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THE LEGISLATIVE ASPECT OF SUSTAINABLE DEVELOPMENT IN REPUBLIC OF MACEDONIA

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Abstract. The objective of this paper is to present the foundations for conducting a national policy for sustainable development as a leading philosophy of the present days and a concept whose implementation is imperative for the survival of mankind.

The concept of sustainable development might be enabled by the normative acts, strategic development documents, institutional structure, etc. Nevertheless, it is an indisputable fact that, in this context, the Constitution and the national legislation prevail as key factors ensuring sustainability of the entire social development of a country.

Globally perceived, the concept of sustainable development has started to appear at the beginning of the 1970's, as a response to the intensive technological and economical development, which were not taking into account the environmental issues and protection of natural resources.

Sustainable development is a development for satisfaction of the needs of today's generations, without endangering the possibilities of the future generations to satisfy their own needs.

This paper explores the incorporation of regulations leading towards sustainable development in the Constitution of the Republic of Macedonia as well as in the laws standardizing the environment issues (the Laws on: Environment, Nature Protection, Waste Management, Ambient Air Quality, and Waters).

The analyses made resulted in the conclusion that the Constitution and the laws in the sphere of environment have been created to ensure sustainable development.

Key words: Sustainable Development, Legislation, Environment, Constitution.

1. Introduction

"But this canny, intelligent, prolific, and extremely self-centred human creature had proven himself capable of more destruction of life than Mother Nature herself... We've got to be stopped." Michael L.

Fischer¹.

Undoubtedly, it could be said that one of the basic concept regarding the economy of natural resources and environmental issues is representing the concept of sustainability or sustainable development. Nowadays, this concept is in the center of the attention when it comes to the observation of long term perspective for the survival and progress of humanity. It should be emphasized that the idea of sustainability is not a new concept; this idea could be found within the work of the classical economic science. For that matter, Adam Smith, David Ricardo, and above all Maptus were trying to find answers regarding questions taking into account the limitation of natural resources, especially the land, demographic growth (changes) as well as the declining production yield.

The view of the classical school is that, demographic growth along with the advancement in the standard of living, according to the law of decreasing production yield, would be responsible for stagnation and rise in poverty. According to them, zero growth of the economy and society is the only thing possible and stable in long run.

But, various scientific and geographical discoveries that took place at the end of 19th century regardless of the pessimism presented by the Classical school influenced the introduction of optimistic vision for the future of humanity.

As a result of the emerging of neoclassical growth theory, developed in the 20th century, the question regarding the exploitation of natural resources has lost its meaning and significance. The center piece of the economic growth theory is assigned to scientifically-technological progress that becomes a fundamental factor for economical and social development. This in turn, resulted in changes regarding the belief that stable economic growth of the global economy experienced throughout the years, as a result of the scientifically-technological progress, has unlimited possibilities. This optimistic idea was concentrate around the belief that the Keynesian economic theory and policy have given answers to all challenges of economical instability. This is what the capitalist world was feeling. On the other hand, at the same time the socialist block was captured by the unconditional belief in the accuracy of their fundamental foundation of the so-called scientific socialism, and with the belief that with its implementation the future of humanity is secured.

The following period during the 1970's of the 20th century would be remembered by many things occurring during this period. To start with, there were the first signs showing the end of so-called pan-

¹ Harper's, July 1990

technological optimism. Initially it was manifested through the so-called oil shocks, followed with the rise in global prices of multiple resources (raw materials) and energy producing inputs. This marked the end of specific period in the development of economic thinking and created opportunity for the development of new one, which would be based on the development and achievements of natural sciences, especially the physics, i.e. thermodynamics, as well as the achievements of biology, and primarily ecology.

In that period, it was obvious that the mankind is faced with a variety of choices related to quality of life and the condition of the environment. That, each choice made will determine the world to be left for the future generations. That, some choices will contribute to create a world in which the economic and social needs are balanced with the capacity of natural wealth and eco-systems, while others will lead to creation of a world with devastated environment where the poverty and famine rule. Because, the *"Economic advance is not the same thing as human progress."*, said John Clapham.²

The direction of global sustainability should be founded on the recognition of the evident connection between the environmental protection and the development.

