

Basic subjects responsible for environment security in the Republic of North Macedonia

Review

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Abstract

Security, following the traditional concept, is observed as a synonym for national security with two main objectives: preserving the territorial integrity of the state and the sovereignty over that territory in political and military terms. The ever-increasing environmental problems lead to the modern understanding of security, which, among other things, also implies the influence of the basic security factors on the environment, with particular reference to the ecosystems: water, soil, air, etc. In this context in the newer security paradigm, new types of security appear, such as environmental security, water security, etc. The authors of the paper present and explain the full institutional framework for environmental security in the Republic of North Macedonia, covering the competent state bodies which are aiming to provide and preserve a healthy environment in their scope of work. Here are included the Ministry of Interior, prosecutors and judicial authorities, inspection bodies within individual ministries in the country, in the fields of agriculture, forestry, hunting, water resources, environment, nature, etc. The authors also explain the interinstitutional cooperation of the aforementioned institutions in the Republic of North Macedonia as the main prerequisite for successful implementation of measures for a healthy environment in order to prevent the pollution of ecosystems, including criminal acts in the field of ecological crime.

Keywords: security, environmental security, environmental security institutions, environmental crimes, etc.

1. Introduction

The need for extending the concept of environmental safety generates various attempts to define the term environmental safety, both in academic and political circles. The theses for defining and conceptualizing ecological security create more conceptual and political confusion than they promote a good analytical framework and policy recommendations. One of the reasons for such confusion lies in generic uncertainties about the security concept. Security, following the traditional concept, is blamed as a synonym for national security with two main objectives: preserving the territorial integrity of the state and the sovereignty over that territory in political and military terms. In the early 80s of the twentieth century, the Independent Commission on Security and Disarmament Issues (ICSDI) began to develop the Common Security Concept, giving the National Security Concept broader context. With other words, the traditional security aspects included economic stagnation, social and political instability, ethnic intolerance and territorial problems, international terrorism, money laundering, drug trafficking, as well as environmental problems (Mileski, 2015: 11).

Also, the World Commission on Environment and Development (WCED) very clearly associates environmental safety in its Report (Brütland Report) from 1987. It points out that mankind faces two major threats. These are the dangers arising from the possible use of nuclear weapons, which should decrease in the future, as well as environmental degradation, which is already present at any moment in the world.

The ever-present environmental problems lead to the modern understanding of security, which, among other things, implies the establishment of the basic safety factors of the environment: water, soil, vegetation, climate and everything else that raises socio-economic activities for the purpose of political activities. The concept of environmental safety should not be equated with the argument that environmental change is the only cause of conflict or the creation of other security problems, or that environmental changes are directly "triggered" for conflict. Probably no conflict in the world has come about as a consequence of a single cause, but environmental problems are associated with a number of other factors.

Many experts are trying to create a rigorous framework and convincing definitions of what actually represents environmental safety. Recent discussions of environmental safety suggest that *"environmental degradation caused by man and insufficient resources is posed as a fundamental physical threat."*

The scope of accessibility to environmental safety can be classified into the following categories:

- insufficiency of resources as a cause of political instability and conflict;
- environmental degradation caused by wars or preparations for war;
- environmental degradation as a threat to human health and human well-being;
- environmental degradation that violates sovereignty.

2. Ecological and Environmental security

The term environmental safety was first introduced by the UN General Assembly when, on the proposal of Mikhail Gorbachev, the Resolution on International Environmental Safety (1987) was adopted, in response to Chernobyl's environmental and human tragedy. The term environmental safety is used to denote problems that link the state of the environment to the interests of national and human security. Environmental safety implies an analysis of those problems that relate to the insufficient amount of natural resources, environmental degradation, biological hazards that can lead to military conflict. These problems are solved by the application of environmentally justified technologies (using renewable resources for reducing the consumption of natural resources in general, reducing waste generated and recycling of waste generated, etc.), applying the policy of sustainable development, as well as legal and economic instruments in the field of environment.

So, environmental security includes: biosecurity, environmental security and ecosystem security. Biological security refers to biodiversity, environmental s security, and the security of nature. It also applies to the security and protection of waters, air and soil, and the security of ecosystems is accomplished through the structure, function and development of ecosystems.

