

Environmental Protection of Biodiversity in Macedonia and Albania under Legal Analysis View

Ismail Zejneli¹ and Alba Dumi²

1. Law Department, SEEU University, Ilineska, Tetovo 1200, Macedonia

2. Management Department, Economy Faculty, "Ismail Qemali" Vlore University, Vlore 9400, Albania

Abstract: Environmental problems in the Republic of Macedonia and Albania are similar in other countries in the region. Numerous problems and deficiencies identified through different projects. The studies and planning documents are evident for environmental media and areas. Such as lack of regional integrated systems for municipal solid waste management. The system for special waste types management, including hazardous waste, insufficient coverage of populated places and municipalities by wastewater collection and treatment systems (especially in agglomerations above 10,000 populations). The need to establish integrated river basin management is in accordance with the new law on waters, air pollution with different intensity in different parts of the country. This paper presents the imperative reforms to protect the natural resources and biodiversity in the countries.

Key words: Analyze of pollution, natural environment, water resources, protection plant and legal reforms.

1. Introduction

The quantitative pollution mean alternation of quality and physical characteristics, chemical and biological key components (air, water, soil, food, etc.) to the environment, which brings to the ecosystem disruption of legal mechanisms based on self-regulation. These changes act today but in the future they can act even in greater extent in terms of deterioration of health conditions, economic-productive of life if man does not take measures to control and protection [1]. People has the right to have a qualitative life in order to have clean drinking water. According to the data of the State Statistical Office, the total environmental protection expenditure in 2013 amounted to 7,556,048 thousand denary.

In different countries, therefore, they are taking various measures to protect the environment and are derived rate provisions that guarantee the protection of the environment, the rate of which at first were more administrative in nature civilian and later issued by the legal norms criminal [2].

According to statistics of the UN program for the environment, it does not have access to clean drinking water. Already 2.7 billion do not have access to toilets and other simple equipment sanitary [1, 2]. In many cities, water availability at the source is about 200-500 liters per capita per day, but leaks and waste mean that only a small fraction of water produced is consumed [2].

In 2013, the share of environmental protection expenditure as a percent of GDP, which is 4,995,991 million denary, amounted to 1.5% [3].

The total environmental protection expenditure is allocated by ecological use: the greatest is the share of expenditures on waste management (43.0%), followed by the share of expenditures on circulating water supply (29.8%) and expenditures on air protection (10.4%).

US \$40 million is equivalent from the World Bank toward the cost of the Water Resources Irrigation Project [4]. Environmental expenditure includes two components: investments in assets for environmental protection and expenditures on maintenance of assets for environmental protection [4].

Corresponding author: Alba Dumi, Ph.D., research fields: economy and management.

1.1 The Purpose of the Study

The share of investments in the total environmental protection expenditure amounted to 53%, and the share of expenditures on maintenance of assets for environmental protection was 46.7%. The share of investments in assets for environmental protection in the investments in fixed assets, which are 1,173,821 million denary, amounted to 3.4%. Of the total environmental expenditure, the greatest amount was made in the industry sector and specialized producers, 5,191,711 thousand dinars, i.e. 68.7%. Of the total environmental expenditure made in the industry sector and specialized producers, 45.6% were intended for investments and 54.4% for asset maintenance [5].

The total amount of collected municipal waste in the Republic of Macedonia in 2014 was 569,794 tones. Compared to 2013, the total amount of collected municipal waste increased by 2.7%. The highest amount of collected municipal waste was registered in the region of Skopje which is 153,433 tones, or 26.9% of the total collected amount in the Republic of Macedonia. Of the total amount of collected municipal waste, 479,787 tones or 84% were collected from households, and the remaining 16% from legal and natural persons (commercial waste).