The concept of sustainable development was "born" at the UN Conference on Environment and Development, held in 1992 in Rio de Janeiro and since then it is a leading concept and global achievement. The irrational idea regarding the material paradise, for a "society existing without any constraints" which maximally blind-folded the people, lost the battle with the ethical concept of sustainable development. After Rio, insisting for unilateral economic growth is not only became obsolete policy, but it is also illegal as well as unethical. *"We shall require a substantially new manner of thinking if mankind is to survive."*, Albert Einstein

The question that can't be avoided is: Why the need for sustainable development?

The answer is: Because we have inherited the land from our ancestors, and borrowed it from our descendants! That is why we should strive toward leaving the environment in even better state than we have inherited it. This concept is supported by Robert Solow in the well known composition from 1974, who formulated a request and an obligation that every generation must have equal right to enjoy benefits coming from the nature and. Environment. At the same time, he insisted

that only the economic growth providing this for unlimited time - could be considered sustainable.

For that matter, what should be corrected within the concept of economic growth?

The present development (or oxymoron, i.e. economic policy based on wrong concepts of growth that continues to waste resources!) leads towards increase in difference among countries, rise in poverty, hunger, diseases and endangerment of the overall ecosystem.

The new development policy should secure better standard for everybody, and provide the opportunity for safer and better future for the new generations. The cores of the new development policy should be: social and economic questions, development resources protection and management, strengthening the role of significant social groups and means for achieving the Agenda 21.

Republic of Macedonia, as a member state of the United Nations Organization (UN) and candidate country for accession to European Union, is obliged to ascertain durable policy for sustainable development, among all, by its enforcement in the legislation, if it tends to earn the attribute "responsible" state. Actually, *"We can not allow the decisions than can shake the world to be made without any plan, reckless. To let things go by chance means to commit collective suicide"*. Alvin Toffler, 1970.

2. The foundations of sustainable development in the constitution of republic of macedonia

When analyzing the Constitution, the starting point for assessment was the definition for sustainable development given in the Brutland report by the World Commission on Environment and Development³, which clearly indicates the responsibility of present generations towards the future ones and their obligation to create development which will provide possibility for the future generations to satisfy their needs, because it is said: *"Your descendants shall gather your fruits."*⁴.

The policy of sustainable development marks the beginning of a new societal attitude toward the environment, space and natural resources, full with responsibility for the next generations, that makes *"the sustainable development a triumph of the human spirit"*⁵.

³ World Commission on Environment and Development, WCED.

⁴ Virgil

⁵ Klaus Tepfer, WSSD, Johannesburg, 2002.

² John Clapham, A Concise Economic History of Britain, 1957

In our Constitution, the Preamble⁶ reads: "The citizens of Republic of Macedonia...taking the responsibility for the present and future of their country... and responsible in front of the future generations for protection and development of everything valuable..." It is obvious that within the Constitution the responsibilities of the current generation for the future generations is to maintain, and above all, develop everything that has value to be protected and developed, is emphasized. This is in accordance with the definition for sustainable development of WCED.

If we take into consideration that the sustainable development is based on three pillars: economic development, social righteousness and environmental protection, then we will notice that Article 8 states that the fundamental values of the constitutional order of the Republic of Macedonia are:

- the freedom of the market and entrepreneurship (economic dimension)
- humanism, social justice and solidarity (social dimension) and
- Protection and promotion of the environment and nature (environmental dimension).

The Constitution of the Republic of Macedonia has also determined the basic human rights of the individuals and citizens, among which the right to:

- work and employment⁷
- social security and social insurance⁸
- healthy environment⁹.

