

# ENVIRONMENTAL POLICY OF SERBIA AND CHALLENGES OF ACCESSION TO EUROPE

**Darko Nadić**

*Fakultet političkih nauka,  
Univerzitet u Beogradu*

Pregledni rad

Primljeno: studeni 2011.

**Summary** This article analyzes the environmental policy of the Republic of Serbia within the context of accession conditions to the European Union. The main challenges of environmental integration of the environmental policies of Serbia are: economic challenges, the sustainable development challenge, administrative challenges, democratic deficiency challenges, and political challenges. These challenges, while flaws of the environmental policy in Serbia, are no different than the challenges faced by other Central Eastern European countries during the accession process. However, the influence of the global economic crisis, the constant political crisis and unclear definition of the political scene in Serbia, an incomplete vision of environmental education, as well as too much “green” marketing activities and a lack of true law implementation, are additional factors that make the process of environmental accession of Serbia to the EU even more difficult. Therefore, the harmonization of the Serbian environmental legal frame with the European one must be followed by the harmonization of actions of political institutions, social groups and individual citizens, and the overall democratization of society.

**Keywords** environmental policy, harmonization of environmental law, environmental challenges

## **Institutional Development of Environmental Policy in the Republic of Serbia**

A more serious policy of protecting and promoting environment improvement in Serbia was started off in the late 1980s. It was the culmination of a period of crisis in the former Yugoslavia that began in 1985-1986 with the criti-

cal reexamination of the concept of socialist self-management and the abandonment of the institutional forms of its organization. The heavy economic crisis transferred to the political level, which resulted in war and the disintegration of Yugoslavia. At the same time, in Serbia, the construction of a socio-economic system with a pluralism of forms of

property, market economy and state of law had a crucial effect on the determination of the subjects of environmental policy. A reform in the field of environmental protection was implemented within the reform of the economic and political system, and it was regulated by a large number of uncoordinated federal, republic and municipal regulations. This resulted in uncoordinated and unrelated functioning of environmental policy subjects. The implementation of the very complex and numerous regulations created great difficulties at the time in achieving the constitutionally guaranteed human right to a healthy environment.

The Ministry of Environmental Protection was founded for the first time in Serbia in 1991. This ministry performed the tasks of public administration relating to the following: environment protection and improvement system; nature preservation; determination and preservation of natural entities important to the Republic; natural resources protection against pollution; establishment of environmental protection conditions when constructing buildings of special interest to the Republic; radioactive materials production, usage and disposal; tasks and activities related to sources of ionizing and non-ionizing radiation; protection against noise and vibration; protection against dangerous and harmful substances in industrial production, transportation and disposal; inspection and monitoring of environmental protection; forming and coordinating international cooperation in the domain, and other duties defined by law.

In the field of environmental protection, the Republic of Serbia opted for a policy based on sustainable development and sectoral policies integration with the

environmental policy. The state's function of environment protection is a multi-purpose one, since inspection authorities, public services, and other public administration bodies are involved in its realization in addition to the relevant ministry.

### **Legal Framework for Environmental Protection in the Republic of Serbia**

A variety of special laws on environmental protection adopted in the 1970s and 1980s ceased to exist in 1991 with the passing of the system Law on Environmental Protection, which attempted to uniformly and comprehensively cover the field of environmental protection (modeled after the Swedish system law passed in 1969). Certain issues and environmental protection measures were addressed in special laws (the laws on water, forests, agricultural land, hunting, etc.).

The Law on Environmental Protection set the legal basis of environmental management. In accordance with this law, the Republic of Serbia regulated the system of protection and improvement of the environment, management of protected areas, measures and procedures for protecting against the harmful effects of activities on the environment, as well as financing and organization of protection and improvement of the environment.<sup>1</sup>

The law clearly defined the meaning of basic concepts such as: environment, natural and man-made values of the environment, ecosystem, protected natural area, and natural rarities. It also clarified terms important for this law: noise, emis-

---

<sup>1</sup> *The Law on Environmental Protection*, Part I, Article 1, *Službeni glasnik RS*, no. 66/91.

sion, ionizing radiation, waste, dangerous and harmful substances, etc. Out of the thirty-four concepts that formed the epistemological framework of the Law on Environmental Protection (1991), two fundamental concepts can be distinguished: “the *environment* is both natural and work-created value and includes a total space in which humans live and in which settlements, goods for general consumption, industrial and other facilities are situated; the *natural values of the environment* are natural resources, land, water, forests, air, flora and fauna” (*ibid.*, Part I, Article 13).

With the changes resulting from the events of 5<sup>th</sup> October 2000, the Law on Environmental Protection became politically and conceptually outdated. In 2001, a *Draft Law on Environmental Protection of the Ministry of Environmental Protection* was created, “which was a step forward towards the harmonization of legislation with international standards in this domain” (Milenković, 2006: 57). The environmental policy of Serbia became part of the general political and economic project and the primary objective of the Government, namely *accession to the European Union*. The obligation to harmonize the legislation of the Republic of Serbia with the EU *acquis communautaire* was first mentioned in the Resolution on Accession to the European Union, adopted in the National Parliament in late 2004. The Resolution states that the harmonization of regulations will be a priority for the Parliament, with the introduction of special procedures to improve the efficiency of the process. This marked the beginning of intensive harmonization not only of environmental policy, but also of the legal and institutional framework in Serbia with the EU *acquis communautaire* in the field of environmental protection.

