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CRITICAL PERSPECTIVES ON CLIMATE ACTION IN THE REPUBLIC OF NORTH MACEDONIA

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I. INTRODUCTION

“The world is on the brink of a climate catastrophe, and current actions and plans to address the crisis are insufficient. Without transformative action starting now and within the current decade to reduce greenhouse gas emissions deeply and rapidly in all sectors, the 1.5°C target will be at risk and with it the lives of more than 3 billion people.” This is how the UN Secretary-General assesses the current efforts of the international community to reach Sustainable Development Goal number 13 in his 2023 Report on the progress of reaching the Sustainable Development Goals (SDGs).¹ In 2015, the UN General Assembly unanimously adopted the *2030 Agenda for Sustainable Development*.² The Agenda has three dimensions: economic, social, and environmental, and contains the 17 SDGs that should be met by the end of 2030, with broad aim to end poverty, inequality and discrimination, guarantee health, justice and prosperity, and protect the planet, all the while ensuring that no one, person or country, is left behind in this process.³ One of these goals is SDG 13 – taking urgent action to combat climate change and its impacts.

Climate change⁴ causes severe impacts throughout the world, including the Western Balkans. In 2020, for instance, the European Commission observed that the Western Balkans is one of the regions in Europe that is most deeply affected by the impact of climate change.⁵ The extreme events that occurred in the region in the past decade⁶ contribute heavily to human health issues, the loss of species, water supply shortages and reduced agriculture production, as well as to the increase of extreme

1 UN Doc. A/78/80-E/2023/64, Progress towards the Sustainable Development Goals: towards a rescue plan for people and planet, Report of the Secretary-General (special edition), 27 April 2023, p.20.

2 UN Doc. A/RES/70/1, Transforming our world: the 2030 Agenda for Sustainable Development, 21 October 2015.

3 UN System Chief Executives Board for Coordination, Leaving No One Behind: Equality and Non-Discrimination at the Heart of Sustainable Development, UN, New York, 2017, available at https://unsceb.org/sites/default/files/imported_files/CEB%20equality%20framework-A4-web-rev3.pdf.

4 According to the UN Framework Convention on Climate Change, climate change means “means a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods”. UN Framework Convention on Climate Change (1992), Art. 1(2).

5 European Commission, Guidelines for the Implementation of the Green Agenda for the Western Balkans, COM (2020) 641 final, 6 October 2020.

6 According to Linda Van Gelder, in 2014 a historic flooding caused over €2 billion in damages and losses in Bosnia and Herzegovina, which equals nearly 15 % of the country’s GDP. The floods caused over €1.5 billion in damages and losses in Serbia – 5 % of its GDP. Afterwards, during the summer of 2017 the region witnessed record temperatures that buckled train tracks, and also fuelled dozens of fires across the Balkans. The 2017 record temperatures caused drought in Serbia which led to a drop in agriculture output of nearly 10 percent. In Albania, €200 million were spent on energy imports amid a devastating drought. The summer of 2021, 2022 and 2023 subsequently brought the hottest weather the region has seen for 30 years, which contributed among other factors to numerous wildfires in Albania, Greece and Republic of North Macedonia, alongside with other countries in the Mediterranean region. Linda Van Gelder, Western Balkans: Directions for the Energy Sector, World Bank Opinion, June, 2018; Kate Abnett, Mediterranean has become a ‘wildfire hotspot’, EU scientist say, Euronews, 5 August 2021, available at: <https://www.euronews.com/2021/08/05/us-climate-change-europe-wildfires>; <https://www.euronews.com/2023/08/30/wildfire-in-northeastern-greece-is-the-biggest-the-eu-has-ever-recorded>.

events and migration. It has been estimated that if the trend of the rising temperatures is projected to continue, the temperature increases in the region are estimated to be between 1.7 – 4.0°C, and even exceeding 5.0°C by the end of the century.⁷ These projections are dependent on the global effort in reducing greenhouse gas emissions, but they raise great concerns in the region.