Regarding the right for vigorous environment, we should dedicate brief section regarding the origin of the law in general. The time when pressure arise for the recognition of some human rights, initially depends on the time when the social development will point to its attractiveness, or as Maksim Gorky said: "Every new time will give its law". Maybe the most appropriate example for the former is the ecology rights. They are becoming popular in times when there is a realistic danger for pollution of the environment.

⁶ Actually this is given in Paragraph 1 of the Amendment IV of the Constitution of Republic of Macedonia. Paragraph 2 reads: "Paragraph 1 of this Amendment replaces the Preamble of the Constitution of Republic of Macedonia. Amendment IV is published in the Official Gazette of RM, No.91 on November 20th, 2001.

⁷ Article 32.

⁸ Article 34.

⁹ Article 43

Aside from foreseeing the right of every human for healthy environment, article 43 is setting up its responsibility to improve and protect the environment and nature. Also, it contains the responsibility for the Republic (Republic of Macedonia) to provide condition to achieve the right of the citizens for healthy environment.

It means that article 43 is introducing the right and obligation i.e. responsibility. For this matter, it should be noted that the responsibility is component of the basic freedoms and rights of the citizen and the human in general. For this reason it is regulated along with the basic rights as a whole, within the Constitution. Thomas Paine in his composition "Rights of man" from 1791, have said: "*The right is expressing the individuals force toward the state, the government and institutions, where the responsibilities – are the force of those institutions in relation to the human*"². According to the constitutional theory, responsibilities are fulfilled, and rights are achieved on the basis of the constitution. Obligation to protect the environment and nature is a direct outcome from the human right for a healthy environment. This must be so, as long as we want to see changes in our behavior towards the environment, as long as we want specific change to dominate, as long as we want to respect Gandy's words: "*Be the change you want to see in the world*"³.

Sustainable development concept demands harmonization of the policies from different sectors, because the economic development by itself is not enough for the global wellbeing i.e. "*Economic growth without social progress lets the great majority of people in poverty, while a privileged few reap the benefits of rising abundance*"⁴. Consequently, in the Constitution of Republic of Macedonia it is stated that the Republic "because of harmonized economic and social development..."⁵, it could be concluded that economic and social development should be harmonized.

In Article 55 (Paragraph 1) "the freedom of the market and entrepreneurship is guaranteed". In the same Article, Paragraph 3 specifies that: "the freedom of market and entrepreneurship can be restricted by law only for reasons of the defense of the Republic, protection of the nature, environment or public health". It is obvious from this article that a possible negative impact of the market and entrepreneurship on the nature and environment has been anticipated. Hence, although the freedom of market and entrepreneurship is determined as a fundamental value (Article 8, Paragraph 1, line 7) and the same is guaranteed (Article 55, Paragraph 1), it can be limited by law for the purposes of, among others, protection of nature and environment.

In this Article, it is interesting that the protection of nature and environment is listed after the defense of the country (as a principal social interest of the citizens of each country), and even before public health!

Furthermore, in Article 56, Paragraph 1 states that: "All the natural resources of the Republic, the flora and fauna,...are amenities of common interest for the Republic and enjoy particular protection." With this formulation, in the Republic of Macedonia's Constitution is implemented Herbert Gruhl thinking when said: "*The natural resources are our capital, not our profit.*"

In Article 57, it is specified that the Republic stimulates the economic progress and provides for a more balanced spatial and regional development, as well as for more rapid development of economically underdeveloped regions.

The Constitution of Republic of Macedonia also stipulates right to education, guarantees the right to healthcare, etc. The Republic "particularly protects the mothers, children and minors" and "provides particular care and protection for the family", etc.

It is indisputable that the Constitution of Republic of Macedonia contains the fundamentals of sustainable development. Besides taking into consideration the three pillars of sustainable development (economic development, social righteousness and environmental protection), it is also based on the responsibility, justice and righteousness, with maximum respect of the rights and freedoms of the citizens. The Constitution of Republic of Macedonia¹⁰ includes the key principles¹¹ of sustainable development.