The new Law on Environmental Protection was adopted by the Parliament of the Republic of Serbia in late 2004, in a package with three other laws related to this domain, which established an integral system of environmental protection in Serbia. In addition to the former, the legislative framework of environmental protection comprised the *Law on Evaluation of Impacts on the Environment*, the *Law on Strategic Evaluation of Impacts on the Environment*, and the *Law on Integrated Prevention and Control of Environment Pollution*, as well as a series of special laws promoted in the 1990s. These new, environmentally friendly laws were in line with EU directives on the evaluation of impacts on the environment, strategic impact evaluation, integrated prevention and control of pollution and public participation. The new Law on Environmental Protection largely revises the text of the previous law (1991), while retaining many articles and even entire sections of the latter. The articles that remain effective are the ones which refer to air protection; protection of natural resources, with the existing three-stage classification and categorization of the importance of natural resources; the part that regulates the field of noise protection, the part that deals with inspection, and the part that includes penalty provisions.

Under the environmental protection systems, those that are obliged to preserve and enhance the environment under their authority are: the Republic, the autonomous region, the municipality or the city (unit of local government), companies, other domestic and foreign legal persons or entrepreneurs using natural values and endangering or polluting the environment in the performance of economic and other activities (natural persons and legal entities),

scientific and professional organizations and other public services, citizens, citizen groups, their associations, professional and/or other organizations. All listed entities are required to cooperate in environmental protection, while the Republic is also to cooperate with other countries and international organizations. The responsibilities and obligations relate to any activity that may alter or change the state and conditions of the environment, as well as to failure to take measures to protect the environment. Business entities, companies, domestic and foreign legal entities and entrepreneurs are obliged to count the costs of environmental protection in the investment and production costs. The relevance of raising awareness regarding the importance of environmental protection is underlined “through the system of education, scientific research and technological development, improvement in work processes, public information and popularization of environmental protection” (*ibid.*, Article 6).

According to this law, the basic principles of environmental policy in Serbia (*ibid.*, Article 9) are: the *Principle of Integrity*, which claims that state authorities, the authorities of autonomous provinces, and the authorities of the local government provide the integration of protection and improvement of the environment in all sectoral policies by implementing mutually agreed plans and programs and by enforcing the regulations; the *Principle of Prevention and Precaution*, which says that every action must be planned and implemented in such a manner as to cause the least possible change in the environment, to represent the lowest risk to the environment and human health, to reduce the space load and raw materials and energy consumption in construction, manufacturing and

distribution industries, and to include the possibility of recycling to either prevent or limit the impact on the environment at the very source of pollution; the *Precautionary Principle*, realized by evaluating the impact on the environment and by using the best available and affordable technologies, techniques and equipment (Nadić, 2008: 159-170); the *Principle of Preservation of Natural Resources* – natural values are utilized under the terms and conditions which ensure the preservation of values of geodiversity and biodiversity of the protected areas and landscapes, renewable natural resources are utilized under the conditions that ensure their continuous and effective reconstruction and constant improvement of quality, and non-renewable natural resources are utilized under the conditions that ensure their long-term economical and reasonable usage, including the limitation of usage of strategic or rare natural resources and their substitution with other available resources, composite or artificial materials; the *Principle of Sustainable Development*, according to which sustainable development is a coordinated system of technical, technological, economic and social activities in the overall development, where the natural and artificial values of the Republic are used per the principles of economy and reasonability in order to preserve and enhance the quality of the environment for present and future generations; the *Principle of Responsibility of Polluters and Their Legal Successor* – the natural person or legal entity that contributes to environmental pollution by illegal or improper activities is responsible under the law; the *“Polluter Pays” Principle* – the polluter pays a compensation, and a fine, for pollution if his activities cause or may cause contamination of the environment, and if he produces,

uses or distributes raw materials, semi-finished products or products containing substances hazardous to the environment; the *“User Pays” Principle* – anyone who exploits natural values is obliged to pay the full cost for their use and re-cultivation of space; the *Subsidiary Responsibility Principle* – government entities, within their financial capabilities, eliminate the consequences of environmental pollution and reduce damage in cases where the polluter is unknown, or when the damage is caused by environmental pollution from sources outside of the territory of the Republic; the *Principle of Using Stimulating Measures* – state authorities, or authorities of the autonomous province, or local government authorities, take measures for preservation and sustainable management of environmental capacities, particularly by reducing the usage of raw materials and energy, preventing or reducing pollution of the environment, using economic instruments and other measures, choosing the best available techniques, facilities and equipment that does not require excessive costs, and by selection of products and services; the *Principle of Informing and Public Participation* – in exercising their right to a healthy environment, everyone has the right to be informed about the status of the environment and to participate in the decision-making process where implementation could affect the environment (data on the environmental status is public); the *Principle of Right to a Healthy Environment and Access to Justice* – a citizen or a group of citizens, their associations, professional or other organizations enjoy the right to a healthy environment before the competent authority, or court, in accordance with the law.

