

## Principles of Sustainable Development as Norms of the Current Legislative Framework in Kosovo

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### ABSTRACT

The purpose of this research is to analyze inclusion of sustainable development principles in relevant legislation as normative concepts. For the purpose of this research, Constitution of the Republic of Kosovo and 22 laws are analyzed regarding the level of the incorporation of sustainable development principles within their provisions and field of regulation. The legal basis for sustainable development lies in the Constitution of Kosovo under the Chapter on Economic Relations promoting wellbeing for all citizens encouraging a sustainable economic development. The research identified nine laws including more than one of the principles, six laws that treat sustainable development in very general terms, and seven laws that do not include anything regarding the principles, although their scope has significant impacts in sustainable economic, social, and environmental development of the country. The most prominent principle was sustainable use of resources; however, principles pertaining to the use of local resources and social justice were not found in any of current legal provisions. Laws on environmental protection, nature conservation and water include the most sustainable development principles. However, although the current legislation might be considered satisfactory regarding the extent to which it includes sustainable development principles, Kosovo is far from a sustainability path. This is related to the post-war situation of the country, unclear economic development directions, weak law enforcement, and poor cooperation of horizontal and vertical lines of public authorities and government agencies.

**Keywords:** concepts, law, legislation, principles, sustainable development

### INTRODUCTION

Since the mid-eighties, sustainable development has become a popular catchphrase for attempts to link economic development with maintenance of an ecologically determined carrying capacity (World Commission on Environment and Development 1987, United Nations 1992). Sustainable development as a concept has emerged from a series of conferences and summits, where influential people have tried to come to an agreement on how to tackle the “burning issues” of the 21st century including poverty, increasing inequality, as well as environmental and human health degradation. The concept of sustainability has been present for the last decade in academic papers, syllabuses of program studies, boardrooms of central and local authorities, corporations, etc. Unfortunately, sustainability has become a “fashionable” concept in theory, but it is considered extremely expensive to be put in practice by corporations, firms, and local or national governments (Bac, 2008). In recent years, the concept of sustainable development has been widened to include economic development, ecological stability and compatibility with social goals and values (Tremmel, 2003).

While a broad consensus does exist about the conditions required for sustainable economic development, two major interpretations exist. First is the wider, highly normative view of the sustainable development (endorsed by the World Commission on Environment and Development in the 1987 report “Our Common Future”) defined as “*development that meets the needs of the present without compromising the ability of future generations to meet their own needs*” which is recognized as the Brundtland’s definition. This concept links development with sustainable economic, ecological, and social development. The second view, a more narrowly defined concept is largely concerned with environmentally sustainable development (i.e., with optimal resource and environmental management over time). This interpretation requires maximizing the net benefits of economic development, while maintaining the services and quality of natural resources (Barbier 1989). The core of the idea of sustainability is the concept that current decisions should not impair the prospects for maintaining or improving future living standards. This principle also has much in-common with the ideal “concept of income” that accountants seek to determine: the greatest amount that can be consumed in the current period without reducing prospects for consumption in the future (Repetto, 1986).

During the evolution of the concept of sustainable development, some basic principles are identified. The definition of a legal principle is very difficult, since principles sometimes are considered to be legal norms, sometimes to be general legal norms, sometimes are be considered as standards upon which legal rules should be based. Any attempt to define the notion of a legal principle involves a lot of analysis and issues to be considered before reaching any definition. However, the easiest way to define a legal principle or a legal notion is by understanding first the linguistic meaning of the word or the expression (Daci, 2010). The first meaning of “principle” in the Oxford Reference Dictionary is “*a fundamental truth or a general law or doctrine that is used as a basis for reasoning or action*” (Oxford Dictionary). In English, usage the term denotes a fundamental proposition, but its specific meaning differs in application. Thus, in reference to invariant “laws” of physics or mathematics, principles are as precise as the concept of the phenomena to which they may refer. Sustainability principles of social institutions or of ecological relationships may be variably defined. The difficulty of deducing principles from the concept of “sustainable development” is compounded by the multiple meanings of both terms.

