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Capacity weaknesses in dealing with air pollution

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Capacity weaknesses in dealing with air pollution

Air pollution has been an ongoing issue in North Macedonia for many years, and the environmental crime¹ and corruption are major contributors to the problem. Air pollution is a visible problem during winter, with air quality often falling below acceptable standards. The capital city is often one of the most polluted cities in the world. In recent years, steps have been taken to address the issue of air pollution, such as adoption of stricter regulations and standards for industrial emissions, as well as promotion of the use of renewable energy sources. However, implementation of these measures has been inconsistent, progress has been slow and the country still faces challenges in reducing the pollution levels.

North Macedonia is a country that has been struggling with polluted air and environmental threats for many years. Air pollution is a significant problem, especially in urban areas, due to high levels of emissions from transport, industry and heating of homes. The effects of air pollution are far-reaching and they affect not only human health, but also the environment, economy and society as a whole. It is important to understand how environmental crime¹ and corruption contribute to the air pollution in North Macedonia. Environmental crime includes a number of activities such as illegal logging, dumping and trading in waste, illegal hunting and fishing. Basically, environmental crimes are activities that are a serious threat to the environment. Corruption plays an important role in facilitating environmental crime, compounded by inadequate legislation, forged permits, facilitation of illegal trade and ignoring illegal dumping and the major air pollutants².

The process of harmonization of the domestic legislation with the EU legislation has been going on for decades. According to the latest reports, the obligations towards the EU environmental legislation have been to a large extent incorporated into the national legislation³.

The Platform of civil organizations in fighting corruption in 2022 produced a report that mapped the points of corruption in the protection of environment⁴. The most trending points are identified as construction mafia, air pollution by industry, illegal constructions, misuse of mineral resources and illegal logging. A healthy environment is one of the rights enshrined in the Constitution of the country⁵. Every aspect of the environment is regulated in more than ten laws, of which the Law on Environment has a central place⁶. The main objective of the Law is preservation, protection, restoration and improvement of quality of the environment and is the basis for creation of environmental policies and measures. In terms of regulating air quality, in July 2021, amendments were made to the crucial law pertaining to air pollution – "Law on Ambient Air Quality"⁷, the purpose of which is to avoid, prevent and reduce harmful effects on human health and the environment.

Regardless of the adopted regulation, air pollution is still present in North Macedonia and there is an obvious gap between the regulation and implementation. In the past years, key laws have been passed and amended: Law on Environment, Law on Environmental Inspection and Law on Ambient Air Quality, but despite this the capital city is often one of the most polluted cities in the world.⁸ The

¹Environmental crime usually refers to any violation of a national or international environmental law or convention that exists to ensure preservation and sustainability of the environment in the world.

²Martini, Maira. (2012). "Environmental crime and corruption". Transparency International. available at: <<https://www.u4.no/publications/environmental-crime-and-corruption.pdf>>.

³Audit report: Environmental taxes in function of effective implementation of environmental protection policies. Available at: <https://dzt.mk/sites/default/files/2022-12/172_RU_MZSPP_Danoci_zivotna_sredina_KOMPLET_2022.pdf>

⁴Tsekov, Aleksandarr. (2022). "Mapping risks of environmental corruption". Platform of civil society organizations for fight against corruption. Available at: <[⁵Article 43 of the Constitution: Every person has the right to a healthy living environment. Everyone is required to promote and protect the environment and nature. The Republic provides conditions for realizing the citizens' right to a healthy environment.](https://www.antikorupcija.mk/2022/02/25/%d0%bc%d0%b0%d0%bf%d0%b8%d1%80%d0%b0%d1%9a%d0%b5-%d1%80%d0%b8%d0%b7%d0%b8%d1%86%d0%b8-%d0%be%d0%b4-%d0%ba%d0%be%d1%80%d1%83%d0%bf%d1%86%d0%b8%d1%98%d0%b0-%d0%b2%d0%be-%d0%b6%d0%b8%d0%b2%d0%be% d1%82/>></p></div><div data-bbox=)

⁶The Law on Environment (Official Gazette No. 53/05, 81/05, 24/07, 159/08, 83/2009, 124/2010, 51/2011, 123/12, 93/13, 187/13 42/ 14, 44/15 129/15, 192/15, 39/16, 99/18)

⁷Law on Ambient Air Quality (Official Gazette of the Republic of Macedonia No. 67/2004, 92/2007, 83/2009, 35/10, 47/11, 100/12, 163/13, 10/15, 146/15) .

⁸Deutsche Welle. (December 23, 2022). ""IQAir": Skopje in the race for the most polluted city in the world"

progress report of the European Commission states that "the country has a certain level of readiness" in the area of the environment, so even though a series of documents have been adopted, their implementation remains a problem. The Government should take concrete measures to protect the environment, because laws are not enough. The challenges ahead need to be understood in order to create effective solutions.