3. Sustainable development in the laws on environment

"One that is leaving in the present and who would like to enjoy as much as possible and at the same time to earn within his lifetime is rarely concerned about the critics that would come from the future generations. For this reason there is a need for an authority that will protect the interests of the future generations. The market mechanism is incapable of

¹⁰ Constitution of Republic of Macedonia ("Official Gazette of Republic of Macedonia" No.52/91 and Amendments of the Constitution of Republic of Macedonia ("Official Gazette of Republic of Macedonia" No.52/91, 1/92, 31/98, 91/01, 84/03).

¹¹ For this purpose, it was assessed if the Constitution of Republic of Macedonia incorporates provisions relating to the economic development, social righteousness and environmental protection.

fulfilling this duty. Only the public authority can fulfill these tasks as long as its thinking and acting have foreseen the future deep enough."¹²

For that matter, the role of the state in establishing an efficient and rational legal system capable to fulfill the policy for protection of environment is of crucial importance if sustainable development is to be achieved. The national legislation taking into account the protection and promotion of the environment in Republic of Macedonia has adequately formed the law for healthy environment which is prescribed in its Constitution, with the objective of its fulfillment and satisfaction, because "*Bad laws are the worst kind of tyranny*"¹³.

When discussing the national legislation for protection and promotion of the environment in Republic of Macedonia, it has to be pointed out that it is relatively new and incorporates the principles of the European policy for environment. In addition, significant attention has been paid to the principles of environmental protection with national, regional and local harbingers.

3.1. Law on Environment

*"think the environment should be put in the category of our national security. Defence of our resources is just as important as defence abroad. Otherwise what is there to defend?"*¹³

The Law on Environment¹⁴ pays attention to meet the requirements of the European Union directives and concurrently cares for maintenance of the traditional values regarding environmental protection and ensures sustainable development. Considering that this is a framework law, we shall pay some more attention to it.

The horizontal Directives that are transposed in the environmental Law are:

- Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment
- Directive 85/337/EEC as amended by Directive 97/11/EC on the assessment of the effects of certain public and private projects on the environment
- Directive 2003/4/EC on public access to environmental information
- Directive 96/61/EC concerning integrated pollution prevention and control

¹² Unknown author, 1972.

¹³ Robert Redford, Yosemite National Park dedication, 1985

¹⁴ The Law was adopted on June 22nd, 2005.

- Directive 96/82/EC on the control of major-accident hazards involving dangerous substances.

In the law, in Article 4¹⁵, one of the goals of the law is "rational and sustainable use of natural wealth"; in the same article, the way of achieving the goals is determined as "integrated approach towards environmental protection and economic development", "establishment of a system for planning the environmental protection, promotion and management", "synchronization of the economic and other interests with the requirements for protection and promotion of the environment".

In brief, it has been concluded that it is required to have an integrated approach, to establish a system for planning and management and, what is inevitable, to synchronize it with the economic and other interests. Because, Confucius said: *"The superior man seeks what is right; the inferior one, what is profitable."*

In the law, in the Chapter¹⁶ determining the key principles on which the legal provisions are founded, the **Sustainable development principle** is included, which sets the obligation that when taking any action or performing any business activity, special consideration has to be paid to rational and sustainable use of natural wealth, so as to meet the needs for healthy environment as well as the social and economic needs of the future generations, without jeopardizing the rights of the future generations to satisfy their needs.

The sustainable development is also mentioned in the **Consumer pays principle**, whose objective is to make the user of the resources to reimburse the costs for ensuring sustainable development and rehabilitation of the environment needed because of usage of natural resources.

Particularly important for the sustainable development are also: **Integration principle** which ensures that the goals of the policy for environmental protection and promotion are integrated in the other sector policies adopted by the institutions in Republic of Macedonia (development agriculture, transport, etc.); the **Proportionality principle** ensuring proportionality between the needs for development and the needs for environmental protection; the **Principle for participation of the public and access to information**, which obliges the authorities of Republic of Macedonia (central and local) to provide all necessary measures and lay down procedures to ensure the right to access to

¹⁵ In Article 4 (Chapter I - General Provisions) the goals of the Law are listed as well as the way of their achievement.

