perspectives of the Union and, accordingly, of the countries aspiring to join the Union.

What is the basis for this assertion?

Provisions on sustainable development in the Treaties of the European Union

The European Union is established by means of international treaties. Provisions contained therein allow the conclusion that the EU is oriented towards attainment of sustainable development not only in the context of environmental policies, but also in the context of other policy decisions: economic, social and environmental.

[2] Romano Prodi, 2001.

[3] Address by PM Dimitar Kovachevski at the debate “Don’t Look Decoupled: Charting a Path for the EU and Western Balkans”, held as part of the official agenda at the Munich Security Conference, 20.02.2022. Available at: <https://vlada.mk/node/27830>.

The origins thereof are identified in the Treaty Establishing the European Economic Community known as the Treaty of **Rome**,^[4] where it is said that “the Community will pursue the objective of protecting and improving the quality of the environment...”.^[5]

Preamble to the Treaty on the European Union^[6] or popularly known as the Treaty of **Maastricht** stipulates that “[the Community is] determined to promote economic and social progress for their peoples, taking into account the principle of sustainable development...”.

The Treaty of **Amsterdam**, which amends the Treaty on the European Union, the Treaties Establishing the European Communities and related acts,^[7] went a step further by adopting an obligation “to achieving balanced and sustainable development” (Art. B) and by indicating that financial instruments of the Union will work, simultaneously and in the long term, on strengthening economic and social cohesion, and environmental protection. The Treaty of Amsterdam introduced sustainable development as core objective of the European Union, as stipulated in Articles 2, 3 and B of the EC Treaty.

Article 6 of the EC Treaty stipulates that “environmental protection requirements must be integrated into the definition and implementation of the Union’s policies and activities... in particular with a view to promoting sustainable development”. This represents a significant shift in emphasising importance of sustainable development in EU policies. Moreover, under the title on development cooperation, Article 177 stipulates that: “Community policy in the sphere of development cooperation, which shall be complementary to the policies pursued by the member-states, shall foster sustainable economic and social development of the developing countries...”.

The Treaty of **Nice**^[8] establishes that: “Full use should be made of all possibilities offered by the Treaty with a view to pursuing this objective (reference to environmental protection), including the use of incentives and instruments which are market-oriented and intended to promote sustainable development”.

In that regard, the draft treaty establishing a Constitution of Europe^[9] or popularly known as the **Constitutional Treaty** deserves special attention. Notably, it was drafted to replace all existing treaties with a single legislative text. It was adopted on 17 and 18 June 2004 by the heads of states and governments at the Brussels European Council, and was signed in Rome, on 29 October 2004 by all 25 member-states. Further proceedings required ratification by each member-state according to their constitutional arrangements (in parliamentary procedure or on a referendum). However, in 2005, France and the Netherlands rejected the treaty’s text. Be that as it may, the text should be analysed here. According to the draft treaty, the European Union’s objectives under Title I, Article 3 include “sustainable development of Europe based on balanced economic growth and social market economy... with a high level of protection and improvement to the quality of the environment”.

In its global relations, the Union’s specific goal is “to contribute to world peace, security and sustainable development of the earth”.

[4] Treaty establishing the European Economic Community, 25 May 1957.

[5] The European Commission, the Council of Ministers and the European Parliament all define environmental protection as area of action. Importance assigned to environmental protection by the EU is also seen in the formation of the European Environment Agency.

[6] Treaty on the European Union, 7 February 1992, entry into effect on 1 November 1993.

[7] Treaty on the European Union, the Treaties establishing the European Communities and related acts, signed on 2 October 1997, entry into effect on 1 May 1999.

[8] Treaty establishing the European Community, signed on 26 February 2001, entry into effect on 1 February 2003.

[9] Draft treaty establishing a Constitution for Europe, available at: <http://european-convention.eu.int>.

In the preamble and articles related to the Union's fundamental values, the draft treaty stipulates: "[the Union] seeks to promote balanced and sustainable development and ensures free movement of persons, goods, services and capital...", while under Title II, Article 37, which concerns environmental protection, it is noted that: "a high level of environmental protection and improvement of the quality of the environment must be integrated into the policies of the Union and ensured in accordance with the principle of sustainable development".

Under Title III (Union's External Action), Article 193, paragraph 2 stipulates that "the Union shall define and pursue common policies and actions, and shall work for a high degree of cooperation in all fields of international relations, in order to (d) foster the sustainable economic, social and environmental development of developing countries".

The Treaty of **Lisbon**[10] was created as replacement to the Constitutional Treaty, and was signed by EU member-states on 13 December 2007, followed by entry into effect on 1 December 2009. It complements the Treaty on the European Union[11] and the Treaty Establishing the European Community.[12]

Under the title on common provisions, Article 3 paragraph 3 stipulates that "the Union shall establish an internal market. It shall work for the sustainable development of Europe based on balanced economic growth and price stability, a highly competitive social market economy, aiming at full employment and social progress, and high level of protection and improvement of the quality of the environment".

Paragraph 5 of the same article enlists that, in its relations with the world, the Union shall uphold and promote its values and interests and contribute to the protection of its citizens. It shall contribute to peace, security and sustainable development of the Earth, solidarity and mutual respect among people, free and fair trade, eradication of poverty and protection of human rights, in particular the rights of children, as well as to strict observance and development of international law, including respect for the principles of the United Nations Charter.

Under the Title on general provision related to the Union's external action, Article 10 A, paragraph (2) stipulates that "the Union shall define and pursue common policies and actions and shall work for a high degree of cooperation in all fields of international relations, in order to, inter alia, help develop international measures to preserve and improve the quality of the environment and the sustainable management of global natural resources, in order to ensure sustainable development".

In addition to those enlisted above, many other EU documents also define its position on sustainable development as part of its overall developmental efforts, all of which imply specific commitments and steps that the Union should take in this regard.

In 2005, the European Commission presented the Council and the European Parliament with the Draft Declaration on Guiding Principles for Sustainable Development,[13] where it is noted that "the European Union is firmly committed to sustainable development. It is a key principle of all its policies and actions... The Declaration reiterates the long-term vision of sustainability, identifies the main objectives of the Union's policies and actions and describes the way the Union wants to achieve these objectives. These guiding principles correspond to the underlying values of a dynamic European model of society... The European Union is firmly committed to sustainable development. It is a key principle of all its policies and actions."

[10] Treaty of Lisbon.

[11] [Treaty on the European Union](#), Maastricht; 1992.

[12] [Treaty establishing the European Community](#), Rome; 1957.

[13] Draft Declaration on Guiding Principles for Sustainable Development, available at: www.europa.eu.int/comm/sustainable/docs/COM_2005_0218_F_EN_ACTE.pdf.

The issue of sustainable development is regularly reviewed at the high-level meetings of the European Council. Starting with the agreement reached (at the Council held in Luxemburg, 1997) for development of structural system on sustainable development reporting, the next Councils progressively considered integration of environmental strategies in sector policies and elevated environment as inseparable part of any policy creation.

Hence, it can be **concluded** that the treaties establishing the European Union and determining its general policy include provisions that explicitly refer to sustainable development as key principle, but also as commitment, objective and right.

SUSTAINABLE DEVELOPMENT STRATEGIES AND THE EUROPEAN UNION

Sustainable development is not featured only in the EU Treaties and the Draft Constitution. Actually, there is EU Sustainable Development Strategy, followed by national strategies at the level of individual member-states.

EU Sustainable Development Strategy. On 15 May 2001, the European Commission presented the European Parliament in Strasbourg with the Proposal for EU Sustainable Development Strategy. On that occasion, then-current President of the European Commission, Romano Prodi, delivered an address and said: “Sustainable development is not a choice. It’s an imperative. We must do all possible, even if it means certain sacrifice in the process of changes and transition. What we want to leave to our children and grandchildren is a world worth living for, world of a more just society and with healthy and clean environment. It is our duty, which we should not allow to be unfulfilled”.

He reiterated: “I am convinced that if the concrete proposals outlined in our strategy are successfully translated into legislation, it will allow the European Union to become a more prosperous and more just society”.

The European Council held on 16 June 2001, in Goteborg, adopted the EU Sustainable Development Strategy (SDS, EC; 2001a) under the title “A Sustainable Europe for a Better World”. Among other things, the strategy’s preface notes: “This means that sustainable development is at the top of the European Union’s agenda”.

The EU Strategy is comprised of two parts: the first proposes a set of goals and measures to address a number of unsustainable trends, while the second part calls for a new approach to policy creation that would ensure mutual strengthening of the Union’s economic, social and environmental policies. The central and most important instrument developed for that purpose is that fact all and any new policy must be subject to impact assessment that would be performed the Commission.