By waste type, the highest amount of collected waste is mixed municipal waste, 487,711 tones or 86%, and the lowest amount is rubber waste, 336 tones or 0.06% of the total amount of collected waste. The total amount of generated municipal waste in the Republic of Macedonia in 2014 was 765,156 tones. The annual amount of generated municipal waste per

person in 2014 was 370 kg per person, which is 3.6% less than in 2013.

The resolution of UN General Assembly (28.7) which describes the basic right of every citizen of the globe to source water says: "Man consists largely of water, about two-thirds of the body and 75% of the brain is water. It is possible to live many weeks without food but is impossible to survive many days without water.". But just before this deadly challenge is increasingly part of the population of the globe. There are 884 million inhabitants of the globe.

1.2 The Analyze of Contaminated Water

The consequences are dramatic: every year about two million people die from lack of water or from diseases caused by the use of contaminated water. Diseases caused by lack of water and sanitation facilities cause more casualties than wars. Diarrhea is one of the most common causes of death in children under five years. Lack of drinking water kills more children than AIDS, malaria and rubella taken together [6]. The signing of the Universal Declaration of Human Rights on 10 December 1948, for the first time in the history of humanity was recognized the right of every individual to enjoy the right of equal protection of life, liberty, security, but also to the right to use and protect the environment where he lives [6].

Environmental protection is provided in many legal acts as a basic human right, starting with the Constitution of the Republic of Macedonia [6]. The humanization of space, the enhancement protection of the environment and nature has begun.

Table 1 Generated municipal waste in the Republic of Macedonia and annual amount of municipal waste per person, 2014.

Reference period	Generated municipal waste (in tones)	Annual amount of municipal waste per person (in kg)
2008	713,564	349
2009	725,976	354
2010	721,507	351
2011	735,250	357
2012	786,909	382
2013	792,785	384
2014	765,156	370

The phenomenon of environmental pollution at the end of the century has taken such a XX dimensions, which undoubtedly represents a greater threat facing humanity [7].

From relatively marginal phenomenon, which concerned only the ecological movement, this phenomenon is transformed into a difficult phenomenon with serious consequences that preoccupies all inhabitants of the globe [7].

2. Literature Review and Hypotheses

Everyone has the right to a healthy living environment. Each one is obliged to promote and protect the environment and nature. The measures and activities for the protection and improvement of the environment are of public interest [6, 7]. The Government of the Republic of Macedonia is obliged to ensure the budget of the Republic of Macedonia with financial resources for the protection and improvement of the environment.

The goals of this law are:

- (1) The preservation, protection, renewal and improvement of environmental quality;
- (2) Protection of life and human health;
- (3) Protection on biological diversity;
- (4) Rational and sustainable exploitation of natural blessings, the implementation and improvement of measures for resolving the regional problems and global environmental problems.

Goals from shall be achieved particularly with:

- (1) The assumptions monitoring, prevention, restriction and elimination of negative impacts on the environment;
- (2) The protection and advancement of the environment field;
- (3) Preserving the environment clean and removal of damaged parts of the environment;
- (4) Risk prevention and environmental risks, the promotion of use of natural resources to renewable energy;
- (5) Promoting the use of products, more clean

productivity and use of clean technologies, which are more favorable to the environment, integrative approach to the environment and economic development;

(6) Providing funds for financing the measures and activities for the protection and improvement of the environment;

(7) Controlling the activities which endanger the environment;

(8) Develop conscience about the need for protection of the environment in the educational process and the promotion of environmental protection;

(9) Harmonization of economic interests and other interests with the requirements for protection and improvement of environment policy;

(10) Informing the public and relevant institutions about the state of the environment and for their involvement in the protection of the same; interconnection system of environmental protection and the institutions of the Republic of Macedonia in the field of environmental protection vital to international institutions.

Government is not able to establish itself ecological state, it has a great need to get help from citizens and their active roles in this process.

Hypothesis: H1: But the question is: how much government does to prevent environmental crime?

Hypothesis: H2: Certainly government is not doing enough to create a healthy environmental citizens and ecological.

