

PUBLIC INTEREST IN THE SERVICE OF NOT PROVIDING INFORMATION

Civil Society Report on the Implementation of
the Aarhus Convention in Bosnia and Herzegovina, 2021–2024



Centar za
životnu sredinu



PUBLIC INTEREST IN THE SERVICE OF NOT PROVIDING INFORMATION

Civil Society Report on the Implementation of
the Aarhus Convention in Bosnia and Hercegovina, 2021–2024

2025



Centar za
životnu sredinu



List of Abbreviations:

BiH	Bosnia and Herzegovina
FbiH	Federation of Bosnia and Herzegovina
RS	Republika Srpska
EKOBiH	Environmental Network of NGOs in BiH
AC	Aarhus Center
PRTR	Pollutant Release and Transfer
ACCC	Aarhus Convention Compliance Committee

Author: Ratko Pilipović

Contributors: Nina Kresevljaković, Zuzana Vachůnová, Redžib Skomorac

Translation: Lidija Drakulić

Proofreading: Simon Gill

Graphic Design: Bylina & Kobyla

Cover photo: Bravsko polje, BiH: Like every road, information has a start and an end—starting when it's created and ending when everyone knows it. We're halfway there. (© Vladimir Topić)

Language version: English, BCS

ISBN: 978-80-88508-73-1

Za više informacija, posjetite:

Jezici u BiH: www.eko.ba

Engleski: www.arnika.org/en/countries/bosnia-and-herzegovina

PUBLIC INTEREST IN THE SERVICE OF NOT PROVIDING INFORMATION © 2025 by Ratko Pilipović is licensed under Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International. To view a copy of this license, visit <https://creativecommons.org/licenses/by-nc-sa/4.0/>

This report was published thanks to the generous financial support of the Transition Promotion Programme of the Ministry of Foreign Affairs of the Czech Republic, as a contribution to the 8th Meeting of the Parties to the Aarhus Convention.

Table of Contents

Introduction / 5

Administrative and Legal Framework / 6

Administrative Framework / 6

Legal Framework / 8

Questionnaire Analysis / 13

Analysis of the Questionnaire for Associations / 13

Analysis of the Questionnaire for Institutions / 19

Analysis of Court Questionnaires / 22

Analysis of Questionnaires Sent to Municipalities/Cities / 24

General Conclusion / 27

Examples from Practice / 29

Case of the Mrsovo Hydro Power Plant before the Concessions Commission of Republika Srpska / 29

Case of organising a public discussion for the approval of the Environmental Impact Study for RU Medna / 30

Information Regarding the Concession Agreement for the Construction of the Banja Luka–Prijedor Highway / 31

Vareš Mine and Access to Information in the Context of the Aarhus Convention / 33

The Kraljuštica Case and Public Participation in the Decision-Making Process in the Context of the Aarhus Convention / 34

The Ugar Case and Access to Justice in the Decision-Making Process in the Context of the Aarhus Convention / 35

Criminal Complaint Against the Company MEDNA d.o.o. Mrkonić Grad for Committing Five Criminal Offences in the Field of Environmental Protection / 37

Pollutant Register and Pollution Scope (PRTR) / 38

What's New? / 38

Mechanisms for Compliance with the Aarhus Convention / 40

Subject of Issuance of the Environmental Permit for MHE Dindo / 40

Case of Issuing Environmental Permits for the Operation of the Thermal Power Plants in Banovići and Tuzla / 41

Protection of Environmental Defenders / 43

SLAPPs and Intimidation / 43

Fragmentation of Responsibility and Lack of Harmonisation / 45

Relationship with Large Companies and the International Community / 47

Recommendations / 51

General Recommendations / 51

Specific Recommendations / 53

Instead of Conclusion / 57

About Us / 58

Other Shadow Reports on the Implementation of the Aarhus Convention in Bosnia and Herzegovina:

1. Report for the period 2017–2021
<https://arnika.org/en/publications/environmental-democracy-in-bosnia-and-herzegovina>
2. Report for the period 2014–2017
<https://arnika.org/en/publications/environmental-democracy-progress-unreported>
3. Report for the period until 2014
<https://arnika.org/en/publications/environmental-democracy-in-bih-limping-along>

Introduction

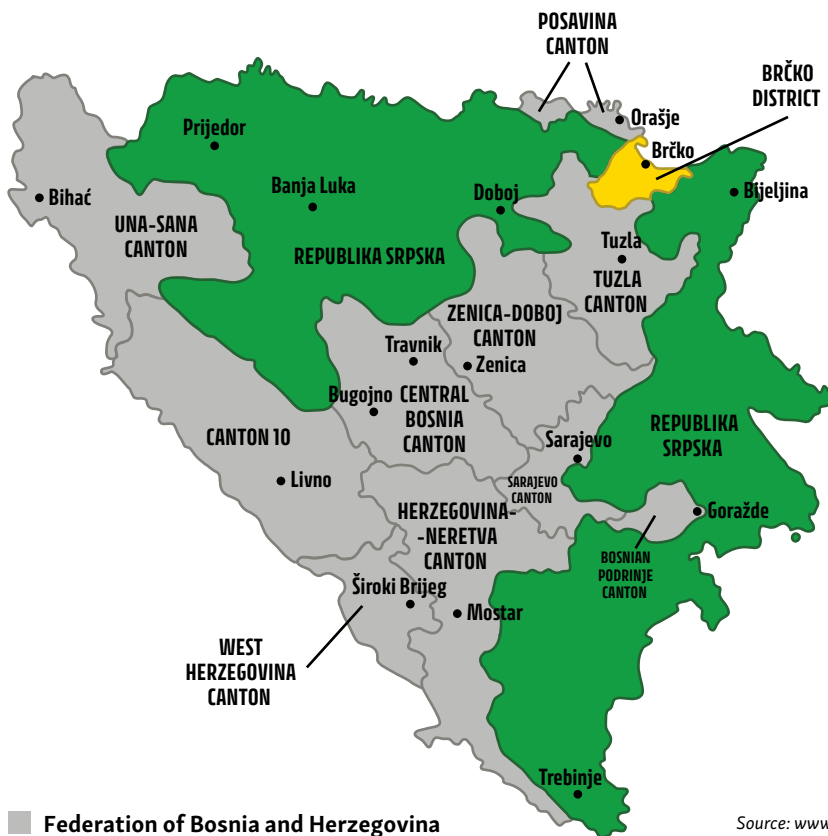
The Shadow Report on the Implementation of the Aarhus Convention in Bosnia and Herzegovina covers the period 2021–2024 and is the result of coordinated and joint efforts of environmental organisations from Bosnia and Herzegovina and the Czech Republic. The report involved the participation of the following associations: Arnika from the Czech Republic, the Center for Environment from Banja Luka, and the Aarhus Center Sarajevo, which work together in Bosnia and Herzegovina to preserve the environment by using various tools and methods. The report runs parallel to the Fifth National Report on the Implementation of the Aarhus Convention in Bosnia and Herzegovina for the period 2021–2024 and presents the application of the Aarhus Convention from the perspective of organisations that encounter it daily in practice. The state of the environment as presented by the authorities in Bosnia and Herzegovina is complemented by this report, providing a more complete picture of the application of positive legal regulations, communication, and the relationship of different levels of government towards citizens and civil society organisations in the struggle to preserve nature, through the exercise of rights under all three pillars of the Aarhus Convention. Thanks to the continuous and mutual cooperation of environmental organisations, the report provides an insight into their everyday efforts to protect the environment. As always, the report also addresses the work of executive and judicial authorities in the implementation of the Aarhus Convention, thus presenting reflections on its application from all angles. The concept of this report is set differently in comparison to Bosnia and Herzegovina's National Report, which follows the implementation and application of each article of the Aarhus Convention, while this one focuses more on the practical application of its pillars. The report analyses the work of institutions and organisations in implementing all three pillars of the Convention, while the analysis is supported by data from questionnaires. It also addresses the chapter on the "persecution of activists", the PRTR Protocol, as well as international mechanisms and their use in safeguarding the application of the Aarhus Convention. As in previous editions, this report highlights the problems faced by organisations working on environmental protection and proposes ways to overcome and resolve them. A large part of the Aarhus Convention has been implemented through domestic legislation, creating twenty years of practice in its application, while recent field examples indicate that new precedents have begun to emerge, which in certain ways limit the rights guaranteed under this Convention. It is precisely these developments that this report points to, showing how the ongoing changes are, in some respects, beginning to restrict the space for civil society action. In addition to environmental organisations, the Aarhus Centers in Bosnia and Herzegovina also play a special role in the preparation of this report. The network formed by these organisations has established a foundation for environmental protection, creating legal practice and pointing out the shortcomings observed in the implementation of the Convention. At present, there are several Aarhus Centers in Bosnia and Herzegovina that work unreservedly towards better implementation of the Aarhus Convention through everyday legal activities, thus providing legal support to organisations in exercising their rights. Currently, the active Aarhus Centers in Bosnia and Herzegovina are located in Banja Luka, Sarajevo, Zenica, Tuzla, and Livno, namely:

1. **Aarhus Center Banja Luka** – Center for Environment Association
2. **Aarhus Center Sarajevo** – Aarhus Center in BiH Association
3. **Aarhus Center Zenica** – Eko Forum Zenica Association
4. **Aarhus Center Mostar/Livno** – Dinarica Association
5. **Aarhus Center Tuzla** – Center for Ecology and Energy Association

Administrative and Legal Framework

1 Administrative Framework

Bosnia and Herzegovina is a complex state composed of two entities and a district (Republika Srpska, Federation of Bosnia and Herzegovina, and the Brčko District). Republika Srpska is a single administrative unit, while the Federation of Bosnia and Herzegovina is composed of ten cantons. Republika Srpska is divided into 64 municipalities or cities, and the Federation of Bosnia and Herzegovina into 79 municipalities. Each administrative unit, whether an entity, district, or canton, has its own executive authority (the Government), which includes an administrative body responsible for environmental protection issues.



Institutions Responsible for the Environment

Environmental protection issues in Bosnia and Herzegovina fall under the competence of various institutions, with responsibilities defined in laws regulating the protection, preservation, and use of the environment. Because of the complex administrative structure, Bosnia and Herzegovina has 12 ministries competent for environmental protection, four agencies dealing with the use and

protection of water, and several dozen ministries indirectly linked to the protection, preservation, or use of the environment. Each administrative unit (canton, entity) has its own regulations applicable in the field of environmental protection, and for this reason Bosnia and Herzegovina is full of laws regulating environmental matters, either directly or indirectly.

Table of competent institutions responsible for decision making in the field of environmental protection

Bosnia and Herzegovina	Republika Srpska	Federation of Bosnia and Herzegovina	Brčko District
Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina	Ministry of Spatial Planning, Civil Engineering, and Ecology	Federal Ministry of Environment and Tourism	Department for Spatial Planning and Property-Legal Affairs
Plant Health Protection Administration of Bosnia and Herzegovina	Ministry of Agriculture, Forestry, and Water Management	Federal Ministry of Agriculture, Water Management, and Forestry	
Veterinary Office of Bosnia and Herzegovina	Ministry of Health and Social Welfare	Federal Ministry of Health	
Agency for Statistics of Bosnia and Herzegovina	Ministry of Energy and Mining	Federal Ministry of Energy, Mining, and Industry	
Ministry of Communications and Transport of Bosnia and Herzegovina	Ministry of Transport and Communications	Federal Ministry of Transport and Communications	
Inter-Entity Environmental Body	Ministry of Trade and Tourism	Federal Ministry of Spatial Planning	
Inter-Entity Advisory Commission for Water Management Coordination	Environmental Protection and Energy Efficiency Fund of Republika Srpska	Environmental Protection Fund of the Federation of BiH	
	Republic Hydrometeorological Institute	Federal Institute of Hydrometeorology	
	Waters of Republika Srpska	Sava River Basin Agency	
	Republic Institute for the Protection of Cultural, Historical and Natural Heritage	Adriatic Sea Basin Agency	
	Local Administrative Units	Federal Ministry of Agriculture of the Federation of BiH	
	City Departments for Environmental Protection	Cantonal ministries responsible for nature and water protection in the ten cantons of the Federation of BiH	

2 Legal Framework

Basic Laws Applicable in the Field of Environmental Protection

a Republika Srpska

Field	Law/Sub-Legal Act
Field of Geological Research	Law on Geological Research of Republika Srpska (Official Gazette of Republika Srpska, No. 64/2022 and 63/2024)
Field of Concessions	Law on Concessions (Official Gazette of RS, No. 59/13, 16/18 and 70/20)
Field of the Environment	Law on Environmental Protection (Official Gazette of RS, No. 71/2012, 79/2015, 70/20)
Field of Water	Law on Waters (Official Gazette of RS, No. 50/06, 92/09, 121/12)
Field of Energy	Law on Electricity (Official Gazette of RS, No. 8/2008 – consolidated text, 34/2009, 92/2009 and 1/2011)
Field of Construction	Law on Spatial Planning and Construction (Official Gazette of RS, No. 40/2013, 2/2015 – Constitutional Court Decision, 106/2015 and 3/2016 – correction, 104/2018 – Constitutional Court Decision, and 84/2019)

b Federation of Bosnia and Herzegovina

Field	Law/Sub-Legal Act
Field of Geological Research	Law on Geological Research of the Federation of Bosnia and Herzegovina (Official Gazette of the Federation of BiH, No. 9/2010)
Field of Concessions	Law on Concessions of the Federation of BiH (Official Gazette of the FBiH, No. 40/02, 61/06)
Field of the Environment	Law on Environmental Protection (Official Gazette of the FBiH, No. 15/2021)
Field of Water	Law on Waters (Official Gazette of the FBiH, No. 70/06)
Field of Energy	Law on Electricity (Official Gazette of the FBiH, No. 66/13, 94/15 and 54/19)
Field of Construction	Law on Spatial Planning and Land Use at the Level of the Federation of Bosnia and Herzegovina (Official Gazette of the FBiH, No. 2/06, 72/07, 32/08, 4/10, 13/10, 45/10, 85/21, 92/21 and 72/24)

c Brčko District

Field	Law/Sub-Legal Act
Field of Concessions	Law on Concessions (Official Gazette of the BD, No. 41/06, 19/07, 02/08)
Field of the Environment	Law on Environmental Protection (Official Gazette of the Brčko District BiH, No. 16/2024 – consolidated text)
Field of Water	Law on Water Protection (Official Gazette of the BD, No. 25/04, 1/05 and 19/07)
Field of Energy	Law on Electricity (Official Gazette of the BD, No. 36/04, 28/07, 61/10 and 4/13)
Field of Construction	Law on Spatial Planning and Construction (Official Gazette of the BD, No. 29/08, 18/17, 48/18, 10/20, 29/20, 40/20)

Although in Bosnia and Herzegovina, its entities, and the Brčko District, multiple sets of laws in the field of the environment (water, air, chemicals, noise, waste, etc.) are applied – the alignment of which with European directives is still expected in the coming period, as described in the first and second Shadow Reports on the implementation of the Aarhus Convention – the laws on environmental protection play a key role in safeguarding the environment from daily degradation and destruction. In this regard, civil society organisations have been actively involved in their practical implementation through all three pillars of the Aarhus Convention, pointing out omissions made by the authorities so that, on the basis of experience, such shortcomings could be corrected.