The principles of sustainable development, integrity and precautions are

repeated in the Law on Strategic Evaluation of Impacts on the Environment, which stipulates two complementary principles: the *Principle of Hierarchy and Coordination* – evaluation of plans and programs is done at different hierarchical (administrative) levels at which the plans and programs are made. In the procedure of strategic evaluation of the plans and programs, an increased level of transparency in decision-making is provided by the mutual coordination of competent and concerned entities in the procedure of approving the strategic evaluation, through consultations and providing opinions on the plan or program; and the *Public Principle* – in order to inform the public about specific plans and programs and their possible impact on the environment, and to ensure full transparency in the preparation and adoption or approval of the plans and programs, the public must, before any decision is reached, and after the adoption of the plans and programs, be given access to information relating to these plans and programs or their modifications.

The new Constitution passed in late 2006 confirmed that “everyone has the right to a healthy environment and to full and timely information about its condition. Everyone, especially the Republic of Serbia and its autonomous provinces, is responsible for environmental protection. Everyone is obliged to preserve and improve the environment”.<sup>2</sup> According to the new Constitution, natural resources or goods which the law declares of general interest are the property of the state. With the abolition of social ownership, the state became the most impor-

---

<sup>2</sup> Constitution of the Republic of Serbia, *Službeni glasnik RS*, No. 98/2006, Article 74.

tant enforcer of the environmental policy because of its nominal “ownership” of all natural resources. The rights over these resources can be acquired by natural persons and legal entities. Foreign nationals may acquire concessions on natural resources and goods of general interest. Entrepreneurship may be restricted by law to protect human health, environment and natural resources that are used under conditions and in the manner provided by law.<sup>3</sup>

At the session of the Serbian Parliament held on 12th May 2009, sixteen laws concerning environmental protection were passed. Enacting this set of environmental laws is one of the conditions for Serbia’s accession to the European Union. This set of laws should contribute to improving environmental protection and increasing responsibility for its preservation, and represents a “step forward in the accession to the European Union, and establishing more efficient mechanisms to protect the environment”. It consists of the following laws: the Law on Prohibition of the Development, Production, Stockpiling and Usage of Chemical Weapons and on their Destruction; the Law on Protection against Ionizing Radiation and Nuclear Safety; the Law on Non-Ionizing Radiation Protection; the Law on Chemicals; the Law on Biocidal Products; the Law on Amendments and Changes of the Law on Evaluation of Impacts on the Environment; the Law on Air Protection; the Law on Nature Protection; the Law on Protection against Noise in the Environment; the Law on the Protection and Sustainable Usage of Fish Stocks; the Waste Management Law; the

Law on Packaging and Packaging Waste; the Law on Amendments and Changes of the Law on Environmental Protection; the Law on Ratification of the Rotterdam Convention on the Procedure for Approving the Basis of Prior Notification for Certain Hazardous Chemicals and Pesticides in International Trade, with changes and amendments; the Law on Ratification of the Convention on Access to Information, Public Participation in Decision Making, and Access to Justice in Environmental Matters; and the Law on Ratification of Amendments to Annex B of the Kyoto Protocol to the United Nations Framework Convention on Climate Change.

### **Environmental Policy of the Republic of Serbia and Challenges of the Accession to the European Union**

In the past ten years, the accession to the European Union has proved to be the essential and urgent political goal of Serbia. One of the areas that requires compliance with Europe is the environmental protection. The process of harmonization of the law implies that the legislation of the Republic of Serbia has to comply with EU legislation and the *acquis communautaire*. Harmonization with EU law includes not only changing and/or adopting new laws, but also the harmonization of secondary acts and more effective implementation of the regulations. Of course, at the same time it includes the creation of adequate administrative and judicial structures for implementation of adopted regulations. More than 30% of all regulations that Serbia should adopt and implement in the process of European integration have to do with the field of environmental protection. Implementation of the most complex and financially de-

---

<sup>3</sup> *Ibid.*, Part 3. – Economic System and Public Finances.

manding parts of the *acquis communautaire* takes time. The experience of new EU member states shows that the most complex parts of the *acquis communautaire* are some of the directives in the field of air quality, water, waste and industrial pollution. By signing the *Stabilization and Association Agreement* (SAA) and its ratification, Serbia is obliged to harmonize its legislation with the *acquis communautaire*.

In October 2008, the Government adopted the *National Programme for Integration* (NPI) of the Republic of Serbia to the European Union. This program includes all documents and action plans necessary for the European integration process and defines the responsibilities of all participants for the period until the end of 2012, which is marked by Serbia's EU accession strategy as the year of Serbia's readiness to assume all obligations arising from EU membership. NPI is a precise plan on how to achieve all the criteria necessary to become an EU member state, from political and economic criteria to the adoption of laws and detailed standards that exist in the EU in the areas of trade, agriculture, environmental protection, and infrastructure, to name a few.