Taking into account the previous findings, we can say that ecological security is a public security against environmental hazards caused by natural or human processes.

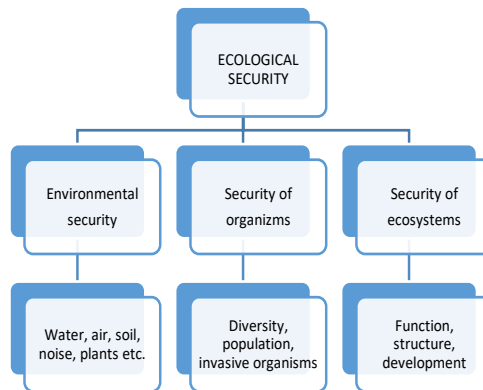


Figure 1. Ecological tree – ecological security structures
(Latifi, 2018: 137)

“Environmental safety is a state of dynamics between man and the environment damaged by warfare and the improvement of resource deficiencies, environmental degradation and biological threats that can lead to social tensions and conflicts. That is, environmental safety is a term that theorists and practitioners use to indicate the relationship between environmental conditions and security interests”.

Katrina S. Rogers believes that the concept of environmental security should be differentiated from ecological security. In her opinion, scientists and political actors often replace the terms environmental security and ecological security. Therefore, in the context of further research and explanations of these two terms, it proposes that the term environmental security be represented in the sense of protecting resources, not preservation or conservation. Environmental safety is used to describe the threat of political stability in environmental problems such as water degradation, deforestation, increasing resource scarcity, which to a different extent contribute to increased instability in certain areas (Dimitrijevic, 2010: 17).

The World Federation of Associations (WFUNA) defines environmental safety as "the ability of the environment to provide support for life," which consists of three sub elements:

- a) Prevention or recovery from damage caused to the environment during the course of military actions.
- b) Prevention or response to conflicts due to the environment.
- c) Protecting the environment due to its inseparable moral values.

Environmental security is used in terms of the protection and defence of natural resources. For example, in 1995, the introduction of the US National Security Strategy states: *"The protection of our national security - our population, our territory and our way of life-the priority of the government and the constitutional obligation. ... The widespread scope of environmental degradation threatens to endanger political stability in many regions and states".*

3. Institution for ecological security in Republic of North Macedonia

The Republic of North Macedonia has promoted the right to a healthy environment, environmental protection, and environmental security with Article 43 of the Constitution of the Republic of Macedonia, where everyone has the right to a healthy environment, everyone is obliged to promote and protect the environment, in other hand the Republic of North Macedonia obliged to provide conditions for the realization of the citizens' right to a healthy environment. The system of protection and improvement of the environment in the functional-organic sense is carried out by the *Ministry of Environment and Physical Planning* (Maletik, 2010: 229).

The Government of the Republic of North Macedonia performs activities related to the protection of the waters, air, flora, fauna, protection of the ozone layer from pollution, noise protection, radiation, biodiversity protection, national parks, remediation of polluted parts of the environment, proposal -Measures for treatment of solid wastes, etc.

The Ministry of Environment has prepared: Environmental Monitoring Strategy, Strategy for Environmental Data Management, and Strategy for Raising Environmental Awareness. The regulatory level of the environmental protection system of the Republic of North Macedonia is determined by a number of acts, such as: Law on Environment, Law on Nature Protection, Law on Waters, Law on Waste Management and other laws. The legislation of the Republic of Macedonia in this area is fairly dispersed, so that the protection and improvement of the environment are covered by the laws and bylaws with which priority is regulated in some other area: waste disposal, poison production, hunting, use and protection of water, regime of use of forests, etc. (Todorović, 2009: 82).

The institutional framework for environmental safety in the Republic of North Macedonia is consisted by:

- bodies for internal affairs;
- inspection bodies (environmental inspection);
- judicial authorities;
- the military as a factor of ecological security;
- civil protection;
- economic entities;
- local self-government and citizens;
- other unconventional institutions.