As part of the Western Balkan region, Republic of North Macedonia is heavily influenced by all of the above trends and challenges that the region is faced with and is suffering from the same troubles as its neighboring countries. Aside from the effects from climate change, the greenhouse gas emissions present many other challenges connected to environmental protection in the country. The issue of pollution is an important concern in terms of environmental health. Air pollution remains an important problem in many urban and industrial areas due to emissions from motor vehicles and industry, especially emissions from ageing mines and power and manufacturing plants,⁸ with the capital Skopje often being at the top of the most polluted cities in Europe and sometimes in the world.⁹ Not surprisingly, the most affected by this are the most vulnerable categories of people, such as children, elderly and people with chronic diseases, but also lower household incomes and people with poorer socio-economic conditions.¹⁰

Tackling climate change and its adverse impacts, however, is not an objective that can be reached without simultaneously taking care of the other sustainable development goals. The SDGs are “integrated and indivisible”,¹¹ and in light of this interconnectedness, SDG number 16 is of crucial importance. Underscoring that there is no sustainable development without peace and security, SDG16 highlights the importance of peace, justice and good governance for the realization of the other SDGs.¹² Thus, developing and maintaining effective, accountable and transparent national institutions, respect for human rights and the rule of law, or tackling corruption, is essential for sustainable development because it is up to the countries, via their governments and national institutions, to lead this global sustainability endeavor. In the context of tackling climate change, for instance, it is also up to national institutions to “integrate climate change measures into national policies, strategies and planning” and to improve education and raise awareness about climate change and the ways to

7 Regional Cooperation Council, Study on Climate Change in the Western Balkans, 6 June 2018. available at: <https://www.rcc.int/news/383/rcc-publishes-study-on-climate-change-in-the-western-balkans-alarmed-increase-of-temperature-over-the-whole-territory>.

8 European Environment Agency, Environmental trends and perspectives in the Western Balkans: future production and consumption patterns, EEA Report 1/2010, available at: <https://www.eea.europa.eu/publications/western-balkans>.

9 Jessica Bateman, The young people fighting the worst smog in Europe, BBC 2 July 2020, available at: <https://www.bbc.com/future/article/20200701-skopje-north-macedonia-the-most-polluted-city-in-europe>; Euronews Albania, Skopje, the third most polluted city in the world, Euronews, 5 January 2023, available at <https://euronews.al/en/skopje-the-third-most-polluted-city-in-the-world/>.

10 Ministry of Environmental and Physical Planning, Vulnerable Groups (Households) Exposed to Climate Change Impacts and Air Pollution in Skopje: Additional Analysis of Household Heating Survey Data in Skopje, July, 2019, available at <https://api.klimatskipromeni.mk/data/rest/file/download/187afcf-31c6ac461d3e93d58fcbc282e3dad8cefa6a357f27ee21926050879c0.pdf>

11 UN Doc. A/RES/70/1, Transforming our world: the 2030 Agenda for Sustainable Development, Preamble, p.1.

12 Ibid, par.35, p.9; SDG16, p.25,26.

reduce its impacts.¹³ Strong institutions,¹⁴ no corruption¹⁵ and rule of law and respect for human rights¹⁶ are essential for effective climate action.

This work will shed light on the path of North Macedonia in meeting SDGs 13 and 16, on the normative requirements under these SDGs, and their interlinkage in this case. This is especially pertinent, since in almost all of the indicators that measure the progress in meeting SDG 13 and SDG 16 (related to good governance), the Republic of North Macedonia has been either “stagnating” or “decreasing” in the last year.¹⁷ Thus, at the conclusion of this work, some recommendations to address some of the shortcomings will also be provided.

II. SDG 13 AND THE LEGAL AND INSTITUTIONAL FRAMEWORK FOR CLIMATE ACTION IN NORTH MACEDONIA

Action to tackle climate change and its adverse effects is indispensable for sustainable development. It is inevitably connected to various other objectives and aspects of sustainable development, like clean and sustainable energy, air and marine pollution, or water and food security, but climate action was given its own separate SDG because of the enormous significance of climate change for the planet.¹⁸ SDG 13 refers to the United Nations Framework Convention on Climate Change (UNFCCC) and the accompanying international environmental treaties and documents, as the “primary international, intergovernmental forum for negotiating the global response to climate change”.¹⁹ In this regard, a key importance – in addition to the UNFCCC which was adopted in 1992 – is placed on the 1997 Kyoto Protocol, which “established the first binding target for greenhouse gas (GHG) emissions”,²⁰ and on the 2015 Paris

13 Ibid, SDG 13.2.;13., p. 23.

14 United Nations Climate Change, Strong Institutions are Essential for Effective Climate Action, available at <https://unfccc.int/news/strong-institutions-are-essential-for-effective-climate-action>.