The *National Environmental Strategy* is enacted, which is based on the principles of sustainable development, and complies with the basic principles of the Sixth Community Environment Action Programme. Solutions in the *National Strategy for Sustainable Development* are in line with the European documents: EU Sustainable Development Strategy (adopted in 2001, and revised in 2006) and the Lisbon Strategy (adopted by the Council of Europe in March 2000). The strategy is aligned with the Millennium Development Goals (UN) and the Na-

tional Millennium Development Goals in Serbia, which the Government of the Republic of Serbia passed in 2006. According to the 2010 report of the European Commission,<sup>4</sup> there has been good progress in the field of environmental protection in Serbia in comparison with the previous year.

However, it is evident that the environmental harmonization process of the Republic of Serbia is usually conducted formally, emphasizing only the passing of laws and regulations, while too little attention is paid to what is the real strength of each, including environmental legislation, and that is the enforcement of laws by state institutions, businesses, community groups and citizens. This formalism in the national environmental policy is not something unique to the Serbian perception of both laws and policies. The same situation occurred in the countries of Central and Eastern Europe in their process of accession to the European Union, so we can talk about the challenges and parallelism of these countries with Serbia when it comes to environmental protection and the environmental policy as it relates to the process of harmonization of environmental legislation in compliance with the European Union.

### **The Problem of Defining the Challenges in Environmental Accession of Serbia to the European Union**

There are certain opinions that the enlargement of the European Union with new member states with poorly developed environmental policies can af-

---

<sup>4</sup> Progress Report of Serbia in 2010, Office for European Integration ([www.seio.gov.rs](http://www.seio.gov.rs)).

fect the existing Community legislation, i.e. will endanger its successful implementation in the older member states. The essence of the problem of rigorous environmental legislation enforcement in the European Union is that it creates an even greater difference between the old and new member states, in addition to the already existing huge gap in economic development. This is contrary to the principles and objectives of the Union to establish a harmonious development of all European countries. To some extent, the joint efforts of both old and new member states can, but also need to, ignore this inequality, because in the long run, the goal of adjusting to the legislation of the European Union is to ensure sustainable development of the whole of Europe. The Union has given countries of Central and Eastern Europe a specific period of time in which to overcome these new difficulties. The main challenges that Serbia faces in the process of harmonization can be categorized as follows: *economic challenges and the challenge of sustainable development, administrative challenges, challenges of the democratic deficit and political challenges*. These challenges are primarily a combination of the state's environmental awareness and its readiness to face the consequences of its own responsibility or irresponsibility in this public policy. In this context, and bearing in mind the long-term consequences of ignoring its own environmental problems, these challenges are in fact the problems of dealing with reality, and also the problems of dealing with the gap between its own (unrealistic) desire and its actual capacity.

### **Economic Challenges and the Challenge of Sustainable Development**

The economic challenges of implementing the environmental policies necessary for the accession of Serbia to the European Union may be observed in the context of the experiences of the Central and Eastern European states who were admitted to the EU in the last accession process. Their experience shows that one of the most important problems in the accession process, which they all had to face, was dealing with economic challenges in the implementation of environmental legislation. The assumption and implementation of EU environmental legislation entailed high costs and investments for the candidate countries. This has been a huge obstacle for countries with already exhausted economic resources to successfully carry out the implementation process to the end. The fundamental question which all these countries faced was how to cover the necessary expenses, or at least reduce the cost of the financially most demanding segment of the accession process. The challenge was even more difficult to overcome because the candidate countries had to rely primarily on their own resources, while part of their existing capital was spent on both the adoption and the application of laws in other areas of community law. The economic transition of these countries was characterized by two key processes: privatization and market liberalization. The process meant not only the denationalization of a large part of the state capital, but also the strengthening of the private sector, substantial liberalization of national economies and their integration into the global markets (Baker, 2002: 67). In order to become and remain competitive



in the EU market and to be able to respond to the challenges of economic globalization, the candidate countries had to introduce major reforms and solve many problems in national economies. The European Union gave a transitional period, during which it was necessary to overcome emerging difficulties and find financial resources for the implementation of the environmental legislation and the resulting comprehensive changes. The EU estimated that candidate countries must spend an average of 2 to 3 percent of their gross domestic product to ensure implementation of environmental legislation. The problem was also that EU officials made it clear that, regardless of the financial obligation, the candidate countries must rely primarily on their own resources. Overcoming economic challenges and adapting to the environmental legislation of the European Union is just one step that leads to the most important and ultimate goal, which is to enable the sustainable development of the whole of Europe. The way in which the European Union dictated how future member states are to reach that goal and the level of development of environmental policies of the member states was the subject of much dispute. Namely, there was a question of whether the candidate countries, in the overwhelming desire to be part of the Union as soon as possible, put economic interests above the interests of environmental protection. Did the pressure from the EU to accept and implement in practice all the regulations and make all necessary changes in many areas as soon as possible, lead to degradation or to improvement of the environment of the countries concerned? Finally, could the enabling of sustainable development in any future member states really be achieved, or is the pres-