Hypothesis: H3: Albania faces a water distribution problem, not a water production problem. Studies indicate that available sources of supply could provide more than enough to satisfy the country's overall water demand.

As well as municipalities do not have the protection and improvement of the environment of the citizens where they live, for example, the municipality of Tetovo sit idly without any measure taken and activities undertaken in front of the world's biggest

polluters of Air-Jugonovce Factory (main air polluter in Polog). So, even further as more black point remains: the Jugonovce Factory in Tetovo (industrial waste, which has no filters for pollutants factory, one of the biggest killers of time which poisons every day residents of Tetovo and the neighborhood) [7].

Forest damages are common occurrence and they can be caused by various factors. Mostly, they are damages caused by insects, natural disasters or fire damages. One cannot neglect the damage that man deliberately causes to forests, such as the case of illegal wood-cutting, which is, unfortunately, quite present in the forests [8]. Tetovo for a long time has been hostage to the ecological terror being exercised over its citizens, although Macedonia is a signatory of many international conventions on clean environment and physical health because clean environment is a constitutional category, according to the Constitution of the country.

2.1 Research Goal

2.1.1 Total Annual Emission of Air Pollutants

In the Republic of Macedonia, in the period from 2002 to 2011, variable trend of falling and rising of the emissions was recorded for SO₂—sulphur dioxide and nitrogen oxides, while emissions of CO—carbon monoxide and TSP—Total Suspended Particulates were rising in the period from 2002 to 2008. The trend has been falling in the course of the years afterwards [9]. Later, in many countries with the addition of the factors that have influenced the environmental pollution, attempts were made to refine the tools and methods for the protection and prevention of environmental pollution [9].

Breach, damage and destruction of the environment is punishable and sanctioned to the perpetrator, thus damaging of goods protected by the Constitution represents offenses [10]. This was mainly due to the variable and often discontinuous operation of business entities, especially in energy production, industrial processes, metallurgy, etc., being the main sources of

air pollution, and not to special measures and programmers for reduction of emissions of these pollutants in the air [10].

Crimes against environmental crime in the Criminal Code of the Republic of Macedonia are set out in Chapter 22 foreseen as a criminal act of drinking water pollution [11]. Protection of human environment is presented as a necessity even earlier [11]. It is noted that healthy environment is safe for a better life and longer. Its discharge in water bodies, especially in coastal tourist areas and delicate ecosystems is a major environmental concern for government/business/community/wide public [12]. One that any, matter pest will make no usable drinking water sources, tanks, reservoirs will be punished by fine or imprisonment up to three years, and if it comes to causing epidemic diseases, the perpetrator shall be punished with imprisonment from three months to three years [10, 12, 13].

And if the offense is committed due to negligence, the perpetrator shall be punished by fine or imprisonment up to six months [13]. It is provided as criminal offense the destruction of forests, the one inconsistent with the order of the relevant authority or the organization makes changes, or destroys the forest, it will be punished by fine or imprisonment up to three years.

If the offense is committed in the protected forest, national park or in other forest with a special purpose, the perpetrator shall be punished with imprisonment from three months to three years.

Also the same shall be the one who will cause forest fire protected national park or forest with special purposes [10, 14]. He, who will cause two or more fires in the forest, will be punished with imprisonment for at least three years, and if the offense is committed due to negligence, the perpetrator shall be punished by fine or imprisonment up in three years.

2.1.2 Albanian Reforms and EU Standards

Albania Criminal Code, offenses against the

environment. It has provided in Chapter IV of article 201, one of offenses against the environment is provided in the Criminal Code Republic of Albania [14]. The act does not constitute an administrative offense. It constitutes a criminal offense and is punishable by fine or imprisonment up to two years. Albania faces a water distribution problem, not a water production problem. Studies indicate that available sources of supply could provide more than enough to satisfy the country's overall water demand. Almost everywhere, problems of water scarcity can be considerably mitigated through metering, leakage detection and reduction, network improvements, disconnection of illegal connections and optimization of storage and supply patterns [9].

