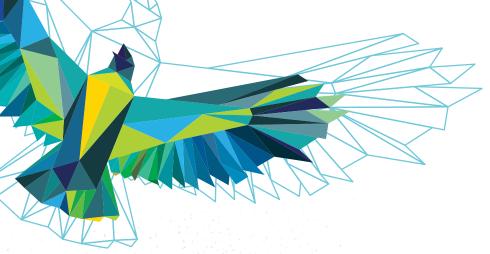
## **BOSNIA AND HERZEGOVINA**

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















## 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).
- 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.
- 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
- 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
- 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**



Ratko Pilipović, lawyer Center for Environment Geneva 17-21 november