15 Jim Anderson, To tackle climate action, take on corruption, World Bank, 22 November 2021, available at <https://blogs.worldbank.org/climatechange/tackle-climate-change-take-corruption>.

16 Cinnamon Carlarne, Climate Change, Human Rights, and the Rule of Law, 25 UCLA J. Int'l L. & For. Aff. (2020), pp.11-40.

17 Sustainable Development Report 2023 – Republic of North Macedonia, available at: <https://dashboards.sdgindex.org/static/profiles/pdfs/SDR-2023-north-macedonia.pdf>.

18 Winfried Huck, Sustainable Development Goals: Article-by-Article Commentary, Nomos Verlagsgesellschaft, Baden Baden, 2022, p. 492.

19 UN Doc. A/RES/70/1, Transforming our world: the 2030 Agenda for Sustainable Development, p.8, p.23.

20 Winfried Huck, Sustainable Development Goals: Article-by-Article Commentary, Nomos Verlagsgesellschaft, Baden Baden, 2022, p. 491.

Agreement, which as of today has 196 parties and which requires the global temperature average to be kept well below 2°C and to pursue efforts to limit global warming to 1.5°C above pre-industrial levels. Moreover, there are many other international and regional soft or legally binding documents and requirements that complement the three main treaties in the fight against climate change and that are therefore part of the legal and institutional framework included in SDG13.²¹

Republic of North Macedonia has ratified the UNFCCC, as well as the Kyoto Protocol and the Paris Agreement.²² The requirements that arise from these treaties are in line with the regional environmental commitments that country has made in its path towards EU membership, such as the European Climate Law²³, which needs to be implemented in the country in light of the EU enlargement process. The EU environment standards and climate action are indivisibly connected to the UN standards in the area – they derive from the UNFCCC and the Paris Agreement and are further strengthened and developed. One example of such an enhanced standard is the EU’s “climate neutrality” policy, which aims for the EU to be carbon neutral by 2050 and have an economy with net-zero GHG emissions.²⁴ Climate neutrality is part of the EU’s bilateral relations and accession negotiations with the Republic of North Macedonia in order to already start the transformation of the environmental standards of the society accordingly.

North Macedonia is struggling to meet the international and EU standards that are in line with SDG13. One of the main issues in taking appropriate climate action in the country is the insufficient environmental regulation and the lack of implementation of that regulation. This is mainly because the Law on climate action is still not enacted. This Law is supposed to define a comprehensive legal framework for the country’s climate action, which so far is covered in only a couple of articles within the Law on Environment.²⁵ Furthermore, as the Long-term Climate Action Strategy and the Action Plan²⁶ are already adopted, the National Plan for Adaptation, which should provide a blueprint for climate change adaptation and mitigation of the country – or SDG 13.3. – is still not enacted. In addition to this, the legislation in other sectors that contribute to GHG emissions, such as industrial pollution and air pollution, is

21 For example: the Rio Declaration on Environment and Development (1992), the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (1998), the ETS Handbook for Climate Action (2015) or the European Green Deal, (2019), both by the European Commission.

22 Министерство за животна средина и просторно планирање, Правна, Стратешka и Институционална Рамка, available at: <https://api.klimatskipromeni.mk/article/249#/index/main>.

23 I. 243/1, Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999, 9 July 2021 (“European Climate Law”).

24 European Council, Council of the European Union, Climate Neutrality, available at: <https://www.consilium.europa.eu/en/topics/climate-neutrality/>.

25 Ministry for environment and spatial planning, Republic of North Macedonia, Law on environment, Official Gazette no.53/2005, 81/05, 24/07, 159/08, 83/09, 48/10, 124/10, 51/11, 123/12, 93/13, 187/13, 42/14, 44/15, 129/15, 192/15, 39/16, Article 187, 188.