The Government of Albania has applied for financing in the amount. It intends to apply part of the proceeds to payments for consulting services. It will be procured under this project for the preparation of Feasibility Study and Preliminary Design for the rehabilitation of irrigation and drainage systems in about 70,000 ha. As well for flood protection works and rehabilitation and dam safety improvement for about 50 small and medium-size agricultural dams. The Directorate of Land, Water, and Services of the Ministry of Agriculture, Food and Consumer Protection (MAFCP) now invites eligible consulting firms to indicate their interest in Sanitation presents even more problems than drinking water. Sanitation coverage in urban areas is almost the same as drinking water coverage.

2.2 Sample and Data Collections

Urban areas have mostly combined sewage and storm water collection networks that discharge into near bay surface water-bodies. About 40% of the urban population has a sewer connection. In rural areas, only a small portion of the areas with piped water supply is equipped with sewer networks.

Most rural areas have individual household wastewater collection systems, principally simple

pit-latrines with no drainage pipes. Upgrading of sewer networks hasn't kept pace with the general development of infrastructure, and the materials and technology used haven't been improved. Presently, there's no treatment of wastewater in Albania.

But when this work has caused serious consequences to the health of people, it is sentenced to ten years (neni.201). Besides air pollution, the Criminal Code provides for polluting the waters of the seas, rivers, lakes or resource collection network of distributor's water with toxic, radioactive or other substances that destroy the ecological balance is punishable by one to five years. But this act has serious consequences for the health of people, which is punishable by five to ten years.

However, despite the different measures and tools that have been taken in this regard, it can be said that environmental pollution in modern societies has escalated a risk.

3. Methodology

The methodology of this research is creating the frame conditions for innovations and institutional system of innovation. The proposed definition of the field of entrepreneurship is complex, as is the phenomenon itself. It's of interest only if it allows researchers to reach a minimum level of consensus on what the field is and is not. In this paper research, it is using correct data that are analyzing on statistical and analytic models.

The methodology for preparation of this publication has been based on the selection of environmental indicators that present the quality of environmental media environmental problems (e.g. the ozone layer depletion and climate change, protection of the environment and loss of biodiversity, waste generation and its management) and creation of sector policies (integrated indicators concerning agriculture, tourism and policy instruments for the protection of the environment).

The environmental indicators are a useful tool in the

process of environmental reporting. Based on numerical data that present the condition, the special characteristic or the trend of a certain phenomenon, they can warn of impending environmental problems. Basically, the indicators are data collected and presented in a predefined way, in order to establish a link between the existing data and the goals of the policy for protection of the environment.

The properly selected indicators, based on accordingly selected time series can present the key trends and enable rapid and adequate action by all stakeholders in the environmental protection process.

The data are gathering by programs and projects that are implementing in Albanian region under developing government reforms.

The data correspond from 1999 till 2011. The assessed projects were prepared and implemented during a time of major political and economic changes in Albania. The projects successfully addressed urgent rehabilitation needs to ensure the continuity of the vital water supply and sewerage services with the main focus on the rehabilitation of the existing facilities [13].

Performance was less successful on institutional issues although this improved under the Urgent Rehabilitation project. Generally, institutional objectives were too optimistic compared with a realistic time-frame to build a constituency and accomplish fundamental reforms [14].

On matters of public administration, the Albanian Government's strategy focused on addressing two inter-related sets of interventions: (a) strengthening public financial management, including the management of both public expenditures and revenues and (b) strengthening human resource management. The performance indicators show that despite efforts to reduce physical water losses, the Ulf is still high in all project towns. In fact, the numbers indicate a worsening situation, especially in Fier and Saranda. It is believed, however, that the data are not fully comparable, i.e. the 2000 data are not as accurate as the

most recent data.

