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Environmental Security and Protection in European Union and Republic of Serbia

ABSTRACT

Taking as a starting point some methodological dilemmas the paper points to the general frameworks of the European Union's (EU) security policy concerning the position and role the environmental field plays in the EU policy and regulations. It is pointed out to the place environmental problems take in the foreign and security policy. The basic elements of the EU environmental policy and regulations which are significant are for security are especially analysed and these are as follows: industrial pollution control and risk management, nuclear security and radioactive waste, chemicals management, waste management, air protection, water resources management, nature protection, noise protection, etc. In the last part of the article, the authors point to the place and significance of the environment in the security policy of the Republic of Serbia (RS) especially within the context of harmonisation of national legislations with EU laws. The fundamental thesis that is being proven in the paper is that environmental problems take their normatively defined position in the security policy and they have been quite precisely built neither in the security policy of EU nor in the security policy of the Republic of Serbia.

Key words: environment, Treaty on the European Union, Treaty on the Functioning of the European Union, EU regulations, environmental security, security policy, RS regulations, National Security Strategy.

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Introduction

Although it seems that the relationships between security problems and the state of the environment are “natural” and that for the most part they come from the nature of environmental problems and their connections with various risks and challenges a detailed elaboration of these issues by taking EU and the Republic of Serbia as examples (within the context of EU integrations) implies that several methodological remarks should be made first. A general question would be what the notion of security generally embraces from the aspect of EU and RS (authorities, goals, principles, etc.) and especially within the context of contemporary environmental problems, or actually what all new elements are included in the notion of security within the context of the discussion on contemporary environmental problems. Depending on the contents and accurateness of the answer to this question, the research could go in various directions opening numerous other questions. Regarding this, there is another general question on what the notion of “environment” embraces within the context of contemporary security challenges.² In any case, the starting material determinant of the further debate is established by the state of the environment that is presented in various documents of EU and RS assuming the obligation to take into regard the regional characteristics of the environments as well as the assessments on the state of environment in the world as a whole.³ The reports on the conditions in particular areas or on the mutual impact of various environmental factors on the living world, health and/or the environment as a whole can be of special importance.⁴ Overlapping of the “national” security and the regional and global security have its special dimensions that can be seen by perceiving the impact of the state of the environment on the

² The authors do not elaborate in detail this question, but since it is significant for this subject, one should keep in mind the fact that of one of the basic characteristics of all (or most) valid international and national definitions of the notion of environment is exceptional broadness of various elements this formulation embraces.

³ See, for example: *Europe's environment — An Assessment of Assessments*, Luxembourg, 2011. <http://www.eea.europa.eu/publications/europes-environment-aoa>. *Europe's Environment – the fourth assessment*, European Environment Agency, Copenhagen, 2007; *Global Environment Outlook, GEO environment for development 4*. UNEP, 2007. http://www.unep.org/geo/GEO4/report/GEO-4_Report_Full_en.pdf. As for the South East European region see, for example: *Environmental trends and perspectives in the Western Balkans: future productions and consumption patterns*. EEA Report, No. 1/2010, Copenhagen, 2010. Todić, D. Social and Environmental Issues Related to the Security in SEE Countries, in Montini, M., Bogdanovic, S., (ed) *Environmental Security in South – Eastern Europe*, Springer Science + Business Media B.V. 2011, pp. 43-58. See also *Izveštaj o stanju životne sredine u 2010. godini*, Ministarstvo životne sredine, rudarstva i prostornog planiranja, Agencija za zaštitu životne sredine, Beograd, 2011. http://www.sepa.gov.rs/download/Izvestaj_o_stanju_zivotne_sredine_za_2010_godinu.pdf.

⁴ See, for example: *Climate change and its possible security implications*, (2009). Report of the Secretary-General, United Nations, General Assembly, A/64/350, 11 September <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/509/46/PDF/N0950946.pdf?>

contemporary life, although a more detailed analysis implies clearer definitions of both value and cognitive elements contained in the notion of “environmental security”.

Considering from the normative aspect one of the first questions relates to what (security) criteria should be applied to determine the relevance of some regulations. One of the questions whose answer could direct us more immediately to security aspects of environmental problems, too, is what the subject of protection of some regulations is, since it is not insignificant for this subject, or actually what the relationship is between the subject of protection and the source of endangerment.⁵ If in a general analysis one assumes the position that the basic subject of environmental protection as a whole and health are the most defined general subject of the protection, then it is very difficult to precisely define the list of potentially relevant regulations.⁶ The starting point of such an approach is logically based on the nature of rights, which in the predominant version of interpretation is the system of norms regulating relations between people, but not excluding numerous problems arising in the attempts to define the relationships between those notions.⁷ The significance of a more

OpenElement. *Using scenarios to improve understanding of environment and security issues*, EEA, 2012. <http://www.eea.europa.eu/publications/using-scenarios-brochure-2012>. *Water resources in Europe in the context of vulnerability*, EEA Report No 11/2012. Copenhagen, 2012. <http://www.eea.europa.eu/publications/water-resources-and-vulnerability>. *The impacts of invasive alien species in Europe*, Technical report No 16/2012. EEA, 2012. <http://www.eea.europa.eu/publications/impacts-of-invasive-alien-species>, etc.

⁵ In defining the subject of protection (and by all this, also by the broader values the society protects) normative instruments mostly show the tendency to keep precision simultaneously leaving open a possibility to also embrace within a broader context some similar circumstances or values including listing of potential sources of endangerment (most often punitive provisions or authorities of the institutes that are in charge of supervision, etc.) However, as such a level of precision often depends on numerous external factors the real ranges of some solutions can be perceived only in practice.

⁶ See, for example: Prüss-Üstün, Annette. *Preventing disease through healthy environments. Towards an estimate of the environmental burden of disease*. WHO, 2006. http://www.who.int/quantifying_ehimpacts/publications/preventingdisease.pdf. pp. 20–25. In a normative sense, the most recognisable aspect of these relations is contained in a part of the constitution and regulations of some states formulating the right to healthy environment and some related rights. However, there are various issues that should be regulated beforehand and they are as follows: quality of the environment that is being protected, quality of health, holder or titulary of some rights, etc. Then, there is also the question on whose health this concerns and whether it is the health of all living organisms on some location or on the Earth as a whole, etc. Besides, in a detailed analysis one should also add more particular subjects of protection such as nature, water resources, biodiversity, etc.