¹⁶ In Chapter II - Principles of Environmental Protection.

environmental information is practiced, as well as to ensure participation of the public and the conditions for expression of the public opinion when making all decisions related to environment, as well as the **Principle for raising the public awareness for the importance of the environment**, whereby the scientific, educational, health, information, cultural and other institutions, including the associations of citizens, are obliged within their activities, to promote and ensure enhancement of public awareness for the importance of the environment and its protection. The law contains other principles as well and they are all in function of ensuring sustainability of the development.

In Article 65 the obligation is set down that, by suggestion of the state government body competent for the issues in the sphere of environment, the Government of Republic of Macedonia lays down the strategies, plans and programs (planning documents) for which the procedure for determining their impact on the environment, the lives and health of humans is obligatory. In fact, this is a strategic assessment, which indicates a transparent decision-making system in the general planning and promotion of the principle of sustainable development; the same ensures awareness and prediction of the (possible) impact on the environment before the start of implementation of planning documents. In this fashion, preventive actions are taken and the possible negative impacts on the environment are minimized.

Especially significant is the Ninth Chapter "Sustainable Development and Global Issues in the Environmental Sphere" which contains provisions related to development and adoption of National Strategy for Sustainable Development. In this view, particularly important is Article 186. The following conclusions can be drawn after careful analyses of this Article:

- The state administration authorities (central government) and the municipalities (local government) are obliged to take care for the implementation of the sustainable development principles!
- The state administration authorities (central government) and the municipalities (local government) are obliged to promote and support the sustainable development in Republic of Macedonia!
- The Law on Environment is the first law (and according to our perception the only one!) in which the National Strategy for Sustainable Development is mentioned!
- The Law provides the Government of Republic of Macedonia with the opportunity to develop a National Strategy for Sustainable Development!

- The objective of the development of the National Strategy for Sustainable Development is to ensure synchronization of the economic development, social progress and the protection of the environment on national level!

- The Assembly, as a place where the interests of the citizens are represented and defended, should assess the Strategy before its adoption by the Government of Republic of Macedonia!

- The municipalities are given the possibility to develop and adopt Local Agenda 21, as local strategic, planning and program document for sustainable development!

- The objective of the development of the Local Agenda 21 is to ensure synchronization of the economic development, social progress and the protection of the environment on local level!

- Local Agendas 21 have to be designed and developed in accordance with the established methodology to ensure harmonization of their content and the way of their development!

In the Article¹⁷ which refers to the system of planning, the paragraph 1 states that the development of the environmental protection and management is determined and directed in accordance with the entire economical, social and cultural development of Republic of Macedonia, whereby priority is given to the measures for environmental protection and management as it is of mutual interest for present and future generations. The same paragraph further states that this is done "for achievement of the goals" set in the law and "by the use of a system of measures and activities for long-term planning of the environmental protection and promotion".

In Paragraph 2 of the same article, it is stated that "with the system of planning... the realization of the economical, technical, scientific, educational, organizational measures and activities is directed and synchronized... in order to protect and promote the environment and ensure sustainable development".

Paragraph 3 lays down the obligation for synchronization of the measures for environment protection and promotion¹⁸ "with the measures determined in the strategic, planning and program documents for regional development, science and education, industries based on exploitation of natural resources and wealth, transport, telecommunications, tourism, spatial and urban planning and use of land".

¹⁷ Article 59.

¹⁸ Determined in the planning documents for environment.

It is more than obvious that the environment protection is planned and managed in accordance with the other social fields on which the social development of a country as a whole is based, so as to ensure sustainable development and protect the interests of present and future generations¹⁹.

The importance which is given to the environmental protection could be seen from article 218 (paragraph 1) from the Criminal Act of RM²⁰ with which a penalty, followed by imprisonment from one to five years, is assigned in circumstances where the laws for environmental protection and improvement and for pollution of natural medium are not fulfilled. This is the basic act punishable by law in the area of "ecology".