sure on their economies to reach this goal too great, and would this threaten the environment more, not only in the given country, but in the whole of Europe? Some theorists believe that the proclaimed aim of the European Union, enabling the sustainable development of the whole of Europe, is being called into question. In their opinion, the Union wants to impose on the future member states its own, fundamentally wrong, model of improving environmental policy that emphasizes the importance of economic development at the expense of creating a healthy environment. When we look at Serbia in the context of this economic challenge, we can safely claim that Serbia does not have the famous three percent of its gross domestic product necessary for the implementation of pro-European environmental legislation. The economic crisis in Serbia, which began in mid-2008, has in its first wave wiped out any thought that it would be possible to spend so many resources on environmental protection, and that only in the segment of legislation. What is expected in Serbia is support from European funds, and also that the Union will continue its strict environmental policies in conditions that are not economically favorable. The National Programme for Integration of Serbia into the European Union (NPI), passed just before the global economic crisis in 2008, mentions the possibility of creating new jobs in the Republic administration that was officially dropped a few months later to prevent the budget deficit. Such policy in state administration is still carried out, but not in a way that would expand or improve the skills of administration, but to actually meet the ambitions and appetites of the party structures in power. On the other

hand, this economic challenge in the environmental policy is warmed-over with the already existing negative trends that follow Serbia from the beginning of the process of privatization and market liberalization. The number of unemployed persons in Serbia is already dangerously near eight hundred thousand people, making it difficult to raise the issue of environmental policy as a key public policy. Namely, the question is how many people in Serbia would understand, in a positive way, the loss of their job for reasons of environmental protection? Probably no one, bearing in mind the environmental awareness of the average citizen, as well as the unsuccessful processes of creating new jobs. At the same time, environmental politics is mentioned in statements of the relevant Minister, as encouraging politics that can open a new industrial sector. It has to do with recycling, which will ensure the employment of over ten thousand people in the next few years. At this point, it is very difficult to say whether such claims are substantiated or unsubstantiated, or how much of this is political marketing of the ruling coalition and self-promotion of the Minister, and how much a possible future.<sup>5</sup> A similar situation exists with the *National Strategy for Sustainable Development*, which, although adopted by the Serbian Parliament, is regarded as one of the necessary documents that the state was obliged to adopt in the process of environmental harmonization. The implementation of the National Strategy for Sustainable Development is, so to speak, on “stand-by” mode, because in these economic condi-

tions, there are no free financial resources for its full implementation.

### **Administrative Challenges**

The absence of an effective administration for the successful implementation of environmental legislation of the European Union was one of the weakest points of Central and Eastern European countries. As the number of appointments and tasks needed for harmonization with the environmental legislation of the EU by Central and Eastern European countries grew, it became increasingly clear that the countries did not have sufficient capacity in their government sector to execute them. And the main decision-makers in the field of environmental protection, the European Commission and European Parliament, required developed national environmental policies of the candidates, i.e. developed internal environmental legislation for the implementation of these laws. The candidate countries were suddenly faced with the new problem of weak administrative capacity, which was limiting them in performing the necessary obligations imposed by the European Union. The logical consequence of long-neglected problems of environmental protection was that the Ministry for Environmental Protection in given countries was among the least developed, both in financial and administrative terms. Due to its administrative, organizational and financial weakness, it practically had an advisory role. It was necessary to enable and strengthen it to the extent that it becomes able to assume its proper role: that of enforcement and taking responsibility for all commitments demanded by the EU. It was necessary to improve the performance of all ministries at all levels. With the democrati-

---

<sup>5</sup> [http://www.b92.net/biz/vesti/srbija.php?yyyy=2010&mm=05&dd=31&nav\\_id=435375](http://www.b92.net/biz/vesti/srbija.php?yyyy=2010&mm=05&dd=31&nav_id=435375) (accessed: 02/05/2011).

zation of power also came decentralization. Rarely consulted local and regional governments were now to be given the necessary powers in the field of environmental policy (Baker, 2002). It was necessary to create a new layer of experts and to increase the number of technical staff who would deal only with issues of environmental protection. Resolving the issue of these limitations, i.e. the shortage of trained government personnel, was necessary for further development of the European integration process of Central and Eastern European countries. It was essential to build successful, effective and responsible environmental politics of national governments in the candidate countries.

European Commission research has shown that this problem was recognized in every Central and Eastern European country, but was the most striking in Bulgaria, Poland and Romania. The problems varied from country to country, but in each of them it was necessary to increase the number of people involved in solving environmental issues, to allow them adequate training, access to advanced technologies and adequate financial resources so that they could successfully implement their formal responsibilities. Good use of the aid which the EU gave to candidate countries strengthened and improved their environmental capacities. Government personnel in the field of environmental protection were qualified and trained to create new inventive ways of implementation of the environmental politics, and they created new laws and regulations and developed stronger regulatory mechanisms. Despite weak and limited foreign financial assistance, they managed to achieve visible technical improvements for the sake of improv-

ing and improved existing projects, especially in the area of drinking water quality, protection of air quality, and the safety of nuclear power plants. However, despite the assistance of the Union, solving the lack of administrative capacities in candidate countries has been only partially achieved and they are still far from the level of development of institutions of the older member states.

