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Legal And Institutional Framework For Integration Of Environmental Policy - Development In Serbia

Integration of environmental concerns into policies in other fields is a basic prerequisite for realization of environmental aims. One of the first (formal) indicators for interpretation of the present state in this field in Serbia is better understanding of legal and institutional situation in the country. But there are several preliminary questions to be answered: What do really mean the notions “environmental legislation” and “institutions”? How much present state of the development of legal and institutional systems contributes to the achievement of the environmental aims? What is the state of coordination between different levels of legal regulation and existing institutions, and between different sectoral pieces of legislation and institutions? Are the best models for organization of legal and institutional aspects of integration of environmental policy into sectoral policies, the existing models in countries in transition, or should Serbia develop a different approach?

The present state of the legal and institutional framework in Serbia is not in the line with the proclaimed political aims and real needs of citizens. It is mostly based on the old model of organization of public administration and on the old model of environmental management with “protection” as a crucial element of policy. A general reform of the organization of the public administration is needed because functions in the environmental field are closely related to other functions of the public sector and closely linked with economic transition generally. In the existing legal instruments and practice there is a lack of the economic incentive measures and one of the most important question is what is the best way to overcome this problem.

It may be said that first steps toward elaborating a sustainable development strategy have been achieved with establishment of the Council for Sustainable Development and the Environmental Agency, as well as with certain reforms of other environmental institutions. According to the present state of the legal instruments in sectoral policies (energy, agriculture, forestry, transport, tourism, education, etc.) it could be said that efforts to integrate environmental aspects into sectoral policies have produced very limited results. In some economic sectors with significant impact on the environment integration efforts have been more scattered and no as concrete.

Relevant ministries and other institutions have been engaged in various environmental activities, but very often without good coordination and due to that with insufficient results. One of important aspects of the present state of environmental legal and institutional framework in Serbia is inadequate enforcement of environmental regulations, which is firmly in connection with the reform in the justice sector.

The need for general reconstruction of the environmental legal and institutional framework has been recognized in many studies. Due to the work of some expert groups, as well as some international projects, some pieces of the environmental legislation (for example, the Basic law on environmental protection, Law on EIA, SEA, and IPPC) have been already drafted and others are in preparatory phase.