However, the issue of incorporating the Aarhus Convention into laws that directly or indirectly affect the status of the environment and nature still remains open. So far, the pillars of the Aarhus Convention have been applied in the fields of the environment and water, while their application in other areas has been lacking. For example, regarding concessions involving the management of natural resources, the issue of public participation in practice has not been regulated, even though the laws governing this area explicitly stipulate that the public should participate during the planning of concession allocations. A similar situation exists in the field of construction, where the public has no opportunity to influence the decisions of public authorities, and consequently, access to justice is also denied.

Laws That Indirectly Affect the Implementation of the Aarhus Convention in Practice

When it comes to the existence of other laws that indirectly affect the implementation of the Aarhus Convention, the situation in the entities of Bosnia and Herzegovina differs. In this respect, unlike the Federation of Bosnia and Herzegovina, which has not adopted laws that, in any way, restrict or limit the work of civil society, in the 2021–2024 reporting period several laws were already on the agenda or adopted by the National Assembly of Republika Srpska, which indirectly affected the work of the civil sector. These laws considerably restrict and narrow the scope of activities of civil society organisations in exercising democratically guaranteed rights.

Federation of Bosnia and Herzegovina

1 Law on Nature Protection

In October 2024, amendments to the Law on Nature Protection of the Federation of Bosnia and Herzegovina were adopted, in which organisations engaged in environmental protection were still not granted the opportunity to submit an initiative for the protection of a specific area. Although comments were submitted from across Bosnia and Herzegovina when the Law was in draft form, including suggestions that the model of public participation and its competences in initiating such an initiative be “copied” from the Law of Republika Srpska, the proponent of the Law, during the consultation process, did not find it appropriate to include such provisions.

Residents of local communities in the Federation of Bosnia and Herzegovina thus remain deprived of exercising the right to initiate nature protection measures – a right which, in today’s society, should constitute one of the fundamental principles of local community participation in initiating positive change.

Republika Srpska

1 Amendments to the Criminal Code

In March 2024, amendments to the Criminal Code were placed on the agenda of the National Assembly of Republika Srpska. In both its draft and later proposal, the Code expanded and supplemented the number of criminal offences against honour and reputation. The most significant change concerned the criminalisation of defamation, whereby defamation was classified as a criminal offence, even though it had already been included as a misdemeanour under the provisions of the Law on Public Order and Peace. The draft, and later the proposal, underwent public review and public debate, during which civil society organisations submitted a large number of comments, while journalists and environmental activists also reacted strongly. The proposed amendments were not in line with the Constitution and the European Convention on Human Rights, which prohibit press censorship and prescribe correction and compensation for damage as sanctions for false reporting – not criminal prosecution, as envisaged by these amendments.

Ultimately, the Criminal Code was adopted in the form of a proposal, with only minor modifications relating to the size of fines for offences committed, while the following criminal offences were retained as adopted: defamation, disclosure of personal and family circumstances, public ridicule on the basis of race, religion, or nationality, exclusion of unlawfulness in criminal offences against honour and reputation, prosecution of criminal offences against honour and reputation, and public announcement of judgments for criminal offences against honour and reputation.

2 Amendments to the Law on Geological Research

In July 2022, the National Assembly of Republika Srpska adopted amendments to the Law on Geological Research of Republika Srpska.

During the public review stage of the Draft Law, the Center for Environment submitted extensive comments and objections to the proposed legal provisions. In the final text of the Draft Law, among others, the following objections were taken into account: illegitimate delegation of discre-

tionary decision making regarding the possibility of geological research to managers of protected areas, requirements for proving resolved property-legal relations on a prospective exploration site, the necessity of prior environmental impact assessment, direct involvement of local self-government and citizens in the decision-making process for obtaining permits, elimination of the environmental impact assessment procedure, and others. Some additional suggestions, which emphasised the necessity of stronger environmental protection, were also partially taken into consideration.

After two years, and based on the practice acquired in the field, where all aspects of the application of the Law on Geological Research had been considered, the National Assembly of Republika Srpska, following a public review and public debate, adopted the Proposal of the Law on Amendments to the Law on Geological Research of Republika Srpska. Against the adopted amendments, the Center for Environment submitted an Initiative to the Constitutional Court to review the constitutionality and legality of the Law on Amendments to the Law on Geological Research. As during the adoption process, the following disputed amendments were pointed out:

- The obligation to obtain an opinion from the competent authority regarding the need for a prior impact assessment was deleted from the procedure of deciding on the approval of exploration rights, thereby removing the requirement to consult authorities responsible for environmental protection.
- The deletion of the requirement to obtain an opinion from local self-government authorities – the bodies representing the interests of the citizens of local communities – is of particular concern, as it contradicts proactive transparency and participatory democracy in the management of public goods, a field already chronically lacking legitimately adopted public policies, and has justifiably caused public concern.
- It was also proposed that the quantities which may be extracted during the testing process be increased by as much as 50 times, i.e. from 200 to 10,000 m³, on the grounds that larger amounts were needed for some ores – yet the drafters of the amendments failed to specify to which particular ores such an enormous increase would apply. Practically speaking, it is clear that with such volumes, it will be an even greater challenge to monitor both the exploratory works and the quantities of material being extracted.

The Constitutional Court of Republika Srpska did not accept the reviewing of the constitutionality of the amendments to the Law on Geological Research. In its decision, the Court established that the contested provisions of the law do not violate constitutional norms, that they are consistent with the constitutional powers of the legislator, and that they conform to the constitutional principle of a market economy and the guarantees of the rational use of natural resources. Furthermore, the Constitutional Court assessed that the amendments to the law represent a reflection of the legislator's comprehensive assessment and policy in regulating legal relations in the field of geological research.

The Constitutional Court did not at all consider the impact of the contested provisions on the constitutional right to a healthy environment, nor did it examine their application in relation to the standards of international legal instruments, including the European Charter of Local Self-Government, the European Convention on Human Rights, the Aarhus Convention, the International Covenant on Economic, Social, and Cultural Rights, and the UN Resolution recognising the right to a clean, healthy, and sustainable environment – all of which were specifically highlighted in the initiative.

3 Amendments to the Law on Referenda and Citizens' Initiatives

In May 2024, the National Assembly of Republika Srpska considered the Draft Law on Amendments to the Law on Referenda and Citizens' Initiatives of Republika Srpska. This draft stipulated that a referendum is valid if a majority of citizens with voting rights who are registered in the electoral roll have participated, and that a referendum question receives public support if it is approved by a majority of the citizens who voted in the referendum. Furthermore, the draft law extended the deadline for collecting signatures in support of a citizens' initiative from the previous 7 days to 30 days. Regarding the proposed draft, the Banja Luka Human Rights House submitted proposals, suggestions, and opinions. Following a public review and a public debate, the law was adopted in the same wording as initially proposed.

4 Law on the Special Register and Publicity of the Work of Non-Profit Organisations

In recent years, the Government of Republika Srpska has, on two occasions, submitted to the agenda of the National Assembly of Republika Srpska a Draft Law on the Special Register and Publicity of the Work of Non-Profit Organisations, which concerned all forms of civil sector organisations registered in accordance with the Law on Associations and Foundations (associations, foundations, and foreign and international non-governmental organisations). In this context, the draft law defined such entities as non-profit organisations that are wholly or partly financed by other states, their bodies or authorised representatives, international and foreign organisations, foreign nationals, or registered non-governmental organisations financed from abroad. The draft law introduced four key provisions that civil society organisations contested during the public review and debate process.¹ The Government of Republika Srpska, in March 2024, submitted the Draft of this law to the National Assembly of Republika Srpska, which was adopted and for which a public review and public debate were organised during 2024. After almost six months, one day before the deadline for the adoption of the law by the legislative body, the Government of Republika Srpska withdrew the controversial law from adoption, under the pretext that the same law would be placed on the agenda again in the following period.

¹ The first objection concerned the insertion of the term "political activity", which encompasses any activity directed towards the authorities, institutions, or elected representatives of Republika Srpska, or representatives of Republika Srpska in the institutions of Bosnia and Herzegovina, regarding the formulation, adoption, or amendment of the regulations and policies of Republika Srpska, or regarding political and public interest. The second objection concerned the establishment of a special register of these "targeted" organisations to be maintained by the Ministry of Justice, which is entered by submitting an application on the prescribed form. The data contained in the register (first and last name and address, or the name and seat of the founder, founding act, and registration decision issued by the competent authority, statute, and bodies of the non-profit organisation) is available and must be made accessible to inspection authorities, the authorities of Republika Srpska, or the competent committee of the National Assembly of Republika Srpska. The third objection concerned the obligation to submit to the Ministry of Justice a semi-annual financial report indicating the donors, the amounts transferred, the type of amounts and fees, and income expressed in cash or other value, as well as a report on the use of funds. Such a report is forwarded by the Ministry of Justice to the Tax Administration of Republika Srpska for further action, in order to control financial resources. The fourth objection concerned the expanded powers of the Minister of Justice, who, under the proposed law, is authorised to initiate proceedings before the competent court if the organisation acts in a manner contrary to the provisions of the proposed draft.

Questionnaire Analysis

For the purposes of data collection and report preparation, questionnaires were used and sent to the addresses of competent ministries and other institutions, cities and municipalities, and courts of the entities in Bosnia and Herzegovina, as well as to the EkoBiH network and the network of Aarhus Centers. The questionnaires contained questions for gathering data on the implementation of all three pillars of the Aarhus Convention and differed in form according to the recipient. Out of a total of 52 questionnaires sent, 38 responses were received from various addresses at the entity and cantonal levels. Some institutions, although they responded, did not provide the requested data.

Out of 40 questionnaires sent to members of the EkoBiH network, six were received, which also included the Aarhus Centers in Bosnia and Herzegovina.

Table of questionnaires received and sent in BiH:

Institutions	Questionnaires Sent	Questionnaires Received
Competent ministries	21	14
District/cantonal courts	16	16
Individual institutions	4	3
Cities/municipalities	11	5
NGO sector	40	6
Total	92	38

Analysis of the Questionnaire for Associations

The questionnaire for associations was designed on the basis of the practice acquired in previous work. Accordingly, the questionnaire elaborated on the issue of access to information in terms of the number of requests sent, approved, partially approved, unanswered (administrative silence), and denied.

The questionnaire further addressed the issue of public participation in decision making, namely: participation in the procedure for approving environmental impact study decisions, the procedure for issuing ecological/environmental permits, the procedure for adopting spatial planning documentation, and participation in other procedures significant for the environment.

The question of access to justice concerns data arising from second-instance appeal proceedings. Therefore, information was requested regarding the number of appeals filed against decisions or administrative silence, data on appeals upheld or information obtained, and data on rejected

appeals, ongoing appeal proceedings, the number of lawsuits filed in administrative disputes, rejected or accepted claims, the number of requests for judicial review, the number of motions for reopening proceedings, and the number of complaints submitted to the Ombudsman in BiH, as well as the use of services of lawyers or legal advisors.

Questionnaires were sent to the network of Aarhus Centers in BiH, currently comprising five offices in Banja Luka, Sarajevo, Livno, Zenica, and Tuzla, as well as to organisations that, together with local organisations, participate proactively in resolving legal issues related to the implementation of the pillars of the Aarhus Convention in practice. In addition to the Aarhus Centers, individual organisations that are part of the EkoBiH network also contributed to data collection for this report.

Certain organisations, in addition to the data they provided from their own records, also submitted a narrative section for the purposes of preparing this report, relating to public participation in decision-making processes.

Thus, the “Eko Forum” Zenica Association provided detailed information on its activities for each year.

In 2021, online public consultation activities were conducted regarding the procedure for renewing the environmental permit for the facilities and plants of ArcelorMittal, Zenica. Participants included representatives of Eko Forum, ArcelorMittal, the Federal Ministry of Environment and Tourism, the Federal Administration for Inspection Affairs, the City of Zenica, and other interested individuals. With the consent of the participants, the public consultation was recorded, but ArcelorMittal did not permit the recording to be publicly released. Following this, together with representatives of the Janjići Local Community, collected signatures and accompanying documentation for a citizens’ initiative were submitted to the protocol of the City Administration of Zenica, aiming to annul the decisions of the City Council of Zenica, which had established public interest for the construction of the Janjići hydroelectric plant on the Bosna River near Zenica. On that occasion, 1,563 citizens’ signatures were collected (while 1,500 signatures were required to initiate the consultation). These signatures were collected at stands set up on the streets of Zenica.

In the second half of 2021, the City Council considered the initiative submitted by Eko Forum Zenica for the protection of the Janjići waterfalls, supported by 1,563 names and the personal identification numbers of citizens opposing the construction of the Janjići hydroelectric plant on the Bosna River. The initiative was submitted on 7 April, and only on 3 June was it placed on the City Council’s agenda, during a secret and unannounced continuation of a suspended session, as a supplement to the agenda. The working presidency did not allow the submitters to explain the initiative or clarify to the councillors why and how it should be supported. The justification was that “because of the epidemiological situation” attendance was not allowed, despite the statement of the Aarhus Convention Compliance Committee, which clearly indicates that the COVID-19 pandemic cannot justify any restriction on the public’s rights to information, participation, and access to justice in environmental protection matters.² Thus, the City Council directly opposed the will of the citizens. The Regulations Committee of the City Council stated that annulling the

² unece.org/environment/press/aarhus-convention-compliance-committee-makes-clear-covid-19-pandemic-cannot

council's decisions would violate the principle of "ne bis in idem", which means that one may not decide "twice on the same matter". Following the vote, the citizens' initiative was rejected by a majority vote, with the justification that there was no legal basis for it. At the end of the year, peaceful protests were organised in front of the City Administration of Zenica under the slogan "Save Janjička Ada and the Waterfalls". Subsequently, requests from the protest were submitted to the City Administration of Zenica, Elektroprivreda BiH, the Government of the Federation of BiH, the German development bank KfW, and the Ministry of Energy, Mining, and Industry of FBiH.