Moreover, the EU Strategy encourages assessment of environmental aspects when drafting future documents, to the same extent as assessment of their economic and social impacts. This reflects the EU’s determination to implement international commitments related to sustainable development.

Main policies under the EU Sustainable Development Strategy include: sustainability impact assessment, improved internal policy coordination among different sectors at EU institutions, and development of national sustainability plans at the level of individual member-states.

The strategy calls for a new approach and changes to policy creation, and is the Union’s first serious attempt to apply an integrated and holistic approach to governing. The European Union defines the principles of good governance such as: openness, participation, accountability, effectiveness and cohesion.

The EU's contribution to global sustainable development is a comprehensive and integrated set of actions, including the EU Sustainable Development Strategy that is already in place. Activities do not cover only the three interrelated components of sustainable development, but also necessary preconditions for success, those being: greater cohesion of EU policies, better governance at all levels, and more financial resources for implementation of required policies. The EU Strategy focuses on headline priorities related to sustainability of the environment, fight against climate change, sustainable transport, more responsible natural resource management and land use, increased use of clean energy and measures aimed at mitigating climate change. It also covers fight against poverty and social exclusion, threats to human health, with emphasis on the aging population and the ways to address economic and social implications thereof. Moreover, this strategy document requires integration of environmental issues in EU policies and explicitly imposes the need for all policies to include sustainable development as objective pursued as part of by all actions.

Furthermore, the EU Strategy reflects on and takes into consideration EU enlargement and the EU as global player, while shared problems, among others, include: inconsistency of sector policies, short-term perspective of policy creation, political inertia, inadequate communication and dialogue.

At the same time, it offers common solutions, i.e. instruments for attainment of sustainable development in Europe: by investing in science and technology, improving transparency, education and information, increasing participation and involvement, setting long-term objectives, and conducting periodic reviews. Noteworthy is also the fact that the EU Strategy recognizes the business sector as a key factor for overall sustainable development in the Union. In that regard, it requires mechanisms to be designed for market operations to be put in service of sustainable development (e.g., by setting real prices).

EU Sustainable Development Strategy and the Lisbon Strategy[14] share a common objective, i.e. to sustainably improve the wellbeing and living conditions for present and future generations. Both strategies are mutually reinforcing, although they focus on different actions and have different implementation timeframes.

As regards monitoring progress under strategy implementation, the European Council held in Stockholm adopted a decision on all dimensions of sustainable development, tasking the European Commission to submit annual reports to spring meetings of the European Council, based on previously developed assessment indicators.[15]

[14] In March 2000, the Lisbon Summit resulted in adoption of a strategy document that provides the baseline for making Europe the most competitive economy in the world by 2010. It calls for a new method of open coordination to promote sustainable growth with more and better jobs and greater social cohesion. The Council meets every spring to monitor progress and determine new objectives under the Lisbon Strategy. In March 2000, at the European Council in Stockholm, sustainable development policy was added to economic and social policies as the third area for coordination under the Lisbon Process.

[15] EU Sustainable Development Indicators (app. 120) were expanded as indicators for monitoring the Lisbon Strategy and are available at: <http://europa.eu.int/comm/eurostat/sustainabledevelopment>.

On 9 June 2006, the EU Council adopted the new, renewed EU Strategy for Sustainable Development, [16] whose overall aim is to “identify and develop actions to enable the EU to achieve continuous improvement of quality of life for current and future generations, by creating sustainable communities able to manage and use resources efficiently. The main challenge is to gradually change the current unsustainable consumption and production patterns and the non-integrated approach to policy making”. [17] As regards monitoring and evaluation, the Commission is tasked with submission of bi-annual reports (starting in September 2007) on progress made in respect to strategy implementation at EU level and at the level of individual member-states. On their part, member-states and directorates general will report to the Commission’s Directorate General (D2). The Commission’s evaluation report is comprised of two parts: political communication and detailed working paper that analyses progress in both quantitative and qualitative terms.

In 2009, the Commission adopted the Review of EU Strategy for Sustainable Development. This document underlines that, in recent years, the EU has mainstreamed sustainable development into a broad range of its policies. In particular, the EU has taken the lead in the fight against climate change and the promotion of low-carbon economy. At the same time, the document confirms unsustainable trends in many areas and therefore efforts need to be intensified.

The European Council in December 2009 confirmed that “sustainable development remains a fundamental objective of the European Union under the Lisbon Treaty”. As reiterated in the 2009 Review of the EU Presidency, the strategy for sustainable development should “continue to constitute a long-term vision and comprehensive timeframe for all EU policies”.

This strategy is important for the Republic of North Macedonia because it refers to how countries aspiring to join the Union should behave. Actually, the strategy notes (page 22): “candidate countries should be actively involved in implementation of this strategy”. This statement was confirmed by Romano Prodi in his speech delivered two days before the strategy adoption, wherein he reiterated that “enlargement and sustainability are the twin keys to Europe’s future”. This statement could serve as **conclusion**, reflecting the importance of the EU Strategy for Sustainable Development for our country.

In 2010, the EU adopted a document titled “EUROPE 2020: A Strategy for Smart, Sustainable and Inclusive Growth” which reflects the Union’s effort to achieve sustainability of its development, referring to all three pillars of sustainable development – economic, social and environmental. The importance of this strategy for our country is the reference made on page 23: “Europe 2020 Strategy is not only relevant inside the EU; it can also offer considerable potential to candidate countries... and better help anchor their own reform efforts”. [18]

Sustainable Development Strategies of EU member-states. Except at EU level, individual member-states have also developed national strategies for sustainable development (Finland, Sweden, Austria, Ireland, Denmark, Czechia, Hungary, Poland, Slovakia, Slovenia, Estonia, etc.). Generally, these strategies differ in structure, quality and details. However, they contain defined national goals and sectors on which member-states (will) base their development. These documents also include methods for monitoring the strategy implementation.

[16] More information is available at: <https://www.cairn.info/revue-l-europe-en-formation-2009-2-page-23.htm>.

[17] Progress on EU Sustainable Development Strategy, Final Report, ECORYS, Research and Consulting, Nederland BV, 29 February 2008.

[18] <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:2020:FIN:en:PDF>.

A number of EU member-states have not developed own strategies for sustainable development, but drafted documents (national reports, reviews, etc.) where they analyse progress achieved in implementation of the principles of sustainable development. Other member-states have integrated aspects of sustainable development in sector documents, most often these are national documents on environmental protection, and more rarely they concern economic development.

It can be concluded that almost all EU member-states have national strategy documents that reflect their commitment to achieve sustainable development.

Sustainable development authorities in EU member-states. Most EU member-states have assigned some form of official authority for implementation of sustainable development goals and policy creation in this domain. In general, there are three ways in which member-states approach this matter: some states have formed national councils for sustainable development that include representatives from several sectors (or similar types of institutions with representation from most stakeholders), while councils in other states are formed as part of governments, but their discussions attempt to cover as many sectors as possible. The third group of member-states have assigned their environment ministries to serve as focal point in negotiations for sustainable development. Independently of the type of sustainable development body chosen, it is important to **conclude** that EU member-states, at national level, have official platforms for policies that support sustainable development.

SUSTAINABLE DEVELOPMENT IN THE REPUBLIC OF MACEDONIA



Sustainable development is economic growth that is socially responsible and just, acceptable for the environment and relies on basic postulates of the civil society.[19]



Normative assumptions for sustainable development

It is important for the legislation of any country to ensure sustainability of development. For that reason, this document analyses normative assumptions, i.e. how much do the Constitution and national laws in the spheres of social protection, environmental protection, use of resources, designed to serve sustainable development.

The **Constitution** of the Republic of Macedonia[20] contains provisions on economic development, social justice and environmental protection, which constitute the three pillars of sustainable development.

[19] “Conceptual Approach to Creating and Invigorating the National Strategy for Development”, prof. Pande Lazarevski and prof. Ilija Todorovski, Institute for Social, Political and Judicial Research, Skopje, 2000.

[20] “Official Gazette of RM” no. 52/91 and Amendments to the Constitution of the Republic of Macedonia (“Official Gazette of RM” no. 52/91, 1/92, 31/98, 91/01, 84/03).

The definition of sustainable development given in the Brundtland Report of the World Commission for Environment and Development (WCED) underlines the responsibility of the current for the future generations to create development that would allow future generations meet their needs. Preamble to the Macedonian Constitution[21] reads: “Citizens of the Republic of Macedonia..., assuming responsibility for the present and the future of their homeland... and held accountable before the future generations to preserve and develop all that is worthy...”. It is evident that the Constitution reiterates the responsibility of current generations to the future generations for preserving and developing all that is worth being maintained and developed, and therefore corresponds to WCED’s definition of sustainable development.