⁷ See, for example: Prüss-Üstün, Annette. *Preventing disease through healthy environments. Towards an estimate of the environmental burden of disease*. WHO, 2006. http://www.who.int/quantifying_ehimpacts/publications/preventingdisease.pdf. pp. 20–25.

precisely defined subject of protection lies in the fact that it direct us to potential sources of endangerment whose visibility can be obvious in particular norms, but it can also be pretty hidden. Only a detailed analysis of a particular regulation, including its punitive part and parts on institutional mechanisms or the whole system that is being established by a regulation can bring out elements upon which some conclusions can be drawn on potential sources of endangerment of security the legislator bore or could bear in mind at the moment of writing the legislation.⁸ Besides, the specific features of some big law systems, such as the EU law system, may make create conditions for taking a more pronounced approach or minimisation of some elements that are important for the relationships between the environment and security.

Environment in EU Foreign and Security Policy

Numerous ways and criteria can be applied to judge the relevance of the policy and regulations in the environmental field for the foreign and security policy. The broadest framework for considering the place of the environment in the EU foreign and security policy is determined by the general place and role the environment plays in the EU policy.⁹ If narrower criteria are applied, then normative elements which are relevant for the foreign and security policy could be determined, above all, by the EU regulations on international obligations concerning the environment or that could be derived from a broader interpretation of the significance of some environmental issues for security as a whole. However, the list of EU regulations which belong to the group that is denoted as regulations in the field of “the EU foreign and security policy” totally embrace 535 various acts, but among them, there are no regulations that explicitly relate to the environment.¹⁰

However, considering in a strictly normative way and regarding the provisions of the Treaty on the European Union, among the elements that define the EU

⁸ In contemporary analyses this „value“ part of a norm is often totally ignored by simplifying the relationships between security and the environment by reducing them to elementary manifestations of behaviour that is opposite to the prescribed norms. By all this, it is forgotten that various ethic trends in the contemporary environmental policy can decisively influence the creation, interpretation and implementation of a norm, especially in some borderline cases.

⁹ For more see: Dragoljub Todić, *Vodiči kroz EU politike – Životna sredina*, Evropski pokret u Srbiji, Beograd, 2011.

¹⁰ On 19.12.2012. See: http://eur-lex.europa.eu/en/legis/latest/chap_18.pdf. All regulations in this field are divided to several subgroups and they are as follows: foreign relations, humanitarian assistance, foreign trade, development and co-operation, human rights and democracy and fight against organised crime.

foreign and security policy the environment seems to have, in a way, a specific meaning. Of course, by all this, one should first recognise that in the Chapter VI of the Treaty on EU in the part on the EU foreign and security policy (Art. 21–46) the environment is explicitly mentioned only in Art. 21.¹¹ This has been done within the context of defining and implementing the common policy and measures attempting to achieve a high degree of co-operation in all fields of international relations so that the Union could, among other things, do the following: encourage sustainable economic and social development and environmental protection in developing countries, whose primary goals are to eradicate poverty (point d); or actually, assist in the development of international measures for the preservation and improvement of the quality of the environment and sustainable management of world natural resources for the purpose of ensuring sustainable development (point f). Thus, the global aspirations of the EU environmental policy are extended from the objectives concerning developing countries to “management of world natural resources” as a whole, too.¹² In this way, the debate on the place of environmental problems within the security context is extended to general problems of international security or actually, to global environmental problems as a whole. In the outcome document from the conference in Rio de Janeiro in 2012 “The Future We Want” it is especially pointed to several most important environmental problems and they also include the following: climate change, biodiversity protection, forests, desertification and loss of soil fertility, chemicals and waste management, etc.¹³

The discussion on foreign and security aspects of the EU policy that is significant for the environmental field leads us to the need to point to some other vital elements of the policy of this organisation in this field such as objectives, competences, principles, etc. Although concerning the objectives of the EU environmental policy one should take into consideration the overall goals of this

¹¹ Article 205 of the Treaty on the Functioning of the European Union prescribes that the Union’s acting on the international scene is carried out in accordance with general provisions defined in the Title I of the Chapter V of the Treaty on EU (general provisions on the Union’s acting on the international scene).

¹² The connections with global environmental problems and challenges resulting from them are perhaps best seen in the EU objectives defined in the EU Sixth Environment Action Programme. By all this, one should keep in mind that in the last several years the EU policy has strongly pointed out to the problems of climate change and security challenges resulting from these problems. In addition, the Sixth Environment Action Programme separately elaborates the EU measures concerning, among other thing, nature and biodiversity protection, health and quality of life protection, sustainable use and management of natural resources and waste, etc.

¹³ *The Future We Want: Outcome document adopted at Rio+ 20*, A/CONF.216/L.1. 19 June 2012. <http://www.uncsd2012.org/content/documents/727The%20Future%20We%20Want%2019%20June%201230pm.pdf>.

organisation. However, the objectives that are most explicitly formulated in the environmental field are contained in the provision of Article 191 of the Treaty on the Functioning of EU (previously Article 174, that is 130r). This provision prescribes that the Union environmental policy should contribute to achieving the aims concerning the preservation, protection and improvement of the quality of the environment, protection of human health, careful and rational use of natural resources and improvement and measures for facing global environmental problems at the international level. Therefore, the goal of the Community environmental policy is to ensure a high degree of protection taking care of versatile conditions and various regions in the Community. It is based on particular principles among which are some that are directly related to security aspects of the policy as a whole such as the precautionary principle, preventive action principle and that the environmental damage should be repaired at the source of pollution.¹⁴

Keeping in mind all that has been mentioned above, it seems that it is most advisable to perceive the general frameworks of the EU environmental policy (from the normative aspect) through some groups of regulations in the environmental field also taking into consideration other fields which are relevant for the environment.