Furthermore, a principle is “a standard to be observed, not because it will advance or secure an economic, political, or social situation, but because it is a requirement of justice or fairness or some other dimension of morality” (Aviles, 2012). The imprecise and diverse interpretation of what the contextually term “sustainable development” means makes it difficult to draft principles that are universally applicable and useful.

In the last decades, several global-scale processes have been undertaken to develop principles of international law on sustainable development. These processes have been intense, engaging experts and grassroots leaders from all corners of the world, and building on decades of careful, rigorous analysis (Goepel, 2010). The most important of these began with the process of elaborating the 1972 Declaration of the UN Conference on the Human Environment in Stockholm. That was followed by the 1987 Report of the Legal Experts Group on Principles of International Law for the Protection of the Environment and Sustainable Development, which accompanied the report of the World Commission on Environment and Development (Goepel, 2010). Earth Summit in 1992 produced a set of principles for sustainable development, called the 1992 Rio Declaration, and a plan for global sustainability, called Agenda 21 (Agenda 21). The Rio Declaration is widely accepted as soft law- not legally binding but nonetheless relevant to the development of hard international law for sustainable development (Goepel, 2010).

The International Law Association’s (ILA) Committee on the Legal Aspects of Sustainable Development released its New Delhi ILA Declaration on Principles of International Law relating to Sustainable Development. The Declaration outlines seven principles of international law on sustainable development, which were already in the Brundtland Report and the 1992 Rio Declaration, are the central principles of most international treaties related to sustainable development (Boyle, 2006; French, 2005).

According to Gillroy, the legal principle of sustainable development comprised of four substantive and four procedural sub-principles that are sometimes at odds with each other. The four substantive principles are: prevention, precaution, the right to equitable development, and the right to use internal resources so as not to harm other states. In other side four procedural principles are: integration of environment and development, concern for future generations and their welfare, a common but differentiated responsibility, and the polluter-pays (Gillroy, 2002).

The concept of sustainable development is based on norms, referring to an approach that is guided by socially established moral ideals. It formulates directives on how to translate ideals in concrete plans for action. In general, normative approaches combine evaluations derived from ethical foundations and prescriptions for their implementation. They result in a set of rules that incorporates what is a desirable state of being and what ought to happen in order to reach this state (Renn and Jagera, 2009). So the concept of sustainable development is normative, telling us how we ought to behave in our interactions with others but also towards future generations (Hedenus, 2016).



**Figure 1.** Position of the Republic of Kosovo in Europe (CIA, 2017)

The objective of this research is to analyze state of the art of the inclusion of sustainable development principles in the current legislation and identify the gaps that influence sustainability path of the country. The Republic of Kosovo is the youngest country in Europe, having declared independence on February 17, 2008. The country has a territory of 10,887 km<sup>2</sup>, from which 53% is agricultural land, 42% forests and pastures and 5% other. Although it has a small territory, Kosovo is very rich in natural and biodiversity values. With 116 protected areas, about 10.9 % of the territory is under legal conservation. The most remarkable protected natural sites are two national parks: Sharri and Bjeshket e Nemuna, Mirusha Waterfalls, Bifurcation of Nerodime River (second sample of this type in the world), Germia Park, and the Pashtriku Mountains (Veselaj and Mustafa, 2015). The population of Kosovo is about 1.9 million, with 93% ethnic Albanians.

The unemployment rate is 30.5%, and the youth unemployment rate is near 60%, in a country where the average age is 26.9 years. Kosovo's citizens are amongst the poorest in Europe, with a per capita GDP (PPP) of \$10,400 in 2017, and 17.6% of the population living below poverty line (CIA, 2017).