Organs of Internal Affairs - There is no doubt that the police have a major and significant role in the prevention of environmental crime, that is, in the protection and promotion of the environment. There are different views on the organizational setup of the prosecuting authorities in different authors, but everyone agrees that it is necessary to engage the police in maximally cooperation with other competent authorities and institutions, in order to detect, prove and prevent the emergence of new environmental crimes (Sazdovska, 2013: 27-28).

The police in each place have their own functions prescribed by law. The most important function of the police is law enforcement. The authority or the rights of the police to take certain actions necessary for the successful execution of the task are regulated by the Law on Police. This means a consistent enforcement of the law by the police, which is, carrying out the tasks for which the police are authorized. These tasks are the same for the police in many democratic countries. The police have the task and have the authority to investigate criminal acts and timely take all necessary measures. From the moment of acquaintance of the police with the alleged criminal act, which is monitored ex officio, either through criminal charges or otherwise, without delay and not later than

24 hours from the received information, it should inform the public prosecutor and as soon as possible provided other reports and additional data (Shishani, 2006: 78).

Police on-site processing of environmental delicts represents careful, methodical and detailed immediate sensual perception and review of the scene by undertaking a series of measures and activities of the police in order to discover the circumstances and to obtain data that indicate:

- whether a crime has been committed (a misdemeanor, an economic offense, a crime);
- when an environmental delict is made (the timeline of the ecological delict);
- the place of the ecological delict, this means the area covered by the ecological delict;
- the way in which the ecological delict is made (pollution, destruction, etc.);
- the means by which the ecological delict is made (for example, the pollutant - the type);
- the motive of ecological delict and
- who is the cause of the ecological delict (Ljuština, 2010: 54).

Inspection bodies and the Inspectorate for Environment – with significant role in preserving and protection of the environment, especially the Inspectorate for the protection and promotion of the environment and nature have also other inspection bodies such as: water management, sanitary, geological, forestry, fishing, veterinary inspection, etc.

These authorities undertake both preventive and repressive measures and activities for the prevention of environmental crime, with most competent authorities and with the broadest powers. These powers include the prevention and detection of environmental crimes and environmental offenses, filing criminal charges and requesting initiation of a misdemeanor procedure. The discovery of criminal activities is not their main task, but they are obliged to monitor and study the phenomena of pollution, as well as to indicate certain offenses or crimes (Sazdovska, 2007: 115).

In modern conditions, the inspection supervision is part of the administrative supervision, more precisely the administrative and legal activity of the state administration bodies and the local self-government. The work of the inspection supervision is exclusively performed by the state administration bodies and the local self-government, and the function of the inspection supervision cannot be replaced by other forms of supervision, which confirms the current legal, theoretical and legislative determinations (Zivkovic, 2014: 12-13).

According to this, a comprehensive definition can be given that states that: *"inspection supervision is an administrative-legal relationship between the subject of inspection supervision, in which the entity is active, as an inspector (supervisor), who by special methods (inspection review) monitor, monitor and evaluate and, if necessary, influence the activities or inactivity of the supervised entity by taking administrative and other measures and activities in accordance with the authorizations, in order to ensure the proper application of the law, other regulations and general regulations"*.

The Public Prosecutor's Office (PPO) and the courts - in addition to the already mentioned entities for the protection and improvement of the environment, the judicial authorities, that is the PPO and the courts, are not less important, but not only repressive but also preventive plan. However, the role of the Criminal Code and the state repression that is manifested through criminal prosecution and the imposition of criminal sanctions is not exhausted only by the citizens objectively refraining from committing criminal and other punishable acts, that is, the role of repression, by the way, the Penal Code will not only passive - preventive character, but goes further in the direction of improving the positive attitudes of the citizens towards the social advantages, which include the protection of the environment and nature. So the role of the judicial authorities

should not be seen in their engagement only on a repressive plan, but also on a more active involvement in taking preventive measures and activities to prevent ecological criminality.

Economic entities - The role of business entities in achieving environmental security, as well as their cooperation with conventional security institutions today, can be seen from two angles:

- the material and technical conditions in which these entities operate, i.e. the elements of the environment in the conditions of the technical and technological processes;
- positive - the legal framework for the protection and improvement of the environment created in the last few years.

