

RESEARCH ARTICLE

LEGAL ANALYSIS AND THE IMPORTANCE OF ENVIRONMENTAL PROTECTION OF BIODIVERSITY IN MACEDONIA AND ALBANIA

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Accepted 15th December, 2015; Published Online 31st January, 2016

ABSTRACT

The preservation of natural environment under conditions in which we live has a great importance, perhaps man is operating in this environment and therefore recently also are devoted many studies. The urbanization and population growth, industrial development, new production of vehicles has an increasing impact on air pollution, soil, water, lakes aimed the degeneration of the living world and bring human health risks and this shows that the environmental situation is alarming. By the change of the environment affect the growth of CO₂ and ozone thinning sphere that according to the weather forecast will bring global warming and we will have melting ice and of course the sea levels raising etc. In this paper research we want to present the negative factors of pollution environment in Albania and Macedonia region. We are going to present the imperative reforms to protect the natural resources and biodiversity in our countries.

Key Words: Analyze of Pollution, Natural Environment, Water Resources, Protection Plant, and Legal Reforms.

INTRODUCTION

Environmental problems in the Republic of Macedonia are similar to those in the other countries in the region. Biosphere pollution causes are many, the most important can be mentioned; physical pollution (*radiation, thermal pollution, noise and ultrasound*); Chemical pollution (mineral or organic natural products and synthetic substances that did not previously exist in nature); biological contamination (microbiological infections, reintroduction of species or animal or plant varieties that give unexpected consequences).

¹Numerous problems and deficiencies identified through different projects, studies and planning documents are evident for environmental media and areas, such as: 1.Lack of regional integrated systems for municipal solid waste management, as well as system for special waste types management, including hazardous waste, 2.Insufficient coverage of populated places and municipalities by wastewater collection and treatment systems (especially in agglomerations above 10.000 population, 3.The need to establish integrated river basin management in accordance with the new Law on Waters, 4.Air pollution, with different intensity in different parts of the country.²

The purpose of the study

According the definition of professor Latifi V (*Criminology, Pristine, 2004, page 28*)

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¹V.Latifi, *Criminology, Pristina, 2004, page 281*

² *Environmental Statistics-*, Државен завод за статистика,,Skopje- 2013

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. People have the right to have a qualitative life in order to have clean drinking water! 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% our 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. 884 million inhabitants of the globe, according to statistics of the UN program for the environment, do not have access to clean drinking water already 2.7 billion do not have access to toilets and other simple equipment sanitary.

The analyze of contaminated water in the study

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. "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 to protect the environment where he lives.

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. 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.³Environmental protection is provided in many legal acts as a basic human right, starting with the Constitution of the Republic of Macedonia. The humanization of space, the enhancement protection of the environment and nature has begun (*Article 8 in the Constitution of Republic of Macedonia*).

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 Republic provides conditions for realizing the right of citizens to a healthy environment (*Article.43 of the Constitution of Republic of Macedonia*).The measures and activities for the protection and improvement of the environment are of public interest. 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 (*Article.3, par. 1 and 2 of the Law on Environmental Protection*).

In Article 4 of the law in question is provided for the purpose of law and ways of achieving them.

The goals of this law are

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

Goals from paragraph (1) of this Article shall be achieved particularly with

- The assumptions monitoring, prevention, restriction and elimination of negative impacts on the environment;
- The protection and advancement of the environment field;
- Preserving the environment clean and removal of damaged parts of the environment;
- Risk prevention and environmental risks; the promotion of use of natural resources to renewable energy;
- 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 to economic development;

The implementation of defense planning system, progress and environmental managing

- Providing funds for financing the measures and activities for the protection and improvement of the environment;
- Controlling the activities which endanger the environment;
- Develop conscience about the need for protection of the environment in the educational process and the promotion of environmental protection;
- Harmonization of economic interests and other interests with the requirements for protection and improvement of environment policy;
- 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 role 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 H 3: *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.). 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. Breach, damage and destruction of the environment is punishable and sanctioned to the perpetrator, thus damaging of goods protected by the Constitution represents offenses.