The problem of strengthening the administrative capacity of Serbia is one of the most pressing problems related to environmental accession, which must be solved in order to successfully transfer and implement the European Union environmental legislation. On the one hand, the administrative capacity is a problem because the environment policy in Serbia is a sector policy which is under construction. For many years, the Serbian environmental policy was only a result of understanding the modernity of policy and, at the same time, a victim of economic policy, particularly the economic transition. The dominance of economic over environmental policy, their disagreements and often conflicting goals have led to the point where the environmental policy in Serbia is still nothing more than a formalized and somewhat marginalized public policy that, unlike the past, follows both political and media marketing. The lack of administrative capacity for environmental accession of Serbia to the European Union has its own specific weaknesses.

First, it is a matter of personnel that make up the administrative apparatus, which is largely semi-skilled and not basically qualified to perform tasks in the field of environmental policy, coupled with the fact that the administrative apparatus is not sufficiently trained for po-

litical issues of European environmental legislation implementation because the Ministry of Environment and Spatial Planning in the Republic of Serbia is not adequately implementing training programs. Nor is it working with some higher education institutions in Serbia which are professionally qualified to help in maintaining certain types of instruction, courses and training. In that way, any training and/or improvement in knowledge in the field of environmental European integration is a matter of personal interest and the personal financial responsibility of employees to invest in themselves and in their knowledge.

Second, the structure of the public sector employees who deal with professional environmental protection and environmental policy is the result of partisan political compromise, which at the same time in Serbia does not perceive the environmental policy as a special sectoral policy, but as part of the law or biology. As environmental policy or the orientation of society towards the protection of the environment is not exclusively the role of the state and the central government, it is not just the result of writing and implementing environmental laws. It is essential that the environmental policy is presented primarily as a political activity that will be closely linked to education and cultural policy in order to improve the efficiency of law through the development of environmental awareness and the public administration that deals with environmental policy.

Third, the financial crisis and the agreement of the Serbian government with the International Monetary Fund signed in 2010 entail a reduction or dismissal of "redundant employees" in the national administration, which will

largely affect the reduction of efficiency of the administration and those who remain in employment. Similar situations will happen in local self-government. The administration at the local level suffers from the same defects as the central Republican administration, with the difference that the local authority, being local, is faced with specific environmental problems as opposed to the central government. This difference can be described as one between the virtual and the real. While the central government perceives the environmental problems as abstract and virtual, the local authorities perceive them as real because they affect people who live and work in local communities and in a particular space and time. The reduction of the administration, which undoubtedly has positive financial effects in the time of economic crisis and reduction of budget costs, can bring negative environmental consequences, since it can be rightly assumed that the first target will be the administration at the local level in charge of environmental protection.

### **Challenges of the Democratic Deficit**

The democratization of societies in Central and Eastern Europe contributed, among other things, to the development of the, at the time almost non-existent, civil sector as an independent sphere of the state. This was due to the dominance of the state and the underdeveloped civil society that marked this region during the Communist era (Baker, 2002: 62). The underdevelopment of civil society, the lack of stronger forms of cooperation between the civil and governmental sectors, the insufficient cooperation between non-governmental organizations and the existing authori-

ties in these countries, the necessary conditions for efficient and successful operation of governments, were some of the basic problems which needed to be resolved in order to bring the process of accession to a prosperous end. Also, a long-time common opinion among the political elite of the countries concerned had not changed. A large part of the political leadership still believed that it is only the government that makes decisions and finds ways to manage the national policies. In that way it is proven that the issue of democratization of society in decision-making is directly related to the inferior understanding of environmental policy as the exclusive jurisdiction of the state and administrative sectors. In the course of their development, non-governmental organizations in Central and Eastern Europe have been faced with problems on two levels. First, the problem of lack of development as a legacy of real socialism, needing to be resolved within each state, and second, the problem in the European Union itself, i.e. the manner in which the process of harmonization of environmental policies is organized.

In this segment also, with regard to the issue of democratization of society, the position of Serbia is no better than that of the states which recently joined the European Union. Namely, civil society has long, and sometimes rightly, been understood as a form of social organization that has very different political aims than those which it declaratively advocated. On the other hand, the model of organization of the civil sector was in reality based, to a greater extent, on the interest of making a specific political and financial profit. Taking money from certain organizations and from foreign donor countries to carry out cer-

tain projects was one of the real motives for setting up these organizations. Over time, donations dried up, and this created the space for such organizations to be formed in response to the actual needs. Nevertheless, the pro-environmental civil sector in Serbia has had an enviable reputation. In contrast to the narrow-minded political and defined civil sector, this pro-environmental sector has always been well accepted by all political structures. In that sense, the civil sector created a new space for environmental dialogue in Serbia by breaking the monopoly of the state environmental policy. Preconditions for creating space for political and environmental dialogue must provide a basis for participation of all interested actors and parties. This also means that the democratic process of political participation is established on the basis of equality for all – citizens, non-governmental organizations, environmental movements, citizens' initiatives, other various forms of civil association, business and professional organizations and associations, educational and research institutions at all levels, production and non-manufacturing organizations, trades, consumers, and all others directly or indirectly interested – where they can express their views and visions about applying the law to protect the environment, prevention of pollution, preservation of natural resources, energy conservation, energy resources, waste management, noise pollution, production of organic food, and so on. In that way, the state authorities gain the necessary partners in the process of conceiving and implementing plans for environmental protection programs. Furthermore, the necessary and common responsibility of all stakeholders at all levels is being established in the decision-making process.