Once the backbone of industry, minerals and metals production, including lead, zinc, nickel, chrome, aluminum, magnesium, bauxite, lignite, and a wide variety of construction materials, has declined because of aging equipment and insufficient investment as well as unresolved ownership claims of Kosovo's largest mines. Energy supply is 97% lignite (coal power) based, representing the biggest pollution source in country, followed by transport and industry. The main environmental problems are the non-sustainable use of natural resources, high ambient air pollution, water scarcity and pollution, land degradation and soil pollution, biodiversity loss, among others (Veselaj, 2013).

Sustainable development in Kosovo legislation is described only in the Art. 4 of the law on environmental protection as "*harmonization of economic development and environmental protection to meet the needs of today, without jeopardizing opportunities for future generations utilize these capacities and meet their needs*" (Law Nr. 2009/03-L-25). This definition in the law keeps to the original concepts of sustainable development from Brundtland's definition including needs, development, and inter-generational equity.

## MATERIALS AND METHODS

According to literature research this is the first research in Kosovo that addresses the link between sustainable development and the legal norms of the Republic of Kosovo. To get the results, the Constitution of Kosovo, 21 specific laws and the Kosovo Criminal Code are analyzed. All legal acts have been downloaded from the official website of the Assembly of the Republic of Kosovo. During the research, each legal act has been analyzed with a defined methodology and with clear objective of the study. The purpose of the analysis is to find out if 10 principles of sustainable development are included in the provisions of these laws and if so to what extent have the concept and principles of sustainable development been addressed.

## RESULTS

Normative fundamentals for sustainable development lie in the Constitution of the Republic of Kosovo. More specifically, in Chapter 9 of the Constitution (Economic relations) states "*Republic of Kosovo promotes wellbeing for all*

*citizens encouraging an sustainable economic development*” (Art. 119) (Constitution of Kosovo 2008). Further, in the process of adoption of legislation, the concept of sustainable development and its principles became part of specific laws, mostly in the field of environment. Below are findings on how 10 principles of sustainable development are included in the current legislation and how they represent the state of art in terms of their initial implementation in the youngest country in Europe.

**1. Principle of sustainable use of resources.** This is the main guiding principle of sustainable development. Sustainable resource management aims to consider the carrying capacity of the environment, use of natural resources in a prudent manner, and preservation of the resources needed for future development. This principle is widely incorporated in the national legislative provisions. In the law on environmental protection, the sustainable use of resources is defined as *“the use of natural resources that meet the needs of today, without jeopardy to the needs of future generations for these resources”*, while natural resources are considered *“all the non-renewable and renewable constituent’s of nature that a man uses for economic purposes”* (Art. 4). Within this law, an entire chapter (Articles 8-13) regulates use and conservation of natural resources through policy documents, regulatory measures and horizontal legislation, including the Environmental Impact Assessment (EIA), the Strategic Environmental Assessment (SEA) and the Integrated Pollution and Prevention Control (IPPC) provisions) (Law Nr. 2009/03-L-25).

The law on nature conservation as its main goal sets *“regulation of the nature conservation and sustainable use of nature”* (Art. 2). Sustainable use in this law is defined as *“use of components of biological diversity in a way and volume that does not affect the long-term decline of biological diversity”* (Art. 7). It promotes the principle of proportionality addressing *“non-renewable natural goods should be rationally utilized, while renewable sustained”* (Law Nr. 2010/03-L-233). The law on waste promotes a sustainable development through waste management aiming efficient use of natural resources and reduction of waste generation (Art. 5) (Law Nr. 2011/04-L-060). The law on water applies the principle of minimizing the use of water resources addressing that *“in the case of activities affecting the waters, everyone is obliged to carefully and rationally use the water, to prevent water pollution and to avoid any negative effects and risks to public health and the environment”* (Art. 6) (Law Nr. 04/L-147 2013). The law on forests is one of the first laws that in its goal sets sustainable development as a guiding principle, stipulating the sustainable use of resources as *“conservation of biological diversity”* (Art. 3) and *“ecological sustainable development”* (Art. 3) (Law Nr. 2003/3). The law on hunting within its scope regulates *“sustainable use, cultivation and hunting of wildlife as natural resource”* (Art. 1) (Law Nr. 02/L-53 2006). Finally, the law on agricultural land has as one of its goals to regulate *“use and renting of agricultural land for conservation and protection of the soil potentials based on sustainable development principles”* (Art. 1) (Law Nr. 02/L-26 2005).