¹⁴ This should be added the polluter pays principle as one of four principles which are explicitly mentioned in Article 191 of the Treaty on the Functioning of EU. Apart from those four principles, there are also some other principles of environmental protection in EU and they are as follows: principle of sustainable development, principle of subsidiarity, principle of proportionality, principle of information dissemination and participation of the public. Čavoški, A., *Osnovi ekološkog prava Evropske unije*, Pravni fakultet Univerziteta Union, Službeni glasnik, Beograd, 2007, str. 14–22. Principles of international environmental law embraced, apart from those mentioned above, the principle of sovereignty over natural resources, obligation not to cause damage, principle of common but differentiated responsibilities, principle of fair share in the use of resources, etc. Louka, E., *International Environmental Law*, Cambridge University Press, 2006. p. 49–54. Dragoljub Todić, *Savremena politika i pravo životne sredine*, Megatrend univerzitet, Beograd. 2008. str. 59–64.

¹⁵ We should remind that all sources of EU environmental law are arranged by groups in the following way: horizontal legislation, nuclear security and radioactive waste, water protection and management, industrial risks, biotechnologies, preservation of wild fauna and flora, waste management and clean technologies, civil protection and international co-operation. See. <http://eur-lex.europa.eu/en/legis/latest/chap1510.htm>. See also: *Nacionalni program za integraciju u Evropsku uniju (NPI)*, Vlada, Beograd, juni 2008. str. 619–676; *NPI-ID*, op. cit. str. 571–600.

Some of the Most Important Fields and Groups of EU Regulations which are Relevant for Security

The significance of some fields and groups of EU regulations for the discussion of security aspects of the EU policy can be assessed in various ways, but starting from a broad definition of the notion of “environment” and its “natural” connection with security problems (as mentioned in the introduction) it can be said that all groups of regulations have some significance.¹⁵ Since the choice of the most important fields and groups of EU regulations (based on various criteria) could be objected in various ways assuming the risk that it takes, we opt for a general presentation of bigger groups leaving the possibility to discuss in detail and separately any groups of regulations as well as any individual regulation within any group.

It is considered that the so-called Seveso disaster in 1976 (Italy) in a chemical manufacturing plant for the production of pesticides and herbicides made an impact on the development of the EU policy and legislation in the field of prevention and control of industrial pollution and risk management.¹⁶ Since then up to the present days, many versatile activities have been taken and a large number of documents have been adopted defining various instruments with the goals to create conditions for the prevention and reduction of negative impacts the industry may exert on the environment.¹⁷

Concern over possible impacts of GMO¹⁸ on the environment and health has arisen recently comparing to the initiatives that regarded chemicals. In the 1970s, the first signs of concern appeared, which employees and scientists in some research laboratories initiated, above all. Under today’s conditions, the most significant activities directed towards taking measures for risk control are supported by various NGOs in the environmental field and in the field of consumer protection. Today, it is regarded that some questions concerning GMO (such as intentional emission of GMOs in the environment, GM food and genetically modified animals) are considerably politicised unlike the application of biotechnologies to medical purposes.¹⁹

¹⁶ For more see: <http://ec.europa.eu/environment/seveso/index.htm>.

¹⁷ This group of regulations (together with the regulations on GMO) and regulations on chemicals embrace totally 116 acts (up to 20.12.2012). See: <http://eur-lex.europa.eu/en/legis/latest/chap15102050.htm>.

¹⁸ Regarding genetically modified organisms, one should keep in mind that regulations in this field considerably belong to the group of regulations on agriculture and to the group of regulations on the protection of consumers.

¹⁹ *Handbook on the Implementation of EC Environmental Legislation*, Regional Environmental Center, Umweltbundesamt GmbH, Budapest, 2008. p. 921.

Growth in the use of chemicals in a larger part of developed societies has resulted, among other things, in increasing concern over their possible health and environment consequences. Some chemicals that the man has created can be found even in the most distant places in the environment, in animals and human beings. With the increased knowledge on possible negative effects of chemicals, one of the first questions that was raised referred to the need of providing sufficient information on some chemicals. The Preamble of the Sixth Environment Action Programme of the European Union points to the connections between some health problems and the state of chemicals management recognising that it is necessary to considerably improve knowledge and information dissemination (Points 24, 25 and 26).²⁰ The Thematic Strategy on the Sustainable Use of Pesticides (2006) (COM(2006)372²¹ perceives the present situation defining the directions in further action with the purpose of reducing the risk of the use of pesticides to human health and the environment. At the same time, the objective is to keep the already achieved level of productivity in crops production and improvement in the use and distribution control.²²

Air quality is of the issues to which a considerable part of EU citizens devotes their greatest attention and it is one of the fields where EU is the most active. It is considered that the problems of air pollution have played a significant role in the EU policy and legislation since the 1980s as a reaction to the issue initiated by the adoption and ratification (on the part of the Community) of the Convention on Long-Range Transboundary Air Pollution (1979). After that, the first directive in this field was adopted and it concerned sulfur dioxide.²³ Then, in this field, the following subjects were also regulated: acid rains, fight against air pollution by determining limit values for emission of polluting substances as well as limiting emissions of substances from big burning power plants. Later, the most prominent was the development of legislation in the field of ozone layer protection, limiting of carbon dioxide emissions and forests damage by air pollution.

²⁰ For more on various aspects of EU activities in the field of chemicals see the site of the European Chemicals Agency: <http://echa.europa.eu/>

²¹ *A Thematic Strategy on the Sustainable Use of Pesticides, Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, Brussels, 12.7.2006, COM(2006) 372 final*, http://ec.europa.eu/environment/ppps/pdf/com_2006_0372.pdf. (7.6.2010)

²² For more on the state and EU sustainable pesticides management policy see: <http://ec.europa.eu/environment/ppps/home.htm>

²³ The first issue that has been the subject of regulation in the field of air protection is Council Directive(80/779/EEC) of 15 July 1980 on air quality limit values and guide values for sulphur dioxide and suspended particulates..