3.2. Law on Nature Protection

*"If you violate the nature's laws you are your own prosecuting attorney, judge, jury, and hangman"*²¹ said Luther Burbank, emphasizing the importance of the nature for human kind survival.

In the Law on Nature Protection²², one of the objectives is to ensure sustainable use of the natural wealth for the benefit of the present and future development²³.

In Article 5, it is stated that the protection of nature is achieved particularly "by taking measures for protection of nature leading to its preservation and rational management", "by incorporating the conditions and measures for protection of natural wealth in the plans for exploitation of natural resources in certain industries"²⁴, as well as with "sustainable and rational use of the natural wealth".

The above quoted clearly emphasizes that the protection of nature is not only beneficial for the current progress but also for the future development (similarly as in the Law on Environment, in this Law we also find the care for the future generations!); the need for incorporation of measures for nature protection in the planning industry documents has

¹⁹ This approach is based on the Sustainable Development Principle and Integration Principle.

²⁰ Published in "Official Gazette of Republic of Macedonia No. 37/96 from 29 July 1996

²¹ Luther Burbank,

²² Published in "Official Gazette of Republic of Macedonia No. 67/04".

²³ Article 4.

²⁴ Such as: general and specific plans for forest management, general hunting base, program for pastures management, strategy and plan for water resources management, strategy for energy development, program for geological explorations and in some other fields.

been identified and the awareness is raised that the use and management of natural wealth has to be sustainable²⁵ i.e. rational.

One of the principles on which the protection of natures is founded is Sustainable Development Principle²⁶, which will be quoted hereby in its whole, as it formulated the principle for sustainability of the development in a unique, very precise and clear way: "For the purposes of meeting the requirements for nature protection as well as satisfying the social and economic needs of present generations, without compromising the ability of future generations to meet their own needs, the non-renewable natural wealth must be used rationally and the renewable ones in a sustainable manner".

Three points are of key importance in this definition: first - the economic, the social and the needs for nature protection are considered equal (the three "pillars" of sustainable development); second - the rights of future generations are taken into consideration and they cannot be jeopardized (time dimension of sustainable development); and third - difference is made between the use of renewable and non-renewable natural wealth: the first ones to be used in a sustainable manner, the second ones rationally.

The obligation for incorporation of the measures and activities for nature protection in all development, strategic, planning and program documents, plans for special management and use, as well as in the plans for use and management of natural wealth is part of the Integration principle²⁷ and further elaborated in some other articles²⁸.

For us, Article 189 is also important which states that the Spatial Plan of Republic of Macedonia, the Specific Spatial Plans as well as the strategies, programs and plans related to development of certain sectors of economic and social fields will be harmonized with the provisions of this Law latest within three years after the day of implementation of this law; which indicates on the integration of the nature protection in the planning documentation of other sectors (industry, spatial management, etc.).

²⁵ Other article of the Law on Nature Protection also mentions the sustainable usage: of biodiversity (Article 46), of natural wealth (Article 47), resources (Article 81). The Law also contains provisions for sustainable management with wild species (Article 22) and lists the zones for sustainable use of protected areas (in Article 93 and 106).

²⁶ Article 7.

²⁷ Article 7.

²⁸ Such as in Article 74 which read: "The national park is managed on integral bases on its entire territory in a manner which ensures Creation of conditions for development of tourism in accordance with the sustainable development principle".

The law also provides for Assessment of the impact on nature by certain strategies, plans and programs developed on national and local level, which could have significant effects on nature²⁹.

It is obvious that the Law on Nature Protection encompasses and includes the principles of sustainable development in a cross-connecting manner.

3.3. Law on Waste Management

"*Thank God men cannot fly, and lay waste the sky as well as the earth.*", Henry David Thoreau.

In the Law on Waste Management³⁰, Article 3 reads that the objectives of this law are to ensure, among other, sustainable development by preserving and saving natural resources.

It is specified in the same article that one of the goals is prevention of negative impacts from waste on the environment, human lives and health; other goal is to achieve a high level of protection of the environment, human lives and health³¹.

