

ENVIRONMENTAL DEMOCRACY: PROGRESS UNREPORTED

BOSNIA AND HERZEGOVINA

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Environmental democracy: progress unreported

Aarhus Convention shadow implementation report
Bosnia and Herzegovina
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Aarhus
Centre
Sarajevo



TRANSITION

Background

- BiH was the industrial and mining center of former Yugoslavia + sustained environmental damage as a result of the war.
- Extremely complicated administrative structure.
- Acceded to the Aarhus Convention in 2008.
- Past two reports (2011, 2014) initiated by the OSCE but not this time.
- National Focal Point retired; failed to designate a new one.
- = No official national report!

Access to information

- Transposition in place, enforcement remains unsatisfactory.
- Information not (easily) accessible, lacking online databases.
- NGO responses: 462 requests - 55 % full answer, 18 % partial answer, 21 % administrative silence, 6 % rejection.
- Non-compliance with PRTR Protocol despite significant funding.
- Case: Nafta in RS – right to photocopy documents.

Public participation in decision-making

- Public hearings usually take place where required but too often suggestions are not taken into account at all.
- Very limited consultation in environmental lawmaking.
- Bypassing EIA when constructing small hydro power plants + cases of facilities operating without any permit.
- Positive example to be built upon: ekonsultacije.gov.ba.
- Case: ArcelorMittal Zenica – operating without permits.

Access to justice

- For the first time, courts exploring the substance of cases.
- Still, very low number of court cases initiated by civil society.
- Court fees constitute a barrier in the access to justice.
- Lack of speacialized lawyers, environmental law not in the curriculum.
- Case: Hrčavka river – court repealing EIA.

Other findings

- Worrying cases of prosecution of activists (Picin Park, Fojnica, Samir Lemeš).
- Despite violations, as of yet no invoking of compliance mechanism by the public.
- Lacking ratification and implementation of PRTR protocol, lacking full transposition of EU directives
- Overall: weak administration, lack of political will.