Unlike in 2021, in the following year, Eko Forum Zenica organised a Public Debate in the Grand Hall of the City of Zenica regarding the Environmental Permit Application of Arcelor Mittal Zenica, while the German bank KfW initiated proceedings to terminate the loan agreement of EUR 30 million for the construction of the Janjići hydropower plant on the Bosna River. The Local Community of Janjići, Eko Forum Zenica, and the Aarhus Center Sarajevo initiated, in January 2021, proceedings before the bank's complaints office. We received information from the bank that the termination process for the loan agreement had been initiated. Furthermore, a letter was sent to the City of Zenica requesting that an item concerning our initiative to start the procedure for declaring the Babina-Tvrkovac Nature Park be included on the agenda of the City Council. After a series of meetings with the working presidency of the City Council, it was agreed to organise a public presentation for all citizens, especially those opposing the initiative. The presentation was held in the City Council Hall on 25 June 2024, attended by approximately 100 citizens, of whom slightly more than half expressed strong opposition to the initiative, which was supported by some city council members. Following the presentation, it was agreed that within 15 days, suggestions and comments would be submitted to the City Council so that it could decide whether the initiative would ever be placed on the Council's agenda. In this manner, the Aarhus Convention was severely misused, as the supposed public participation, representing the population directly affected by the protected area, was effectively reduced to a group of 100 individuals opposing the initiative. In accordance with the agreement, we submitted a series of proposals for amending the initiative. We also proposed that representatives of citizens opposing the designation of the protected area collect the signatures of at least 1,500 voters registered in the central electoral roll and submit them to the City Council for decision making, pursuant to Article 97 of the Statute of the City of Zenica, so that the Council could make a decision regarding the initiative to amend the Spatial Plan, Development Strategy, and Action Plan for Green Cities, which had already been adopted by the Council. An alternative solution was proposed, that the City Council hold a referendum, pursuant to Article 88 of the Statute of the City of Zenica, allowing all citizens of Zenica to express whether they support conducting technical studies for the establishment of protected areas within the City's territory, in accordance with the Law on Nature Protection of FBiH. Until the formation of a new City Council following the local elections in October 2024, the initiative had not yet been placed on the Council's agenda. In the same year, a public forum titled "Responses to the Energy Crisis" was organised in the Grand Hall of the City of Zenica. Additionally, a request was made to the company Eastern Mining Vareš to provide the "Biodiversity Research Report for the Rupice Mine and Veovača Open Pit, Vareš Municipality". The company responded that the report could not be shared because it constituted a copyrighted work protected under the Copyright Law. After our objection, the company offered access to the report under a confidentiality agreement. As this constituted a violation of the Aarhus Convention, we refused to sign such an agreement and were not granted access to the document. Regarding the issuance of an environmental permit for Arcelor Mittal Zenica, another public debate was organised in the Grand Hall of the City of Zenica concerning the supplemented Environmental Permit Application. Furthermore, an appeal was submitted to the Federal Ministry

of Agriculture, Water Management, and Forestry against the water permit issued by the River Sava Water Area Agency on 10 November 2022 for the company AMZ. This appeal was accepted, and the water permit issued to AMZ was annulled.

In 2023, street signature collection was organised for the amendment of the Spatial Plan of Zenica-Doboj Canton (ZDK) to review the justification for the planned construction of 77 hydropower plants in ZDK. An appeal procedure was initiated before the Independent Accountability Mechanism of the European Bank for Reconstruction and Development (EBRD) to verify the compliance of the “Toplana Zenica” project with the bank’s environmental policies, for which the bank had approved a loan of 18 million euros in 2018. After multiple postponements, the independent accountability mechanism accepted the application, and the verification process commenced. However, this procedure was subsequently suspended, because the ArcelorMittal corporation decided to completely and permanently halt coke production at the “ArcelorMittal” Zenica facilities, whose uncontrolled environmental pollution was the basis for filing the appeal. Furthermore, two initiatives were submitted to the Ministry for Spatial Planning, Transport and Communications, and Environmental Protection of ZDK: the Initiative for the amendment of the ZDK Spatial Plan and the Initiative for the preparation of a revised Waste Management Plan within the ZDK territory. In addition, in the same year, an Open Letter was sent to the Assembly of Zenica-Doboj Canton, requesting that the economic society “Adriatic Metals BH” not be awarded the ZDK plaque for economic development. Although the Evaluation Committee for the awarding of public recognitions had proposed the award, the Assembly of ZDK voted to uphold the opinion of the public, as conveyed in the Open Letter, and the award was not granted.

The residents of Goražde, from the settlement of Glamoč, also contributed by submitting a Request for a Thematic Session of the City Council of Goražde, but no response to that request was ever provided. In addition, they organised peaceful protests and submitted two citizens’ initiatives to the City Council of Goražde, which have not yet been considered.

a Right of Access to Information

	Requests for Access to Information Sent	Information Received in Full	Information Received Partially	Administrative Silence	Access to Information Denied	Appeals Submitted Against Decision or Administrative Silence	Appeal Granted and Information Received	Appeal Denied	Appeal Procedure Ongoing	Number of Administrative Lawsuits Filed
2021	218	194	4	10	8	11	21	0	0	17
2022	382	285		40	15	57	57	0	0	14
2023	340	270	2	6	13	17	10	1	1	19
2024	458	400	3	9	7	26	14	2	0	28
Total	1398	1149	9	65	43	111	102	3	1	78

The large number of requests sent to various institutions simultaneously indicates that environmental projects are increasingly being initiated on a daily basis. At the same time, the high number of responses demonstrates that, over the past four years, the authorities have consistently applied the provisions of the Law on Freedom of Access to Information. On the other hand, there still remains a relatively high number of cases in which access to information requests were denied or the authorities failed to respond (administrative silence). Simultaneously, the number of lawsuits filed with competent courts relates precisely to cases in which access to information was withheld, often justified by prioritising investors' interests over the public interest.

b Public Participation in Decision Making

	Participation in drafting regulations at BiH level	Participation in drafting regulations at RS/FBiH level	Participation in drafting regulations at cantonal level	Participation in drafting regulations at city/municipal level	Participation in approval procedure for Environmental Impact Assessment (EIA)	Participation in issuance of environmental/ecological permit	Participation in adoption of spatial planning documentation	Participation in other procedures significant for the environment
2021	10	4	0	1	16	4	2	11
2022	5	12	0	1	9	5	26	7
2023	6	15	0	1	8	7	8	6
2024	8	16	1	1	14	8	8	3
Total	29	47	1	4	47	24	44	27

The activities of environmental organisations in the implementation of the second pillar demonstrate that the authorities are actively engaged in amending regulations, adopting spatial planning documents, and handling cases requiring Environmental Impact Assessments (EIA) or ecological permits. During the reporting period, organisations participated in the drafting of 47 regulations at the entity level, predominantly related to the adoption of laws and by-laws concerning environmental protection.

The number of cases in which Environmental Impact Assessments were approved (47) and ecological permits issued (24) is higher than in the previous reporting period. This increase reflects heightened activity by investors in exploiting natural resources, which in turn has led to greater engagement from environmental organisations. These activities are particularly notable in the adoption of spatial planning documentation (44 cases), indicating frequent amendments to regulatory plans. Such frequent changes are often made to accommodate investors, reflecting a pattern of "non-planned" urban and municipal development.

c Access to Justice

As repeatedly described in this report, the exercise of the third pillar – access to justice – demonstrates the serious oversight and engagement of organisations with the work of competent authorities. In administrative-judicial oversight proceedings, the quality of work and the decisions approving environmental impact assessments, environmental permits, and specific cases related to the refusal of requested information are reviewed. For these reasons, the number of upheld lawsuits, especially in cases concerning the approval of environmental impact assessments and environmental permits, illustrates the relationship between the preparers of the documents, the commissioning party, and the authority granting the approval. Court rulings in such disputes indicate that the authorities place significant trust in the quality of documents prepared, often without additional control, for the purpose of obtaining certain permits, which in judicial proceedings are found to contain deficiencies or procedural-legal shortcomings. Experience shows that such errors are frequently repeated by the same legal entities responsible for preparing these documents, ultimately resulting from a lack of careful attention in their preparation.

Finally, it is necessary to emphasise the difficulties in ensuring effective legal remedies, which are fundamental to access to justice. Courts often do not grant requests to suspend the execution of contested acts, making it impossible to prevent harmful consequences, even in cases where projects are implemented unlawfully. The conditions imposed on claimants to demonstrate legal interest for the recognition of this request (injunctive relief) are set in such a way that the civil sector cannot utilise them. As a result, the effectiveness of the legal remedy is reduced to the ex post annulment of permits, thereby relativising access to justice.

	Lawsuits filed against public authority decisions in administrative disputes	Claim upheld	Claim rejected	Lawsuit ongoing	Request for extraordinary review of court decision	Proposal for repetition of procedure	Complaint submitted to the Ombudsman in BiH	Use of lawyer/legal services
2021	19	14	1	0	0	1	1	0
2022	24	10	3	4	3	2	0	0
2023	30	14	2	2	2	0	0	1
2024	38	10	6	2	4	2	1	2
Total	111	48	12	8	9	5	2	3

Analysis of the Questionnaire for Institutions

The questionnaire sent to institutions in both entities contained detailed questions covering the first two pillars. Regarding access to information, it requested data on the number of requests submitted, approved, partially approved, rejected, and dismissed. The questionnaire also sought data relating to the drafting and adoption of strategic documents, spatial planning documents, and specific projects. In this regard, information was requested on public participation in the drafting of regulations relevant to the environment, as well as data on public participation in the approval of permits within their jurisdiction.

In **Republika Srpska**, the questionnaire was sent to the competent ministries dealing with environmental issues through various sectors:

1. Ministry of Spatial Planning, Civil Engineering, and Ecology
2. Ministry of Agriculture, Forestry, and Water Management
3. Ministry of Health and Social Welfare
4. Ministry of Energy and Mining
5. Ministry of Transport and Communications
6. Ministry of Trade and Tourism

In addition to the competent ministries, which play a key role in procedures related to the environment, the questionnaire was also sent to certain institutions that deal on a daily basis with matters concerning the environment. Their jurisdiction involves issuing specific permits, opinions, and other documents. The questionnaire was sent to:

1. Concessions Commission
2. Public Institution "Waters of Srpska"

Out of a total of six questionnaires sent to the competent ministries in Republika Srpska, responses were received from four of them. The Ministry of Energy and Mining, as well as the Ministry of Health and Social Welfare, did not provide the requested data, while according to the Ministry of Agriculture, Forestry, and Water Management, this institution does not have a developed programme for keeping detailed records and therefore was unable to complete the questionnaire in line with the information that was requested. The Ministry of Trade and Tourism specifically stated in its response that in the past four years it had been most active in public consultations for the development of the strategic platform of the Tourism Development Strategy of Republika Srpska and the public debate on the Draft Tourism Development Strategy of Republika Srpska 2021–2027. Within this ministry, the Tourism Development Strategy of Republika Srpska was adopted, as well as the Draft Law on Tourism and later the Law itself, through public hearings, and in addition, Decisions were adopted: the Klekovača air spa, Han Pijesak, and Gruber Spa. The most extensive activities were carried out by the Ministry of Spatial Planning, Civil Engineering, and Ecology, and in this respect, considering their jurisdiction, decisions were issued approving Environmental Impact Studies, environmental permits, and in general, information related to the environment and certain projects. On the other hand, two questionnaires were sent to other competent bodies from which no information was obtained. In its correspondence, the Public Institution "Waters of Srpska" stated that it does not have either the capacity or the jurisdiction to act in the implementation of the Aarhus Convention, and therefore filling out the questionnaire would not make sense, as it might create a misleading picture of the institution's competencies, while the Concessions Commission did not send a response.

Given the complex administrative structure of the Federation of Bosnia and Herzegovina, in which, in addition to the federal level to which the questionnaires were sent to each of the competent ministries, the questionnaires were also sent to all the competent ministries of the cantons.

Federation of Bosnia and Herzegovina:

1. Federal Ministry of Environment and Tourism
2. Federal Ministry of Agriculture, Water Management, and Forestry
3. Federal Ministry of Spatial Planning
4. Federal Ministry of Energy, Mining, and Industry

Cantons of the Federation of Bosnia and Herzegovina:

1. Sarajevo Canton – Ministry of Public Utilities, Infrastructure, Spatial Planning, Construction, and Environmental Protection
2. Zenica-Doboj Canton – Ministry of Spatial Planning, Transport and Communications, and Environmental Protection
3. Tuzla Canton – Ministry of Spatial Planning and Environmental Protection
4. Herzegovina-Neretva Canton – Ministry of Trade, Tourism, and Environmental Protection; Ministry of Construction and Spatial Planning
5. Bosnian-Podrinje Canton – Ministry of Urban Planning, Spatial Planning, and Environmental Protection
6. Central Bosnia Canton – Ministry of Spatial Planning, Construction, Environmental Protection, Return, and Housing Affairs
7. Una-Sana Canton – Ministry of Construction, Spatial Planning, and Environmental Protection
8. West Herzegovina Canton – Ministry of Spatial Planning, Construction, and Environmental Protection
9. Canton 10 – Ministry of Construction, Reconstruction, Spatial Planning, and Environmental Protection
10. Posavina Canton – Ministry of the Economy and Spatial Planning

In addition to the competent ministries, which play a key role in procedures related to the environment, the questionnaire was also sent to certain institutions that deal with environmental matters in their daily work. Their jurisdiction relates to the issuance of certain permits, opinions, and other documents. The questionnaire was sent to:

Federation of Bosnia and Herzegovina:

1. Agency for the Adriatic Sea River Basin
2. Agency for the Sava River Basin

Out of a total of 16 questionnaires sent at the cantonal and federal level, 12 of them received responses. The responses did not contain additional explanations such as some institutions had submitted. This situation is certainly influenced by the fact that the Federation of Bosnia and Herzegovina consists of ten cantons, each with its own laws regulating the implementation of all three pillars of the Aarhus Convention.

a Access to Information

	Request for access to information received	Information granted in full	Information granted partially	Request rejected	Request dismissed
2021	119	70	-	2	-
2022	67	51	-	1	-
2023	90	68	2	2	-
2024	85	74	2	1	-
Total	361	263	4	6	-

b Public participation in decision making

	Public participation in the drafting of regulations significant for the environment	Adopted regulations significant for the environment	Initiated procedures for issuing decisions approving an Environmental Impact Assessment (EIA)	Number of public reviews held in procedures for approving an EIA	Decisions issued approving an EIA	Decisions issued rejecting an EIA	Initiated procedures for issuing environmental permits	Number of environmental permits issued
2021	25	97	10	7	7	0	194	224
2022	21	116	50	35	16	31	219	212
2023	13	93	42	38	22	15	272	286
2024	12	63	20	17	5	12	230	189
Total	71	369	122	97	50	58	915	911

According to the available data, the competent institutions received 361 requests for access to information, to which they responded with 263 positive replies. Taking into account the complex administrative structure of Bosnia and Herzegovina and the large number of institutions working in the field of the environment, it can be concluded that in practice the number of requests for access to information submitted to institutions is much higher. However, the data that was obtained also shows that there is significant public interest in environmental activities taking place within their local communities. The number of rejected requests is an indicator that there are cases of public interest whose information is still not accessible to the public.

In this reporting period, the competent institutions continued their activities related to the adoption of new regulations in the field of the environment. Since in practice there have been no significant legal changes, the data on the regulations that have been adopted refers mainly to by-laws or other general and individual acts in the field of the environment. The data received on the implementation of the second pillar of the Aarhus Convention in environmental institutions indicate the growing interest of investors in exploiting nature and natural resources, which is reflected in the number of initiated procedures for issuing environmental permits (915) and the number of environmental permits issued (911).

Analysis of Court Questionnaires

The questionnaire sent to courts focused on the right of access to justice, so all the information that was requested relates to proceedings initiated by lawsuits against decisions rejecting requests for access to information, lawsuits against decisions on prior environmental impact assessments and decisions approving environmental impact studies, and lawsuits against environmental permits. In addition, data was requested on proposals submitted for the repetition of procedures significant for the environment, as well as data on requests for an extraordinary review of court decisions significant for the environment. Considering the outcomes of the proceedings that were initiated, data was requested on lawsuits that were granted, rejected, or still in progress. Questionnaires were sent to all competent courts in the entities and cantons of BiH that decide on lawsuits in administrative disputes.