Regardless of the fact that it is assessed that as a result of the measures that have been taken a step forward has been made in the elimination of problems concerning some polluting substances in the air (sulfur dioxide, lead, nitrogen oxides, carbon monoxide, benzene, etc.), air quality has remained one of serious problems (summer smog coming from ground level ozone layer, suspended particulates). For this reason, it is regarded necessary to keep taking measures at various levels (local, national, European, international). Thematic Strategy on Air Pollution²⁴ as an EU key strategic document in this field defines the goals for reduction of some polluting substances and points out the significance of legislative regulation in the fight against pollution in the following two elementary ways: by the improvement of legislation in the environmental field and through the integration of the air quality issue in relevant policies.

Water management and protection is the issue that is regarded as the one that has been regulated within the EU environment legislation in the broadest way. The water protection policy in EU had started in the 1970s, this also including the adoption of 1973 First Action Programme. After that, in 1975 the adoption of the Directive on the Protection of Groundwater and in 1980 of the Drinking Water Directive followed. This first wave of legislations in the field of waters also includes the legislations defining water quality standards (bathing water standards, water quality requirements of fish, crustacea, groundwater standards, etc.). The Directive on Emission Limit Values was adopted (1976) as well as other directives (daughter) regulating emission limit values for various substances.²⁵

The latest approach in water protection assumes the positions that efficient water protection requires the adoption of adequate legislations regulating emission limits, this at the same including legislations on water quality standards (actually, it assumes the position on the necessity to take the so-called combined approach). The water policy priorities are defined in the EC Sixth Action Programme in the way

²⁴ *Communication from the Commission to the Council and the European Parliament – Thematic Strategy on air pollution {SEC(2005) 1132} {SEC(2005) 1133}, /* COM/2005/0446 final */*, Brussels, 21.09.2005. The Strategy is one of a few strategies whose elaboration was provided by the Sixth Environment Action Programme and the first one that was adopted by the Commission. It was founded on the research carried out within CAFE Programme (Clear Air for Europe) and some other programmes. See also: *Commission communication of 4 May 2001 “The Clean Air for Europe (CAFE) Programme: Towards a Thematic Strategy for Air Quality”*.

²⁵ The second wave of adoption of legislations in the field of water protection had been followed by the adoption of the Urban Waste Water Directive (1991) and the Nitrates Directive. Then followed the revision of the Directives on Drinking and Bathing Water, the development of Underground Action Programme and submitting of the Proposal of the Directive on Environmental Water Standards (1994). The adoption of the Integrated Pollution Prevention and Control Directive (IPPC) (1996) was a significant contribution to the development of the conditions in the field of water.

that the water field is mentioned within priority activities concerning the following issues: a) climate change (preparation of measures for the adaptation to climate change), Article 5.3 — urging of regional climate modelling and assessment for the preparation of regional measures for the adaptation such as water resources management, biodiversity preservation, desertification, floods prevention and support to strengthening of consciousness and citizens and the business sector; b) health and life quality, Article 7.1.6. — raising of the level of quality of groundwater and surface water; Article 7.2.e — sustainable use and high level of water quality; 7.2.h; c) sustainable natural resources and waste use and management, Article 8.1.3, Article 8.2.(i)d — promoting of extraction and production methods and techniques of improvement of efficient and sustainable use of raw materials, energy, waters and other resources.

Nuclear security and radioactive waste management is one of delicate issues of the environmental policy (or the one concerning the environment). The controversy of this issue develops a debate on the place and role of nuclear energy and energy policy as a whole.²⁶

The basic legal framework for acting in this field was defined by the Treaty Establishing the European Atomic Energy Community (Rome, 25 March 1957).²⁷ It regulates the issues related to radiological protection of employees and the public, supply of uranium for the development of nuclear sector and supply of nuclear fission products (e.g. the prevention to be used for unauthorised military purposes), general aspects such as research, information dissemination, investments, the role of some Community bodies, etc. Based on

²⁴ *Communication from the Commission to the Council and the European Parliament - Thematic Strategy on air pollution* {SEC(2005) 1132} {SEC(2005) 1133}, /* COM/2005/0446 final */, Brussels, 21.09.2005. The Strategy is one of a few strategies whose elaboration was provided by the Sixth Environment Action Programme and the first one that was adopted by the Commission. It was founded on the research carried out within CAFE Programme (Clear Air for Europe) and some other programmes. See also: *Commission communication of 4 May 2001 "The Clean Air for Europe (CAFE) Programme: Towards a Thematic Strategy for Air Quality"*.

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²⁶ More than a half of citizens in Europe think that nuclear energy risk is bigger than its benefits as a source of energy. *Europeans and Nuclear Safety*, Special Eurobarometer 271, European Commission, 2007, p. 17.

²⁷ Consolidated version of the Treaty Establishing the European Atomic Energy Community, OJ C 841, 30.3.2010, p. 1–112. See also: http://ec.europa.eu/energy/nuclear/euratom/euratom_en.htm.

this Treaty the European Commission has acquired supranational powers in the following three fields: radiological protection, supply of nuclear fission products and nuclear security.²⁸

The connections between the policy and regulations in the field of waste management and security are mostly related to health protection of the population, especially within the context of hazardous waste management. The basic elements of the EU waste management policy are defined in relevant provisions of the part relating to the environment within the Treaty on the Functioning of the European Union, The Sixth Environment Action Programme and the Thematic Strategy on the Waste Prevention and Recycling. The Thematic Strategy on the Waste Prevention and Recycling was adopted on 21 December 2005 with the aim to perceive and assess the EU waste policy, to make simpler and clear the existing legal framework, to define goals and basic instruments by which it will improve waste management and reduce its generation.²⁹ In accordance with this, it was proposed, among other things, the following: further improvement of the Framework Waste Directive (2006/12/EC), inclusion of the approach based on “life cycle” in EU regulations, defining of minimum standards for implementing activities in the field of recycling, search for new methods to speed up recycling, urging of redirecting of biological waste from waste piles and revision of the Directive on Sewage Sludge (86/278/EC).