However, unsustainable use of nature resources and water, unsustainable country waste management system, weak conservation measures, and loss of biodiversity are some of clear indicators of very weak implementation of these principle in practice.

**2. Prior measures and prevention principle.** This element is broadly included in the legislation, aiming at preventing environmental degradation. Prevention means that wherever the possibility of serious or irreversible damage perceived, the lack of complete scientific certainty cannot be used as an excuse for delaying effective action to prevent environmental damage or endangering human health. In other words, the action must be taken in proportion to the weight of perceived threat. In the law on environmental protection, prior measures and prevention measures are part of permitting procedures: SEA, EIA and IPPC (Art.6) (Law Nr. 2009/03-L-25). Provisions of the law on nature conservation set the *“rights and obligations of any legal or physical person to undertake measures and activities for nature protection before the damage occurs”* (Art. 5) (Law Nr. 2010/03-L-233). The law on waste sets obligations to the *“public authorities, where necessary, undertake and encourage preventive actions in waste management”* (Art.5) (Law Nr. 2011/04-L-060). The law on water proposes the *“measures and activities necessary for the protection of waters and protection from the harmful water activities should be undertaken at an early stage, preventing the risk or any detrimental consequences to the waters”* (Art. 6) (Law Nr. 04/L-147 2013). The law on forests stipulates prevention principle in its Art. 3 (Law Nr. 2003/3).

Heavy degradation of river beds from sand and gravel extraction, high number of illegal quarries, illegal lodging and hunting, and illegal harvesting of aromatic and medicinal plants are some of the indicators that institutions have failed to adequately implement this principle. There is permitting system in place through EIA and SEA, but the quality of the reports on the potential environmental impacts remains a concerning issue. The IPPC permit is applied to bigger polluters such *“SharrCem”* and *“Ferronickel NewCo”* aiming to improve polluting parameters, but the environmental situation in the field shows very limited progress.

**3. Principle of public participation.** The principle of public participation applies to the ability to access information affecting social, economic, and environmental developments. In addition, the informed decision-making process should be provided to everyone. People’s knowledge about sustainable development as well as the social, economic and environmental implications, and sustainable solutions need to be improved. Public participation in decision-making must be strengthened. This principle is partially included even in the Constitution of Kosovo (Art. 52). The law on environmental protection gives the right to each legal or physical person to be

informed about the state of the environment they live and to participate in environmental decision-making (Art. 6) (Law Nr. 2009/03-L-25). The law on nature conservation gives the right to the public to participate in the decision making for nature (Art. 5) (Law Nr. 2010/03-L-233). The same is true for the law on waste in the Art. 5.1 (Law Nr. 2011/04-L-060). The law on water, under the principle of stakeholder participation, obliges *“competent bodies to take into account the interests of the stakeholders in the procedure of adoption of strategic documents, plans and decisions?”* (Art. 6) (Law Nr. 04/L-147 2013). The law on food includes public participation in-directly through provisions on principles of diligence and transparency (Art. 7-8) (Law Nr. 03/L-016 2009).

This principle is one of the most important of the environmental democracy to which Kosovo institutions aspire. However, beyond formalist and legal proclamations, even though these provisions are broadly included in the legislation, there been no concrete positive developments in their implementation. In this regard, an important case to mention is a court case against the Ministry of Environment and Spatial Planning for violating the legal procedures for granting the IPPC License to the “Ferronikel NewCo” in Drenas. The general understanding is that Kosovo citizens feel totally bypassed in terms of having their comments heard and addressed in the course of the decision-making process when it comes to sustainability issues including pollution prevention, construction, hydropower plants etc. In 2009 the first court case about implementation of this principle is recorded in Kosovo. The Constitutional Court in the case Fadil Hoxha and others vs. Municipality of Prizren ruled that the failure of the local authorities to conduct proper consultations with public on the adoption of the municipal local plans violated the Art. 52 of the Kosovo Constitution, which provides that everyone should be provided an opportunity to be heard by public institutions and have their opinions considered on issues that impact the environment in which they live (Constitutional Court 2009).