Republika Srpska

Out of a total of six questionnaires sent to District Courts in Republika Srpska (Banja Luka, Prijedor, Doboj, Bijeljina, Trebinje, Istočno Sarajevo), responses were received from all courts. Four courts did not have cases as requested in the questionnaire, while two courts responded positively, with the District Court of Banja Luka having the largest number of cases. The main reasons for the high number of cases in Banja Luka are the locations of the headquarters of the competent institutions of Republika Srpska, which hold environmental information.

In its response, the District Court of Banja Luka clarified court operations, noting that under the Rulebook on the Case Management System (CMS) in Courts (Official Gazette of BiH 4/16, 37/16, 84/16, 40/17, 34/18, 34/19, 73/19, 61/20) and the Rulebook on Internal Court Procedures (Official Gazette of RS 9/14, 71/17, 67/18, 6/19), the court is not obliged to classify cases into special groups or categories, nor to maintain statistical data or any other records based on the latest court decisions in a particular category. Such a search is also not possible through the CMS.

Regardless, for the purposes of the questionnaire, consultations were held with judges of the Administrative Department, and the questionnaire was completed on the basis of the existing practice of each judge in the Administrative Department.

Federation of Bosnia and Herzegovina

Regarding the Federation of BiH, out of ten questionnaires sent to cantonal courts (Sarajevo, Zenica, Tuzla, Široki Brijeg, Odžak, Travnik, Mostar, Goražde, Livno, Bihać), responses were received from nine courts. The Cantonal Court in Mostar explained its failure to respond by stating that it is not possible to obtain the requested data from the CMS, and that providing an answer would require court staff to physically review all administrative cases, which would demand significant effort and staff resources, something the court could not accommodate.

a Access to Justice

	Lawsuit against a decision rejecting a request for access to environmental information	Lawsuit against a decision in the procedure of preliminary environmental impact assessment	Lawsuit against a decision approving an Environmental Impact Study	Lawsuit against an Environmental Permit	Request for repetition of a procedure in the field of environmental protection and regarding denial of access to environmental information	Request for extraordinary review of a court decision in the field of environmental protection and regarding denial of access to environmental information
2021	-	3	3	13	2	7
2022	3	19	-	18	4	8
2023	5	2	3	21	-	3
2024	5	4	1	20	-	9
Total	13	26	7	72	6	27

In the period 2021–2024, a total of 13 administrative disputes were initiated before competent courts in Bosnia and Herzegovina regarding access to information. According to the practice of the Aarhus centers, these are most frequently cases in which the provisions of the Law on Freedom of Access to Information are misapplied concerning the use of exceptions. Such information is not provided because the third party does not agree to its disclosure. Competent institutions do not apply the public interest test effectively. In such cases, the interest of the third party takes precedence over the public interest.

	Approved lawsuits	Rejected lawsuits	Ongoing proceedings
2021	10	7	2
2022	14	3	8
2023	8	7	12
2024	11	6	23
Total	43	13	45

On the other hand, regarding the approval of Environmental Impact Studies and the issuance of environmental/ecological permits, the courts reported a total of 43 approved lawsuits, 13 rejected lawsuits, and 45 ongoing proceedings. The majority of lawsuits were filed against environmental/ecological permits (72), whereas the number of lawsuits filed against Environmental Impact Studies is very small (7). This significant difference between the number of cases may suggest that more proceedings are initiated before competent authorities where an Environmental Impact Study is not required, or that economic operators are exempted from preparing the Study and are referred directly to the procedure for issuing an environmental/ecological permit.

By exercising legal remedies against final decisions before competent courts and higher judicial instances, citizens and the civil sector initiated a total of six proceedings/proposals for repetition of the procedure concerning environmental matters and the denial of access to environmental information. In proceedings on requests for an extraordinary judicial review related to the denial of information, 27 proceedings/requests for an extraordinary judicial review were initiated.

The existence of five Aarhus centers in Bosnia and Herzegovina, supporting the work of local communities, has in recent years led to the initiation of several dozen positive court proceedings. The public increasingly exercises rights under the third pillar of the Aarhus Convention, whether in cases concerning access to information or proceedings under the provisions of environmental protection laws. Courts at all levels are handling an increasing number of cases and judgments, thereby establishing a practice for the application of statutory provisions. There are cases in which information is not provided despite court decisions ordering its disclosure. In such instances, competent authorities invoke exceptions that the courts challenge in their rulings, and such judgments are not fully executed.

Analysis of Questionnaires Sent to Municipalities/Cities

The practice of requesting information from local authorities was not utilised in previous reports. The cities and municipalities to which questionnaires were sent were selected using a random sampling method. For the purposes of this report, information was requested regarding the implementation of the first and second pillars of the Aarhus Convention: information on requests received for access to information; the number of requests fully and partially granted; and the number of requests denied or rejected. Additionally, data was requested on public participation in decision making concerning environmental matters.

Questionnaires were sent to the following cities and municipalities:

Republika Srpska:

1. City of Banja Luka
2. City of Doboj
3. Municipality of Kotor Varoš
4. Municipality of Bileća

Responses to the questionnaire were received from the City of Banja Luka and the Municipality of Kotor Varoš, while the City of Doboj and the Municipality of Bileća did not provide responses.

In its response, the City of Banja Luka stated that access-to-information requests were primarily received via email and that the public was invited to participate in decision-making processes related to the adoption of regulations significant for the environment. According to the correspondence, numerous participants contributed through discussions related to environmental and ecological matters, including representatives of the following institutions:

1. Institute for Civil Engineering IG d.o.o. Banja Luka
2. Society for Research and Protection of Biodiversity
3. Public Enterprise DEP-OT
4. Faculty of Technology, University of Banja Luka
5. V & Z – Protection d.o.o. Banja Luka
6. Republic Hydrometeorological Institute of RS
7. Association Center for Environment
8. Public Institution Institute for Protection and Ecology
9. Ministry of Spatial Planning, Civil Engineering, and Ecology of RS
10. Institute of Public Health RS

In the **Federation of Bosnia and Herzegovina**, questionnaires were sent to seven local communities, but only three responses were received, from the City of Mostar, the City of Bihać, and the Municipality of Travnik.

1. City of Mostar
2. City of Livno
3. City of Bihać
4. Municipality of Jajce
5. Municipality of Konjic
6. Municipality of Travnik
7. Municipality of Centar Sarajevo

The Municipality of Travnik stated in its correspondence that information on all submitted requests for the period 2022–2024 is available on the municipality's website.³ Information for 2021 is not available online but can be accessed through the archive and DMS system, and data

3 www.opcinatravnik.com.ba/ba/vazno/pristup-informacijama

can be reviewed in person at the competent Office for General Administration and BIZ by prior appointment. Regarding procedures for issuing environmental permits for the period 2021–2024, access to information is possible at the competent Department for Urbanism, Construction, Cadastre, and Property-Legal Affairs upon prior request.

The City of Bihać indicated that no access-to-information requests were submitted during the reporting period, and that no decisions or regulations significant for the environment were adopted. At the same time, the correspondence emphasised that the City Council of Bihać had adopted the document “Sustainable Energy and Climate Action Plan (SECAP) for the City of Bihać” for the period until 2030, which is published on www.bihac.org. Because of the importance of the document, all representatives – including citizens, local communities, and cantonal and federal institutions – were informed and included in the adoption process. The correspondence further noted that, through this action plan, the City of Bihać is expected to contribute to achieving the goal of reducing CO₂ emissions (and, where possible, other greenhouse gases) by at least 40% by 2030 compared to the base year, through more efficient energy use and increased use of renewable energy sources.

a Access to Information

	Requests for access to information received	Information fully granted	Information partially granted	Request denied	Request rejected
2021	1			1	
2022	2	2			
2023	4	3		1	
2024	1	1			
Total	8	6	0	2	

b Participation of the Public in Decision Making

	Public participation in the drafting of regulations significant for the environment	Procedure for issuing an environmental/ecological permit
2021	1	100
2022	1	117
2023	1	136
2024	1	154
Total	4	507

The diversity of the data received from municipalities and cities shows that, at the level of Bosnia and Herzegovina and its administrative units, there are no uniform databases that would constitute statistical data on the implementation of all three pillars at the municipal/city level. The figures presented in the report do not reflect the actual situation. On the basis of the practical work of the Aarhus centers, it has been observed that residents of local communities are increasingly interested in how natural wealth and mineral resources are managed. Although municipal/city authorities do not have precise records, by comparing the information provided by individual municipalities/cities with the activities of associations, it can be concluded that there is increased citizen engagement in local communities in the processes of adopting spatial planning documentation. Regarding ecological permits, on the basis of the data received, it can be concluded that an increased number of ecological permits are being issued, indicating a certain type of local community development and the opening of small family businesses.

General Conclusion

Considering all the questionnaires and information received, it can be concluded that the implementation of the Aarhus Convention has reached a level where information is generally provided. The authorities responsible for providing information under freedom of information laws generally respond positively to requests within the legally prescribed deadlines, thereby providing information on the environment and related activities. On the other hand, the data shows that there are certain cases of public interest for which information is withheld, being justified by the protection of third-party interests.

For maintaining statistical records of cases in the field of ecological matters and the application of all three pillars of the Aarhus Convention, it is necessary to create a detailed and concise database containing all relevant information in this area. For the public to have insight into information, such as how many requests for access to information in ecological cases are submitted, granted, the extent of public participation in decision making, and the number of administrative disputes initiated before competent courts; it is essential to have a unified classification of ecological cases in procedures for exercising rights under the provisions of freedom of information laws and the Aarhus Convention.

Acceptance and implementation of proposals, suggestions, and opinions of environmental organisations regarding the application of the Aarhus Convention in practice presupposes well-trained and thoroughly educated public relations officials within government bodies at all administrative levels in Bosnia and Herzegovina. For this reason, it is necessary to conduct training activities for such officials continuously, because the statistical data collected for this analysis indicates that at the municipal level there are cases/requests that are not answered at all. It is unclear whether this type of behaviour by the authorities stems from a lack of knowledge in applying legal provisions or from intentional disregard, but it is certainly evident that the public in local communities, because of the work of public relations officials as first-instance authorities, is often deprived of important information about the environment in their local area.

Institutions/government bodies that have been actively applying the provisions of the freedom of information laws over the past 20 years demonstrate a high level of understanding and appreciation of the role of environmental organisations in environmental protection, using various legal tools. Although they are sometimes on opposing sides, this relationship has been built over

the years and continues to develop, creating a connection between the authorities and the civil sector in which everyone has a role to play in protecting the environment. The cooperation of certain institutions, as shown during the preparation of this report, exemplifies that only through joint work and mutual understanding can the natural environment of Bosnia and Herzegovina be highlighted, understood, and protected. On the other hand, there are numerous government bodies whose behaviour in procedures initiated under the provisions of the freedom of information laws shows that the will of the citizens is not above the will of politicians, and that some information is simply untouchable for citizens.

All of this has contributed to the fact that citizens in Bosnia and Herzegovina increasingly desire information about the state of the environment in their local communities, as well as the implementation of specific projects that visibly harm environmental conditions. The increasing number of requests for access to information is precisely an indicator that citizens are awakening from decades-long passivity in local communities, and that the authorities, if environmental degradation continues through harmful projects, will encounter public discontent. Citizens and civil society will then use all legally permissible means to protect the environment.

Examples from Practice

1 Case of the Mrsovo Hydro Power Plant before the Concessions Commission of Republika Srpska

In March 2023, the Center for Environment Association from Banja Luka submitted a Request for Access to Information to the Concessions Commission of Republika Srpska, requesting the Commission's consent, which it is obliged to issue under Article 12 of the Rulebook on the Procedure for Concession Contract Assignment and Change of Ownership Structure. The request sought approval of the change of ownership of the concessionaire "COMSAR ENERGY HYDRO" d.o.o. to the new concessionaire "ERS – Renewable Energy Sources" d.o.o. Ljubinje regarding the Mrsovo Hydro Power Plant. After 20 days had passed without a response, and given that the statutory deadline had expired, the Association followed up with the Commission to obtain the requested information.



Confluence of the Lim and Drina Rivers. The Mrsovo HPP is planned upstream on the Lim. (Photo: Bruno D'Amicis)

Meanwhile, the Commission sent a Notice to the Association stating that, in accordance with Article 14 of the Law on Freedom of Access to Information, it was reviewing all facts and circumstances relevant to the processing of the Request in order to determine whether an exception for confidential commercial information applied. The notice further stated that the requester would be informed in a timely manner as soon as possible.

Shortly thereafter, in May 2023, the Association received a letter from the Commission denying the Request for Access to Information. The Association submitted a complaint against this decision, but the response to the complaint upheld the denial as unfounded. Against this response, the Center filed a lawsuit and initiated an administrative dispute for the violation of the right to freedom of access to information.

After several months, in December 2023, the District Court of Banja Luka issued a judgment in which the lawsuit was upheld. The judgment notes that the Commission decided on the complaint, but in fact considered the letter, which was actually a Notice of deadline extension. Respecting the provisions of the judgment to repeat the procedure, the Commission again issued a letter in February 2024, rejecting as unfounded the complaint of the Center for Environment filed against the Commission's letter. Against this letter, the Association again filed a lawsuit and initiated an administrative dispute. In the lawsuit, it was again stated that this body assessed the application of the public interest test for publishing the requested information incorrectly. According to the lawsuit, the body, when deciding on the request, did not take into account the fact that the information being requested was exclusively within the competence of this body, and did not consider that the transfer of the Concession Agreement was executed to a legal entity established by Elektroprivreda Republike Srpske, which is owned by all citizens, and that the transfer was executed with funds from the budget, which is the budget of all citizens.

The District Court of Banja Luka, on the basis of the lawsuit filed by the Center, issued a judgment in September 2024 in which the lawsuit was upheld for all the above-mentioned reasons, and after that, the Commission issued a response granting access to information under the Center's request, which was done in accordance with the instructions from the judgment.

Conclusion

This case showed that bodies that are obliged under the Freedom of Access to Information Law to provide information they possess or control interpret the public interest test in different ways, without taking into account all the circumstances arising from the specific case. Such a method of application, where third parties (investors) are indirectly or directly favoured in the procedure, creates the impression that certain projects are excluded from public information even though they are largely funded from the entity's budget.

2 Case of organising a public discussion for the approval of the Environmental Impact Study for RU Medna

On 25 July 2022, on the official website of the Ministry of Spatial Planning, Construction, and Ecology of Republika Srpska (hereinafter the Ministry), it was published that the project holder "MEDNA NV" d.o.o. Mrkonjić Grad was submitting to the Ministry a Draft Environmental Impact Study for the project of brown coal exploitation at the "Medna" deposit, near Mrkonjić Grad, with an exploitation field area of 5 ha. At the same time, a Notice of public inspection, which lasted from 22 July–22 August 2022, was published in the newspaper Euroblac on 22 July 2022. A public discussion was therefore held on 9 August 2022 in the premises of JU OŠ "Vuk Karadžić" Barači, starting at 11:00 a.m.

At the public discussion, representatives of the Association "Center for Environment" from Banja Luka (hereinafter the Center) were present, who, among other things, raised objections regarding the method used for informing and enabling public participation in decision making, under the application of the second pillar of the Aarhus Convention. It was emphasised that the venue of the public discussion was not appropriate in relation to the location where coal extraction was planned. It was pointed out that the public discussion should have been held in vilge Medna, and not on the premises of OŠ "Vuk Karadžić", which is located approximately 22 km from the future mine, and thus residents of vilage Medna were not adequately enabled to participate proactively



The Medna coal mine in operation. (Photo: Majda Slámová / Arnika)

in this procedure. However, the Ministry justified these facts by stating that, according to the Law, the investor is obliged to organise a public discussion, and by the fact that there were no conditions for holding it in village Medna. Regardless of the irregularities that were identified, the public discussion was completed on the same day.