Economic growth and social justice are the two pillars of sustainable development. In its Preamble, the Constitution notes that “citizens of the Republic of Macedonia... have decided to constitute the Republic of Macedonia as an independent, sovereign state, with the intention to... ensure social justice, economic wellbeing and prosperity in individual life and the community...”.

Article 8 of the Constitution enlists the **fundamental values** of the county’s constitutional order: freedom of the market and entrepreneurship (representing the economic dimension); humanism, social justice and solidarity (representing the social dimension); and protection and promotion of the environment and nature (representing the environmental dimension).

1991 Constitution of the Republic of Macedonia determines the **fundamental rights** of the individuals and citizens, including the right to work and employment[22] (economic dimension), social security and social insurance[23] (social dimension) and the right to healthy environment[24] (environmental dimension). It should be noted that even the Constitution of the Socialist Republic of Macedonia, adopted on 25 February 1974, recognized the right to healthy environment,[25] closely following the Constitution of the Socialist Federal Republic of Yugoslavia from 21 February 1974, which is the first constitution whose habeas corpus includes the right to healthy environment.[26]

In addition to stipulating the right of the individual to healthy environment, Article 43 of the 1991 Constitution establishes the obligation of any individual to promote and protect the environment. At the same time, it includes an obligation for the Republic to provide conditions for exercise of the right of citizens to healthy environment. It means that Article 43 introduces both a right and an obligation.

Except for environmental protection, the concept of sustainable development also includes and requires balanced policies in different sectors, having in mind that economic development, in its own right, is not sufficient to ensure wellbeing of all people, and needs to be accompanied by social progress. The Constitution of the Republic of Macedonia stipulates that the Republic “in order to provide balanced economic and social development”,[27] which underlines the need for balanced economic and social development.

[21] Actually, this is enlisted under item 1 of Amendment IV to the Constitution of the Republic of Macedonia. Item 2 reads: “Item 1 of this Amendment shall replace the Preamble to the Constitution of the Republic of Macedonia”. Amendment IV is published in the “Official Gazette of RM” no. 91 from 20 November 2001.

[22] Article 32.

[23] Article 34.

[24] Article 43.

[25] Article 243 of the Constitution of SRM from 25 February 1974: “The human shall have the right to healthy environment. The community shall ensure condition for exercise of this right.” Available at:

<http://www.svesnik.com.mk/Issues/OAF2E0456C964935B7705FB5BF6F31F9.pdf> .

[26] Article 192. English version of the Constitution of SFRY is available at: <https://www.worldstatesmen.org/Yugoslavia-Constitution1974.pdf>.

[27] Article 41.

Article 55, paragraph (1) of the Constitution guarantees “the freedom of the market and entrepreneurship”.

Paragraph (3) of the same article stipulates that “freedom of the market and entrepreneurship may be restricted only for reasons related to defence of the Republic, protection of the nature, environment and public health”. Based on this provision, it is evident that the Constitution anticipates possible negative impact of the market and entrepreneurship on the environment and nature, and therefore – while freedom of the market and entrepreneurship is stipulated as fundamental value (Art.8, par.1, item 7) and guaranteed (Art.55, par.1) – it can still be restricted by law, inter alia, for the purpose of preserving the environment and nature.

Furthermore, Article 56, paragraph (1) stipulates that “all natural resources of the Republic, the flora and fauna... are goods of common interest for the Republic and enjoy particular protection” and that “[the law] shall regulate the manner and conditions under which specific goods of common interest for the Republic can be ceded for use” (par.3 of the same article).

Article 57 stipulates that the Republic shall stimulate economic progress and shall care for more balanced spatial and regional development, as well as faster development of economically underdeveloped regions.

Moreover, the Constitution guarantees the right to education, the right to health protection, etc., whereby the Republic shall “in particular, protect mothers, children and minors”, and shall “provide particular care and protection of the family”, etc., which refers to the social aspect of sustainable development.

Hence, it can be **concluded** that the Preamble to the Macedonian Constitution covers all three pillars of sustainable development – economic development, social justice and environmental protection, which are considered to be the basis for the constitutional order in the state. The Constitution also determines fundamental values of the constitutional order, which have economic, social and environmental dimension.

Laws in the field of environmental protection

The national legislation on protection and promotion of the environment in the Republic of North Macedonia is relatively new, but encompasses the principles laid down in the EU environmental policy.

Law on Environment. The Law on Environment[28] fulfils necessary requirements from EU directives, while making sure it preserves and maintains the traditional values for environmental protection and sustainable development. Horizontal directives transposed in the Law on Environment include:

- » Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment;
- » Directive 85/337/EEC and additions from Directive 97/11/EC on the assessment of the effects of certain plans and programmes on the environment;
- » Directive 2003/4/EC on public access to environmental information;
- » Directive 96/61/EC on integrated pollution prevention and control;
- » Directive 96/82/EC on the control of major-accident hazards involving dangerous substances.

[28] Adopted on 22 June 2005.

What is important in respect to sustainable development is that objectives defined under this law and enlisted in Article 4 include “rational and sustainable use of natural wealth”. The same article refers to “integrated approach to environmental protection and economic development” as method for attainment of law objectives, as well as “establishment of the system for environment planning, promotion and management” and “alignment of economic and other interests with environmental protection and promotion requirements”.

Hence, the need for integrated approach is acknowledged, together with establishment of the system for planning and management, and most importantly, the need for economic interests to be aligned with other reconsiderations.

Under Chapter II, the Law on Environment stipulates the key principles that underline legal provisions, including the principle of sustainable development whereby any action or activity must take into consideration the need for rational and sustainable use of the natural wealth in order to meet the requirement on healthy environment, social and economic needs of the current generation, but without endangering the right of the future generations to meet their own needs.

Sustainable development is also referenced under the user pays principle, whereby those benefiting from natural resources should compensate the costs for ensuring sustainable development and restore the environment before damages caused by such use of natural resources.

Other principles that are important for sustainable development include: the principle of integration, which ensures that environmental protection and promotion goals are integrated in other sector policies adopted by public authorities in the Republic of North Macedonia (development, agriculture, transport, etc.); the principle of proportionality, which ensures proportionality between developmental needs and environmental protection; the principle of public participation and access to information, which stipulates an obligation for public authorities in the Republic of North Macedonia (both central and local) to provide all measures necessary and put in place procedures that guarantee the right to access to information and ensure public participation and conditions for the public to express its opinion in decision-making on environmental issues; and the principle of public awareness building about the importance of the environment, which stipulates an obligation for scientific, educational, health, informational, cultural and other institutions, and citizens’ associations to promote and ensure public awareness on the importance of the environment and environmental protection as part of their activities. The law covers other principles (polluter pays, cleaner production, high level of protection, precaution, prevention, etc.), all of which serve the purpose of ensuring sustainable development.

Article 65 stipulates an obligation whereby, on the proposal of the state administration body competent for environmental issues, the Government of the Republic of Macedonia stipulates which strategies, plans and programs (planning documents) must be subject to mandatory assessment of their impact on the environment and human life and health. Actually, this is a strategic assessment, i.e. transparent system of decision-making that promotes the principle of sustainable development in all planning activities. In particular, It ensures that, before strategic planning documents are implemented, due consideration is made of their (possible) impact on the environment. It implies a preventive method of work aimed at minimizing possible negative effects on the environment.

Chapter XIX of the Law on Environment concerns sustainable development and global issues in the area of environment and includes provisions on development and adoption of the National Strategy for Sustainable Development. In that context, Article 186 is of great importance and is given here in its entirety:

(1) The state administration body responsible for environmental issues shall be responsible, in cooperation with other state administration bodies and institutions, and in cooperation with municipalities, the City of Skopje and municipalities in the City of Skopje, for implementation of the principles of sustainable development, as well as for promotion and support to sustainable development in the Republic of Macedonia.

(2) For the purpose of aligning economic development, social progress and environmental protection at national level, the Government of the Republic of Macedonia may develop a national strategy for sustainable development. The national strategy for sustainable development shall be adopted by the Government of the Republic of Macedonia, which shall be obliged to submit this document for review to the Parliament of the Republic of Macedonia before its adoption.