As the second most critical point (according to the report of the Platform)⁹, air pollution is associated with many health problems, while corruption is associated as a hurdle for the economic growth and development in the country. North Macedonia faces a series of challenges when it comes to dealing with the air pollution. Some of these challenges that will be considered are weak administrative capacity, the implementation of policies and plans, inconsistencies in the work of the inspection services, and the incomplete functionality of the national central laboratory.

Quality human resources are lacking in several sectors in the country. The area of environment is not isolated from this problem, which appears as a horizontal obstacle in confronting air pollution and improving the environment. In the latest report, the European Commission emphasizes that there is a weak administrative capacity (human and financial) at several levels, which could be able to respond and implement the existing legislation.¹⁰

In relation to the adoption and implementation of the regulation, it should be noted that the country delayed the adoption of key laws (such as the Law on Environmental Inspection)¹¹, as opposed to carrying out measures and plans whose effect is not visible. Actions to fight pollution are often about creating plans for the cities with highest air pollution rates, without that being accompanied by transparent reporting of the results.

Such is the example with the implementation of the Plan of the Government for clean air, as a strategic program of the Government. However, in recent years it has been noted that this Plan is only partially implemented.¹² The activities implemented show that this Program is an ad-hoc measure. According to the audit report of the State Audit Office, apart from the adopted plans, activities such as public calls for replacing equipment and inventory of public facilities and funds for measuring stations and measuring instruments were also implemented.¹³ Such measures are indirect, they are dedicated to measurement, but not necessarily to reduction of pollution. The auditors point out that the funds from the Macedonian budget and the municipalities and the city of Skopje are not sufficient to implement activities for reduction of pollution. Greater commitment and securing other sources of funding in order to reduce air pollution is needed.

The work of inspection services is crucial in the (lack of) implementation of the regulation. With the adoption of the Law on Inspection Supervision, the regulation framework which covers the competences and the procedure of the state environmental inspection has been completed. According to the Law, an inspector is an official person with special powers and responsibilities established by law who performs inspection supervision.¹⁴

Despite the adoption of the Law on Environmental Inspection, as a regulation that should define the competencies, the inspection services are poorly staffed. Thus, from year to year, their number is decreasing due to the retirement or departure of inspectors to other jobs. The constant shortage

Available at: <<https://www.dw.com/mk/skopje-spored-iqair-povtorno-vo-trka-za-najzagaden-grad-vo-svetot/a-64196835>>

⁹Tsekov, Aleksandar (2022). "Mapping risks of environmental corruption". Platform of civil society organizations for fight against corruption. Available at: <<https://www.antikorupcija.mk/2022/02/25/%d0%bc%d0%b0%d0%bf%d0%b8%d1%80%d0%b0%d1%9a%d0%b5-%d1%80%d0%b8%d0%b7%d0%b8%d1%86%d0%b8-%d0%be%d0%b4-%d0%ba%d0%be%d1%80%d1%83%d0%bf%d1%86%d0%b8%d1%98%d0%b0-%d0%b2%d0%be-%d0%b6%d0%b8%d0%b2%d0%be% d1%82/>>>

¹⁰Report of the European Commission on North Macedonia for 2022. Available at: <https://www.sep.gov.mk/post/?id=5657#.Y_kaaHbMK5e>

¹¹Report of the European Commission on North Macedonia for 2021. Available at: <<https://www.sep.gov.mk/data/file/Pregovori/North-Macedonia-Report-2021-%D0%9C%D0%9A2.pdf>>

¹²Dukovska, Jugoslava. (2020). "Report on Environmental Corruption Risks in Republic of North Macedonia". Available at: <https://www.osce.org/files/f/documents/e/1/527589_0.pdf>.

¹³Audit report: Environmental taxes in function of effective implementation of environmental protection policies. Available at: <https://dzt.mk/sites/default/files/2022-12/172_RU_MZSPP_Danoci_zivotna_sredina_KOMPLET_2022.pdf>

¹⁴Law on Inspection Supervision. Official Gazette: 102/2019

of staff prevents the continuous monitoring of environmental situation and efficient operation of inspection services.¹⁵ At the moment, 55% of the systematized job positions for inspectors in the State Environmental Inspectorate have been manned, that is, two out of three planned chief inspectors, three out of nine planned senior inspectors, 15 out of 20 planned advisor inspectors and two out of six junior inspectors.¹⁶

In addition, the weak effect is already noted in the Performance Audit Report on the air quality topic for the period 2017-2018¹⁷ which, in addition to staffing, also mentions the work overload and inefficiency in the operation of the inspection services. Dealing with conflict is also noted, including workload and inefficiency in their area of interest due to the volume of obligations, lack of know-how in the technical-technological processes of the installations and technical lack of equipment¹⁸. The conflict of interest among the inspectors occurs as a clash between the public duty that they use in their private interest.

There is a danger of a conflict of interests when appointing municipal inspectors by the mayors. According to the research carried out by the NGO Info Center, most of the time, before being appointed, the municipal inspectors were part of the municipal administration or were advisors in the council of the municipality¹⁹.