Conclusion

The public discussion regarding the approval of the Environmental Impact Study for the Medna coal mine is an example of organising a public discussion that did not show the desired effect. It was organised during the summer holidays, approximately 20 kilometres from the mine location. In this indirect way, the participation of the residents of the village of Medna, who will be directly affected by the opening of the mine, was hindered.

3 Information Regarding the Concession Agreement for the Construction of the Banja Luka–Prijedor Highway

The Association “Center for Environment” submitted a Request for Access to Information to the Ministry of Transport and Communications in November 2021 in which it requested the Concession Agreement for the construction of the Banja Luka – Prijedor highway and all related Annexes. After a month of no response to the Request, the Center sent a follow-up reminder.

In the further procedure, the Ministry, by its decision, rejected the Center’s Request for Access to Information on the grounds that the other contractual party did not give consent to its publication. Being of the opinion that the decision did not contain an adequate legal remedy instruction, the Center submitted a Request for the completion of legal remedy instructions, and simultaneously submitted a Complaint to the Ombudsman about a violation of the freedom of access to information. After the procedure before the Ombudsman of BiH was initiated, the Ministry, in February 2022, sent

a Response to the Center in which access to information was completely denied. Regarding this decision, the Center filed a lawsuit in administrative proceedings with the competent District Court in Banja Luka, and after seven months, the Court, in July 2022, issued a judgment in which the lawsuit was upheld because the court concluded that the Ministry placed itself in the service of the Concessionaire, and not the public of Republika Srpska, by requesting permission from the Concessionaire for the publication of information, and did not act in accordance with the public interest test.

After the judgment, the Ministry reissued a Decision rejecting the request for access to information on the grounds of protecting confidential commercial information of the Concessionaire. Regarding this Decision, the Center again filed a lawsuit in administrative proceedings, after which the Court issued a judgment in which the Center's lawsuit was upheld because the public interest test was not correctly applied, with reference being made to the exemption of confidential commercial interests.

In the repeated procedure, acting in response to the judgment, the Ministry again issued a Decision rejecting the request for access to information because of the protection of the confidential commercial information of the Concessionaire. Against such a decision, the Center again filed a lawsuit in administrative proceedings, which was concluded with a judgment in which the lawsuit was upheld for the same reasons as in the previously-mentioned procedure.

Following the Court's judgment, in February 2024, the Ministry issued a Decision allowing access to information and delivering the Concession Agreement to the requester, except for Annex 23 – Financial Model. The Ministry justified the non-disclosure of this information by citing business secrecy. Regarding this Decision, the Center again filed a lawsuit with the Court because of the non-delivery of Annex 23, which, after the procedure was conducted, resulted in a judgment in which the lawsuit was again upheld.

Following the judgment, in September 2024, the Ministry issued a Decision rejecting the Request for submission of Annex 23 – Financial Model, on the grounds that it represented business secrecy. Regarding this Decision, the Center again filed a lawsuit in administrative proceedings. After the procedure, the Court issued a judgment in which the Center's lawsuit was upheld for the same reasons as those stated in the previous judgments.

The procedure is still ongoing, both before the District Court because of the persistent refusal of the authority to deliver the requested annex, and before the Supreme Court of Republika Srpska, as the lower court has not meritoriously decided on the main matter even though it had the grounds to do so (dispute of full jurisdiction).

Conclusion

As with other cases, this case demonstrates the concessions that public authorities make in favour of investors, even when these are projects of significant public interest, which are largely financed from the budget or loans repaid from the budget. Particular emphasis in this case is given to the disregard of the instructions from the District Court judgment five times, where the public authorities did not consider the Court's instructions and did not act accordingly. On the other hand, this also highlights the lack of readiness of the Court to decide on the merits when the legal conditions for such a decision are fulfilled, i.e. to order the submission of the data.

4 Vareš Mine and Access to Information in the Context of the Aarhus Convention

The Vareš Mine is a controversial project that generates divided opinions among local residents and environmental organisations. For some, the mine represents a “project of the future and development”, while the neighbouring town of Kakanj believes that the investment will endanger drinking water and forest resources, creating serious ecological threats. The investment, valued at several hundred million euros, includes the exploitation of zinc, barite, and lead, as well as additional research which revealed the presence of silver, gold, and copper. Although mining activities have the potential for economic development, they also entail significant environmental consequences, including the risk of endangering the drinking water of 30,000 people in Kakanj.

For the purpose of protecting the public interest and ecological rights, the Aarhus Center in BiH submitted a request for access to information in November 2023 regarding permits for the exploitation and execution of mining works in Vareš. Responses to this request were supposed to be delivered in accordance with the Freedom of Access to Information Act of the Federation of Bosnia and Herzegovina (ZOSPI FBiH), which stipulates a 15-day deadline for providing the requested information. However, the Ministry of Energy, Mining, and Industry of FBiH delayed its response by nearly two months, thereby violating the statutory provisions.

After this delay, the Ministry rejected the Aarhus Center’s request for access to information. As grounds for the rejection, the Ministry cited the need to obtain a statement from the business entity “Adriatic Metals BH” d.o.o. Vareš, which had already approved the issued permits. The company stated that the requested documents were not necessary for the public, as the permits were valid and final, and that compliance monitoring was carried out by the inspection authority. However, the Aarhus Center noted in its response that the Ministry did not examine the public interest regarding the requested information, nor did it explain how its publication could jeopardise confidential commercial interests. Furthermore, the Aarhus Center emphasised that, according to the Mining Law of FBiH, the public must be involved in processes related to the exploitation of mineral resources, and it is unclear how permits could be issued without such involvement.

On 18 January 2024, the Aarhus Center filed an appeal against the rejection of the request for access to information, emphasising that the Ministry had not considered the public interest, which is indispensable in such cases. The appeal stressed that the Ministry could not justify the rejection because it had not proved that the publication of the requested information would harm either the public interest or confidential commercial interests. On 30 January 2024, the Ministry partially upheld the appeal, allowing the Aarhus Center to review the requested information at the premises of the company “Adriatic Metals BH” d.o.o. in Vareš. This was not accepted because the Aarhus Center did not wish to travel to Vareš and instead requested the delivery of the documents to their address.

On 14 February 2024, the Aarhus Center submitted a request for inspection supervision to the Ministry, stating that the Ministry was unjustifiably exposing them to additional costs, given the distance between Sarajevo and Vareš. It was also emphasised that the Ministry had not provided legal grounds for such a decision, as it was clear that the Aarhus Center had not requested access to physical documents but rather their delivery.

Conclusion

This case highlights an important issue of public access to information in the context of mining projects and ecological rights. Although there is a legal obligation to make information available to the public, the Ministry's actions and the response of the investor "Adriatic Metals BH" indicate potential violations of the right to access information. It is expected that further steps, including inspection supervision, will play a key role in ensuring transparency and accountability regarding this investment.

5 The Kraljušćica Case and Public Participation in the Decision-Making Process in the Context of the Aarhus Convention

This case study examines the legal aspects related to the procedure for issuing environmental permits for the construction of the small hydroelectric plants Kraljušćica I and Kraljušćica II on the Kraljušćica River basin in the municipality of Konjic, Bosnia and Herzegovina. The main focus is on the violation of the rights of the interested public, including NGOs and individuals, in the process of issuing environmental permits.

The issuance of environmental permits for the construction of small hydroelectric plants on the Kraljušćica River basin in the municipality of Konjic was initiated with the issuance of the initial environmental permits in 2015. After the expiry of these permits, the procedure for issuing new permits began in 2020. The new permits were obtained without the interested public being involved in the process, which was necessary because, according to the provisions of the then-applicable law, there was no possibility of the permit being renewed.



Dry riverbed of the Kraljušćica River below the dam. (Photo: Amir Variscic)

According to the Environmental Protection Law of the FBiH, when issuing environmental permits, it is necessary to include all the interested public who may be affected by the project, or those public entities to which the matter is relevant, such as NGOs. In this case, the Federal Ministry of the Environment and Tourism did not ensure public participation in the form of holding a public discussion or public review of the draft of the new environmental permits in 2020. The failure to follow the legal procedure in issuing environmental permits has serious legal consequences. Primarily, the public did not have the opportunity to submit their comments and opinions regarding the procedure for issuing the environmental permit, thereby violating their right to participate in the decision-making process. Because of all of the above, legal proceedings were initiated against the contested permits in 2024 by the Aarhus Center in BiH and by individuals who were directly affected by the operation of these hydroelectric plants, after they finally learned about the permits through requests for access to information.

Conclusion

In this case, the procedure for issuing the environmental permit for the construction of the small hydroelectric plant on the Kraljušćica River basin was illegal because it did not allow the participation of the interested public in accordance with the Environmental Protection Law of the FBiH and the provisions of the Aarhus Convention. The plaintiffs, who were directly affected by the project, did not have access to information, nor could they participate in the decision making, and thereby their fundamental rights were violated. This case highlights the importance of the proper application of the Environmental Protection Law, as well as the need to ensure transparency and public participation in decision making affecting the environment.

6 The Ugar Case and Access to Justice in the Decision-Making Process in the Context of the Aarhus Convention

The Travnik Sports Fishing Club, with the support of the Aarhus Center in Bosnia and Herzegovina, initiated a series of legal proceedings against the permits for the construction of the Oštrac small hydroelectric plant (SHP) on the Ugar River. This case represents a significant example of the fight to protect the rights of local communities and the environment.

The Travnik Sports Fishing Club (hereinafter the Club) holds a concession for the use of the Ugar River for sport fishing purposes. According to the law, no activity involving interventions on the river, such as the construction of a hydroelectric plant, can be carried out without consulting the Club, as it is a party with a legal interest. However, the competent ministries, without involving the Club, issued a construction permit, urban planning approval, and environmental permit for the construction of the Oštrac SHP. The Club was not informed of this process because the competent ministries did not deliver the permits to the Club or publish them on their websites. This created grounds for legal proceedings as the Club considered its legal and ecological interests to be seriously threatened.

The Club decided to initiate court proceedings before the Cantonal Court in Novi Travnik, seeking the annulment of the permits for the construction of the SHP. The lawsuits were based on the claim that the competent ministries violated the law by not including the Club in the decision-making process regarding the construction of the hydroelectric plant, thereby infringing the Club's right to participate in the decision-making process and its right to access information.



Ugar River with low and insufficient flow caused by small hydropower plants. (Photo: Majda Slámová / Arnika)

However, the Cantonal Court in Novi Travnik dismissed all the lawsuits, reasoning that the Club was not an actively legitimised party to initiate legal proceedings, as it was not a party in the permit issuance process. The court also stated that the lawsuits were filed in an untimely manner.

The Club did not give up and decided to appeal the decision of the Cantonal Court, and the case reached the Supreme Court of the Federation of Bosnia and Herzegovina. In its reasoning, the Supreme Court ruled in favour of the Club, determining that the Club was a party to the procedure and possessed active standing to file a lawsuit. The Court emphasised that the deadline for filing a lawsuit began to run only from the day the Club actually received information regarding the issuance of permits. The Court also highlighted that a filing deadline that ran before the act was delivered to the claimant would represent an impossible condition and an excessive burden for the Club, effectively depriving them of access to justice.

The Supreme Court concluded that the deadline for filing a lawsuit starts from the day the party becomes aware of the issued act, i.e. when it is delivered or when the parties have obviously learned of its content. This ruling underscores the importance of respecting the public's right to access information and legal protection in cases concerning environmental protection.

Following the Supreme Court's decision, all permits previously issued for the construction of the Oštrac SHP on the Ugar River were annulled. The investor, V.N.T. Travnik, was forced to initiate a new procedure to obtain all the necessary permits, which will be in accordance with legal requirements and the Aarhus Convention. Under this convention, which guarantees the rights to information, participation, and access to justice in environmental matters, the investor must ensure that the Travnik Sports Fishing Club, as well as the broader public, is included in the decision-making process regarding the construction of the SHP.

Conclusion

This case demonstrates the significance of the legal system in protecting the rights of local communities and the environment and highlights the role of the Aarhus Convention in enabling access to information and participation in decision making. The Travnik Sports Fishing Club, although initially faced with the dismissal of its lawsuits, succeeded in proving its active standing and the right to protect its interests. The annulment of the permits for the construction of the Oštrac SHP and the requirement for a renewed permit issuance process with full public participation represents a positive outcome in this legal dispute. This case can serve as an important example of strengthening the protection of public and environmental rights in Bosnia and Herzegovina and promoting better implementation of the Aarhus Convention in future environmental proceedings.

7 Criminal Complaint Against the Company MEDNA d.o.o. Mrkonjić Grad for Committing Five Criminal Offences in the Field of Environmental Protection

In November 2024, the Center for Environmental Protection Association, after two years of collecting evidence, filed a criminal complaint against the company MEDNA NV d.o.o. Mrkonjić Grad on the grounds of reasonable suspicion that, from the start of the operations of the Medna coal mine in December 2022 until the date of the filing of the complaint, the company committed the following criminal offences through its coal mining activities at the Medna coal mine:

1. Article 370 – Environmental pollution;
2. Article 371 – Pollution of the environment with hazardous substances;
3. Article 378 – Pollution of food and water for animal nutrition or watering;
4. Article 386 – Failure to implement environmental protection measures;
5. Article 391 – Illegal occupation and exploitation of natural resources and goods of general interest.

The procedure is ongoing.

Conclusion

Since the start of operations at the Medna coal mine, a series of irregularities have been observed, which were also confirmed by the competent authorities through regular or extraordinary inspections. Through its activities, the mine has managed to pollute first-category waters, the Sana River and its tributaries, thereby endangering human life and health along several tens of kilometres of the river.

The filed criminal complaint represents the first case of filing against a legal entity whose actions endanger the environment. In Bosnia and Herzegovina, this practice is still not widespread, leaving most polluting investors unpunished. On the other hand, as a result of various concessions granted to investors by competent public authorities and incomplete or irregular inspections, there is room for investors often to operate with incomplete permits or fail to comply with them fully, which later results in the devastation of the natural environment in which they conduct their activities.

Pollutant Register and Pollution Scope (PRTR)

The Pollutant Release and Transfer Register or PRTR protocol (Protocol on Pollutant Release and Transfer Registers) is regulated by [Regulation \(EC\) No. 166/2006 on the establishment of a European Pollutant Release and Transfer Register](#) which establishes the [European Pollutant Release and Transfer Register \(E-PRTR\)](#). This protocol represents an electronic database of key environmental data from industrial facilities. Such a register is publicly and freely accessible online and contains information that can be searched using various criteria. The register includes information on the release of pollutants into the air, water, and land, as well as transfers of pollutants present in wastewater and waste outside their place of origin, and specifically relates to the following sectors: energy production; metal production and processing; the mineral industry; the chemical industry; waste and wastewater management; processing of paper and wood; intensive livestock production and aquaculture; animal and plant products in the food and beverage sector and other activities. The regulation is an integral part of the Aarhus Convention, which allows the public to participate in decision-making processes on environmental matters.