Only recently meaningful data has been established for recording financial Performance indicators such as working ratio. The private operator has reported working ratios varying from 215 percent in Saranda to 252 percent in Fier. These indicators can now be used as a baseline for monitoring future progress toward the acceptable level of less than 100 percent. In general, the data on collection rate shows significant improvement, but the absolute level of collections is still far below the required range of 80 percent to 90 percent. The same applies to the data on staff index that are unacceptably high. Future targets should be in the order of 2-3 staff per thousand connections [10, 15].

3.1 The Problem of Evaluation and the Results in Paper Research

The institutions of the country should take more responsibility, make more and produce concrete results in the implementation of priorities in the field of environmental protection. Lack of freedom in the use of air, water and quality food, no access on the move, at home and abroad, the citizens are of limited rights in public transport, movement on the sidewalk, the mobility of persons with disabilities (by not insuring the first elementary rights envisaged by the Constitution and laws in force). Foodstuffs imported from abroad are not in very high quality, quickly controlled by the institution of the state, and fuel derivatives are still not subject to control and quality standards required. The evaluation of the employees was made of two phases:

The first evaluation (primary data and secondary data);

(2) The last evaluation (ESPS method and statistical method).

3.2 The Purpose of Analyze in Paper Research

Derivate of fuel poor quality of these vehicle which are circulating in the traffic emit highly toxic gases, which significantly impact on human health, with

irreversible consequences for the citizens of the state. The right to be informed regarding ecology and the environment are not matched respectively neither from the public media nor private. A comprehensive approach to provision of water supplies is required to address competition for scarce water resources [9, 10, 16].

Thus, sustainability of Durres water supply depends very not only on rehabilitating water infrastructure within the urban areas but also on addressing and regulating the water supply needs of adjacent rural areas.

Too many demanding activities at one time may heavily over-tax the implementation capacity of utilities moving out of the public sector—a thorough evaluation of local capacity is essential [9, 16].

The general goals for setting up a functional and efficient national system for environmental management are aimed at continuation of the process of approximation. They are the EU policies in the area of environment, integration of the environmental policy into other sector policies, strengthening of the administrative structures, needed for providing efficient environmental management and establishment of a platform for efficient implementation and compliance.

With environmental requirements through the process of capacity building for efficient environmental management at all management levels and through close collaboration between the responsible authorities on horizontal and vertical level [17], the assessed projects were prepared and implemented during a time of major political and economic changes in Albania [9, 17].

Performance was less successful on institutionalisms use although this improved under the Urgent Rehabilitation project. Generally, institutional objectives were too optimistic compared with elastic timeframe to builder constituency and accomplish fundamental reforms [18]. Motivating reforms in the industry, the service providers and other stakeholders

are in the environmental area for undertaking, greater responsibility for the protection of the environment.

The institutions of the country should take more responsibility, make more and produce more concrete results in the implementation of priorities in the field of environmental protection [19].

Solving important environmental problems of national importance, increasing the degree of fulfillment of the obligations derive from regional and global environmental agreements [20]. But not least, increasing the investment level in the area of the environment is in order to achieve the EU standards [20].

Whereas, it is foreseen as a criminal offense causing forest fires, the one who will cause forest fire and will be great damage, he shall be punished with imprisonment of one to ten years [9, 20].

4. Conclusions and Recommendations

Public Administration in Albania and Macedonia gains a number of benefits from using the system of evaluation, which affect stakeholders, managers, organizations, the employees and the public itself. The organization itself benefits from the evaluation process in improving the way of communication which results into more collaborations and better decision-making, higher motivation of the staff and a more fruitful and well informed working class, which leads to a more fruitful organizational focus and overall targets.