The lack of inspection services results in low level of control of industrial facilities which are directly polluting the air. Each facility with an A or B integrated permit should measure the pollution level and submit the results to the relevant institution (the Ministry or the local self-government unit). In terms of measurements, several irregularities were observed, such as measurement in times of reduced production capacity of the industrial facility²⁰.

An additional problem is that much of the measurement of pollutants in the air is done in private laboratories. The central environmental laboratory was accredited in 2021 with primary activity to continuously monitor the quality of the environment (water, air, soil). At the same time, the laboratory should support the State Environmental Inspectorate in its law enforcement activities. Although it has a key role in monitoring the state of the environment, the laboratory does not perform air analyses. Thus, despite being fully technologically equipped, due to a lack of professional staff it cannot obtain accreditation for air pollutant analysis²¹.

Measurement by private laboratories opens the possibility of corruption, due to the fact that the laboratories operate on a commercial basis, for clients who have industrial facilities subject to legal obligation. The non-operation of the central laboratory opens opportunities for mutual cooperation between industrial facilities and laboratories. When a laboratory performs analyzes on installations for both parties (holder of an integrated permit and for the State Inspectorate), it creates a risk of biased presentation of the data from the measurements performed.

¹⁵Meta (August 4, 2021). "Five new environmental inspectors will be employed in the State Inspectorate". Available at: <<https://meta.mk/pet-novi-inspektori-za-zhivotna-sredina-kje-se-vrabortat-vo-drzhavniot-inspektorat/>>

¹⁶State Environmental Inspectorate. Second six-month report on the work of the State Environmental Inspectorate for 2022, July 1-December 31. Available at: <http://www.sei.gov.mk/uploads/9874.pdf>

¹⁷State Audit Office. Air Quality Performance Audit Available at: <https://dzt.mk/Uploads/56_RU_Kvalitet_na_vozduhot_2017_REDUCE.pdf>

¹⁸Dukovska, Jugoslava. (2020). "Report on Environmental Corruption Risks in Republic of North Macedonia". Available at: <https://www.osce.org/files/f/documents/e/1/527589_0.pdf>.

¹⁹Research: Municipal inspection supervision - problems and challenges. NGO info center. Available at: <<https://nvoinfocenter.mk/wp-content/uploads/2020/04/lzvestaj-za-opstinskite-inspekckiski-sluzbi.pdf>>

²⁰Dukovska, Jugoslava. (2020). "Report on Environmental Corruption Risks in Republic of North Macedonia". Available at: <https://www.osce.org/files/f/documents/e/1/527589_0.pdf>.

²¹Audit report: Environmental taxes in function of effective implementation of environmental protection policies. Available at: <https://dzt.mk/sites/default/files/2022-12/172_RU_MZSPD_Danoci_zivotna_sredina_KOMPLET_2022.pdf>

CONCLUSION

Low environmental awareness, weak institutional capacities, bad practices and inadequate measures – all contributed to the environmental problems in North Macedonia. Despite the challenges, there are still ways in which the citizens can take action to help mitigate the effects of environmental corruption in Macedonia. By raising awareness of this issue and advocating for stronger regulations and enforcement measures, citizens can make a difference in their communities.

The Government must take more actions, such as suppressing illegal activities that contribute to air pollution or introducing stricter regulations for companies operating in North Macedonia. Only then will we be able to see real progress in reducing corruption and improving air quality in North Macedonia.

Overall, there is still much work to be done in North Macedonia to tackle air pollution and environmental issues, and this will require joint efforts by the Government, civil society, the private sector and all citizens.

Recommendations:

- The country should open cases in which all polluters will be held accountable – this will impose strict enforcement of environmental regulations.
- Investing in quality human capital and its upgrading
- Increasing the capacities of the State Environmental Inspectorate
- Provision of conditions for accreditation of the central laboratory for environment for air analysis
- Creating programs and policies that can be properly implemented and the degree of implementation monitored

About the project

The project includes activities for research and advocacy in order to support the reform process in North Macedonia by strengthening the reform agenda in the area of the rule of law. For achievement of this objective, the project foresees cooperation and consultation with all relevant stakeholders in the fight against corruption.

The project aims, together with the anti-corruption institutions, to establish a strategic and long-term vision for development of the institutions in order to intercept future processes and forms of corruption. Through the project, the institutions and the Institute for Democracy will work on overview of the key social processes that will influence the fight against corruption until 2030, and based on that, plans will be drawn up for the institutions to cope with the modern challenges brought about by the fight against the corruption.

By enabling political dialogue between anti-corruption institutions, the Parliament and the civil society, the project aims to achieve three specific objectives:

- Supporting the improvement of the policy-making process, referring to the long-term visions of corruption risks and identified shortcomings;
- Informing long-term plans for institutional development, based on strategic thinking and forward-looking analyses
- Educating the public and creating public demand for improved anti-corruption planning by the authorities.

About IDSCS

IDSCS is think tank organization which researches the development of the good governance, the rule of law and the European integrations on North Macedonia. IDSCS has a mission to assist the civil involvement in the adoption of decisions and to strengthen the participatory political culture. By strengthening the libertarian values, IDSCS contributes to coexistence between diversities.

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