**4. Polluter pays principle.** This principle indicates that prices should reflect the real costs paid by the company for the activities involved in consumption and production, as well as their impacts, including the costs of using natural resources. Everyone engaged in the activities that harm the environment must pay for the damage caused to human health and the environment. There are provisions of the polluter and user pay principle in the country legislation. In the law on environmental protection, the polluter must *“to pay the environmental pollution if their activities caused discharges in the environment during production, use of raw materials, semi-production or production containing substances harmful to the environment”* (Art. 6) (Law Nr. 2009/03-L-25). The law on waste requires *“the persons who carry out waste management activities to make full compensation of the costs for the consequences and damages caused to the environment”* (Art. 5) and *“the costs for waste generation, treatment and disposal have to be calculated in the production and service costs”* (Art. 5) (Law Nr. 2011/04-L-060). The law on water stipulates the *“financial and criminal liability for any person who causes or permits pollution discharges in water including cost for pollution prevention, necessary control measures, administrative, repair or compensation cost”* (Art. 6) (Law Nr. 04/L-147 2013).

The “user pays” principle as described in the law on environmental protection obliges the users of natural resources to pay a real price for their use and to recover used space after exploitation activities are finished (Art. 6) (Law Nr. 2009/03-L-25). Similarly, the law on nature conservation requires that users of natural resources *“to pay the costs of maintenance of the balance of nature and use of the natural heritage as well the damages occurred during the use of nature and natural heritage”* (Art. 5). In the law on nature conservation, the principle of subsidiary liability, states that *“in cases where liability for damage is not known then coping with the cost of rehabilitation and reduction of the damage in nature is carried by the state”* (Art. 5) (Law Nr. 2010/03-L-233).

As a principle, sustainability liability is not being much implemented, due to the lack of an environmental fund for collection of environmental related fees, taxes, and tariffs. In Kosovo, each citizen pays a ten euro environmental fee for vehicle registration, which is not returned in investments for environmental projects. Administrative instruction on mandatory fines for environmental pollution, after being revised three times since 2010, started its implementation in 2018. Some symbolic tariffs on the use of water and natural resources are in place, but the collection rate remains in very low.

**5. Principle of integration.** This principle focuses on the importance of sectoral policies plans and programs. During the preparation, assessment, and implementation of these plans, there are many considerations that must be taken into account. Leading among them are economic, social and environmental factors to ensure that they can support each other. Local, regional, and national activities also should be coordinated. In this context, the law on environmental protection calls public authorities *“to co-operate and coordinate the work of each other for development and adoption of any measure, standard or activity aiming environmental protection”* (Art. 6) (Law Nr. 2009/03-L-25). The law on nature conservation promotes the integration of conservation measures into all strategic development plans, spatial planning documents, development plans, as well in the plans for the management and use of natural goods (Art. 5) (Law Nr. 2010/03-L-233). In the law on water, concerning water management, it is necessary to foresee the *“interconnection between surface and ground waters, water-dependent ecosystems and other environmental media as well sector policies such as agriculture and industry that needs to consider water management issues”* (Art. 6) (Law Nr. 04/L-147 2013).

In general, policy documents derived by legislation do not have clear links between three pillars of sustainable development: economy, environment, and society. Environmental policies in general do not consider economy

and social related issues, being fully focused in environmental considerations. However, existing economic development policies such sectoral strategies on energy, mining, forestry, offer very little consideration of environmental implications, and in some cases that do take them into account, it is mostly through narrative, without clear provisions on implementing environmental standards. An example of unclear addressing sustainable development is for example with Strategy and Action Plan for Climate Changes 2019-28 (Strategy and Action Plan on Climate Changes 2018) where vision calls on “*Kosovo with zero emission greenhouse gases*”, in a country relying almost entirely in coal power (lignite) according to the Kosovo Energy Strategy (Strategy of Energy of the Republic of Kosovo 2009).