(3) For the purpose of aligning economic development, social progress and environmental protection at local level, on proposal from the mayor, the councils of municipalities, the City of Skopje and municipalities in the City of Skopje, can adopt Local Agenda 21 as local strategic, planning and programming document for sustainable development, in compliance with the principles of sustainable development referred to in paragraph (1) of this article and the strategy for sustainable development referred to in paragraph (2) of this article.

(4) For the purpose of aligning the content and method for development of Local Agenda 21 referred to in paragraph (3) of this article, the minister managing the state administration body responsible for environmental issues shall adopt the methodology for development of Local Agenda 21, in agreement with the minister managing the state administration body responsible for local self-government.

(5) The state administration body responsible for environmental issues shall conduct an impact assessment in respect to Local Agenda 21 referred to in paragraph (3) of this article, in compliance with the procedure given in Chapter X of this law”.

Provisions from this article allow several important conclusions, as follows:

- » state administration bodies (central government) and municipalities (local government) are responsible for implementation of the principles of sustainable development;
- » state administration bodies (central government) and municipalities (local government) are responsible for promotion and support to sustainable development in the Republic of North Macedonia;
- » Law on Environment is the first law (and according to our observations the only law) that refers to adoption of national strategy for sustainable development;
- » the law provides the Government of the Republic of North Macedonia with a possibility to develop national strategy for sustainable development;
- » development of national strategy for sustainable development is aimed at aligning economic development, social progress and environmental protection at national level;
- » in the capacity of state authority that represents and defends the interests of citizens, the Parliament should review the strategy before its adoption by the Government of the Republic of North Macedonia;

- » municipalities are given possibility to develop and adopt Local Agenda 21 in the form of local strategic, planning and programming document for sustainable development;
- » the purpose of Local Agenda 21 is alignment of economic development, social progress and environmental protection at local level;
- » Local Agendas 21 should be developed according to the previously designed methodology that aims to align the content of such documents and the method for their development.

Article 59, paragraph (1) refers to the system for environmental protection planning and stipulates that environmental protection and management shall be determined and guided by overall economic, societal and cultural development of the Republic of Macedonia, with priority given to environmental protection and promotion measures, and in the interest of the current and future generations. The same paragraph also refers that this is done “for the purpose of attaining the objectives” defined under the law and “through a system of measures and activities for long-term planning of environmental protection and promotion”.

Paragraph (2) of the same article stipulates that “the planning system... shall be directed by and aligned with implementation of economic, technology, scientific, educational, organizational and other measures and activities..., in order to protect and promote the environment and ensure sustainable development”.

Paragraph (3) anticipates an obligation for alignment of environmental protection and promotion measures (defined in the relevant planning documents) with “measures established under strategic, planning and programming documents in the field of regional development, education and science, and business activities based on the use of natural resources, transport, telecommunications, tourism, spatial and urban planning, and land use”.

It is evident that environmental protection is planned and managed in compliance with other areas of social life that provide the basis for overall development in the county, in order to ensure sustainable development and in the best interest of the current and future generations, according to the principle of sustainable development and the principle of integration.

Human health, as special societal interest, is also covered by the law, in particular through the principles laid down and in specific provisions aimed at reducing the risks on human health. For example, Article 21 prohibits production, trade and use of particular products, semi-final products, raw materials, substances and performance of particular activities and services when there is sufficient evidence that they threaten human life and health and the environment, while Article 22 introduces restrictions and control on export and import of certain substances and products on the account of protecting human life and health.

Law on Nature Protection. One of the objectives enlisted in the Law on Nature Protection^[29] concerns sustainable use of natural wealth in the interest of current and future development (Art.4)

Article 5 stipulates that nature protection shall be pursued, in particular, by means of “implementation of nature protection measures aimed at adequate preservation and rational management”, “by incorporating conditions and measures for protection of natural wealth in management plans of particular business activities that imply use of natural resources”, and “by engaging in sustainable and rational use of natural resources”.

[29] Published in the “Official Gazette of RM” no. 67/04.

Based on the above, it could be concluded that nature protection, in addition to being conducive to ongoing development, is also pursued in the interest of future development. As noted in respect to the Law on Environment, the Law on Nature Protection also incorporates the element of care for the future generations, as well as the need for integrating nature protection measures in economic planning documents, which necessitates sustainable, i.e. rational use and management of natural resources.[30]



The principles that underline nature protection also include the principle of sustainable development (Art.7), which is given here in its integral form because it formulates sustainable development in rather unique, precise and straightforward manner: “For the purpose of meeting the need for nature protection and for the purpose of meeting social and economic needs of the current generations, but without jeopardizing the right of the future generations to meet their needs, non-renewable natural resources shall be used in rational manner, while renewable resources shall be used in sustainable manner”.

This definition features three key points: it takes into consideration economic, social and needs related to nature protection in the same extent (these are the three “pillars” of sustainable development); it takes into consideration the rights of the future generations and the fact that these must not be threatened (time dimension of sustainable development); and it distinguishes between use of non-renewable and renewable natural resources, whereby the former are used sustainably and the latter - rationally.

[30] Other articles in the Law on Nature Protection also refer to sustainable use of biological diversity (Art.46), natural wealth (Art.47) and resources (Art.81). Moreover, the law includes provisions on sustainable management of wildlife species (Art.22), as well as zones for sustainable use of protected areas (Articles 93 and 106).

The obligation for integration of nature protection measures and activities in all developmental, strategic and programming documents, spatial planning and management plans, and plans for natural resource use and management, reflects the principle of integration (Art.7), which is further elaborated in other provisions, i.e. articles.[31]

Namely, Article 9 stipulates limitation for nature protection in cases related to: elimination of direct threats to human life and health, rescue of people and property, and implementation of emergency measures related to the defence of the Republic of Macedonia. It is evident that this provision takes into account human health and life (as special interest of the society), defence of the country (as the highest state and societal interest) and property rescue (as economic category).

The law includes provisions that introduce strict prohibition for performance of certain activities in respect to protected species (Art.38), but also provisions that stipulate exemptions, i.e. reasons that allow performance of activities that are prohibited under Article 38. Reasons provided belong to the sphere of economic life (crops, cattle fund, forests, fisheries, and other forms of property) and social and societal matters (protection of human health and safety, education, and scientific research).[32]

In this context, Article 189 is important and concerns the Spatial Plan of the Republic of Macedonia, individual spatial plans, and strategies, plans and programs for development of particular business sectors and social activities, all of which need to be aligned with provisions from this law within a deadline of three years from the law's entry into effect, referring to integration of nature protection in other sector-based planning documents (economy, spatial planning, etc.).

Moreover, the law stipulates mandatory impact assessment for certain strategies, plans and programs developed at national and local level that could have significant impact on the nature (Art.15).

It is evident that the Law on Nature Protection covers and integrates the principles of sustainable development and provides a multifaceted approach to that.

The Law on Waters[33] has several objectives, as follows: provide access to sufficient quantity of quality water in compliance with the principles for sustainable water management; protection, preservation and continuous improvement of available water systems... through rational and sustainable use of waters, measures for nature and environmental protection and promotion (Art.2).

In respect to sustainable development, the Law on Waters includes the important principle that mandates integration of water protection measures and activities in all developmental, strategic, planning and programming documents adopted by public authorities in the Republic of North Macedonia and local self-government units (Art.5, the principle of integration).

Another important aspect concerns the obligation for all people to treat and use waters with care and in rational manner (Art.5, the principle of minimal use of resources), and the principle of stakeholder participation, according to which "competent authorities shall be obliged to ensure that interests of all stakeholders are taken into consideration in procedures for adopting regulations, strategic, planning and programming documents and decisions related to water management".

[31] For example, Article 74 stipulates that "National parks shall be managed in an integrated manner that provides creation of conditions for development of tourism, on the entirety of their territory and in compliance with the principle of sustainable development".

[32] Similarly, Article 129, paragraph (1) prohibits movement of minerals and fossils with status of natural heritage from their place of finding, while paragraph (2) allows these to be kept at institutions for scientific research and education purposes, etc.

[33] Published in "Official Gazette of RM" no. 87/08, 6/09 and 161/09.

Moreover, the law mandates “rational and economic use of waters, in balanced and fair manner and in compliance with the principle for sustainable management of waters, with due consideration of the need to maintain and improve the water regimes (Art.14, par.2, obligations related to use of waters).

Articles 20 and 21 stipulate restrictions on the use of waters for the purpose of, inter alia, “provision, preservation and protection of available waters and protection and promotion of natural balance between water ecosystems and water-dependant ecosystems”, which refers to sustainability.[34]

Except for references to economical and rational use of waters and sustainable management, the Law on Waters also sets priorities in respect to use of waters (Art.15), whereby priority for issuance of water licenses is given to needs that are of special/higher public interest (e.g., water supply for the population through public water supply system, water supply to healthcare institutions, for the needs of defence, for the manufacturing industry, etc.), followed by: irrigation of agriculture lands, hydro energy and other needs. In other words, due consideration is made of the social and economic dimensions related to use of waters. References to societal/public interest are featured throughout the law.