What's New?

In Republika Srpska, the PRTR protocol was launched in 2023 in accordance with the *Rulebook on the Methodology and Manner of Maintaining the Register of Facilities and Polluters* ("Official Gazette of Republika Srpska" No. 55/23). The protocol is available on the website of the Institute (<https://prtr.rhmzrs.com/>), along with instructions for entering the necessary data for operators who have been issued an Environmental Permit.

In the Federation of Bosnia and Herzegovina, the PRTR protocol was launched in November 2024 in accordance with the *Rulebook on the Registers of Facilities and Pollution* ("Official Gazette of FBiH" No. 11/23). The protocol is available on the website of the Federal Ministry of the Environment and Tourism (<https://www.fmoit.gov.ba/bs/okolisne-dozvole/statistika-okolisne-dozvole/izdate-okolisne-dozvole-u-2024-godi/bs/okolisne-dozvole/registri-i-izvjesivanje>), together with instructions for operators who are obliged to enter data for the purposes of the register.

The Assembly of the Brčko District of Bosnia and Herzegovina adopted a new Environmental Protection Law in September 2024 ("Official Gazette of Brčko District of Bosnia and Herzegovina" No. 32/24), in which Article 30 prescribes the obligations for establishing and providing the necessary information for the functioning of the register. Experimentally, a database has been established on the ground, and its full operation is expected after the adoption of the necessary secondary regulations.

Through activities related to the preparation and launching of the PRTR protocol, administrative units in Bosnia and Herzegovina (entities and districts) have taken a significant step in collecting, processing, and publishing data on operators and polluters. So far, the response of operators to the requirement to report and enter data into the databases has been very weak, so in the

upcoming period, various forms of training for officials, operators, and all other legal and physical persons involved in this process are expected at all levels. The real data that should exist with the establishment of the register does not yet exist, as major polluters fail to submit the required information and do not fulfil their obligations under the register. The introduction and establishment of the register have not brought data to a level where citizens can verify on a daily basis the levels of pollutant emissions and act legally and in a timely manner against specific polluters. The air in the cities of Bosnia and Herzegovina is visibly polluted.

Mechanisms for Compliance with the Aarhus Convention

Mechanisms for ensuring compliance with the Aarhus Convention involve the use of specific methods to align the legislation of member states with the Convention. There are four compliance procedures that can be submitted to the **Aarhus Convention Compliance Committee (ACCC)**:

1. a member state may submit a request regarding the compliance of another member state;
2. a member state may submit a request regarding its own compliance;
3. the Secretariat of the Aarhus Convention may issue a recommendation to the Committee;
4. the public may communicate regarding a member state's compliance with the Convention.

By initiating proceedings before the ACCC, civil society organisations are provided with an additional means of environmental protection, as prescribed in Article 15 of the Aarhus Convention, which relates to the use of compliance mechanisms under the Convention.

1 Subject of Issuance of the Environmental Permit for MHE Dindo

The subject of initiating proceedings before the ACCC is the dismissal of the lawsuit filed by the Center for Environment from Banja Luka (hereinafter the Center) by the Cantonal Court in Sarajevo (hereinafter the Court). The lawsuit was filed against the environmental permit issued by the Federal Ministry of the Environment and Tourism (hereinafter the Ministry) for the construction of the "Dindo" MHE (3.74 MW) on the Ljuta River, Municipality of Konjic, FBiH, BiH.

From the very beginning of the publication of information regarding the Draft Environmental Impact Assessment (EIA) Study for the "Dindo" MHE, the Center participated in the process, submitted and emphasised comments on the draft Study, and took part in the public hearing held on 1 May 2017 in Konjic. However, despite this, the Ministry did not acknowledge that the Center was an interested party in this process. As a result, after the procedure was completed, the Ministry did not provide the issued environmental permit for the "Dindo" MHE on the Ljuta River to the Center. Since the Center found the permit on the Ministry's official website, it submitted a request for access to information to the Ministry, seeking the issued environmental permit in order to acquire the right to file a legal remedy. On 15 May 2018, the Ministry forwarded a copy of the requested permit.

On 15 June 2018, the Center filed a lawsuit in administrative proceedings with the Cantonal Court in Sarajevo, contesting the Ministry's decision. After three years, on 24 September 2021, the Cantonal Court in Sarajevo dismissed the lawsuit on the grounds that the plaintiff is based in Banja Luka, while the project (the "Dindo" MHE) is located in the Municipality of Konjic. The judgment further states that, according to the Law on Environmental Protection of FBiH, an interested party/body is defined as a natural and/or legal person or organisation that lives or works in the area of impact or the area likely to be affected.

On the basis of this, the Court argued that, taking into account these provisions, as well as the fact that the plaintiff is an association based in Banja Luka – Republika Srpska, and that the environmental permit in question was issued to the investor “INGHYDRO” d.o.o. Konjic, the plaintiff did not have the status of an interested party under the Law on Environmental Protection of FBiH. Furthermore, the Court determined that “the plaintiff also does not have the status of an interested party under Article 15, paragraph 1 of the Law on Administrative Disputes (‘Official Gazette of the Federation of BiH’, No. 9/05), which prescribes that when an individual member of a citizens’ association whose statutes assign the protection of certain rights and interests of its members has been harmed by an administrative act, the social organisation or citizens’ association may, with the written consent of its member, file a lawsuit”.

Since the Cantonal Court’s judgment became final within the judicial system of FBiH, the Center filed an extraordinary legal remedy, a Request for Extraordinary Review of Court Decisions, before the Supreme Court of the Federation of Bosnia and Herzegovina as a higher court on 26 October 2021. Simultaneously with initiating the proceedings before the Supreme Court of FBiH, the Center also initiated a procedure before the ACCC, because judicial processes in Bosnia and Herzegovina are extremely lengthy and cannot be expedited, as environmental protection cases are not prioritised.

Meanwhile, the Supreme Court of the Federation of Bosnia and Herzegovina issued a ruling granting the Center’s request for extraordinary review and returned the case for re-examination. In its ruling, the Supreme Court established that the Center has the status of an interested public in this procedure under the provisions of the Law on Environmental Protection and the Law on General Administrative Procedure.

After that, the Cantonal Court in Sarajevo repeated the administrative proceedings on 17 February 2023 and issued a judgment recognising the Center’s status as a party but rejected the Center’s claim on other grounds. In the meantime, and after being informed by the Center about the legal outcome, a communication was received from the ACCC, stating that the compliance procedure was being suspended because the Court recognised the Center’s status as a party in this procedure, in accordance with the provisions of the Aarhus Convention.

2 Case of Issuing Environmental Permits for the Operation of the Thermal Power Plants in Banovići and Tuzla⁴

In the previous report, for the 2017-2021 reporting period, the use of the Aarhus Convention Compliance Mechanism was mentioned for the first time as a means of protecting the rights of organisations engaged in environmental protection. The case is still pending before the ACCC

⁴ The EKOTIM Association for the Protection and Promotion of the Environment, Nature, and Health from Sarajevo filed three lawsuits against environmental permits issued by the Federal Ministry of the Environment and Tourism. These permits concern projects for the construction of thermal power plants in Banovići and Tuzla, which EKOTIM considers to have a negative impact on the environment. After the Cantonal Court in Sarajevo dismissed all three lawsuits, EKOTIM submitted requests for an extraordinary review of the court decisions to the Supreme Court of the Federation of BiH in 2019. Simultaneously, a complaint was also submitted to the Aarhus Convention Compliance Committee (ACCC).

because the Federal Ministry of the Environment and Tourism has not submitted the requested responses to the ACCC, which were last requested in June 2024. However, the Supreme Court of FBiH issued a favourable ruling in this case in 2021, and ultimately the environmental permits were annulled. Then, as now, the violation of rights under the Aarhus Convention arose on the same basis: a misinterpretation of the concept of the interested public, which should be enabled to participate in procedures challenging environmental permits.

In both cases, the provisions of the Law on Environmental Protection of FBiH were interpreted as meaning that an interested party includes physical and legal persons who live or work in areas affected by environmental projects. The courts handed down decisions contrary to the provisions of the Aarhus Convention, which provides that non-governmental organisations engaged in environmental protection and meeting the requirements of national legislation should be considered the interested public. According to the applicable provisions of the Law on Environmental Protection of FBiH, Article 30, paragraph 2, it is clearly stipulated that NGOs engaged in environmental protection have the right to be considered as an interested public. The Aarhus Convention itself, in Article 9, paragraph 2, allows access to justice for anyone with sufficient interest or who claims that their rights are being infringed, while Article 2, paragraph 5 defines the interested public as including organisations that promote environmental protection.

Protection of Environmental Defenders⁵

“The United Nations has recognised and expressed deep concern that human rights defenders working on environmental issues, who are referred to as environmental human rights defenders, are among the most exposed and vulnerable human rights defenders. States are called upon to take all necessary measures to ensure the rights, protection, and safety of all individuals, including environmental human rights defenders, who, among other things, exercise the rights to freedom of opinion, expression, peaceful assembly, and association, both online and offline, which are essential for the promotion and protection of human rights and the protection and preservation of the environment” (HRHF 2023, 41).

Human rights defenders in the field of environmental protection face unique challenges as a result of the specific nature of their work. This is reflected in the fact that they often confront powerful interests related to land use, the mining of ores and minerals, and large-scale development projects, which can create serious conflicts between environmental defenders, investors, and holders of political power (HRHF 2023, 41). The situation in Bosnia and Herzegovina in this regard is similar to other countries where full democracy has not been achieved, corresponding to the hybrid democracy regime present in the country, as there is neither an adequate level of rule of law nor fully sufficient protection of the rights of citizens (EIU 2024, 11, 50, 66).

In this report, we have addressed three sections concerning the work of human rights defenders in the field of environmental protection, which are closely focused on strategic lawsuits against public participation (SLAPP) and intimidation, inconsistencies in procedures across different levels of government, and relations with large companies and the international community.

SLAPPs and Intimidation

Companies in Bosnia and Herzegovina, particularly those in the energy, construction, and mining sectors, use **strategic lawsuits against public participation (SLAPPs)**, exploiting the judicial system to *discourage, silence, and intimidate* human rights defenders – that is, critical voices on specific projects affecting the environment. The goal of these lawsuits is not to achieve legal victory but to *create an atmosphere of fear* among human rights defenders and *exhaust their resources* – both financial and emotional (Kardov 2024, 71; Mańko 2024, 2).

Activists opposing the construction of small hydroelectric plants, mining facilities, or other projects with potentially destructive environmental effects are mostly confronted with *defamation lawsuits related to alleged damage to reputation or interference with business operations*. In this way, companies – or “financially powerful entities” – send a clear message that any attempt to challenge their projects will be met with prolonged and costly legal proceedings (Džumhur, Jukić, Vranješ 2024, 115). For environmental activists, who often operate within small organisations

5 <https://kucaljudskihprava.org/baza-znanja/> – The report was sourced from the Banja Luka Human Rights House.

and groups or as individuals with limited resources, such lawsuits represent a **heavy burden** and further **complicate their struggle** for environmental protection.

“We have a couple of SLAPP cases in Bosnia and Herzegovina. This is starting to be used as a tool, especially against individual activists and people who have movements or are the only visible voices on a certain topic; whereas, for example, the same legal entities, through lawyers, hesitate to bring similar cases against us as associations, because behind us there are again certain logistics and networks of various organisations to which we belong.”

Tihomir Dakić, Center for Environmental Protection

The social context in which these processes take place further complicates the position of human rights defenders. Strategic lawsuits against public participation are also used to **create the perception** that environmental activists are *destabilisers or even opponents of economic development*, which further marginalises their efforts. These lawsuits also serve to **discredit their work**, directing public attention to the alleged “harm” they cause to business, rather than to the key issues of environmental protection.

Malicious lawsuits have increased across the Western Balkans in recent years, but what is specific to Bosnia and Herzegovina is the concerning rise in cases specifically targeting *human rights defenders*, which are mostly initiated by large corporations and members of state and local authorities (Bosilkova-Antovska, Mladenovska 2024, 23). *The Coalition Against SLAPPs in Europe*, in its latest 2023 report, ranks Bosnia and Herzegovina among the top three countries in Europe with the highest number of recorded SLAPP cases per 100,000 inhabitants (DCGF – CASE 2023, 15). On the other hand, what is particularly problematic is that current legislation in Bosnia and Herzegovina **does not provide effective mechanisms to protect** against these lawsuits, even though civil society organisations, led by the Aarhus Center in BiH, have submitted to the FBiH Parliament a *Draft Law on Civic Initiative and Protection of Citizens and Activists*, including anti-SLAPP provisions, through parliamentary delegates (Džaferović, 2024; Aarhus Center in BiH 2024).

One of the cases that attracted significant public attention during our reporting period is the **lawsuit against the activist Hajrija Čobo**. She was sued by the British company Adriatic Metals for allegedly defaming this concessionaire, which is engaged in mineral exploration and extraction in Vareš (Midžić et al. 2024, 11). However, in June 2024, the Municipal Court in Kakanj ruled to dismiss the claim accusing Čobo of defamation and damage to the plaintiff’s reputation on the basis of the plaintiff’s withdrawal of the lawsuit, after the activist Čobo strongly contested the claim (Objavi.ba 2024; Court Decision 2024). The Hajrija Čobo case is in fact only a **continuation of pressures** through lawsuits by large companies, similar to previous cases involving, among others, *Sunčica Kovačević* and *Sara Tuševljak*, river protection activists, who were sued by “Green Invest/BUK d.o.o”, or *Amela Šabić Ahmečković*, a nature conservation activist from Jezero, who was sued for defamation by the company “Lykos Balkans Metals” (Jevđenić 2023a).

In addition to civil defamation lawsuits in the form of SLAPPs, a particular threat to human rights defenders is the **possibility of criminal proceedings**, as defamation was criminalised in Republika Srpska in August 2023. Human rights defenders can now face not only civil actions but also criminal prosecution for their activism and for criticising the operations of environmental polluters. The mere fear of criminal sanctions may prompt many environmental activists to self-censor, which could directly weaken the impact of their work (*for more information on the criminalisation of defamation, see the section on the criminalisation of defamation in Republika Srpska in this report*).

Fragmentation of Responsibility and Lack of Harmonisation

Bosnia and Herzegovina is characterised by a specific federal system, which includes complex legislation and numerous public authorities at different levels of government. This system directly affects the work of human rights defenders, as their rights and opportunities **vary significantly** depending on the competencies and accessibility of public institutions in different parts of the country.

One of the key challenges for environmental activists in BiH is **the lack of harmonisation in procedures** across different levels of government. Specifically, the approach of institutions towards human rights defenders is inconsistent: while some institutions are more open to cooperation and committed to respecting activists' rights, others hinder access to information or the exercise of other rights by human rights defenders. Sometimes, institutions act this way because they *deliberately do not want to respect defenders' rights*; in other cases, it is because they are concealing certain information. In many cases, however, rights violations occur as a result of *insufficient knowledge or expertise within the institutions*.