**6. Solidarity within and between generations.** Equity between and within generations is a core concept of sustainable development. Development and environmental needs of current generations need to be addressed without compromising the ability of future generations to meet their needs. In the law on environmental protection, this principle’s goal is “*to ensure that development in Kosovo is sustainable, in the way that soil, air, water and living resources are protected and preserved for the benefit of future generations*” (Art. 2) (Law Nr. 2009/03-L-25). The law on nature conservation emphasizes the importance of use of natural goods and services through “*maintaining potential of the biological diversity to meet the needs and aspirations of present and future generations*” (Art. 7) (Law Nr. 2010/03-L-233). The law on forests mentions the principle of intergeneration equity (Art. 3) without addressing is it about human generation or forest wood products (Law Nr. 2003/3). Being a young country, without long tradition of planning, it is obvious that this principle is not well introduced into the current legislative framework.

**7. Principle of holistic approach.** This principle focuses on the concept that everything around us should be seen as a system of interrelated elements, interacting with one another and these elements as systems. Any interference in one system causes effects on other systems as well. The law on water emphasizes ecological, social, and economic concepts where “waters are part of the natural processes and should be protected and managed to ensure public interest” (Art. 6) (Law Nr. 04/L-147 2013). The law on spatial planning calls on the “*principle of equal rights of economic and social development for all citizens*” without including environment (Art. 3) (Law Nr. 2003/14). It is clear that a holistic approach, a very important principle of sustainable development, is not well introduced and currently lacks in many vital legislative norms.

**8. Principle of social responsibility.** To enable sustainable development, unsustainable production and consumption patterns need to be changed. The social responsibility of businesses needs to be strengthened, together with the cooperation between the private and public sectors. This principle is related to the concept of “*manufacturer’s expanded producer responsibility principle*” in the law on waste, where the manufacturer “*is responsible for the waste generated at each stage of product development and its life cycle*” (Art. 5) (Law Nr. 2011/04-L-060). According to the law on water, the users “*shall pay all the costs arising from the services in which the costs of water resources are used including environmental costs*” (Art. 6) (Law Nr. 04/L-147 2013).

To date, no environmental cost is included in manufacturing and use of goods, meaning that this principle is not being implemented. Plastic bags in groceries are free of charge, although discussion of changing this practice has been ongoing for many years. Packaging and its direct environmental impacts are not part of the market price. As a result, it releases manufacturers from any liability of the pollution from plastics, aluminum, paper etc. This makes the process of recycling and reuse very weak and keeps individuals tied to the “use and throw away” approach.

**9. Principle of use of local resources.** Efforts should be made to meet needs of local communities by local resources. Characteristics and local diversity must be preserved. Conservation and sustainable use of nature, along with human-made environments and cultural heritage sites are a very important part of sustainable development. This principle is not included directly or indirectly in any of the laws reviewed under this research.

**10. Principle of social justice-** The right to adequate living conditions must be recognized, and fundamental human rights should be guaranteed for all. This principle is not addressed in explicit terms in the Constitution of Kosovo or any of its adopted laws. Due to this, a healthy environment is not guaranteed as human right, although the article 52 of the Constitution (Environmental responsibility) is within the Chapter “Fundamental rights and freedoms”.

Examining [Table 1](#), it is obvious that the “*legislative map*” of the sustainable development principles in current legislation of Kosovo is covered in 1/3 of it (Yes), while 2/3 is still not covered (No).

