

## ENVIRONMENTAL POLICIES IN BOSNIA AND HERZEGOVINA

**Doc.dr. Nedžada Tolja**, e-mail: [nedzada.je@live.com](mailto:nedzada.je@live.com)

International University of Travnik in Travnik

*Professional article*

**Summary:** *Bosnia and Herzegovina as a country of biological and geological diversity, is characterized by the uniqueness of spatial and temporal organization. In order to preserve these natural values on the way to the European Union, the protection of nature and the environment in the adopted acts puts as one of the key imperatives for the future. In this regard, the motives of this paper are focused on the preservation of natural values, and the aim of this paper is to present the current state and prospects of environmental policies in Bosnia and Herzegovina. After analyzing the available data, it is evident that the adopted environmental laws, signed international conventions and protocols, declared certain parts of the territory a protected area. However, the practice of implementing them is at a very low level, as a result of which natural resources are excessively depleted and endanger both representatives of indigenous flora and fauna and complete ecosystems.*

**Key words:** *nature, biodiversity, environment, anthropogenic impact, environmental policies*

## 1. INTRODUCTION

Bosnia and Herzegovina has opted for the Stabilization and Association Process with the European Union. In this process, the environmental sector is one of the highly positioned priorities, where special emphasis is placed on sustainable development. In order to chart a path towards sustainable development, a strategy containing principles and guidelines for achieving it is necessary. By intensifying the protection of its natural values, Bosnia and Herzegovina seeks to ensure sustainable development by accepting the principles of balanced economic development, harmonized growth rates, a high degree of protection, but also the improvement of the environment. Sustainable use, protection and development of natural resources is an indispensable condition for long-term development at the global level.

There is also of particular interest is in the field of instrumentalization of nature protection and finding indicators for establishing an efficient network of protected areas as the most adequate forms of sustainable management of natural values and the environment as a whole, in accordance with IUCN and other EU documents and the United Nations Environment Program. However, the current situation in Bosnia and Herzegovina is not in line with the adopted laws and bylaws related to nature and the environment. Environmental laws in Bosnia and Herzegovina are not fully in line with European Union legislation, which is why it is necessary to work on the adoption of additional bylaws that would provide additional clarifications for the implementation of existing laws. In addition to the above, there are barriers to the inadequate application of adopted laws by both the competent enforcement institutions and the courts, which rarely make fair decisions that would preserve nature and the environment in Bosnia and Herzegovina.

## 2. NATURE PROTECTION

Nature it can be seen as the totality of the living world on the planet Earth together with their habitat, for the care of which not only the local governments of individual countries should be responsible, but that it should become a concern on a global level. One of the reasons for protecting our natural heritage is probably our biophilia, our sense of connection to nature and other life forms. Apart from aesthetic and ethical reasons for nature conservation, there are also practical reasons. Biodiversity is a key natural resource, and endangered species can provide food and medicine.

Conference on the environment and development United Nations In 1992, it defined biological diversity as “Variability among living organisms from all sources, including, inter alia, terrestrial, marine and other aquatic ecosystems, and the ecological complexes of which they are a part. This includes diversity within species, between species and in ecosystems, which means that biodiversity is the totality of species, genes and ecosystems that have their own spatial and temporal continuity. This conference marked an important step forward in the conservation of biological diversity and nature protection thanks to the adoption of the Convention on Biological Diversity. The European Union has played an important international role in finding solutions to biodiversity loss, climate change and the destruction of tropical rainforests. In 2011, the European Union committed itself to halting the loss of biodiversity and the degradation of ecosystem services in the Union by 2020. Since 1992. ‘‘LIFE’’ program represents the most important financial instrument for protection of EU biodiversity and forests.

## 2.1. Protected areas and the political foundations of Bosnia and Herzegovina

Protected areas provide a fundamental nature conservation strategy nationally and internationally (Dudley, 2008). They were originally founded on a model of exclusivity in proclamation and governance, following an almost autocratic elitist style (Western and Wright, 1994). In many cases, protected area administrations from the early twentieth century threatened already established traditional rights and access to the area (Graham et al., 2003; Phillips, 2003).