Creating space for dialogue and joint decision-making is a political imperative of the present society in Serbia. In order to create the space, the necessary environment must be made which will be capable and able to adequately articulate the interests of all involved in this process. This presupposes the establishment of direct, interdependent relationships between the public, primarily the interested public, and the government. At the same time, some of the environmental non-governmental organizations are substantially connected with the state sector so that they lose their non-governmental identity and, in the extreme, appear as the marketing sector of the Ministry of Environment and Spatial Planning, while working on campaigns for recycling, sustainable development, and so on. In this way, a civilian sector that is focused on environmental protection is not quite able to fully live up to its real role of corrective factor of the state environmental policy, but actually operates from positions of the state service as a new type of social service. The relationship (of the state) in environmental policies to individual citizens is similar to the one to subjects of environmental policy. There are no clear mechanisms for decision-making on environmental policy at the local level. The expression of direct democracy, that of the citizens at the local level, their place of residence, making decisions concerning the protection of their environment, is still seen as too abstract to justify the lack of environmental awareness. In that sense, the realization of environmental democracy becomes a vicious circle. The state assumes that the citizens have no environmental awareness and are unable to make decisions at the local level.

## Political Challenges

The most important challenge that needs to be faced and successfully overcome is creating and finding the political will and positive orientation in relation to the drastic changes that the enacting of the environmental legislation brings. If this problem is not resolved, there is little chance that any of the above-mentioned challenges will be successfully overcome. The environmental problems are not limited to issues of technical or administrative development. These are, above all, political problems, because they affect each of the social groups differently, i.e. they impose different costs and burdens.

During this process of accession, it is also possible that Serbia's main motive is a faster and, of course, easier entry into the European Union, rather than a true desire for substantial improvement of the environment. For the Central and Eastern European candidate countries, the desire to join the Union was the only motive that forced them to survive in this race and to cope with all the ultimatums that were put before them. In order for environmental protection to remain a key issue in Serbia, the challenge is to overcome the democratic deficit. It is unlikely that the necessary support for change will be found amongst the people, especially amongst the political and economic elite circles that have influence on the political decision-making process, if they do not know what they are specifically giving support for and the specific projects and the costs they bear. Specifically, practice is marked by formalism, and not by a fundamental desire to solve the environmental problems. The lack of political will must be compensated by expanding public knowledge in the field

of environmental protection. This is all about the fact that well-marketed and designed campaigns do not show the actual or expected result. Does any creator of these campaigns in Serbia expect that the unemployed and economically impoverished public will identify with a famous actor or over-paid entertainer that is “behaving environment-friendly” and “educating” people in front of the cameras in television commercials about how to save electricity and water and how recycling is important? On the contrary. It creates the development of counter-identification and dislike for the persons in question, and especially for the activities and the values that are promoted. The “spin doctors” of environmental protection in Serbia would have to point out the existing environmental problems and how the benefit from their solution would contribute to the entire society, as well as to every citizen individually, and not just to the political elite and the state budget. Or, to simplify things, why are there so many delays in the adoption of separate laws concerning the repurchase of P.E.T., glass and aluminum packaging, when every citizen of this country would reap at least a small economic benefit from such a (mandatory) repurchase program? With the way recycling is promoted today, the only benefit seen is that of corporate profit from companies engaged in the purchasing and processing of secondary raw materials. The message that is conveyed is some kind of boring mantra that “our nature will be cleaner and our life healthier”. In that context, we also speak of environmental awareness of citizens as a political challenge. It is on a low level, and this is the result of decades of ignorant behavior of citizens towards the problems of environmental pollution. At the same

time, the negative trend is enforced by copying the behavior of the state with regard to the same problem. The economic crisis, boosted by sterility and a general state of apathy, has only increased the gap between the need for environmentally responsible behavior and the desire for real participation in corresponding activities.<sup>6</sup>

## Conclusion

The new model of a politically justifiable and sustainable system of responsibility of the political and economic elite and of the citizens towards the environment should be based not strictly on marketing, but also on con-

---

<sup>6</sup> In the “Clean Up Serbia” campaign, the Ministry of Environment and Spatial Planning and CESID conducted a survey of public opinion on environmental issues. The results show that environmental issues and environmental protection have no great significance in the perception of the major problems in Serbia – only 3% of respondents believe that the environment problem is central. Currently the major problems for the citizens are crime/corruption (25%), as well as unemployment and standard of living (both 22%). Generally speaking, the citizens’ interest in environmental issues is high (38%), but that does not coincide with more specific knowledge or involvement in this area. This leads us to the conclusion that they are aware of the importance of environmental topics, but are hardly open to more detailed information about them and even less to essential involvement in solving them. Thus 23% of citizens know of environmental issues, but only one in ten is ready to take significant (specific) action. Over 70% take very little or no part in environmental actions and campaigns (<http://www.ekoplan.gov.rs/srl/Cesidov-istrazivanje-o-mestu-i-ulozu-ekologije-u-zivotima-gradjana-Srbije-346-c60-content.htm>, accessed: 05/03/2011).

