

BOSNIA AND HERZEGOVINA

SHADOW REPORT ON THE IMPLEMENTATION OF THE AARHUS CONVENTION 2021 - 2024



Centar za
životnu sredinu



UDRUŽENJE
AARHUS
CENTAR U BIH



TRANSITION
Transition Promotion Program



CZECH
AID

CONTENT

- Analysis of questionnaires – about 58 sent, 38 received
- Examples from practice - two cases of application of each pillar and one criminal charge
- PRTR protocol – there is progress that is insufficient, more on the side event
- Persecution of activists - there are cases of persecution, more on the side event
- Aarhus Convention Compliance Committee – two initiated cases which were accepted before all domestic remedies were exhausted
- Conclusions / recommendations

INTRODUCTION

- Fourth report following the national reports (2021-2024)
- Reporting methodology (questionnaires, case studies, practical examples...)
- Institutions from different administrative levels in BiH (entities, cantons, municipalities/cities)
- Institutions with different competencies (ministries and their administrative organizations, public institutions, courts of administrative-judicial supervision, local government departments)
- Organizations dealing with the environment through Eko BiH and Aarhus Centers in BiH)

QUESTIONNAIRE ANALYSIS

1. There are a certain number of cases of the administration's silence - non-response to requests
2. There are exceptions to the provision of information in projects declared by authorities to be of public interest (protection of the interests of private companies).
3. The number of initiated procedures in the field of the environment is an indicator of the interest of private and domestic legal entities in the use of natural resources
4. The number of judgments in administrative disputes regarding access to information is an indicator that there are procedures in which information is exempt from disclosure and is of public interest.
5. The number of proceedings initiated before the courts in various disputes shows the investment of increased efforts of Aarhus Centers in BiH
6. Increased involvement of citizens in the adoption of spatial planning documentation
7. There is an increase in sent and answered Requests for access to information compared to the previous period

FINDINGS

There is:

1. Progress in the application of provisions of the AC
2. Information excluded from the public in projects of public interest
3. Constant need for education of officials / civil sector
4. Increased interest of local communities in environmental subjects
5. Maximum utilization of domestic and foreign legal mechanisms

There is no:

1. Uniform database / records of environmental subjects
2. Insufficient understanding by all authorities of the role of the Aarhus Convention in the development of a democratic society
3. Intensified cooperation between CSOs dealing with the environment and authorities
4. Implementation of the PRTR protocol

RECOMMENDATIONS

- Education of employees in executive authorities in the application of AC;
- Creation and distribution of the Guide for access to information (in particular, process the test of public interest);
- Intensify cooperation between the civil sector, inspections and executive authorities with the active participation of the Focal Point for BiH;
- Designing and creating a uniform database of cases / cases;
- Return the competences of organizing public hearings to the public authorities;
- Court proceedings under the provisions of the Aarhus Convention should be of an urgent nature; Putting the PRTR protocol into full operation:

THANK YOU FOR YOUR UNDERSTANDING, PATIENCE AND ATTENTION

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