"When we contact municipalities from other cantons or cantonal ministries, we often encounter obstacles, primarily because of a lack of communication on their part. It seems that within our institutions, there is still a mentality from the former state, where information is often hidden rather than shared. This approach can create the impression that authorities are avoiding providing information with some malicious intent. However, I believe that in most cases the reason for this is a lack of knowledge of the legislation, not an intention to avoid cooperation" (Kreševljaković 2024)

Nina Kreševljaković, Aarhus Center in BiH

Human rights defenders in environmental matters are primarily in contact with administrative authorities. However, inconsistencies also occur in the way **courts treat** human rights defenders and their rights. There are differences in the application of the *Aarhus Convention* between the legal systems in RS and FBiH, particularly regarding the legitimacy of lawsuits in environmental matters. Courts in Republika Srpska, unlike those in the Federation of BiH, have shown greater understanding in recognising environmental organisations as "interested public" with active standing to file lawsuits.

Nevertheless, despite these differences in interpretation at lower court levels, the supreme courts or the Constitutional Court of BiH generally rule in favour of environmental organisations, indicating *more consistent interpretation* of rights at this level. A major problem, however, is that a **significant amount of time passes** before the highest judicial instances are reached, and the costs of proceedings incurred by organisations until decisions at the highest levels are not negligible. Such uneven practice indicates that in practice even institutions that should defend the rights of human rights defenders hinder them from fully enjoying all the rights granted under international standards as well as domestic laws.

"In Republika Srpska, we have noticed that first-instance courts understand the Aarhus Convention better than their colleagues in the Federation. At the level of supreme courts, however, we have more positive relationships with the Federal Supreme Court and better understanding. We often file lawsuits invoking the Aarhus Convention, emphasising that we are the interested public with active standing to file lawsuits. In Republika Srpska, none of our lawsuits have been rejected because of a challenge to our active standing, while in the Federation, for example, lawsuits are sometimes dismissed on the grounds

that if a lawsuit concerns a thermal power plant in Tuzla, we are not located in that city and therefore are not considered interested public. Overall, all the rulings we have lost in first-instance courts, and even at the supreme court level, after submitting requests to the Constitutional Court of Bosnia and Herzegovina, have resulted in favourable outcomes for us” (Kreševljaković 2024)

Nina Kreševljaković, Aarhus Center in BiH

Relevant environmental reports also highlight that in BiH there is **a problem of insufficiently trained and under-resourced staff** at all levels of government, which affects the quality of the application of regulations regarding freedom of access to information *{for more information on access to information, see the section on freedom of information laws in BiH in this report}*, effective public participation in decision making, and access to justice in environmental matters; thus *directly impacting on the work of human rights defenders who fight for a healthy environment* (Midžić et al. 2024, 79).

In addition to the problem of inconsistent application of procedures, there is also noticeable **institutional passivity** in certain cases regarding the work of environmental organisations. This is reflected in the *administrative disregard of their existence, prolonging court and appeal processes, as well as essentially denying their importance and contribution*. Such an institutional stance undermines the work of human rights defenders, as administrative obstacles make it more difficult for them to exercise their rights and achieve their objectives.

“I think we have entered a period in which we have some new ministers and new decisions coming both from the East and the West, denying the existence of the actions of organisations. That is: through the silence of the administration, attempts to divert all those court processes, appeal processes, etc. So: we are considered not to exist” (Dakić 2024)

Tihomir Dakić, Center for Environment

One of the characteristic cases occurred in **Vlasenica**, when activists gathered under the movement “Eco-activists” Vlasenica, during March 2023, collected almost 1,700 signatures from citizens for a civic initiative seeking to ban the opening of a chemical-thermal plastic processing plant. However, the municipal administration ignored the citizens’ will and refused to accept the civic initiative, and when it was sent by mail, their request was rejected. Therefore, the activists, with the help of a lawyer, had to resort to further legal remedies regarding this refusal, such as filing a criminal complaint for the offence of “Violation of the right to submit a legal remedy” and multiple appeals to the Supreme Court of RS and the Ministry of Administration and Local Self-Government, as well as numerous submissions to other relevant institutions (E.K. and N.N. 2023, E.K., D.R. and N.N. 2023; Eco-activists Vlasenica 2024; Kosanović 2024). The situation of silence and non-action by authorities also occurs in the case of mineral exploitation in **Medna**, near Mrkonjić Grad, where smaller streams flowing into the Sana River are polluted with heavy metals, and the competent inspection authorities do not respond (Maksimović 2024).

In this way, human rights defenders in the field of environmental protection are practically prevented from exercising their rights, protecting the environment, and participating in legal and democratic processes through legal mechanisms. Even if a favourable outcome for the human rights defenders is eventually achieved, it may come **too late for the effective exercise of rights**, precisely because of the delays in proceedings.

Relationship with Large Companies and the International Community

Environmental activists in Bosnia and Herzegovina have also faced significant challenges stemming from the **connections** between large companies and domestic authorities, as well as **lobbying** by representatives of the international community. Certain companies involved in projects such as the construction of small hydroelectric plants or mines often maintain close ties with politicians and authorities (Eko akcija 2021), while some diplomatic representatives and international community actors in BiH support initiatives that contradict the efforts of human rights defenders (Lippman 2024).

Certain companies use their influence on domestic actors to secure permits and pass inspections regardless of violations of environmental standards (Katić 2024; Lippman 2024). When human rights defenders point this out and initiate proceedings before competent authorities, the companies seek to impede the actions of environmental activists. In this context, pressures on human rights defenders occur, ranging from more subtle steps, such as inquiries about their contacts, to offering bribes for the withdrawal of lawsuits or issuing direct threats.

“From that person, i.e. the alleged coordinator of the mining operations, we had an attempt to obtain the phone number from the owner of the company [...] He tried through another colleague to get in contact and said: ‘Tell that Dakić [...] we will pay whatever is needed for the lawsuit to be withdrawn’” (Dakić 2024)

Tihomir Dakić, Center for Environment

Human rights defenders also find themselves caught between the **hammer and the anvil** of Western and Eastern interests. They are often questioned by representatives of international organisations or foreign embassies about their allegiance to one side or the other, while their struggle for a healthy environment is *ignored*. Because of their activities, human rights defenders are thereby exposed to both indirect and direct pressures from representatives of the international community (Eko BiH mreža et al. 2023).

“We experience pressures from foreign organisations, namely embassies and representatives of foreign states. We have observed soft diplomatic arm-twisting. Let’s start with the mildest form, which is complete ignoring of the issues presented to them at the meeting. No reaction whatsoever. [...] When I talked about these companies related to coal, that potentially this coal could be transported to Poland and Germany, and then about lithium mining in Vareš and similar issues, the director asked, rather arrogantly: ‘Would you react and complain the same way if it was a Russian or Chinese company?’ So this demonstrates a very, very targeted level of action” (Dakić 2024)

Tihomir Dakić, Center for Environment

“And we also had inquiries regarding the highway project about our work by [...] a Chinese corporation. Not a corporation, but their Service” (Dakić 2024)

Tihomir Dakić, Center for Environment

Environmental activists are also exposed to **media campaigns of discreditation** originating from various sources, including the **same companies** involved in projects and lobbying groups. These campaigns often portray activists as opponents of progress and development, aiming to *reduce public support* for their activities. One characteristic case involves 24 individuals being tagged on

a Facebook page called “**Ozren na dlanu**” (“Ozren in the Palm”), where under the heading “Dosije Ozren” (“Ozren Dossier”), opponents of geological surveys and mining activities were identified by name and photograph. In doing so, they were simultaneously “‘identified’ as ‘enemies of the economic prosperity of Republika Srpska’” (Lj. Đ. 2024).

Furthermore, a particular problem is the apparent **lobbying** by certain representatives of foreign states and international organisations **in favour of exploration and exploitation of natural resources in Bosnia and Herzegovina**, often working for the **interests of specific companies**. These interests are frequently directed against a healthy environment, and thereby indirectly against the efforts of human rights defenders in the field of environmental protection. From some representatives of the international community, identical accusations against environmental activists can be heard that also come from authorities in BiH, as well as from various media outlets under the direct or indirect control of politicians in power (Gerila info 2024; Jevđenić 2023b). These efforts aim to portray the human rights defenders’ struggle for a healthy environment as actually obstructing the *economic development of BiH*.

“I heard this sentence from several representatives of international organisations. And it is: ‘Bosnia and Herzegovina has been a mining country for 100 years. This is an opportunity for the development of BiH. Why are you trying to prevent it from developing economically?’ [...] Interestingly, you experience pressure from countries that advocate citizens’ rights to opinion and action, and on the other hand, in Bosnia and Herzegovina that right is met with: ‘You know how things work here’ or ‘You are a mining country.’ So, I cannot create my own strategy; for me, the development strategy has already been made. [...] This clearly shows, in essence, that the interests of one country can violate the laws of another country and the rights of citizens to exercise their rights to a healthy environment” (Dakić 2024)

Tihomir Dakić, Center for Environment

On the other hand, although authorities, media under government control, and certain representatives of the international community accuse them of acting against the economic interests of BiH, human rights defenders in BiH generally **enjoy strong support from citizens**, and cases of organised opposition against them are very rare. If such opposition occurs, it is usually the *political instrumentalisation* of individuals or groups or the *interest of a particular company* manifested through individuals or groups.

“Here we have to separate whether an individual is opposed, because there will always be some individual. [...] When the village gathers and the residents come together, they usually contact us to get involved and help with a particular process” (Dakić 2024)

Tihomir Dakić, Center for Environment

Human rights defenders in the field of environmental protection will be particularly in focus in the coming period, as a large number of investment projects in BiH are aimed at exploiting natural resources, which often results in environmental degradation. This is especially important because across Bosnia and Herzegovina, citizens are mobilising to **oppose harmful projects** that threaten to damage – or have already damaged – parts of the environment in which they live. In numerous local communities across the country, **broadly-based movements** for environmental protection, protests, and resistance in defence of rivers, forests, and other natural resources are emerging (Lippman 2024).

Consequently, a *new generation of human rights defenders is also emerging*, which will have to face the challenges outlined in this report, as well as many other obstacles and threats in defending the fundamental human right to a healthy environment.

Standard 18 | Protection of Environmental Human Rights Defenders

- It is necessary to adopt legislative measures against strategic lawsuits targeting public participation (anti-SLAPP).
- It is essential to strengthen the capacities of administrative and judicial authorities so that, through training on strategic lawsuits against public participation and the application of the Aarhus Convention, consistent interpretation of laws protecting public participation in environmental matters is ensured, regardless of administrative differences within the country.
- Efforts should be made to promote harmonised procedures between different levels of government to guarantee equal rights for environmental activists across the country, through improved communication and standardisation of procedures at all levels of administration and the judiciary.
- By increasing transparency in public institutions, administrative obstacles should be reduced, ensuring transparent and timely provision of information to environmental organisations and activists.
- Financial and legal assistance should be provided to smaller environmental organisations and individual activists facing strategic lawsuits against public participation so they can continue their activities without fear of financial exhaustion.
- Programmes should be established to support the emergence and development of watchdog organisations.
- International organisations and embassies should be publicly called upon to support the protection of environmental activists and monitor the implementation of international standards regarding the rights to environmental protection.

Addition from 2025

1 Visit of the Special Rapporteur on the Situation of Human Rights Defenders

During the preparation of this report, Bosnia and Herzegovina was visited by the Special Rapporteur on the situation of human rights defenders, Ms. Mary Lawlor. During her visit, she met with key organisations engaged in nature conservation and environmental protection. Following these consultations, preliminary decisions were made regarding the competent authorities:

- sign and ratify the Council of Europe Convention on the Protection of the Environment through Criminal Law and cooperate with civil society to prepare for its full implementation;
- ensure that all relevant bodies respect the Aarhus Convention as a national priority;
- prepare a special report on the situation of human rights defenders, including specific sections on those defending rights related to the environment;
- consider improving the Law on Civic Initiatives and the Protection of Citizens and Activists, and, once this is adopted, ensure its full and effective implementation;
- attend judicial proceedings in cases concerning human rights defenders, including the civil proceedings against Sara Tuševljak, Sunčica Kovačević, and Zoran Poljašević;
- in consultation with environmental human rights defenders and affected community members, conduct a review of all permits issued for lignite mining in Bukova Kosa, near Prijedor, taking into account the environmental and human rights impacts.

2 Case of the Human Rights Defender Jovan Lekanić

In June 2025, the first-instance misdemeanour proceeding, initiated in 2024, against the human rights defender Jovan Lekanić from Bistrica, near Prijedor, was concluded. Lekanić had blocked a road with his car, and later with his body, to prevent an investor from conducting illegal coal excavations at the Bistrica coal mine. More information about the case can be found at the following link: <https://czzs.org/sud-odlucio-spontani-protest-mjestana-bistrice-bio-neophodan-i-u-javnom-interesu/>

Recommendations

General Recommendations

The Shadow Report on the implementation of the Aarhus Convention bases its general recommendations on previous reports, which highlighted crucial measures necessary for progress in Bosnia and Herzegovina. These recommendations are aimed not only at improving the implementation of the Convention but also at raising awareness among all actors involved in shaping and managing the environment and natural resources in Bosnia and Herzegovina.

1 Educate employees in judicial and executive bodies, as well as local communities, on the application of laws and access-to-information guidelines

As in previous reports, the focus of recommendations is always on educating those involved in implementing the Aarhus Convention. Whether these are municipal officials, ministry staff, employees of public institutions, or judges, education must be continuous and carried out in cooperation with civil society organisations, which have the most field experience in practical implementation.

The institution of the Ombudsman for Human Rights in BiH plays a key role in this process. On the basis of a detailed and thorough analysis of the existence and application of guidelines and laws across all public authorities, and using their knowledge, capacities, and readiness, the Ombudsman can encourage and motivate all public authorities in their decision making and implementation. Public authorities that have not yet fulfilled all their obligations regarding free access to information should do so, while those authorities that have fulfilled their obligations should be encouraged consistently to apply the Aarhus Convention and other sources that establish proactive transparency.

2 Intensify cooperation between the civil sector, inspection authorities, and executive bodies

Cooperation between competent institutions and civil society organisations in Bosnia and Herzegovina primarily depends on the level of government involved. Regarding the relevant ministries, cooperation within the entities is uneven. For example, the Federal Ministry of the Environment and Tourism regularly holds meetings with civil society actors, discussing problems and exchanging information, whereas the Ministry of Spatial Planning, Construction, and Ecology of Republika Srpska has not established official contact with organisations engaged in environmental protection. Information exchange and discussions about pressing issues usually occur during incidental encounters, public consultations, or personal contacts with individual officials. Cooperation with inspection authorities at all levels is particularly necessary, as the work of inspectors has proven to be crucial for environmental protection. When a specific issue arises, all the institutions involved in resolving the problem refer it to the inspections, as the authorised body capable, within its jurisdiction, of influencing the cessation of activities in order to protect the environment. To improve the environmental protection system in Bosnia and Herzegovina, which largely relies on sound legal frameworks that are often inadequately applied in practice, it is necessary to strengthen cooperation at all levels of government.

3 Unified database

According to the information received from competent institutions, it is evident that there is no unified database regarding the implementation of the pillars of the Aarhus Convention that would provide an accurate overview of the extent to which citizens exercise their rights. Institutions that do maintain some form of record-keeping do so according to their internal rules, while the majority of institutions do not maintain such data at all. Regarding the courts, in the unified case management system (CMS) used by the judiciary, proceedings initiated under the Law on Freedom of Access to Information, the Law on Environmental Protection, and, in general, disputes related to the environment are not specifically coded. As a result, the data obtained is exclusively the outcome of additional efforts made by individual courts and personnel.