It is evident that the Law on Waters regulates the basic principles of water resource management in an integrated, comprehensive and sustainable manner.

Legislation in the field of social protection

In respect to the **Law on Labour Relations**,[35] it should be noted that employers can terminate employment status without any notice in the cases where, inter alia, workers have violated environmental protection regulations (Art.82), while the state labour inspectors can prohibit employers to organize work from home when such work is harmful to the environment where the work takes place (Art.51).

The **Law on Health Protection**[36] stipulates that health protection is comprised of measures, activities and procedures for protection and promotion of ... the environment (Art.2) and that, by means of this law, all citizens of the Republic of North Macedonia are guaranteed exercise of their law-stipulated rights, entitlements and social interests, including measures and activities for protection against... other harmful effects on the living and working environment of people (Art.33).

Other legislation

The Energy Law[37] stipulates that this piece of legislation governs, inter alia, protection of the environment and nature from harmful effects caused by operation of energy facilities, plants and installations (Art.1) and that the Energy Regulatory Commission is established for the purpose of, among others, protection of the environment and nature, introduction and protection of the competitive energy market, which is based on the principles of objectiveness, transparency and non-discrimination (Art.11-a).

Moreover, the law stipulates that “energy generation, delivery and can may be performed when facilities, plants and installations for energy generation, transmission, distribution, transport and use meet the stipulated standards, technical and quality norms, and when their operation does not threaten people, material goods, the environment and nature” (Art.12).

[34] The same approach is pursued in respect to underground waters, whereby Article 21 stipulates that: “for the purpose of provision, preservation and protection of available underground waters, use thereof can be restricted”.

[35] Published in “Official Gazette of RM” no. 62/05.

[36] “Official Gazette of RM” no. 38/91; Constitutional Court no. 73/92; 46/93 and 55/95, clean copy from 10 April 1997.

[37] Published in “Official Gazette of RM” no. 47/97, 40/99, 98/00, 94/02 and 38/03.

Chapter IV of the Energy Law regulates protection of the environment and nature against harmful effects from operation of energy facilities, plants and installations and stipulates that, in the case of construction of new and reconstruction of existing facilities, investors are obliged to anticipate and develop technology and other measures and activities aimed to prevent pollution of land, water and air (Art.48) and that energy generators and users are obliged to monitor and record quantities of gas emissions in the air, substances discharged in waste waters and solid materials that are landfilled, as well as noise emitted in the vicinity of energy facilities and broader (Art.49), whereby when these are created in quantities above the stipulated thresholds, they are obliged to take technical and technology and other measures and activities aimed at reducing waste and noise to the level of law-stipulated norms (Art. 49, par.1).

Furthermore, the law stipulates that contracts signed between the entity issuing licenses and the licensed entity should establish an obligation for promotion and protection of the environment and nature (Art.56), including fines in the cases where operation of energy facilities threatens the environment and nature (Art.62).

In general, the Energy Law takes into consideration environmental protection, but it should be noted that references made to energy generation or distribution do not include adjectives such as “sustainable” or “rational” or other adjectives that mean comprehensive, integrated and similar management, and instead use the adjective “effective”.

The Law on Mineral Resources[38] governs the conditions and method for treatment of mineral resources, aimed at ensuring optimal use thereof in compliance with the principles of sustainable development and environmental protection (Art.1, par.1), as well as enhanced measures for protection of the environment (Art.2, par.2).

Article 2 defines environment pollution and environmental impact assessment.

In respect to performance of basic geological research, Article 9 (par.1, item 5) stipulates development of environmental impact assessment studies as part of geological elaborate, which should be approved by the body competent for environmental issues (par.3).

As regards the procedure for issuing approvals for performance of detailed geological research, Article 13 stipulates that the Ministry of Economy should also request an opinion from the Ministry of Environment.

Article 20 refers to the fact that concession holders can have their approvals for performance of detailed geological research revoked if they do not comply with measures defined in the environmental impact assessment study.

Similar procedure is anticipated in respect to concessions for exploitation of mineral resources (Art.29 stipulates the need for environmental impact assessment study, while Article 39 stipulates that concession contracts can be terminated in the case of significant violation to contractual obligations by concession holders, including when they have not complied with environmental protection solutions and measures laid down in the impact assessment study).

The same is reflected in the procedure for issuing approvals for exploitation of mineral resources (Art. 42, 43 and 46).

[38] Published in “Official Gazette of RM” no. 24/2007.

When performing mining works, concession holders are obliged, at their own cost, to implement measures for protection of the environment and nature, as well as measures for recultivation of the land (Art.51).

Chapter VIII of the Law on Mineral Resources (Environmental protection and compensation of damages) regulates the obligation of entities holding approvals for geological research and concession holders performing mining works to enforce the Law on Mineral Resources, Law on Environment (Art.85, par.1) and other regulations in the field of environmental protection, and must implement measures for protection of the environment against potential damages and harmful impact (Art.70).

Damages caused as part of geological research and mining works are compensated according to the regulations on damage compensation and liability (Art.71).

Article 75 contains misdemeanour provisions and stipulates fines in the amount of 5,000 to 20,000 euros for legal entities that have committed a violation during performance of mining works and have failed to comply with stipulated measure for environmental protection (par. 16, 22, 26 and 28).

Throughout this law, the word “sustainable” is mainly used in reference to use of mineral resources (e.g., Art.5).

Furthermore, the law anticipates development of the Strategy for Geological Research, Exploitation and Sustainable Use of Mineral Resources (Art.5) for a period of 20 years.

This law includes provisions that introduce obligations on environmental protection, as well as sustainable use of mineral resources. As part of the envisaged strategy, this matter should be further planned and developed, including systemic and comprehensive approach to mineral resource management.

The Law on Consumer Protection[39] enlists that traders are obliged to place safe products on the market which also meet the requirements on environmental protection (Art.32) and to duly notify consumers about the environmental impact of particular products (Art.5, item 2).

Moreover, the law anticipates fines in the cases where consumers are not duly notified about the environment impact of certain products (Art.137, item 2).

The Law on Spatial and Urban Planning[40] stipulates that spatial and urban planning shall be an ongoing process (pursued by developing, adopting and implementing spatial and urban plans) and is aimed at ensuring promotion and protection of the environment and nature (Art.2) and that the principles underlying the process of spatial and urban planning include, inter alia, sustainable development and protection and promotion of the environment and nature (Art.4).

Moreover, the law stipulated that development and adoption of the Spatial Plan of the Republic and individual urban plans shall comply with international treaties and regulations in the field of protection and promotion of the environment and nature (Art.6).

Furthermore, the law regulates the content of the Spatial Plan of the Republic (Art.8), spatial plans at the level of planning regions (Art.9, par.2), spatial plans at the level of municipalities and the City of Skopje (Art.10) and spatial plans for areas of special interest for the Republic (Art.9, par.3) which, inter alia, should include guidelines and measures for protection and promotion of the environment and nature, as well as strategic environmental impact assessment.

[39] Published in the “Official Gazette of RM” no. 38/2004.

[40] Published in the “Official Gazette of RM” no. 24 from 2008, clean copy

As was the case with spatial plans, urban plans (e.g., General Urban Plan for the City of Skopje and towns that are municipal hubs, Art.10) should also include strategic environmental impact assessment and measures to protect the environment and nature.

The Law on Local Self-Government from 2002[41] stipulates that municipalities have competences in the field of protection of the environment and nature (measures for protection and prevention against water, air and land pollution, environmental protection, protection against noise and non-ionizing radiation (Art.22).

Analysis of Article 22 allows the conclusion that municipalities have certain competences in almost all areas of sustainable development, for example, urban planning (urban and rural areas), environment and nature protection, local economic development, public utilities, culture, social protection and child protection, education, health protection, etc.

Finally, Article 218 of the **Criminal Code** of the Republic of Macedonia[42] stipulates imprisonment sentence in duration of one to five years for those that have failed to comply with regulations on protection and promotion of the environment, which have resulted in pollution of nature mediums (air, soil, water, water surface or water flows) on large scale or affects wider areas and threatens human life and health or destruction of animals and plants on large scale (par.1). The same sentence shall be issued to authorized or responsible persons that have failed to comply with the regulations on protection and promotion of the environment, have not installed treatment facilities or have allowed construction, putting into operation or use of facilities that pollute the environment or have otherwise failed to take measures to prevent pollution of air, soil, water, water surface or water flow that exceeds the allowed threshold or have failed to take measures to prevent noise emission that exceeds the allowed threshold, thereby causing danger to human health and life or destruction of animals and plants on large scale (par.2). This is the main criminal offence in the field of environmental protection.