26 These documents provide a roadmap for integrating climate action into the different sectors of the country that are affected by climate change. Ministry for environment and spatial planning, Republic of North Macedonia - available at: <https://api.klimatskipromeni.mk/data/rest/file/download/2ba0633b4385d2538862b16572bff16d13ad0895665ee2729d24e177022ace27.pdf>.

not in line with the EU standards²⁷ and further changes to the legislation are needed. Finally, although the National Plan for Climate and Energy, which links climate action with the field of energy and the energy sector where most GHG emissions come from, was enacted in 2022,²⁸ its implementation is lagging behind.²⁹

Another problem in the area of climate action in the country is the fact that the key national documents and policies are often incoherent with each other. For example, the goals for reducing GHG emissions until 2030 are set at 51% compared to those in 1990, and in this foreseen reduction, 66% of the emissions belong to the energy sector.³⁰ On the other hand, however, plans are made for the opening of new coal mines in Zhivojno, the thermal power plant Oslomej, which was supposed to be closed in 2021, is still operational, and the thermal power plant Negotino, which uses outdated technology, has been restarted.³¹ It is, therefore, no wonder that the country has noted no progress in SDG 13 in the last year on the “CO₂ emissions from fossil fuel combustion and cement production” indicator, and is regressing in the “CO₂ emissions embodied in imports” indicator.³²

III. SDG 16 AND ITS CONNECTION TO CLIMATE ACTION IN NORTH MACEDONIA

The fulfilment of the targets under SDG 13 heavily depends on meeting the targets of SDG 16. Recognized as a “leading orientation for all SDGs” and a “*conditio sine qua non*” for sustainable development,³³ SDG 16 is a broad objective that includes matters related to peace and violence, but also justice, human rights, and especially good governance. In the context of sustainable development and the fight against climate change, good governance encompasses:

27 European Commission, North Macedonia 2023 Report, 8 November 2023, available at: https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_693%20North%20Macedonia%20report.pdf.

28 Government of the Republic of North Macedonia, 31.05.2022, info available at: <https://vlada.mk/node/29011>.

29 Платформа 27, Извештај во сенка за Поглавје 27 за 2022 година, Фондација Отворено Општество, 2022, Република Северна Македонија, pp. 136-142.

30 Enhanced Nationally Determined Contribution, submission by the Republic of North Macedonia, April 2021, available at: <https://unfccc.int/sites/default/files/NDC/2022-06/Macedonian%20enhanced%20NDC%20%28002%29.pdf>.

31 Платформа 27, Извештај во сенка за Поглавје 27 за 2022 година, Фондација Отворено Општество, 2022, Република Северна Македонија, pp. 136-142.

32 Sustainable Development Report 2023 – Republic of North Macedonia, available at: <https://dashboards.sdgindex.org/static/profiles/pdfs/SDR-2023-north-macedonia.pdf>.

33 Winfried Huck, Sustainable Development Goals: Article-by-Article Commentary, Nomos Verlagsgesellschaft, 2022, p. 609.

“the transparent and accountable management of human, natural, economic and financial resources for the purposes of equitable and sustainable development. It entails clear decision-making procedures at the level of public authorities, transparent and accountable institutions, the primacy of law in the management and distribution of resources and capacity building for elaborating and implementing measures aiming in particular at preventing and combating corruption.”³⁴

All of this is reflected in SDG 16, which talks about, *inter alia*, promoting the rule of law and ensuring equal access to justice (16.3), reducing corruption and bribery (16.5), developing effective, accountable and transparent institutions (16.6), ensuring responsive, inclusive, participatory and representative decision-making (16.7), as well as public access to information, and the protection of fundamental freedoms (16.10).³⁵

The Republic of North Macedonia has had persistent issues with good governance and just and democratic institutions since its independence. Labelled as a “transitional or hybrid regime” during each of the last eight years,³⁶ the country is “partly free” in terms of the enjoyment of its citizens of their political rights and civil liberties,³⁷ has high corruption perception levels,³⁸ a stagnant and average overall adherence to the rule of law,³⁹ and a big majority of its population has very low levels of trust towards the judiciary and the public administration.⁴⁰ Practically the same conclusions can be drawn if one takes a look at the measurement of the good governance indicators for SDG 16 for 2023 for North Macedonia, where “corruption perception index” has decreased and “access to and affordability of justice”, “timeliness of administrative proceedings” and adequately compensated and lawful expropriations, are stagnating.⁴¹