It is estimated that a large number inhabitants of Europe are exposed to negative effects of noise in the environment which comes from various sources (traffic, industry, recreation activities, etc.).³⁰ For this reason noise is one of the main local environmental problems producing significant effects on the health of inhabitants.³¹

²⁸ Actually, several international bodies and organisation are involved in the activities in managing radioactive waste safely in EU. Especially important are The International Commission on Radiological Protection, the International Atomic Energy Agency, the OECD Nuclear Energy Agency. The general principles for radioactive waste management defined in „Foundations of Security“ of the International Atomic Energy Agency, which are also called 9 „commands“ embrace the following goals: human health protection, environmental protection, cross-border protection, protecting future generations, burdening future generations, national legal framework, radioactive waste production control, interdependence of radioactive waste production plan management and security.

²⁹ However, for the nature of the problem of waste management one should also take into consideration thematic strategies in other fields such as the following: The Thematic Strategy for Soil Protection, the Thematic Strategy on the Sustainable Use of Resources, the Thematic Strategy on Air Pollution, the Thematic Strategy on the Urban Environment, etc.

³⁰ It is estimated that about 20 per cent of inhabitants in Western Europe is exposed to negative effects of noise that are regarded as unacceptable from the aspect of health. *Commission of the European Communities. (1996). Future noise policy – European Commission Green paper, COM (96) 540 Final, Brussels, 04.11.1996. p. 1.* <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:1996:0540:FIN:EN:PDF> (22.07.2010).

In its Green Book (1996) the European Commission explicitly defined noise problems as environmental problems, thus opening a debate on noise policy and further measures that should be taken. The following two directions of acting have been defined: general noise policy (common methods for assessment of exposure to noise, establishment of a common index of exposure to noise, limitation of noise transfer, exchange of information and experiences, improvement of coherence of the noise research programme and reduction of emission at the source (road, railway and air traffic and noise caused by equipment in the open area). The most important part of the EU policy in this field is directed toward noise reduction by introducing required technical standards for products, or actually by defining limit values of emission for some products (motor vehicles, motorcycles, airplanes, household appliances, various equipment, etc.). The Article 7, p. 1 of the Sixth Community Environment Action Programme relates to the reduction of people who are exposed to more than average levels of noise for a long period, and especially to traffic noise.³²

Normative Frameworks of Security and Environmental Protection in the Republic of Serbia

The place and role of the “environment” in the security policy of the Republic of Serbia are defined in a general way in several strategic documents, while the relevance of individual legislations should be verified individually from case to case. One can regard the determinations of the national security policy those that are contained in the position that the Republic of Serbia “has been determined to develop and improve all security aspects, and especially “environmental”, apart from “human, societal, energy, economic and other contents of integral security of the Republic of Serbia”³³ (underlined by the author). Special significance is given to the creation of

³¹ It is estimated that external costs caused by noise (above all, for traffic) are between 0.2 and 2 per cent of GDP. *Ibid*, p. 1a. Similar is with the European Environment Agency (2007), *Europe's Environment — the fourth assessment*, Copenhagen. p. 66.

³² *Decision No 1600/2002/EC of the European Parliament and of the Council of 22 July 2002 laying down the Sixth Community Environment Action Programme*, (OJ L, 242, 10.09.2002), str. 10.

³³ *Strategija nacionalne bezbednosti Republike Srbije*, Vlada Republike Srbije, Beograd, 2009, str. 14. This analysis does not discuss broader dimensions of the security policy including the fact that the National Assembly of the Republic of Serbia adopted the Resolution on the Protection of Sovereignty, Territorial Integrity and Constitutional Order of the Republic of Serbia (26.12.2007, proclaiming „military neutrality of the Republic of Serbia to the existing military alliances until a possible referendum where the final decision would be made (point 6). See: http://www.parlament.rs/content/cir/akta/akta_detalji.asp?Id=360&t=O#. The perception of possible implications of „military neutrality“ on the state of the environment could be a subject of separate research. For more see: Dragoljub Todić, *Bezbednosna politika Republike Srbije u svetlu savremenih problema u oblasti životne sredine*, *Pravo – teorija i praksa*, br. 7–9, jul-septembar 2011, str. 54–70.

conditions for the improvement of human security that points out the protection of economic, environmental, health, political and other security of an individual and the community.³⁴ The starting point upon the solutions from the Strategy are based is that in the field of “global security” ...”security has from the predominantly military sphere expanded also to some other fields, and these are primarily economic, energy, social and environmental ones”.³⁵ Apart from the improvement of education, science, research work, culture and other fields of social life as well as their harmonisation with the European Union’s standards the strategic importance of “environmental protection” has been explicitly defined in the part of the National Security Strategy dealing with “the policies in some other fields of social life”.³⁶

It is estimated that “building and strengthening of a modern and single system of protection and rescue” has special significance for the achievement of internal security.³⁷ The contents of activities and goals in the environmental field which is of relevance for the national security is defined as “the elimination of the consequences caused by the NATO bombardment”³⁸ as well as the protection and preservation of natural resources that can be jeopardised by uncontrolled exploitation”. “Integrated management and natural resources planned exploitation control and ensuring of respect of international conventions on environmental protection” or actually “adoption of international standards in this field” is considered the basic way for the achievement of these goals.

Perceiving of the place and role of the environment in the security policy of the Republic of Serbia implies (comparatively) reliable identification of sources of endangerment of security of the environment³⁹ as both foreign (global, regional) challenges and the environment national risk.

³⁴ The part relating to the „economic policy“ recognises the importance of pre-conditions for the achieving of the reduction of poverty and unemployment rate and a share of the shadow economy in the overall economy of the state and stimulating of the development of small and medium-sized enterprises, continuous investments in agriculture, tourism development and strengthening of institutional and legislative frameworks regarding the environment quality. Ibid, str. 20.

³⁵ Ibid., str. 2, 34.

³⁶ Ibid. str. 25.