Research Goal

Crimes against environmental crime in the Criminal Code of the Republic of Macedonia are set out in Chapter 22 (*twenty two*) of Article 218 to 234. Article 219 is foreseen as a criminal act of drinking water pollution, 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. And if the offense is committed due to negligence the perpetrator shall be punished by fine or imprisonment up to six months. In Article 226, 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

³*Ibidem , Law on Environmental Protection*

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. Whereas Article 227 is foreseen as a criminal offense causing forest fires, the one who will cause forest fire and it will be great damage, he shall be punished with imprisonment of one to ten years. Also the same shall also be the one who will cause forest fire protected national park or forest with special purposes. 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. (IMC, pp. 510-522). According professor Elezi I, with criminal offenses against the environment mean those deeds (actions or inactions) of the illegal affecting environmental protection (air, water and soil) pollution, committed with guilt and expressly provided by tax legislation.

Albanian reforms and EU standards

Albania Criminal Code offenses against the environment has Provided in Chapter IV of article 201 up to in Article 207. One of offenses against the environment as provided in the Criminal Code Republic of Albania; air pollution through the emission of smoke, gases and other toxic, radioactive, making further limit of allowed norms, 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. 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. 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. (Dumi A, USA, LA Symposium Proceedings Nr III ,Water Sustainability, pp 172-187).

The Government of Albania has applied for financing in the amount of US\$ 40 million equivalent from the World Bank toward the cost of the Water Resources Irrigation Project, and it intends to apply part of the proceeds to payments for consulting services to 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.

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; its discharge in water bodies, especially in coastal tourist areas and delicate ecosystems, is a major environmental concern for government/business/community/wide public.

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, is punishable by five to ten years (article.203).⁴

Protection of human environment is presented as a necessity even earlier. It is noted that healthy environment is safe for a better life and longer. 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.⁵

Evaluating the environmental pollution in statistical methodology

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. 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 that can freely be named ecological disaster which threatens humanity with many consequences.⁶

⁴I.Elezi, Criminal Law, the special, Tirana, 2002, page 276..

⁵R.Halili, Criminology, Pristina 2002 Page 206

⁶IBIDEM, Report Analyze, 2014 See below:

In this regard it is sufficient to mention only some forms of these actions pollute and tear their human environment or lead to ecological disaster. In the first mention of the destruction and damage to the ozone layer over the Arctic, increasing the radiation and radiation from the various proofs of nuclear, increased disasters and havarive in atomic nuclear in many countries, the case of Chernobyl in Ukraine, or case of mass poisoning with chemical gases in Bhopal India. And cases of poison with poison gas in Japan, cases of discharge into rivers of materials radioactive and toxic substances from factories in Romania, deposits of radioactive waste in rivers, lakes, seas and oceans, destruction and oil spills from tankers in the seas and oceans as was the spill of a tanker off the coast of Alaska and causing the burning mass of fish, birds and other living things, uncontrolled logging and massive mountains during the

MATERIALS AND METHODS

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. We are using correct data that are analyzing on statistical and analytic models. The data are gathering by programs and projects that are implementing in Albanian region under developing government reforms. The data corresponding from 1999 till 2011 years. 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. 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.

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; (b) strengthening human resource management. The performance indicators show that despite efforts to reduce physical water losses, the Uf 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 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 to 3 staff per thousand connections.

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, our citizens are of limited rights in public transport, movement on the sidewalk, the mobility of persons with disabilities (by not insuring the first elementary

course of the Amazon river, burning the premises of all, the narrowing of the band of green in this region and other regions the world, various dumping toxic waste in rivers, near residential centers, use of chemical and biological and carcinogenic pesticides content

rights envisaged by the Constitution and laws in force). foodstuffs imported from abroad, are not very high quality and are 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 & Secondary data)
- The last evaluation. (ESPS method & Statistical method)

The purpose of analyze in paper research

Derivate of fuel poor quality of these vehicle which are circulating in our traffic emit highly toxic gases, which significantly impact on human health, with irreversible consequences for the citizens of our state. The right to be informed regarding ecology and the environment are not matched respectively neither from the public media nor private.

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 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. 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.

We recommended the development steps as below:

- The performance evaluation system of the public administration over the years 45-90 did not meet the targets properly.
- *As of this study we 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.
- 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.
- 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.
- 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.

- 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.

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