The good governance issues that plague the country are also manifested in its fight to address climate change. The country is struggling to meet the requirements of the international treaties it has committed to as well as the environmental acquis of the

34 Cotonou Agreement between EU and ACP countries, 23 June 2000, Art. 9(3). <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A22000A1215%2801%29>.

35 See more about each of the good governance elements generally, or in the context of SDG 16, in Edith Brown Weiss, Ahila Sornarajah, Good Governance, Max Planck Encyclopedia on International Law, 2021, available at: <https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e1413?rkey=SwUtPa&result=1&prd=OPIL>; and Winfried Huck, Sustainable Development Goals: Article-by-Article Commentary, Nomos Verlagsgesellschaft, 2022, pp.582-613.

36 Freedom House, Nations in transit 2023: North Macedonia, available at <https://freedomhouse.org/country/north-macedonia/nations-transit/2023>

37 Freedom House, Freedom in the world 2023: North Macedonia, available at <https://freedomhouse.org/country/north-macedonia/freedom-world/2023>

38 Transparency International, North Macedonia, country data, available at <https://www.transparency.org/en/countries/north-macedonia>

39 World Justice Project, North Macedonia, available at <https://worldjusticeproject.org/rule-of-law-index/country/2021/North%20Macedonia/>

40 Goce Kocevski, Martin Gramatikov, Paths to Justice in North Macedonia: Findings, conclusions and recommendations of the 2nd nationwide survey on the legal needs and paths to justice of the people living in North Macedonia in 2022, Council of Europe, 2023, North Macedonia, available at <https://rm.coe.int/path-to-justice-eng-2023/1680ab96f0>; <https://www.coe.int/en/web/skopje/-/recent-survey-on-the-legal-needs-reveals-the-path-to-justice-for-the-people-living-in-north-macedonia>

41 Only “press freedom index” is increasing and on track to reach this target of the SDG. See Sustainable Development Report 2023 – Republic of North Macedonia, available at: <https://dashboards.sdgindex.org/static/profiles/pdfs/SDR-2023-north-macedonia.pdf>.

European Union, mainly because it faces numerous challenges which are connected to their implementation, such as the administrative challenge of building institutional capacity, the high implementation costs and corruption, the environmental challenge of promoting a sustainable environment while fulfilling the acquis, the energy challenge of reducing the excessive consumption of environmentally threatening resources, and the political challenge of mobilizing support necessary to respond to these challenges.⁴² All of these issues arise in the backdrop of limited public participation and political tensions. Weak state institutions and a lack of institutional and administrative capacity for implementing and enforcing environmental and climate change legislation, also impede climate change action.⁴³ Moreover, the country lacks coordination and adequate communication between the different sectors that are affected by climate change.⁴⁴

IV. CONCLUSION AND RECOMMENDATIONS

The 17 SDGs were deliberately created time-bound in order to provoke a sense of urgency among states and other actors and to accelerate their implementation.⁴⁵ And there is no goal that is more urgent than SDG 13 and the question of climate action, since, as the *2030 Agenda* emphasizes, “we may be the last [generation] to have a chance of saving the planet”.⁴⁶ For this to be even possible, however, a stable society, rule of law, and well-functioning democratic institutions – or SDG 16 – are essential.

Republic of North Macedonia should do a much better job if it wants to meet SDGs 13 and 16 before 2030. Despite the goal of EU membership serving as a major incentive for undertaking (democratic and) environmental reforms, the country’s legislation and institutional infrastructure are still not aligned with the international treaties and EU regulations in the climate sector. Environmental protection and climate

42 More on this issue in: Cierco Gomes, T.M.R., ‘The European Union Accession and Climate Change Policies in the Western Balkan Countries’, in Sequeira, T. and Reis, L. (eds.), *Climate Change and Global Development Market, Global Players and Empirical Evidence* (Springer 2019), pp. 153-173.