The projects successfully addressed urgent rehabilitation needs to ensure the continuity of the vital water supply and sewerage services with the main focus on the rehabilitation of the existing facilities. Ecology and environmental issues remain a part still very weak and a major challenge for state institutions. It should be done even more to prevent its abuse and environmental degradation in the country. Environmental protection is provided in many legal acts as a basic human right, starting with the Constitution of the Republic of Macedonia. The development steps have been recommended as:

(a) The performance evaluation system of the public administration over the years 45-90 did not meet the targets properly;

As of this study, the authors might say that evaluation system of the employees was an evaluation system guaranteed by political grounds of the employee, support of regime and organization of the party etc..

(b) The system was neither stimulating nor motivating. This system needed an advanced system of incentives supported by an adequate monitoring system which counterbalanced the interests of the leading authorities with that of lower levels;

(c) The system was based on unreal indices, so it was unable to meet the constructive needs in order to provide feedback from the employees in relation to their individual behaviour and allow them to provide correct data about their managers;

(d) Politicization of the public administration should be confined to the highest ranks of policymaking, and not to the ranks of policy implementation sectors of the administration;

(e) The government should have supported the performance evaluation system so as to increase the efficiency of its administrative services going beyond the political symbolism that the system of evaluation had as an international instrument.

Bibliography

- [1] Armstrong, A., and Liden, R. 1988. "Academy of Management Review." *MJSS Journal* 3 (1): 13.
- [2] Connell, R., Fawcett, B., and Meagher, G. 2009. "New Public Management and the Human Service Professions." *Introduction to the Special Issue* 45 (December): 331-338. doi:10.1177/1440783309346472.
- [3] De Nisi, S., and Pritchard, R. D. 2006. "Management and Organization Review." *Management and Innovation Review* 2 (2): 1740-8776.
- [4] Elbasani, A. 2009. "EU Administrative Conditionality and Domestic Downloading." Monographic study, University of Tirana.
- [5] Elezi, I. 1998. *Penal Law*. Tirana, Albania: Toena Copy Press.
- [6] Zejneli, I. 2007. *Penal Law, Text Book*. Tetovo: Seeu Publishing House.
- [7] Risteovski, K., and Davitkovski, B. 1997. *Civil Text Book*. Shkup: Seeu Publishing House.
- [8] Halili, R. 2002. *Criminology, Penal Law, Text Book*. Pristina: Pristina Copy Press.
- [9] Proevski, J. 1996. *Civil Text Book*. Shkup: Seeu Publishing House.
- [10] Dumi, A. 2012 "Water Sustainability, Albanian Reforms Water System in the Rehabilitation of the Water Recourses." In *LA Symposium Proceedings Nr III*, 172-187.
- [11] Kambovski, V. 1997. *Criminology, Penal Law, Text Book*. Macedonia: SEEU Skopje.
- [12] Idenel, A., and Erdogan, T. *Antecedents and Consequences of Justice Perceptions*.
- [13] Kristo, I. "Human Resource Management." *Review* 2 (4): 555-578.
- [14] Koli, Z., Llaci, S., and Kasimati, M. 2010. *Human Resources Management, Text Book*. Pegi Tirana, Albania: Tirana University.
- [15] Koxhaj, A. 2002. *Public Administration, Text Book*. Albania: Tirana University.
- [16] Luarasi, A. 2008. "Legal Reforms in Albania." Monographic study, Tirana University.
- [17] Latifi, V. 2004. *"Criminology, Text Book*. Pristina: Pristina University.
- [18] IBIDEM. 2008. "Law on Environmental Protection, Public Library Strategic Plan, 2000-2010: A Decade of Outreach." Evanston Public Library. Accessed July 19, 2008. <http://www.epl.org/library/strategic-plan-00.html>.
- [19] European Commission. 2008. "Evanston Public Library Strategic Plan, 2000-2010: A Decade of Outreach." Evanston Public Library. Accessed July 19, 2008. <http://www.epl.org/library/strategic-plan-00.html>.
- [20] *Criminology, Penal Law, Text Book*. Article 8 in the Constitution of Republic of Macedonia. EUDO Citizenship.