We can conclude that the positive legal regulation in the area of environmental protection in front of economic entities whose activities can adversely affect the environment sets strict requirements regarding the fulfilment of the conditions for carrying out the activity. Two types of conditions have to be met, which economic operators must meet:

1. Conditions for entities whose commercial (or some other) activity disturbs the environment.
2. Requirements for entities whose activity may cause environmental risks.

Local self-government (municipalities) and citizens - The significance of ecological security is mostly manifested at the level of local self-government, meaning the basic level of "consumption" of the environment by the citizens. The legal framework and the duties of the local self-government units in the field of environment today are fairly well regulated and there is a significant body of rights and obligations. The units of the local self-government (municipalities, cities) are obliged through their bodies to take care of the protection of the environment, the use and promotion of natural assets, the use of agricultural land and water, the area of protection and promotion of animal and plant life (Todorovic: 2009: 73).

The education system - The role of the educational system in the protection and promotion of the values of the environment is in the transmission and adoption of ecological knowledge and building positive attitudes, especially among young people. The positive direction of the school population towards the ecological values forms a positive result in evaluating the meaning of the environment. In that sense, the content of school programs in primary, secondary and higher education should contain a large number of contents from the field of ecology adapted to the appropriate level of education. Thus, the low level of environmental awareness of the citizens of the Republic of Macedonia will be constantly upgraded and positive attitudes will be formed for the need for active participation of the citizens in this area.

Other entities with impact on environmental security - Institutions and other scientific institutions play an important role in the discovery and understanding of the phenomena of pollution. During their operation, i.e. monitoring of the situation regarding the quality of the waters, the air, the land, etc., they come up with certain data and knowledge concerning their pollution, with other words, the causes of particular type of pollution. Among these subjects are: The Institute for Public Health of the Republic of North Macedonia, the Hydro meteorological Institute of the Republic of North Macedonia, the Mining Institute, the Republic Institute for the Protection of Cultural Monuments, the Republic Institute for the Protection of Natural Rarities, and many other scientific and research institutions who, within their scope of work, inform the competent inspection bodies and the police after obtaining information on a particular environmental phenomenon, but also take an active role in preventing environmental crime, with expert assistance provided in the exercise of mutual cooperation (Sazdovska, 2007: 120-121).

4. Conclusions

In the Republic of North Macedonia, as the fundamental value of the constitutional order determined by the Constitution of the Republic of North Macedonia, is the arrangement and humanization of the space and the protection and promotion of the environment and nature. It provides for the right of every person to a healthy environment and the obligation of everyone to promote and protect the environment and nature.

North Macedonian penal legislation follows the world trend and introduces certain novelties for successful prevention, as well as repressive action in the fight against organized forms of criminality. Special investigative measures are part of the spectrum of secret means and methods used by the secret services and represent their exclusivity. But more recently, organized crime is international, and so should fight it.

Therefore, the application of these measures is no longer closely related to the activities of the secret services, so that intelligence centers are already established in the following departments: The Department of Organized Crime in the Ministry of Interior, the Money Laundering Directorate, the Customs Administration and the Financial Police. The North Macedonian legislation legalized these measures and introduced them into the measures in the Criminal Procedure Code, in particular in Article 142-b.

The existence of an institutional legal - normative framework provides opportunities for sustained incorporation into the action agendas and treatment of all environmental problems that endanger the human health and the environment. Hence, each country, including the Republic of North Macedonia, needs to build capacities to deal with environmental problems and pressures that may pose security threats. The significance and severity of environmental problems depend on the wider context of economic, political, social, cultural, religious and ethnic factors.

As the main areas of institutional engagement, the following should be mentioned:

- secondary social problems arising from environmental pressures (migration, poverty, hunger, public health);
- ecological degradation (global environmental changes - ozone depletion, loss of biodiversity, climate change, deforestation, desertification, pollution and natural disasters);
- insufficiency of resources.

Timely response to environmental threats involves an effective monitoring, assessment and early warning system. Regarding to this above, the environmental threat assessments are a very complex category that requires a great deal of co-ordination of many different factors.

Variables that would be of interest to the link environment and security can be classified into four general clusters:

- forces that create pressure on the environment and are of human origin;
- environmental conditions or environmental performance;
- political response and instruments;
- indicators of violence.

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