Imprisonment sentence is also stipulated for endangering the environment with waste matters (Art.230) and for depositing hazardous substances in the soil (Art.232). Article 234 of the Criminal Code concerns “serious crimes against the environment”, whereby paragraph 1 thereof stipulates that “in the cases where acts referred to in Article 218, par. 1 and 2, Article 219, par. 1, Article 230, par. 1 and 2 and Article 232, par. 1 and 2 result in serious bodily injuries or serious health disorders affecting more people or result in death of one or more persons, or in the cases where changes that are result of environmental pollution cannot be eliminated for longer period of time, perpetrators thereof shall be sanctioned with imprisonment in duration of one to ten years”, followed by paragraph 2 that reads “in the cases where acts referred to in Article 218, par.3, Article 219, par.3 and Article 230, par.3 result in serious bodily injuries or serious health disorders affecting more people or resulting in death of one or more persons, or in the cases where changes that are result of environmental pollution cannot be eliminated for longer period of time, perpetrators thereof shall be sanctioned with imprisonment in duration of one to five years”.

Individual analysis of above elaborated laws provides a series of **conclusions**, as follows:

The Law on Environment acknowledges the need for integrated approach, establishment of planning and management system and alignment with economic interests. As regards provision of sustainable development in the interest of the present and future generations, the law anticipates that environmental protection should be planned and managed in coordination with other areas of societal life that provide basis for overall sustainable development in the country.

[41] clean copy

[42] Chapter XXII: Criminal Offences against the Environment, Environmental Pollution, Criminal Code (“Official Gazette of RM” no. 37/96 from 29 July 1996)

The law establishes the general principles on which it is built, and all of them are in put in service of sustainable development. Accordingly, the government adopts strategies, plans and programs that must include the procedure for environmental impact assessment, ultimately ensuring that environmental protection considerations are integral part of any strategic document, irrespective of the subject matter it covers.

A key feature of this law concerns the fact that the government is given an opportunity for development of national strategy for sustainable development which should be presented for consideration by the Parliament of the Republic of North Macedonia before its final adoption.

Moreover, the law allows local self-government units to develop and adopt Local Agenda 21 in the form of local strategic planning and programming documents focused on sustainable development.

The Law on Nature Protection provides sustainable use of natural resources in the interest of present and future development; regulates the need for integration of measures for protection of natural wealth in all economic planning documents. The law has a multifaceted approach and covers the principles of sustainable development. As was the case with the previous law, this law also relies on the principles aimed at ensuring sustainable development.

The Law on Waters ensures availability of sufficient quantity of quality water, as well as protection, preservation and continuous improvement of available water resources by means of rational use thereof, based on the principles of integrated, comprehensive and sustainable management of water resources.

The Law on Labour Relations contains restrictive provisions in the case of violation of the regulations on environmental protection and in the case of work that is harmful to the environment.

The Law on Health Protection provides guaranteed rights and interests of the society and the population through measures and activities aimed at protection against harmful effects on the people's working and living environment.

To the extent necessary, the Energy Law also takes into consideration protection of the environment and nature, and introduces an obligation for integration of measures and activities aimed at preventing pollution of environmental mediums (soil, water and air). An interesting fact related to this law is the absence of words such as "sustainable" and "rational" in relation to energy generation and distribution, while the term "use" is combined with "effective".

The Law on Mineral Resources refers to sustainability (in terms of exploitation and use of land and other natural resources), with an evident attempt for prevention from degradation of the quality of the environment. It strives to achieve optimal use of mineral resources and introduces obligations for compliance with and integration of measures for protection of the environment and nature, including prohibitions.

The Law on Consumer Protection contains provisions (obligations and fines) for environmental protection and requires safety of products not only in terms of human health, but also in terms of the environment.

According to the Law on Spatial and Urban Planning, spatial planning and arrangement is based on the principles of sustainable development, as well as protection of the environment and nature. It stipulates an obligation for integration and environmental protection measures and activities in spatial and urban plans, including strategic environmental impact assessment.

The Law on Local Self-Government stipulates the competences of local self-government units, whereby they hold competences in practically all areas pertaining to sustainable development (education, healthcare, economic development, environmental protection, social protection, etc.).

The Criminal Code contains provisions on crimes against the environment which are liable to issuance of imprisonment sentences.

The analysis of national laws provides the conclusion that environmental protection is integrated in those that were subject of review, but in different extent and scope. However, in general, all analysed laws refer to the possibility for sustainable development.

National Strategy for Sustainable Development (NSSD)

The National Strategy for Sustainable Development is based on the principles of sustainable development accepted at global level, defined at the United Nations Conference on Environment and Development (Rio de Janeiro, 1992), based on the Johannesburg Declaration and Plan adopted at the World Summit on Sustainable Development (2002), as well as the principles laid down in the UN Millennium Declaration (including the Millennium Developmental Goals) and the principles laid down in the Renewed EU Strategy for Sustainable Development (adopted by the European Council in 2006).

The content of the National Strategy for Sustainable Development is organized under several sections, as follows: 1) Sustainable Development and the Republic of Macedonia; 2) Overview of the Process for Development of NSSD; 3) Diagnosis and Recommendations for Sustainable Development of the Republic of Macedonia; 4) General Objectives, Guidelines and Leading Principles for Sustainable Development of the Republic of Macedonia; 5) Specific Objectives and Strategic Directions for Attainment of Sustainable Development in the Republic of Macedonia; 6) Strategic Actions for Attainment of Sustainable Development in the Republic of Macedonia; 7) Organizational and Implementation Framework for Attainment of Sustainable Development of the Republic of Macedonia; 8) Costs and Funds for Implementation of the Strategy for Sustainable Development of the Republic of Macedonia; 9) Pilot Projects to Stimulate Sustainable Development of the Republic of Macedonia.

NSSD also includes two annexes: 1) Proposed Key Indicators for Sustainable Development in the Republic of Macedonia; and 2) List of Pilot Projects to Stimulate Sustainable Development in the Republic of Macedonia.

The first section (Sustainable Development and the Republic of Macedonia) enlists the definition of sustainable development, as provided by the Brundtland Commission, and acknowledges interconnections among all three dimensions: economic dimension (economic resources, development, growth); environmental dimension (natural resources, nature protection and sustainable use thereof, prevention and fight against pollution), and social dimension (social resources, solidarity, fight against poverty). Below is the overview of the principles underlying sustainable development in the Republic of Macedonia:

- » sustainable development is a continuous process that involves improved integration of economic, social and environmental aspects;
- » sustainable development means that the society must address economic, social and environmental challenges at the same time;
- » sustainable development cannot be achieved individually at the level of one country, due to mutual links between countries;
- » on that account, the Republic of Macedonia must not undermine its efforts at home.

The second section provides an overview of the process for development of NSSD, underlying that development of this strategic document applied the participatory approach, accompanied by public awareness campaigns on sustainable development. Details of this process include the fact that working groups had developed 11 sector and cross-sector reports based on analyses and assessments (4 cross-sector and 7 sector reports), later merged into single document, i.e. the Framework Report on Sustainable Development. Moreover, analysis and assessment reports, but also the framework report, were translated in the National Strategy's Part II: Strategic Background and Analysis, which serves as the starting point for development of the National Strategy for Sustainable Development of the Republic of Macedonia (NSSD).