3.4. Law on Ambient Air Quality

"*There's so much pollution in the air now that if it weren't for our lungs there'd be no place to put it all.*", Robert Orben.

That is why with the Law on Ambient Air Quality³², it is intended to preserve the best quality of the ambient air in conformity with the sustainable development principles³³, and its objective is to "avoid, prevent and minimize the detrimental effects on human health and the environment as a whole, including the biodiversity, natural wealth, historic and cultural heritage"³⁴.

The Law encompasses the approach of integrated protection³⁵. Strategic Assessment is also planned for (as required by the Law on Environment). The conformity is used for emissions of pollutants in the air.

For us Article 17³⁶ is important where it is stipulated that "the ambient air quality is managed through ... adoption and implementation of planning documents", which implies complexity in the approach. The

²⁹ Article 15.

³⁰ Published in "Official Gazette of Republic of Macedonia No. 68/2004" and amended in No. 71/2004).

³¹ The care for human health is included in Articles 1, 4, 5, 9 and others.

³² Published in "Official Gazette of Republic of Macedonia No. 67/2004".

³³ Article 35.

³⁴ Article 3.

³⁵ Article 31.

³⁶ This article refers to the modes of management.

term "management" is used for the ambient air quality, while the planning refers to protection of ambient air quality.

Obviously, this Law is also founded on the sustainable development principles (comprehensiveness, integrated protection, appropriate planning and management, etc.).

3.5. Law on Waters

*"The world turns softly not to spill its lakes and rivers."*³⁷

The Law on Waters³⁸ has several goals, among which are the following: ensure access to sufficient quantity of quality water in compliance with the principles for sustainable water management, protection, conservation and permanent improvement of available water resources as well as protection and promotion of water areas through rational use of waters³⁹.

For the purposes of sustainable development, in the Law on Waters, particularly important is the principle which requires integration of the measures and activities for water protection in all development, strategic, planning and program documents adopted by the authorities in Republic of Macedonia and the units of local self-government⁴⁰.

Important principle is the one which defines the obligation of each person to act carefully and rationally when using water⁴¹, as well as the Principle of participation of concerned parties in accordance to which "the competent authorities are obliged to ensure that during the procedure for adoption of the regulations, strategic, planning and program documents and the decisions related to water management, the interests of all parties concerned will be taken into consideration"⁴².

With reference to the articles, the Law imposes that "the water should be used rationally and economically, in a balanced and rightful manner in compliance with the principles for sustainable water management and taking into consideration the maintenance and improvement of water regime"⁴³.

The Law also stipulates restrictions⁴⁴ on use of waters for the purposes of, among all, "ascertaining, protecting and saving available waters as well as preserving and improvement of natural balance of water eco-systems and eco-systems depending on waters", which points out to sustainability⁴⁵.

In addition to economical and rational use of waters and sustainable management stipulated in the Law, it also contains priorities for use of waters⁴⁶, where the priority when issuing a license for use of waters is given to the needs which are of special/higher public interest (for example: water supply to the residents by public water-supply systems, for health institutions, for the needs of defense, for the industry, production, etc.), after which the industries follow (for example: irrigation of agricultural land, supplying water to the industry, etc.). In other words, the social and the economic dimension of water usage are considered and the priority is given to social ones. Fulfilling the social/public interest is further incorporated in the Law⁴⁷.

It has been recognized that, in terms of waters, the existence of different needs and interests is obvious. For the purposes of their synchronization and coordination, the law calls for instituting a National Council for Waters as an advisory body⁴⁸.

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

4. Conclusions

The analysis of the Constitution and the normative acts regulating the issues which are vital for sustainable development enables us to ascertain and make certain conclusions.

³⁷ Article 20 and Article 21.

³⁸ The same approach is applied for underground waters; Article 21 states: In order to ensure protection and preservation of available underground waters, their use may be restricted.

³⁹ Article 15.