**Table 1.** Inclusion of sustainable development principles in legislation

Principles of sustainable development Y-yes N-no	<i>Law on environment</i>	<i>Law on water</i>	<i>Law on waste</i>	<i>Law on nature</i>	<i>Law on forests</i>	<i>Law on agricultural land</i>	<i>Law on food</i>	<i>Law on hunting</i>	<i>Law on spatial planning</i>
Sustainable use of resources	Y	Y	Y	Y	Y	Y	N	Y	N
Prior measures and prevention	Y	Y	Y	Y	Y	N	N	N	N
Public participation	Y	Y	Y	Y	N	N	Y	N	N
Polluter pays	Y	Y	Y	Y	N	N	N	N	N
Integration	Y	Y	N	Y	N	N	N	N	N
Solidarity within and between generations	Y	N	N	Y	Y	N	N	N	N
Holistic approach	N	Y	N	N	N	N	N	N	Y
Social responsibility	N	N	N	N	N	N	N	N	N
Use of local resources	N	N	N	N	N	N	N	N	N
Social justice	N	N	N	N	N	N	N	N	N

## General Provisions of Sustainable Development

Research identified a number of legislative acts where sustainable development is being used in very general terms. For example, the law on spatial planning in its first principles promotes “the common interests of Kosovo through protecting natural resources and supporting sustainable development” (Art. 3) (Law Nr. 2003/14). Additionally, the law on energy in its goal states “*this law defines the general principles and rules of the activities in the energy sector, in order to guarantee safe supply, sustainable and high quality energy...promoting the most efficient use of energy, increasing energy from renewable sources and co-generation, protecting the environment from energy activities*” (Art. 1) (Law Nr. 05/L-081 2016). This continues in the law on organic agriculture in its first goal lays the foundation “*for organic sustainable development production*” (Art. 1) without other provision about sustainable development (Law Nr. 04/L-085 2012). The law on health under the general principles seeks for the “equity in access, inclusion, sustainability, prevention and solidarity” (Art. 5) and these elements relate to sustainable development (Law Nr. 04/L-125 2012). The law on agriculture and rural development defines the rural development policy as the “*country policy on the sustainable development of rural areas and interconnection of socio-economic development and environmental protection*” (Law Nr. 03/L-098 2009). Finally, the law on protection from non-ionizing, ionizing radiation and nuclear safety aims to “*ensure a healthy environment coping the pollution and costs for protection against ionizing radiation and nuclear safety and be on compliance with sustainable economic development*” (Art. 1) (Law Nr. 03/L-104 2010).

Along with these examples the law on Strategic Environmental Assessment is a very important pillar of horizontal legislation in Kosovo. It aims to establish “*conditions and procedures for environmental impact assessment and integration of environmental protection in the adoption of plans and programs in order to promote the sustainable development*” (Art. 1). In Annex 1 of this law, one of the criteria’s for assessing the environmental impacts of plans and programs is “*inclusion of the environmental considerations into the plans and programs, especially with regard to sustainable development*” (Law Nr. 03/L-230 2010).

In the Kosovo Criminal Code a specific chapter deals with crimes against the environment. Chapter 28 of the Code lists the criminal offenses against the environment including environmental pollution and degradation, illegal hunting and lodging, hazardous waste. The identification of these crimes is directly connected with the concept of sustainable development (Art. 347-364) (Law Nr. 04/L-082 2011). The number of court cases is minimal and mostly have centered on illegal lodging and smaller violations. The professional capacities of judges and prosecutors dealing with environmental crimes in judicial system remain very weak and need to be strengthened.

The research found a set of the adopted laws that do not mention sustainable development in their provisions, although they have direct or indirect impacts on the economic, social, and environmental development of the country. This category includes the following provisions: the law on air protection from pollution (03/L-160), mining and minerals (03/L-163, 2010); the law on environmental, water, spatial planning and construction inspectorate (04/L-175, 2013); the law on chemicals (04/L-197, 2014); the law on land regulation (04/L-040, 2012), the law on environmental impact assessment (03/L-214, 2010); and the law on local self-governance (03/L-040, 2008).