³⁷ “By the development of appropriate society capacities for crisis management and organising citizens and by the efficient system of information dissemination conditions are created for achieving of more efficient protection of life, health and property of citizens and for preservation of the environment”, Ibid, str. 23.

³⁸ *The Consequences of NATO bombing for the Environment in FR Yugoslavia*, Federal Ministry for Development, science and the environment, Belgrade, 2000.

³⁹ Concerning this one can also pose the question of perception of the public. According to the results of the CESID (Center for Free Elections and Democracy) research in 2009 among the biggest problems in Serbia, environmental problems and protection are not perceived as being much important; only 3 per cent of the inquired citizens thought that that problem was the biggest: See: <http://www.ekoforum.org/index/vest.asp?VID=3267>.

Global and regional security challenges related to the environment⁴⁰ should be primarily interpreted within the context of overall economic, social, historical, etc. specific characteristics of the Republic of Serbia and the states of the South East European region to which it belongs. This also includes the consequences of the armed conflicts in the 1990s and the NATO bombardment in 1999. In fact, one should keep in mind the fact that these are “small”⁴¹ economies, whose level of mutual co-operation is very low, while the level of co-operation with EU is much higher,⁴² where dominant economic problems involve a high level of unemployment, a considerable level of trade disbalance, growth of external debt, big differences in the level of development between some regions and some citizens, a high level of government intervention including subsidies, high a level of “shadow” economy, a considerable part of population living beyond poverty limits, etc. with all its consequences which some of the above mentioned characteristics can have as presumptions and sources for the endangerment of environmental security. During their transition, all West Balkan countries passed or are still passing through the process of privatisation, what has a significant impact, among other things, on the responsibility for environmental damage.⁴³ A special problem is the fact that the economies in the region are mostly based on agriculture, exploitation of natural resources and industry, what altogether considerably contributes to irrational exploitation of natural resources and environmental pollution.⁴⁴ Unsustainable production and consumption patterns of the West Balkan countries produce

⁴⁰ For more see: For more see: Todić, D., *Bezbednosna politika Republike Srbije u svetlu savremenih problema u oblasti životne sredine, Pravo – teorija i praksa*, br. 7-9, jul-septembar 2011, str. 54–70.

⁴¹ *Europe's Environment, Forth Assessment*, European Environment Agency, Copenhagen, 2007. p. 390.

⁴² Koyama, Y., *South Eastern Europe in Transition, A Quest for Stabilization of the Region after the Breakup of the Former Yugoslavia*, Japan: Niigata University, 2003, p. 185–187. Regardless of its goals, its seems that the CEFTA Agreement (2006) has not significantly changed the situation in this field.

⁴³ It has been generally perceived that corruption in privatisation has made a significant impact on the current and future state of the environment in the region or actually on the achievement of goals of environmental protection on the part of privatised companies. The public negatively perceives the private sector and the attitude of privatised companies to the environment, which are regarded as achieving their profit goals largely on the account of the goals set in the environmental field. *Gallup Balkan Monitor Insights and Perceptions: Voices of the Balkans - 2009 Summary of Findings*, in Partnership with the European Fund for the Balkans. http://www.balkan-monitor.eu/files/Balkan_Monitor-2009_Summary_of_Findings.pdf Accessed 20 November 2009. p. 8. See also in: *Environmental Policy in South Eastern Europe*, UNDP, Belgrade, 2007. p. 78. As for weaknesses of the states as a security threat, see: Kostovicova, D., *Slabosti države na zapadnom Balkanu kao pretnja bezbednosti: pristup Evropske unije i globalna perspektiva, Bezbednost zapadnog Balkana*, br. 7–8/2008, str. 10–16.

⁴⁴ However, it is still believed that significant advantages of the states in the region are, apart from human resources, just natural resources (forests, biodiversity, mineral resources, waters, etc.). *Environmental Policy in South Eastern Europe*, UNDP, Belgrade, 2007. p. 19.

significant consequences on the current state of the environment and the prospects for resolving of these issues.⁴⁵

Although in the assessments of the state of the environment various documents identify versatile challenges some states in region are facing,⁴⁶ the national reports on achieving of millennium goals in South Eastern Europe particularly point out to the issues related to air and water pollution or actually to the state of the environment of the protected areas.⁴⁷ The most important risks in the environmental field, which are related to the health of the people in the region, are air and water pollution, inadequate waste, chemicals and wastewater management as well as inappropriate professional security and traffic security.⁴⁸ The region is exposed to pollution due to activities of the heavy industry, functioning of the ore sector, intensive agriculture with no realistic assessment of the impact on human health, the lack of infrastructure in the water field, etc.⁴⁹ Also, the region is exposed to a big impact of natural disasters such as earthquakes, floods, fires, droughts, landslides, etc.⁵⁰

⁴⁵ For more see: *Environmental trends and perspectives in the Western Balkans: future productions and consumption patterns*, Copenhagen, EEA Report, No. 1/2010.

⁴⁶ See, for example: *Albania – Environmental Performance Review*, Economic Commission for Europe, Committee on Environmental Policy, New York and Geneva, 2002; *Bosnia and Herzegovina – Environmental Performance Review*, Economic Commission for Europe, Committee on Environmental Policy, New York and Geneva, 2004; *Bosnia and Herzegovina – Depleted Uranium in Bosnia and Herzegovina*, Post Conflict Environmental Assessment, UNEP, Nairobi, 2002; *Croatia – Environmental Performance Review*, Economic Commission for Europe, Committee on Environmental Policy, New York and Geneva, 1999; *Montenegro – Environmental Performance Review*, Economic Commission for Europe, Committee on Environmental Policy, New York and Geneva, 2007; *Serbia – Environmental Performance Review*, Economic Commission for Europe, Committee on Environmental Policy, New York and Geneva, 2007; *Serbia and Montenegro – Depleted Uranium in Serbia and Montenegro, Post-Conflict environmental assessment in the Federal Republic of Yugoslavia*, UNEP, Nairobi, 2002; *Serbia and Montenegro – From Conflict to Sustainable Development: Assessment and Clean-up in Serbia and Montenegro*, UNEP, Nairobi, 2004; *Yugoslavia – The Consequences of NATO bombing for the Environment in FR Yugoslavia*, Federal Ministry for Development, science and the environment, Belgrade, 2000; *Yugoslavia – Environmental Performance Review*, Economic Commission for Europe, Committee on Environmental Policy, New York and Geneva, 2003; *Kosovo under UNSCR 1244/99 – The Kosovo Conflict – Consequences for the Environment and Human Settlements*, UNEP, Nairobi, 1999.