In order to obtain relevant statistical data, it is necessary to initiate activities aimed at creating an adequate subject classification system and database, the analysis of which would serve the purpose of correcting and improving the implementation of the pillars of the Aarhus Convention. For this reason, the issue of limited data uniformity should be addressed with all key stakeholders, ranging from the civil sector, through institutions and courts, to the High Judicial and Prosecutorial Council (HJPC/VSTV).

4 Review the work of legal entities authorised to prepare documentation

This recommendation is not directly related to the implementation of the Aarhus Convention but is closely connected to the initiation of legal proceedings and the exercise of access to justice, in which irregularities in issued permits are highlighted. The practice of the Aarhus Centers in Bosnia and Herzegovina has so far shown that these errors occur repeatedly. It is a frequent occurrence that such documentation (preliminary assessments, environmental impact studies, evidence for issuing environmental permits, etc.) contains inaccurate or outdated data, or data that relates to entirely different locations and projects. Necessary analyses are often not carried out in the field, and there is also a lack of adequately specialised personnel involved in preparing the documentation. Environmental organisations frequently challenge permits on the basis of such documentation, pointing out formal deficiencies inherent to these permits, which courts predominantly confirm in their judgments. It is not uncommon for such scientific and factual errors to occur only with specific legal entities licensed by the competent authority to prepare this documentation. For the purpose of ensuring a higher-quality environmental impact assessment, which is crucial for determining protective measures, it is necessary to conduct a review of all licensed legal entities and design companies, particularly from the perspective of recurring errors in documentation used by public authorities in decision-making processes.

Specific Recommendations

It has been more than 20 years since the Aarhus Convention began to be actively implemented in Bosnia and Herzegovina and its entities through laws on freedom of access to information. During this period, environmental organisations and public authorities have developed significant administrative and judicial practices. In recent years, however, this practice of implementing the Aarhus Convention has begun to change, narrowing the scope for the work of organisations engaged in environmental protection.

The specific recommendations are based on problems observed in practice and, in a structured manner, highlight the emerging situations and propose individual solutions. They utilise a methodology of analysing the application of the individual pillars of the Aarhus Convention in practice.

1 Access to Information

a Develop detailed guidelines for conducting the public interest test

Prescribed by laws on freedom of access to information at all administrative levels, the public interest test represents a mechanism of additional verification and control in terms of the appropriateness of disclosing or withholding requested information. In its form, this test should determine whether disclosure is justified by public interest, taking into account all the potential benefits and harms that may arise from disclosure. In other words, the authority conducting the public interest test must assess whether harm to a third party may occur as a result of disclosing the information, and whether such harm is justified if the authority considers that the public has a right to know the information.

Thus, the public interest test, originally a purposeful tool, has become a means for the “justified” withholding of information by certain institutions to protect the interests of third parties – investors. Although the laws stipulate which circumstances should be considered when conducting the public interest test, the legislature has also left room for these circumstances to be expanded in each specific case and assessed accordingly. In practice, it has become unclear how and in what manner public authorities evaluate all circumstances when conducting the public interest test and whether they follow the prescribed steps in assessing the public interest. Instead of deciding independently on the appropriateness and necessity of providing certain public information, public authorities generally rely on statements and even interpretations of the law provided by third parties, which de facto creates a practice of general censorship.

b Administrative Silence

Administrative silence is an institution that has existed since the beginning of the application of the laws on freedom of access to information in all administrative units of BiH (state, entity, cantonal, city, and municipal levels). Initially, officials’ failure to respond to requests within the prescribed deadline resulted from the incorrect application of the law by personnel who had not undergone training and were not familiar with all the institutes of freedom of access to information. Today, after two decades of applying these laws, “administrative silence” occurs for different reasons, giving the impression of “deliberate” withholding of information in certain

projects, as well as disregard for the work of organisations engaged in environmental protection, by ignoring submitted requests.

Because of the duration of administrative procedures – from submission of a request for access to information, through appeals – the delivery of a final decision by the authority can take several months. Even in such cases, the final response of the competent authority may be negative. In this way, the effective implementation of the first pillar of the Aarhus Convention is practically obstructed, unnecessarily burdening both citizens and courts with administrative disputes.

Overcoming the routine use of the institution of “administrative silence” is a task that should be achieved through the mutual consideration of the rights, obligations, and needs of all parties in the procedure, with the aim of achieving full transparency, economy, and efficiency in the process of freedom of access to information.

2 Public Participation in Decision Making

a Restore the competence for organising public hearing to the relevant administrative authority

When it comes to public hearings in projects under the environmental protection laws, these hearings are required in projects where the preparation of an Environmental Impact Study (EIS) is mandatory. Practice has shown that, in some projects, public hearings are organised in such a way that as few local residents as possible are informed or that they are prevented from attending. The obligation to organise a public hearing is assigned to the investor, and as a result, this legal provision is used in a manner where the public hearing is held during working hours, during holiday periods, or in locations distant from the project site. It is necessary to restore the competence for organising public hearings to the government authorities to ensure all adequate conditions for successful organisation, with the aim of enabling the participation of the largest possible number of local community residents.

b Revise the conditions for mandatory preparation of an environmental impact study (EIS)

Another problem identified in practice relates to the preparation of the Environmental Impact Study (EIS) in connection with the areas of certain projects, particularly when large-area projects are divided into phases. These are presented to the competent authorities as several smaller projects or phases, each covering a smaller area for which, legally, an EIS is not required. Consequently, the competent authority decides on the basis of the information provided, without fully assessing all the circumstances, and, while simultaneously applying legal provisions, releases the investor from the obligation to prepare an Environmental Impact Study.

Moreover, as a result, a large part of the natural environment may ultimately be degraded without an EIS, and the investor is not even obliged to meet with local residents in a public hearing to personally explain the need for initiating a project. To ensure higher-quality environmental protection, public authorities should revise the conditions for the mandatory preparation of an EIS, taking into account all relevant facts and circumstances when making decisions on individual projects.

3 Access to Justice

a Denial of the right to file a lawsuit in administrative proceedings in certain cases

Environmental organisations often become aware of certain projects only when they are already in an advanced stage, at which point timely reaction is no longer possible. On the basis of rights guaranteed by the Aarhus Convention, these organisations subsequently request the issued permits through Access to Information Requests in order to initiate oversight proceedings and review the legality of such documents before the courts. Until the ruling of the Supreme Court of Republika Srpska in case number 11 o U 031432 23 Uvp, organisations, upon receiving a disputed act, frequently initiated administrative disputes in which irregularities were often found, and such acts were annulled and sent back for re-proceeding. The position taken by the Supreme Court of Republika Srpska in its decision **denies this right and challenges the right to file a lawsuit after the completion of the procedure. The Court explains its position as follows:**

“This concerns a concluded procedure in which the plaintiff did not participate, so any possible omissions by the issuing authority in including interested parties, whose protection is guaranteed under the Aarhus Convention and the Law on Environmental Protection, cannot be remedied by the plaintiff through the Access to Information procedure and subsequent filing of a lawsuit against the act obtained in such a procedure. Such conduct by the plaintiff contradicts the provisions of Article 15, paragraph 2 of the Law on Administrative Disputes, which prescribes that a lawsuit must be filed within 30 days from the delivery of the administrative act to the party submitting the lawsuit. This is because the contested act was not delivered to the plaintiff as a party in the administrative procedure, but access was granted to the plaintiff under an information request controlled by the public authority. In this situation, the plaintiff, who has an interest in participating in a procedure concerning environmental protection but is prevented from doing so as a result of omissions on the part of the issuing authority, has the possibility of submitting a request for repetition of the procedure under the conditions prescribed in Article 234, paragraph 1, item 9, in connection with Article 237 of the Law on General Administrative Procedure, and not to file a lawsuit as was done in this specific case.”

New court interpretations have begun to create legal uncertainty regarding full protection of the interested public, precisely because necessary information about certain project phases is either not published regularly or not published at all. In such projects, public participation in decision making is not foreseen, thus depriving the public of access to justice. The position of the Supreme Court of Republika Srpska indicates that public participation should be included at all stages of a project, making it essential to revise legal provisions in procedures for obtaining individual permits for project initiation. This primarily concerns construction procedures, but also procedures for obtaining concessions and conducting geological surveys.

b Develop and/or clarify instructions for the effective application of the principle of a two-tiered procedure

Over the past twenty years of applying the law, a practice has developed regarding the application of the principle of a two-tiered procedure in cases initiated by Access to Information Requests. It took many years for the jurisdiction for filing appeals or lawsuits regarding the denial of information to crystallise. Today, the application of this principle has led to inconsistent practices: in some cases, the request and the appeal are submitted to the same authority, while in cases of denial of information by a ministry, a lawsuit is filed in an administrative dispute. This practice is currently changing.

Every public authority, under the provisions of the law, has the duty and obligation to appoint an officer responsible for information who processes requests at the first instance. Furthermore, every public authority must establish a guide for proceedings under the Freedom of Access to Information Law, and this guide must be accessible to the public. However, even after twenty years, it is evident that not every public authority has an appointed officer for public information or a guide for implementation of the law. This raises legitimate questions regarding the available capacities and training of staff for participation in proceedings initiated by access to information requests. In some cases, the same official may be responsible for responding both to the initial request and to any subsequent appeal against the first-instance authority. For this reason, it is necessary to conduct a detailed assessment and analysis of the capacities of all public authorities that are required to implement the provisions of the Freedom of Access to Information Law. It is essential to identify all deficiencies that hinder the application of the law, such as the absence of an access-to-information guide, provide additional training for both officials and civil society representatives, and issue clear and detailed instructions regarding all unclear aspects of application of the law.

c Effectiveness of legal remedies (*injunctive relief*)

Courts in Bosnia and Herzegovina recognise the active standing of civil society organisations in administrative proceedings. However, when adjudicating submitted administrative lawsuits, competent courts do not recognise civil society organisations as entities entitled to exercise the suspensive effect of a lawsuit effectively, even in urgent cases. Although this effect is limited, courts reject requests to postpone the execution of contested permits filed by civil society organisations on the grounds of “lack of immediate harm” or insufficient legal interest. Since courts generally do not yet view the protection of a healthy environment (as a universal human right) as a matter of general interest, organisations must prove their legal interest beyond what is reasonably feasible. Consequently, legal remedies are ineffective, and because of the duration of court proceedings, access to justice is, in practice, denied in administrative proceedings (which constitute the majority of cases initiated by non-governmental organisations). As with the preparation of guidelines for applying the public interest test, it would be highly useful for civil society organisations – and for the consistent application of the Aarhus Convention – to develop guidelines on the methods and means for demonstrating the conditions that the law cumulatively requires, since fulfilling these conditions is essential for exercising the suspensive effect of administrative lawsuits, i.e. for achieving effective access to justice.

d Meritorious adjudication by courts (full jurisdiction cases)

From the experience of the Aarhus Centers, it has been repeatedly confirmed that administrative disputes, despite having completely identical factual and legal circumstances, are repeated multiple times. This occurs as a result of recurring procedural errors in cases where lawsuits were upheld and proceedings before administrative bodies were repeated. However, the fundamental reason for the repetitiveness of identical administrative disputes is the unwillingness and/or lack of capacity of courts to decide on the merits in these proceedings. This is particularly evident in cases challenging permits, where the court, although lacking the necessary expertise, does not schedule oral hearings or engage expert witnesses, even when such measures are proposed in the lawsuit. In the long-term work of the Center for Environment, only one judgment in a full-jurisdiction case has been issued so far, in a case concerning the right of access to information. Therefore, there is a clear need to codify and analyse past experiences in order to encourage a more proactive judicial practice in matters of environmental protection.

Instead of Conclusion

Today, Bosnia and Herzegovina faces an unstable political situation in which the path towards the European Union is often challenged or denied, while at the same time solutions based on European directives are continuously incorporated into domestic legislation, whether for purposes of protection or exploitation. Chapter 27, which addresses environmental matters across various sectors, must cover the fundamental rights of the public: access to information, participation in decision making related to the environment, and access to justice that enables legal challenges against decisions of public authorities. In the European integration process, Bosnia and Herzegovina is obliged to implement these rights fully, and it can be said that, in this respect, the country is on a positive path.

The implementation of the Aarhus Convention represents the first line of defence in protecting the environment and associated human rights in a country where public goods and resources have become a topical issue for the investment community.

The application of relevant laws in Bosnia and Herzegovina, compared to the previous reporting period, is relatively improved; however, new negative patterns have been identified. Information held by public authorities is often accessible, yet there remain specific projects that, despite being of public interest, are not transparent. For this reason, it is necessary to acknowledge a tendency toward selective application of the law and observance of the principles of the Aarhus Convention.

About Us



Arnika – Citizens Support Centre (Czech Republic)

Arnika is a Czech non-governmental organisation that has been uniting people striving for a better environment since 2001. Its mission is to protect nature and foster a healthy environment for future generations both in Czechia and globally. In its work, Arnika relies on open discussion of problems, public participation in decision making, and scientific evidence-based solutions. Arnika advocates less waste and toxic pollution, conservation of wild rivers and diverse nature, and environmental justice for local communities.

Contact:

Arnika, Seifertova 327/85, 130 00 Praha 3, Czech Republic

tel: + 420 774 406 825

e-mail: cepo@arnika.org

More Information:

www.arnika.org/en



**Centar za
životnu sredinu**

Center for Environment, Banja Luka (Bosnia and Herzegovina)

Center for Environment is a non-profit and non-partisan association that advocates societal change by influencing relevant policies and public awareness on environmental issues in Bosnia and Herzegovina and internationally. The organisation was founded in 1999 with a clear focus on environmental matters, aiming to contribute to environmental improvement through active and proactive engagement.

Contact:

Center for Environment, Miše Stupara 5, 78000 Banja Luka, Bosnia and Herzegovina

tel: + 387 51433-140

e-mail: info@czzs.org

More Information:

www.czzs.org

Aarhus Center in Bosnia and Herzegovina, Sarajevo (Bosnia and Herzegovina)

Founded in 2012 as a non-profit, non-governmental organisation dedicated to the protection of human rights in the environmental field, the Aarhus Center promotes the implementation of the Aarhus Convention, free access to information, public participation in decision-making processes, and access to justice in environmental matters. The Center primarily aims to protect human rights in the environmental sector and serves as a bridge between citizens and public authorities in exercising these rights. Its activities cover the entire territory of Bosnia and Herzegovina.

Contact:

Aarhus Center in BiH, Behdžeta Mutevelića 39, 71000 Sarajevo, Bosnia and Herzegovina

tel.: +387 33 660-588

e-mail: admin@aarhus.ba

More Information:

www.aarhus.ba



The publication is available here:

<https://arnika.org/en/publications/shadow-report-on-the-implementation-of-the-aarhus-convention-in-bosnia-and-herzegovina-2021-2024>

Scan the QR code to access the report.



Publikacija je dostupna online na:

<https://eko.ba/publikacije/385-izvjestaj-iz-sjene-sprovođenja-arhuske-konvencije>

Skenirajte QR kod da pristupite izvještaju.

Follow us at

www.eko.ba