43 These issues have been addressed in the existing literature: Cierco Gomes, T.M.R., ‘The European Union Accession and Climate Change Policies in the Western Balkan Countries’, in Sequeira, T. and Reis, L. (eds.), *Climate Change and Global Development Market, Global Players and Empirical Evidence* (Springer 2019), pp. 153-173; Borzel, T., Fagan, A., ‘Environmental governance in South East Europe/Western Balkans: Reassessing the transformative power of Europe’, (2015) *Environment and Planning C: Government and Policy*, volume 47, pp. 1–16; Brian, ‘Enforcing Member States Compliance with EU Environmental Law: A Critical Evaluation of the Use of Financial Penalties’, (2011) 23 *Journal of Environmental Law* 2011; Kramer, L., *EU Environmental Law* (Sweet and Maxwell, 2012).

44 Платформа 27, Извештај во сенка за Поглавје 27 за 2022 година, Фондација Отворено Општество, 2022, Република Северна Македонија, pp. 136-142; Државен Завод за Ревизија, Конечен извештај за извршена ревизија на успешност „Преземени мерки и политики од страна на РСМ/надлежни органи со цел ублажување на климатските промени”, Скопје, 2022, pp. 4-7, 50-52.

45 Alexandra R. Harrington, *International Law and Global Governance: Treaty Regimes and Sustainable Development Goals Implementation*, Routledge, New York, 2021, p.2

46 UN Doc. A/RES/70/1, *Transforming our world: the 2030 Agenda for Sustainable Development*, par.50, p.12.

change requirements need to be better integrated into policy-making and policy implementation in all the areas across the board concerned with climate action – environment, energy, economy, transport, agriculture, finance, health, or local government.⁴⁷ The country's institutions in the areas of innovation and education should also be part of the overall climate action in the country. Furthermore, since climate action poses many inter-sectoral problems, there is a strong need for (improved) communication among the relevant institutions in different areas through a clearly defined information system. Additionally, the Ministry of environment and spatial planning, as the starting point in the efforts to coordinate climate action, needs to be sufficiently equipped with relevant specialists in the area that can communicate with educated and qualified staff in all the other institutions that have competences in the climate area.⁴⁸ Finally, the country should also file more often the Voluntary National Review (VNR) of its SDGs pledges - which so far, in seven years, has done it only once, in 2020⁴⁹ – and use the preparations of the VNRs as an incentive to fasten and improve its fulfilment of the SDGs.

Failing to meet the SDG commitments on climate action will hurt the whole country. Yet, as it was mentioned above, climate change consequences and the pollution as a result of GHG emissions will particularly affect specific groups of people that are in dire social and economic position and are emblematic of vulnerability in times of climate crisis, such as the elderly, the chronically ill, women and children. Therefore, the adoption and implementation of the required laws and measures in the area of climate action must also strive not to leave anyone behind and to correct the injustice done to different vulnerable categories of people.

47 The preparation of the National Inventory on GHGs requires better coordination among different institutions and sectors – the horizontal coordination in the process of this policy implementation is on a very low level according to the Државен Завод за Ревизија, Конечен извештај за извршена ревизија на успешност „Преземени мерки и политики од страна на РСМ/надлежни органи со цел ублажување на климатските промени”, Скопје, 2022, pp. 50-52. Also, according to the Report, the municipalities have obligation to implement Energy efficiency programs, which in many cases are missing because of the lack of coordinated central and local policy implementation.

48 Платформа 27, Извештај во сенка за Поглавје 27 за 2022 година, Фондација Отворено Општество, 2022, Република Северна Македонија, pp. 136-142; Државен Завод за Ревизија, Конечен извештај за извршена ревизија на успешност „Преземени мерки и политики од страна на РСМ/надлежни органи со цел ублажување на климатските промени”, Скопје, 2022, pp. 4-7, 50-52.

49 UN High Level Political Forum on Sustainable Development, Countries who have presented their Voluntary National Reviews, available at https://hlpf.un.org/countries?f%5B0%5D=country_taxonomy_term_name%3ANorth%20Macedonia.