⁴⁷ *National Millennium Development Goals: a framework for action – Europe and the CIS*, Regional MDG Report, UNDP, Bratislava, 2006, p. 49.

⁴⁸ For more see: *Environment and Security Consultations in South Eastern Europe*, Skopje, The Former Yugoslav Republic of Macedonia, 23-24. September 2004, UNEP, UNDP, OSCE, NATO Final Report. <http://www.envsec.org/see/pub/Final%20Report%20from%20the%20EnvSec%20Consultations%20in%20SEE.pdf>. Accessed 15 November 2009. *Europe's Environment, Forth Assessment*, European Environment Agency. Copenhagen, 2007. p. 118.

⁴⁹ *Environment and Security-Transforming Risks into Cooperation, The Case of Central Asia and South Eastern Europe*, UNEP, UNDP, OSCE. 2003, p. 16.

⁵⁰ For more see: *South Eastern Europe Disaster Risk Mitigation and Adaptation Programme* World Bank, ISDR, 2008.

If one takes the broadest approach in defining relevance of some national environmental legislations for the debate on security aspect, what has already been pointed to in the paper, then the complete environmental legislation can be considered in various ways an element of the security system including both goals and instruments and mechanisms of its achievement. The basic characteristic of these legislations is an attempt to harmonise them with EU laws.⁵¹ This being so, regardless of the fact that fundamental environmental legislations are not only determined by “security”, although they contain various provisions which are related to some aspects of security or their basic subjects of regulation are such that concerning them one can say that these are specific security issues.⁵²

Several basic principles in the environmental policy have for their aim, among other things, the prevention or minimisation of harmful effects of some activities on the environment and human health. Therefore, this results in the interpretation that the meaning and contents of these principles can be significant for defining of the nature of the connections between the environment and the security policy. Some of the principles (prevention principle, precautionary principle, principle that damage should be prevented at the source of generation, polluter pay principle, principle of preventing the production (generation) of waste and minimisation of harmful effects of waste, etc.) deserve to be particularly considered, although some other principles can also have some implications on security aspects of various activities in the environmental field.

The level of harmonisation of national legislations of the Republic of Serbia with EU laws can have the character of one of the criteria for the assessment of relevance of these issues from the security aspect.⁵³ This is because, regardless of the fact that due to various specific conditions, the implementation of legislations can considerably prevent one from drawing reliable conclusions. In that sense, it should be kept in mind that it is believed that a part of legislations of the Republic of Serbia, which were adopted in the most recent stage of development, are fully harmonised with relevant EU legislations, while for one part of these legislations this process is under way. If the groups of EU

⁵¹ For an overview of these legislations, see: Vid Vukasović, Dragoljub Todić, *Environmental Law in Serbia*, Kluwer Law International BV, The Netherlands, 2012. pp. 63–348.

⁵² For example: Law on Chemicals, Law on Biocidal Products, Law on Waste Management, Law on Packaging and Packaging Waste, Law on Ionising Radiation Protection and Nuclear Safety, Law on Re-ionising Radiation Protection, Law on Noise Protection in Environment, etc., etc.

⁵³ The policy and legislations relating to security are included in the Charter 31 (foreign, security and defence policy). The environmental field, in its narrowest sense, is the subject of the analyses within the Charter 27.

legislations, to which the authors have pointed to in the first part of the paper, are taken as a parameter, it could be, shortly speaking, recognised that there are several assessments. Thus, concerning the situation included in the Charter 27 of 2012 Report the European Commission recognised that some progress had been made, while there were also some problems. “Alignment with the environmental *acquis* and the ratification of international environmental conventions continued. Significant further efforts are needed in order to implement the national legislation, especially in the areas of water management, industrial pollution control and risk management, nature protection and air quality. The strengthening of the administrative capacity should remain a priority. Little progress was achieved in alignment with the climate *acquis*.”⁵⁴

Conclusion

Although, at first sight, it could be said that the environmental field is connected by many links to various security issues a more detailed research of this relationship implies that various methodological issues should be defined beforehand. Health aspects of environmental problems are mostly used as an “implying” criterion and they have their legal reflection on provisions of various environmental legislations defining those connections explicitly. The width of other issues which are embraced by the corpus of what is being perceived by analysing security aspects of the environment depend on the agreement concerning the definitions of basic notions (environment, security, risks, sources of endangerment, etc.) as well as on the prevailing value judgements of these issues. In a normative sense, the frameworks of the EU security and environmental policy are defined by relevant provisions of the Treaty on the European Union, the Treaty on the Functioning of the European Union as well as by numerous strategic documents of this organisation. However, “environmental” aspects of the EU foreign and security policy can be explicitly seen only in the part that deals with the goals of this organisation concerning developing countries and “management of world natural resources”. Security aspects of the state of some fields of the environment can be judged in detail only through perceiving the EU powers in the environmental field as well through perceiving the subjects that are regulated by some groups of EU legislations.

As far as the state in the Republic of Serbia is concerned, one has the impression that the methodologically consistent perceiving of the relationship between security and the environment can only be achieved by perceiving the

⁵⁴ *Serbia 2012 Progress Report*, European Commission, Brussels, 10.10.2012, SWD(2012) 333, p. 59.

state of national environmental legislations and the level of their harmonisation with EU laws. Although in strategic documents in the field of security environmental problems are marked as relevant for defining security priorities of the country, there are still various questions whose place and significance in such a system should be more precisely defined. Although in the process of harmonisation of national legislations with EU laws in the environmental field even a larger number of matters are yet to be completed, the level of harmonisation and perspectives of this process also produce an impact on the achievement of goals in the field of security.