The third section (Diagnosis and Recommendations for Sustainable Development in the Republic of Macedonia) is comprised of several subsections, those being:

- » **EU membership**, where it is enlisted that “development and policy creation in the Republic of North Macedonia based on the principles of sustainable development is a precondition for the county’s fast integration in the European Union”;
- » **Policy and Legal Framework: Pillar for Development of Any Strategy**, which identifies the need for development of integrated approach to policy creation on sustainable development, acknowledges the poor capacity for policy creation and insufficient awareness about sustainable development, as well as the fact that existing strategic documents do not include the dimension of sustainable development to sufficient extent. Furthermore, it elaborates that “as regards the country’s alignment with EU regulations on sustainable development, the situation is particularly critical in the economic and social sphere...”, as well as that “basic institutional setup and legislation are in place in many sectors, but the institutions’ operational potential is limited, especially in terms of human resources and finances”.
- » **Environment: Need for Administrative and Law Enforcement Capacity**, which acknowledges the need for strengthen capacity of the Ministry of Environment and Spatial Planning, as well as the need for more consistent enforcement of the law, awareness raising on environmental protection and focus on the use of alternative energy sources, ecotourism, and healthy food production.
- » **Energy: Need for Structural Changes to Energy Sources and Energy Prices**, which establishes the need for development of National Strategy on Development of the Energy Sector and Study on Possibilities for Utilization of the Potential of Renewable Energy Sources, including introduction of the market energy prices concept, stimulation of structural changes in this industry, improvement of energy efficiency and use of clean development mechanism according to the Kyoto Protocol as tool for implementation of projects that result in reduced greenhouse gas emissions, stimulation of rural development, etc.
- » The subsection titled **Rural Development: Need for Overall Strategy and Planning** includes consolidated conclusions on the need for drafting framework law on agriculture and rural development, strengthening administrative capacity, adopting basic management instruments for the EU Common Agricultural Policy, providing sustainable conditions aimed at improving social and economic environment in rural communities, strengthening importance of the forestry for the country’s development, adopting and implementing the National Strategy on Development of Tourism in the Republic of Macedonia for the period 2008-2012.

- » **Social Issues: Unemployment as the Main Problem**, this subsection crystalizes the need to increase the employment rate, the need for additional funds and other resources in primary and secondary education, continued implementation of education laws and strategies, the need for remodelling the higher education policy with special focus on sustainable development dimensions, implementation of measures aimed to improve and stimulate public health, etc.
- » **Small and Medium-Sized Enterprises, Infrastructure, Transport and Industry (MSEITI): Solid Industrial Basis**, which underlines the need for improved legal framework and business climate for small and medium-sized enterprises, support for the industrial sector, especially to export-oriented branches. As regards infrastructure and transport, continued efforts are needed to implement the National Development Program, enforce the Law on Waters, implement the Transport Strategy, provide financial support to public transport enterprises, etc.
- » **Comprehensive Diagnosis for Sustainable Development in the Republic of Macedonia** – based on the Framework Sustainable Development Report and NSSD Part II: Strategic Background and Analysis, presents the consolidated findings, conclusions and recommendations.

The fourth subsection (General Objectives, Guidelines and Leading Principles for Sustainable Development in the Republic of Macedonia) enlists that “a far-reaching goal and direction for attainment of sustainable development in RM is the country’s fast integration in the European Union. The starting point for goals and directions should be the rich and relatively non-destructed natural and cultural resources of the Republic of Macedonia”. At the same time, this subsection refers to the guiding principles that will make NSSD “better attainable”, those being:

- » guiding principle no.1: the government should assume an innovative, supporting and leading role for municipalities and the private sector, which have an operational role in attainment of sustainable development in the Republic of Macedonia;
- » guiding principle no. 2: e-governance (electronic governance) should be introduced at national and local level, ensuring greater transparency and efficiency and providing better way for faster and more efficient attainment of sustainable development;
- » guiding principle no.3: in the short term, the focus should be on highly educated labour force aimed at preventing further “brain-drain” and attracting back Macedonians living abroad, who are highly qualified, well-educated and possess great potential. Furthermore, they should be the driving force that stimulates development, as described in detail under NSSD Part II: Strategic Background and Analysis.

The fifth subsection is titled Specific Objectives and Strategic Directions for Attainment of Sustainable Development in the Republic of Macedonia. Except for enlistment of obstacles for attainment of sustainable development in the Republic of Macedonia, this subsection includes schematic overview of the country’s long-term, mid-term and short-term goals, as follows:

- » long-term goal: “by 2030, the Republic of Macedonia should be among the top 20 sustainable countries in Europe and among the top 3 countries in the region”;
- » mid-term goal: “by 2015, the Republic of Macedonia is member of the European Union and progress made towards sustainability is assessed as satisfactory by the European Commission”;
- » short-term goal “by 2010, the Republic of Macedonia starts negotiations for EU membership and progress made towards sustainability is assessed as satisfactory by the European Commission”.

This subsection identifies seven strategic milestones linked to the defined goals, as follows:

- » key strategic milestones by 2010: 1) the country's EU membership is ensured and its legislation is aligned with the EU Strategy on Sustainable Development; 2) awareness is raised and commitment is ensured to sustainable development; 3) e-governance based on the principles of sustainable development is introduced;
- » key strategic milestones for the period 2010 - 2015: 1) the public sector is directed towards sustainable development (inter alia, through cross-sector and integrated strategic and participatory work); 2) the economic sector is directed towards sustainable development (concerns guidance for the banking and financial sectors to secure funds for sustainable development projects and activities); and 3) the private sector is directed towards sustainable development;
- » key strategic milestones for the period 2010 - 2030: 1) pilot and demonstrative projects on sustainable development are fully implemented.

The next, sixth section (Strategic Actions for Attainment of Sustainable Development in the Republic of Macedonia) elaborates the key strategic actions needed to achieve each of the seven strategic milestones.

The seventh section (Organizational and Implementation Framework for Sustainable Development in the Republic of Macedonia) enlists that “having in mind the complexity and multisectoral nature of sustainable development and the need for application of a new, comprehensive and strategy-oriented method of thinking and acting, the proposed institutional setup will support implementation of sustainable development in the Republic of Macedonia”. The organizational scheme required and proposed for implementation of NSSD includes the following:

National Council for Sustainable Development, which will be chaired by the Deputy Prime Minister in the Government of the Republic of North Macedonia Responsible for Economic Affairs and will also include ministers from key ministries in the government. It will serve as open forum for presentation and exchange of views. The Council will discuss issues related to main policies needed for implementation of NSSD, and will be the driving force for raising awareness and ensuring transparency and commitment. Moreover, the Council will have balanced representation of competent and prominent representatives from the private and public sectors, and the business community.

Expert, technical and logistic support to the Council will be provided by the Office for Support to the National Council for Sustainable Development. It is proposed for this office to operate within the Macedonian Academy of Arts and Science and to be financed on project basis in the first two to three years until its incorporation as permanent state administration body at central level, with full-time employees. The Office, in cooperation with MESP, will develop an Action Plan for Strategy Implementation, which will be adopted by the Government, upon previously obtained opinion from the Council.

National Agency for Sustainable Development (NASD) should be founded as limited liability company (LTD) with shares owned by the Government of the Republic of North Macedonia and proactive municipalities. The Agency will be operationally responsible for implementation of sustainable development pursuant to NSSD. The Council will supervise operation of the Agency. It is enlisted that the Agency will regularly inform the Council about progress made in terms of strategy implementation (on annual basis) and will update NSSD's Action Plan in two-year intervals. Its main task is to design and implement sustainable development projects in compliance with objectives defined under NSSD, closely following those from the EU Strategy on Sustainable Development and its renewed version.

The National Agency will closely cooperate with municipal offices for sustainable development whose main task is design and implementation of sustainable development projects at local level. Municipal offices will be supported by a communication network secured by the Association of Local Self-Government Units of the Republic of North Macedonia (ZELS).

Both, the National Agency and the municipal offices for sustainable development are connected to the National Bank for Sustainable Development Investment (NBSDI), which will be financially responsible for implementation of sustainable development based on the strategy document. More specifically, the bank will be responsible for financial transactions concerning international institutions and donors. Having in mind that NBSDI will be founded by reorganization and reallocation of structures that are already in place and support sustainable development in the Republic of Macedonia, additional funds are not needed for its establishment.

The institutional setup also includes the University Campus for Sustainable Development (UCSD), responsible for implementation of sustainable development in the sense of strategy-based studies and research. UCSD will be founded and built as completely new university campus outside Skopje, acting as driving force for regional development and innovation and “place for new manner of thinking, innovation and living”. It is anticipated for UCSD to be formed and to operate as a public - private partnership. UCSD’s direct target group are all motivated, proactive and innovative students in the country, who are dedicated to the general vision of sustainable development. They will also serve as recruitment pool for employees in the Agency, the municipal offices and NBSDI. Based on experiences from other countries, formation of the university campus for sustainable development is not known to present. Therefore, “UCSD is a living commitment and outstanding brand of modern and forward-looking *Sustainable Development Macedonia* in Europe and across the world”.

The eighth section (Costs and Funds for Implementation of NSSD in the Republic of Macedonia) provides preliminary calculations of finances needed for strategy implementation.

The final, ninth section (Pilot Projects to Stimulate Sustainable Development in the Republic of Macedonia) enlists a total of 35 projects.