tinuous informing of citizens and social groups and organizations, and on the fact that citizens must have real and not just formal rights to decide. Such an environment can be constructed through a variety of programs in culture and education which promote sustainable development and environmental protection; through improvement of informational systems and the availability of information on the importance of particular measures, plans and actions that may impact the strengthening of the responsibility of sustainable development (familiarization with alternative sources of energy, ways of saving energy in households, the importance of recycling and personal economic effects of the process, etc.); and through capacity building for non-institutional subjects of society (non-governmental organizations, environmental movements, various citizens' initiatives, and citizens), as well as a state that must be open technically and with personnel ready for any kind of broad social participation in this dialogue.

What hinders the process of environmental and political democratiza-

tion in Serbia? First and foremost, the following general negative trends: low level of economic development and the relatively weak and underdeveloped institutions that are subject to abuse for political or other purposes; low level of awareness regarding environmental problems, especially among decision-makers, and poor public participation in the decision-making process concerning environmental issues; political apathy among the citizens and the general lack of motivation for political participation, as well as a high degree of distrust of the citizens in state administration; lack of civil rights and problems related to exercising civil and other rights; weak presence of environmental content in the media; insufficiently decentralized government; selective enforcement of laws concerning environmental law and general inefficiency; and lack of motivation of the economic sector to take active voluntary participation in environmental protection in the forms that result from the classical form of respect for the law (sponsorship of certain activities, donations, etc.).

## REFERENCES

- Baker, S. (2002) Environmental Politics and Transition, u: F. W. Carter, D. Turnock (eds), *Environmental Problems of East Central Europe*, Routledge, London.
- Carmin, J., Vanderer, D. S. (2004) Enlarging EU Environments: Central and Eastern Europe from Transition to Accession, *Environmental Politics*, Vol. 13, No. 1, Spring, pp. 3-24.
- Halstrom, K. L. (2004) Eurocratising Enlargement? EU Elites and NGO Participation in European Environmental Policy, *Environmental Politics*, Vol. 13, No. 1, Spring, pp. 175-193.
- Jehlička, P., Tickle, A. (2004) Environmental Implications of Eastern Enlargement: The End of Progressive EU Environmental Policy?, *Environmental Politics*, Vol. 13, No. 1, Spring, pp. 77-95.
- Kramer, M. J. (2004) EU Enlargement and the Environment: Six Challenges,



- Environmental Politics*, Vol. 13, No. 1, Spring, pp. 290-311.
- Lynch, D. (2000) Closing the Deception Gap: Accession to the European Union and Environmental Standards in East Central Europe, *Journal of Environment & Development*, Vol. 9, No. 4, December, pp. 426-437.
- Milenković, D. (2006) *Zbirka propisa iz oblasti zaštite životne sredine*, Službeni glasnik, Beograd.
- Nadić, D. (2007) *Ekologizam i ekološke stranke*, Službeni glasnik, Beograd.
- Nadić, D. (2008) Princip predostrožnosti kao bazični princip ekološke politike, *Godišnjak Fakulteta političkih nauka*, Fakultet političkih nauka, Beograd, Vol. 2, No. 2, pp. 159-170.
- National Programme for Integration into the European Union* (NPI) (2008) Government of the Republic of Serbia, Belgrade.

## Politika zaštite okoliša u Srbiji i izazovi pristupanja Europi

SAŽETAK U članku se razmatra politika zaštite okoliša Republike Srbije u kontekstu uvjeta koje zahtijeva pristupanje Europskoj uniji. Glavni izazovi koji se odnose na integraciju politike zaštite okoliša u Srbiji su: izazovi vezani uz ekonomski i održivi razvoj; upravljački kapaciteti; slabosti u razvoju demokracije i politički izazovi. Spomenuti izazovi, premda opterećuju razvoj politike zaštite okoliša u Srbiji, nisu drukčiji od izazova s kojima su bile suočene druge zemlje Srednje Europe tijekom procesa pristupa EU-u. Utjecaj globalne ekonomske krize, konstantna politička kriza i nedefinirana politička scena u Srbiji, nedostatna vizija ekološkog obrazovanja, jednako kao i "prezelene" marketinške aktivnosti, te neuspjeh u implementaciji zakonodavstva predstavljaju, međutim, dodatne faktore koji proces približavanja Srbije u području okoliša čine znatno otežanim. Stoga je radi harmonizacije legalnog okvira zaštite okoliša u Srbiji s europskim potrebno da spomenutu harmonizaciju slijedi harmonizacija djelovanja političkih institucija, društvenih skupina i individualnih građana te opća demokratizacija društva.

KLJUČNE RIJEČI politika zaštite okoliša, harmonizacija okolišnog zakonodavstva, izazovi okoliša