References

1. *Europe's Environment — the fourth assessment*, European Environment Agency, Copenhagen, 2007.
2. *Environmental trends and perspectives in the Western Balkans: future productions and consumption patterns*. EEA Report, No. 1/2010, Copenhagen.
3. *EU 2010 Biodiversity Baseline*, EEA Technical report No 12/2010, EEA, Copenhagen, 2010. (<http://www.eea.europa.eu/publications/eu-2010-biodiversity-baseline>)
4. *European Union emission inventory report 1990–2008 under the UNECE Convention on Long-range Transboundary Air Pollution (LRTAP)*, EEA Technical Report, No. 7/2010, Copenhagen. (<http://www.eea.europa.eu/publications/european-union-emission-inventory-report>)
5. *Guide to the Approximation of European Union Environmental Legislation*, Commission of the European Communities, 2008. (<http://ec.europa.eu/environment/archives/guide/guidfin.pdf>)
6. *Godišnji izveštaju Evropske komisije o napretku Srbije za 2009. godinu*, SEK (2009) 1339, Brisel. (<http://www.seio.gov.rs/code/navigate.asp?Id=48>)
7. Gubb, C. J., *EU Environmental Policy*; CIVITAS Institute for the Study of Civil Society 2007; (<http://civitas.org.uk/eufacts/FSENV/ENV1.htm>)
8. Holder, J., Lee, M., *Environmental Protection, Law and Policy*, Cambridge University Press, 2007. (pp. 135-210);
9. *Handbook on the Implementation of EC Environmental Legislation*, Regional Environmental Center, Umweltbundesamt GmbH, Budapest, 2008. (<http://ec.europa.eu/environment/enlarg/handbook.pdf>)
10. Israelsson, Elin, *Environmental Security in the European Union, Can epistemic communities explain the incorporation of environmental aspects in the Common Foreign and Security Policy in the European Union?* C, D Thesis, University of Gothenburg, 2008. https://gupea.ub.gu.se/bitstream/2077/17856/1/gupea_2077_17856_1.pdf.

11. Košičiarova, S., *EC Environmental Law*, Vydavaelstvi a nakladatelstvi Aleš Čenek, Plzen, 2009.
12. Louka, E., *International Environmental Law*, Cambridge University Press, 2006. p. 49-54.
13. Ljujić, B., Sundać, Lj., (pr.). (2005). *Direktive Evropske unije o vodama*, Beograd: Udruženje za tehnologiju vode i sanitarno inženjerstvo.
14. Pallemarts, M., (ed), *Sourcebook on EU Environmental Law*, Prepared by Institute for European Environmental Policy for the EPE Banks: (et.al.) (<http://www.bei.europa.eu/attachments/strategies/sourcebook-on-eu-environmental-law.pdf>)
15. Prüss-Üstün, Annette. *Preventing disease through healthy environments. Towards an estimate of the environmental burden of disease*. WHO, 2006. http://www.who.int/quantifying_ehimpacts/publications/preventingdisease.pdf.
16. *REACH in brief*. European Commission, Environment Directorate General, Brussels, 2007. (http://ec.europa.eu/environment/chemicals/reach/pdf/2007_02_reach_in_brief.pdf)
17. Scheuer, S., (ed), *EU Environmental Policy Handbook - A Critical Analysis of EU Environmental Legislation, Making it accessible to environmentalists and decision makers*, European Environmental Bureau (EEB), Brussels, 2005. <http://www.eeb.org/?LinkServID=3E1E422E-AAB4-A68D-221A63343325A81B&showMeta=0>
18. Shelton, D., Kiss, A., “*Judicial Handbook on Environmental Law*”, UNEP, 2005.
19. Sands, P., QC, “*Principles of International Environmental Law*”, Cambridge University Press, 2003.
20. *Serbia 2012 Progress Report*, European Commission, Brussels, 10.10.2012, SWD(2012) 333.
21. Todić, D., Okvirna pitanja odnosa međunarodne bezbednosti i bezbednosti životne sredine” *Vojno delo*, br.5-6/1999, str.47-63.
22. Todić, D., Ekološka politika EU u svetlu strateških opredelenja u oblasti održivog razvoja, *Pravni život*, br. 10/2009, 53-66.
23. Todić, D., Odgovornost za štete u životnoj sredini u pravu Evropske unije, u Babić, B. (ur.) *Vodič kroz pravo Evropske unije*, Službeni glasnik, Institut za međunarodnu politiku i privredu, Pravni fakultet Univerziteta, Beograd, 2009. str. 518-518.
24. Todić, D., Vukasović, V., *Ekološka kriza u svetu i odgovor međunarodne zajednice*, Savezni sekretarijat za rad, zdravstvo i socijalno staranje, Institut za međunarodnu politiku i privredu, Beograd, 2003.
25. Todić, D. Social and Environmental Issues Related to the Security in SEE Countries, in Montini, M., Bogdanovic, S., (ed) *Environmental Security in South – Eastern Europe*, Springer Science + Business Media B.V. 2011, pp. 43-58.

26. Todić, D., Bezbednosna politika Republike Srbije u svetlu savremenih problema u oblasti životne sredine, *Pravo – teorija i praksa*, br. 7–9, jul-septembar 2011, str. 54–70.
27. *Vodič za operatere i druge korisnike – kroz propise u oblasti zaštite životne sredine (II deo)*, Ministarstvo životne sredine i prostornog planiranja, Beograd, 2010.
28. Vukadinović, R., & Jovanović, N., & Međak, V., & Todorčić, V., *Kako usklađivati domaće propise sa pravnim tekovinama Evropske unije*, Vlada Republike Srbije, Ministarstvo za ekonomske odnose sa inostranstvom, Beograd, 2004.
29. Vukasović, V., Todić, D., *Environmental Law in Serbia*, Kluwer Law International BV, The Netherlands, 2012.