As regards the Macedonian National Strategy for Sustainable Development, it could be **concluded** that its development is an important step forward to official acceptance of national policy for sustainable development. At the same time, it implies fulfilment of obligations which the Republic of North Macedonia has assumed as member of the United Nations and candidate-country for EU membership, including implementation of national legislation and the Law on Environment in particular.

As regards the scope of the national strategy, it elaborates the diagnosis for integration of the sustainability concept in specific sectors, and defines the objectives, principles and strategic milestones for national sustainable development. Moreover, it provides an organization setup of bodies that will be of key importance for its implementation. Also, the strategy lays down the financial framework and pilot projects for strategy implementation, including indicators that allow and facilitate monitoring of progress achieved.

National Council for Sustainable Development. This is a cross-sectoral body, chaired by the Deputy Prime Minister Responsible for Economic Affairs, whose main task is policy creation for sustainable development and monitoring. In addition to the deputy prime minister for economic affairs, this council also includes the ministers of foreign affairs, finance, economy, labour and social policy, transport and communications, environment and spatial planning, local self-government, agriculture forestry and water economy, education and science, health, and representatives from the academia and the business community. The National Council has adopted its rules of procedures, where it is regulated that the Council shall ensure consistency in implementation of the National Strategy for Sustainable

Development. At the same time, the Council shall provide consistency in implementation of UN Sustainable Development Goals, through sustainable development programs at the level of line ministries, as well establishment and coordinating relevant mechanisms for that purpose. Hence, it can be **concluded** that formation and operation of the National Council for Sustainable Development is of exceptional importance for formulation of the platform for sustainable development and promotion of policies that support sustainable development.

Institutional support for sustainable development. President of the Government has deputies. In terms of institutional support for sustainable development, it should be noted that these deputies also include the Deputy Prime Minister Responsible for Fight against Corruption and Crime, Sustainable Development and Human Resources.[43]

On the other hand, the Cabinet of the Deputy Prime Minister for Economic Affairs, Coordination of Economic Resources and Investments includes a separate department for regional and sustainable development.[44]

The Ministry of Environment and Spatial Planning has a functional sector for sustainable development and investments, whose composition includes a department for sustainable development.[45]

Another positive development is formation of the sustainable development unit within the Cabinet of the Deputy Prime Minister for Economic Affairs, who also chairs the National Council for Sustainable Development. However, confusion is created by the mandate entrusted to another deputy prime minister which, inter alia, includes competences in the field of sustainable development, combined with fight against corruption and crime, and human resource management.

[43] Source: <https://vlada.mk/node/23860>.

[44] Source: <https://www.vicepremier-ekonomija.gov.mk/?q=en/node/6>.

[45] Source:

<https://www.moep.gov.mk/%d0%bc%d0%b8%d0%bd%d0%b8%d1%81%d1%82%d0%b5%d1%80%d1%81%d1%82%d0%b2%d0%be/%d1%81%d0%b5%d0%ba%d1%82%d0%be%d1%80-%d0%b7%d0%b0-%d0%be%d0%b4%d1%80%d0%b6%d0%bb%d0%b8%d0%b2-%d1%80%d0%b0%d0%b7%d0%b2%d0%be%d1%98-%d0%b8-%d0%b8%d0%bd%d0%b2%d0%b5%d1%81%d1%82%d0%b8%d1%86%d0%b8%d0%b8/>

CONCLUDING OBSERVATIONS AND RECOMMENDATIONS

Implementation of the sustainable development policy is particularly important for the Republic of North Macedonia. Hence, interventions are needed in several areas (legislation, capacity building, establishment of coordination mechanisms...) for serious creation and implementation of this public policy.

In this context, **i.e. when it comes to legislation**, the example set by the Law on Environment and the Energy Law should be followed. This means that, whenever possible, laws in other areas should include provisions on environmental protection, as well as provisions that refer to sustainable use of resources. At the same time, when possible, legal provisions should reflect the concept of sustainable development, i.e. interconnection of economic, social and environmental issues.

When **developing national strategy documents** in individual areas, due consideration should be made of the Law on Environment, which means that environmental protection should be taken into account, by conducting environmental impact assessments of development in the individual sectors. That would allow for a more integrated approach, which is the basis for progress in the area of sustainable development.

It is advisable for **line ministries** to appoint an officer responsible for monitoring implementation of their obligations arising from the National Strategy for Sustainable Development.

Efforts are needed to strengthen capacity of **line ministries** in respect to strategic planning, policy alignment, finding and accepting compromise solutions, etc. which, in turn, will increase possibilities for a more comprehensive approach to policy coordination as necessary precondition for creation and implementation of sustainable development policy.

Local governments need to develop Local Agenda 21 in the form of action plans for sustainable development as a systemized method for attainment of sustainable development at local level.

It is evident that the **National Strategy for Sustainable Development** provides a step forward on the road to sustainable development. In particular, this strategy document refers to the lack of capacity for policy analysis and coordination, absence of mechanisms for mutual coordination and the need for strategic planning. For that purpose, it plans formation of new bodies that will address and improve the current state-of-affairs. This opens space for discussions on **institutional mechanisms** for support to sustainable development.

Actually, the Government has a separate unit known as the General Secretariat which, inter alia, “provides coordination and support to the Government, the Prime Minister, Deputy Prime Ministers and Members of the Government in performance of their competences; cooperates and coordinates with line ministries and other state administration bodies on issues related to the Government’s strategic priorities”.^[46] The Government’s General Secretariat is comprised of several sectors, among which particularly important for this area is the sector on strategy, planning and monitoring, whose tasks and duties are connected to the government’s strategic priorities, and the sector for policy analysis and coordination, whose activities includes cooperation and coordination with line ministries in addressing particular issues of strategic importance that are marked by different opinions and views, in order to overcome policy consequences and their impact on the government’s strategic priorities, as well as cooperation with non-governmental organizations and institutions. Moreover, this secretariat has a

[46] Извор: https://vlada.mk/sites/default/files/dokumenti/zakoni/zakon_za_vladata_na_republika_makedonija.pdf

department for policy analysis and coordination in the field of the political system, economic system, current economic policy, human resources and sustainable development.

Hence it can be concluded that an omission had been made by not taking into consideration the general secretariat as an already established institutional mechanism for policy coordination, consistency and strategic planning. Without any pretensions that the present analysis is complete, it could be inferred that the general secretariat is adequate and could be one of the bodies supporting implementation of the National Strategy for Sustainable Development. In addition, this goes in the line of possible lack of capacity for implementation of sustainable development policy with the two deputy prime ministers named earlier. In that respect, it is important to distinguish between competences related to sustainable development assigned to these deputy prime ministers (for economic affairs and for fight against corruption, sustainable development and human resources). Consequently, effective and efficient coordination mechanisms with other relevant institutions need to be identified. Efforts are also needed to strengthen capacity for sustainable development, especially at the Cabinet of the Deputy Prime Minister for Economic Affairs. All this will contribute to improved **institutional structure for creation and implementation of sustainable development policy.**

As regards the Strategy for Sustainable Development, expectations are that it will be complemented with **Action Plan for Strategy Implementation.** Bodies and mechanisms planned under this strategy have not been formed. However, the question about justification for creation of new bodies (for example, the Agency for Sustainable Development, the Office for Sustainable Development, the University Campus for Sustainable Development, etc.) remains valid, as well as the question whether it would be more effective and efficient to use institutional mechanisms that are already in place.

Be that as it may, sustainable development is setup and integrated, to certain extent, in the legal and political system of the country, whereby one precondition for policy creation on sustainable development is already in place. Encouraging is the fact that state authorities are sensitised to sustainable development. However, the impression remains that certain relations are not well (and even erroneously) formulated or they are established, but not in sufficient scope and lack systemic approach to planning. There is *de facto* space for improvement, especially in respect to institutional support for sustainable development, having in mind that competences of the state administration for implementation of sustainable development are overlapping or inadequate or missing. Hence, there is a need for serious analysis of the institutional setup for support to sustainable development and creation of a logical and systemic institutional model.

The already formed **National Council for Sustainable Development** will help in ensuring coherence of national policies in the field of economy, social development, environmental protection, agriculture and other relevant areas; reconsideration of issues and problems related to sustainable development; monitoring implementation of the National Strategy for Sustainable Development and other documents in the field of sustainable development, etc.

In conclusion, it should be noted that matters related to sustainable development are improving. Relevant preconditions are in place for serious steps forward on the road to sustainable development. This road is made much easier with adoption of the National Strategy for Sustainable Development, formation of the National Council for Sustainable Development, competences delegated to state authorities, etc. However, there is a lot of work needed in terms of levelling certain omissions.

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