⁴⁰ For example, in Article 16: General use of waters, paragraph 3 states that: The general use of waters includes particularly the use of waters for drinking, bathing and other sanitary needs in households, for sport and recreation ... or for satisfying other personal needs... The general use of waters also includes the use of water for extinguishing fires and for taking necessary sanitary and other measures in case of emergency or natural disaster or other activities of public interest.

⁴¹ Article 214.

³⁷ Hilda Conkling, 1910 - 1986.

³⁸ The Proposal of the Law from January 2005.

³⁹ Article 2.

⁴⁰ Integration Principle, Article 5.

⁴¹ Principle of minimizing the use of resources, Article 5.

⁴² Article 5.

⁴³ Article 14: Obligations when using waters, paragraph 2.

In the Preamble of the Constitution of Republic of Macedonia the three key pillars of sustainable development are encompassed - economic progress, social righteousness and environment protection and they are considered as a base when constituting the country. The Constitution also specifies the fundamental values of the constitutional order of the Republic with their economic, social and ecological dimensions.

The Law on Environment identifies the necessity for integrated approach, establishing a system for planning, management and synchronization with the economic interests.

For the purposes of ensuring sustainable development beneficial for present and future generations, this Law stipulates that the environment should be planned and managed in accordance with the other social fields on which the social development of a country as a whole is based.

The Law has identified the main principles on which it is based; they are all in function of sustainable development. Pursuant to the law, the Government lays down the strategies, plans and programs for which the procedure for determining their impact on the environment, the lives and health of humans is obligatory; thus making the care for environment integral part of all strategic documents, notwithstanding the area they are regulating.

It is of vital importance that this Law provides opportunity for the Government to develop a National Strategy for Sustainable Development which, prior to its final adoption, should be submitted to the Assembly of Republic of Macedonia. This is the only strategy the Assembly of Republic of Macedonia is obliged to give opinion for.

The Law provides the units of local self-government with the possibility to prepare and adopt Local Agenda 21 as local strategic, planning and program document for sustainable development.

With the Law on Nature Protection, sustainable usage of natural wealth is ensured, which is beneficial for the present and future development; the necessity for incorporation of measures for natural wealth protection in the planning economical documents is also stipulated. All principles in this Law, as in the previously studied laws, are aimed to ensure sustainability of development.

The Law on Waste Management ensures sustainable development by protection and conservation of natural resources; it contains the principles of sustainable development: comprehensiveness, integrated protection, appropriate planning and management of the specified area.

The Law on Ambient Air Quality also calls for integrated protection and suitable planning and management; demands strategic assessment of the impact on the environment. The Law intends to maintain the best air quality in accordance with the principles of sustainable development.

The Law on Waters ensures access to sufficient quantity of quality water; protection, preservation and permanent improvement of available water resources through their rational use based on the principles and tenets for water resources management in an integrated, comprehensive and sustainable manner.

As a general rule, the laws related to environment, are based on the principles of sustainability of the development and their ultimate goal is to achieve sustainability in the specific sector. To this end, the interests of other sectors are also considered, especially the economic one. They also specify two very important instruments for protection of the environment: Environmental Impact Assessment (EIA) and Strategic Environment Assessment (SEA). The implementation of the methodology for SEA shall provide new possibility for further and more efficient integration of the objectives of sustainable development in the strategic plans and programs.

From the above, it could be concluded that Republic of Macedonia, as a state, has set up the foundations for promotion of the national sustainable development. Because *"Only when the state is successful in fulfilling its role it could be considered as the core agent for sustainable development."*¹⁰

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SUMMARY

The concept of sustainable development, with its own strength and complexity enjoys its position on the global stage of the only concept offering the way out of the devastation threatening the Planet. Every country aspiring to be regarded as responsible has to base its national policy on this concept.

The Republic of Macedonia has laid down the foundations for sustainable development in its Constitution and through the laws in the field of environment protection which indicate the necessity for comprehensiveness, integrated approach, appropriate strategic planning and management builds the policy for sustainability of the development on national level.