Regarding the institutional framework for sustainable development, there is a set of provisions in the current legislation. The law on environmental protection distributes responsibilities for environment and sustainable development to three institutions. First, the Government of Kosovo is tasked “*to adopt laws and procedures of environment and sustainable development*” and “*to implement criteria and procedures for instruments for economic and sustainable development*” (Art. 5). Second, the Ministry of Environment and Spatial Planning, holds the responsibility “*to promote sustainable development in Kosovo and the region*” (Art. 5). Third, municipalities as units of local governance are responsible for “*implementing the legislation on environment and sustainable development*” and “*adopting local plans for environment and sustainable development*” (Art. 5) (Law Nr. 2009/03-L-25).

The law on environmental protection requires the government to prepare for adoption of the Strategy for Environmental Protection- a ten year policy that “provides favorable measures for production, technology, economy and sustainable development and environmental management” (Art. 20). In addition, the law on nature conservation requires the government to prepare for adoption the Biodiversity Strategy and Action Plan, also a ten-year planning document with “long term goals for conservation of biodiversity...and use of nature in accordance with general economic, social and cultural development” (Art. 141) (Law Nr. 2009/03-L-25). Both documents are adopted; however, very little of their objectives are implemented so far.

## CONCLUSIONS

This is the first study about the normative scope of the sustainable development principles in the current relevant legislation in Kosovo. Sustainable development principles in the analyzed legislation of this research can be categorized into three groups. The first group consists of the laws that include more than one principle of sustainable development in their provisions. The second group consists of laws that only generally mention the sustainable development definition or principle without any further development in terms of normative steps. Within this legislation, in a few cases, sustainable development is “mixed” with concept of sustainability of specific sectors, such as sustainable energy supply, health sustainable services, organic sustainable development production, etc. The third group consists of the laws that do not address sustainable development at all, despite their direct or indirect impacts in economic, social, and/or environmental development.

Among the specific principles of sustainable development, “sustainable use of resources” is the most broadly included, appearing in seven out of nine analyzed law provisions. Two principles: “prior measures and prevention” and the principle of “public participation” are included in five laws each, followed by “polluter pays” principle included in four law provisions. The principle of “integration” and the principle of “inter and intergenerational justice” is included in three laws each, while the “holistic approach” principle in only two of them. Social justice and use of local resources are not included in any of the reviewed law provisions. Due to the small territory of the country, it may be that legislators “melted” the principle of use of local resources with the principle of sustainable use of resources broadly included in legal provisions. Laws on environment, nature conservation, and water included six of eight represented principles of sustainable development in their provisions. The law on waste included four of them, whereas the rest of laws included one principle or in other cases, more included description of sustainable development principle as general concept.

From the research, a satisfactory level of inclusion of the principles of sustainable development in current legislation, particularly in the environmental laws, is identified. There is a list of legislative acts missing sustainable development principles although their field of regulation such: air protection from pollution, mine and minerals, land regulation, local self-governance etc. have direct impact in sustainability of the country development. However, the development of Kosovo is far from a path to sustainability, due to dire environmental situation, including a large dependence on coal as the source of energy. It is a general conclusion of the reports of international organizations present in Kosovo, including annual EC Progress Reports, that legislation in Kosovo is well developed and adopted, and largely in line with the principles of international and EU law. However, due to a number of factors such: a lack of professional capacities for implementation, a lack of financial support, a lack of cooperation between government agencies, and a lack of education and awareness for sustainable development, among others, implementation of sustainable development legislation by public authorities remains at a very low level. In order to improve the implementation of sustainable development principles, it is necessary to establish and support the institutional structures at the central and local level of governance. These institutions have to implement economic, social and environmental adopted documents generated by the legislative framework. Establishment of non-formal Committee for Sustainable Development within Assembly of Kosovo is an optimistic starting point for future steps toward a better sustainable development of youngest country in Europe. Being the first research of this type, lays foundations for more in-depth study of the sustainable development principles in approved administrative instructions and regulations, adopted policy documents such strategies, action plans, development plans etc.

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