Today protected areas are used not only to conserve biodiversity but also, among other goals, to protect landscapes and cultural assets (Ray, 2004). The current model for the identification and management of protected areas differs significantly from the original eighteenth-century approach. Since 1970, the protection of natural areas has become participatory for two main reasons: the general development of civil society around the world and the recognition that complex environmental problems require the exchange of diverse knowledge, not just scientific (Western and Wright, 1994; Berkes, 2004). Protected areas are the basis for the preservation of natural values. The protected area management plan enables the preservation and rational use of natural values. Bosnia and Herzegovina is a country of biological and geological diversity. It is the area with the highest degree of biological and geological diversity in Europe, but it is also the country with the smallest area of protected areas. Looking through history, until 1990, in accordance with the Law on Nature Protection (1970) and the Law on Protection of Cultural, Historical and Natural Heritage, only 0.55% of the territory of Bosnia and Herzegovina was protected (253 zones - 28,127 ha). Based on an overview of the situation in the environmental sector in Bosnia and Herzegovina (EPR, 2003) determined categories about 2.2% of the total

territory has protection, which is a very small percentage when compared to the countries of the region where in Macedonia the percentage is about 7.9%, in Montenegro about 7.72% in Slovenia about 7.4%, in Croatia about 6.9% and in Serbia about 5.9%. This clearly shows that Bosnia and Herzegovina is at the bottom of the scale when it comes to protected areas. The current state of protected areas in the countries in the region has increased, in contrast to Bosnia and Herzegovina, where a very small percentage increase has been observed.

Based on data from the site <http://www.haop.hr> in the Republic of Croatia, the percentage of protected areas in 2017 was about 8.54%, data from the site <https://www.ekologija.gov.rs/> shows that in Serbia about 6.7% of the territory is protected. The Report of the Environmental Protection Agency of Montenegro published in 2018 states that in Montenegro about 12.09% of the territory is protected, so that at the bottom of the scale is still Bosnia and Herzegovina with about 2.28% of the territory of protected areas. Based on the Development Strategy of Bosnia and Herzegovina, it is planned to increase protected areas to 28% by 2028, but there are no concrete changes, except for the adopted strategies and laws awaiting implementation. In Bosnia and Herzegovina, 37 areas are protected on a total area of 105,602.18 hectares, which represents less than 3% of the territory of BiH.

The standard and recommendations of the European Union are that each country should protect at least 10% of its territory. The Nature Protection Act regulates the conditions and manner of restoration, protection and preservation, as well as sustainable development of natural areas. Law on Nature Protection (SN FBiH No. 66/13 of 28 August 2013).

Article 134 provided for 6 categories of protected areas as follows:

(1) Category I a: Strict nature reserve

Category I b: Wilderness area

(2) Category II: National Park

(3) Category III: Monument of nature and natural features

(4) Category IV: Habitat / Species Management Area

(5) Category V: Protected landscapes, such as land landscape, seascape, nature park

(6) Category VI: Protected areas with sustainable use of natural resources

All protected natural values referred to in paragraph 1 of this Article shall be divided into classes:

- of international significance;
- federal significance;
- cantonal meanings.

All natural values that are protected until the entry into force of this Law, remain under protection (Law on Nature Protection, Article 19, SN FBiH No. 66/13 of 28.8.2013).

Jurisdiction in the field of nature protection in Bosnia and Herzegovina is regulated at the entity and level of the Brčko District of BiH. The IUCN categorization is also included in the Law on Protection of nature of the Federation of Bosnia and Herzegovina ("Official Gazette of FBiH", No. 66/13), the Law on Nature Protection of the Republika Srpska ("Official Gazette of RS", No. 20/14) and the Law on Nature Protection of the Brčko District of BiH "Official Gazette of the Brčko District of BiH", No. 24/04), which made it mandatory for the categorization of protected areas in Bosnia and Herzegovina.

Undoubtedly is that Bosnia and Herzegovina has a much larger number of natural values that deserve to be protected by some form of protection. Unfortunately, there is still no sufficiently functional system of protection, which would ensure that rare and endangered species as well as high-value natural landscapes are put in the function of protection, i.e. that they are treated in accordance with the principles of sustainable development.

This is supported by the fact that Bosnia and

Herzegovina does not have a ministry at the state level that will deal with nature and environmental protection programs. Activities in the field of nature protection at the state level are related to the implementation of international obligations of Bosnia and Herzegovina - monitoring and coordination of preparations for the conclusion and implementation of international agreements; coordination for projects in cooperation with international organizations, programs and funds; and coordination of cooperation with institutional structures in BiH, entities and the Brčko District. At the state level, these competencies mainly belong to the Ministry of Foreign Trade and Economic Relations, and to a lesser extent to the Ministry of Civil Affairs of Bosnia and Herzegovina.

## 2.2. Protected area management

Protected areas of nature in Bosnia and Herzegovina are those parts of the state territory that are significant for biodiversity, relative preservation of the original landscape and / or aesthetic-tourist potentials. The categorization was performed according to the rules of the International Union for Conservation of Nature (IUCN) and 37 areas are protected. Unfortunately, there are many examples where certain natural areas are protected but not adequately managed. There are many reasons, and most often there is no adequate manager or if there is an area is not managed in accordance with the purpose of the protected area. There are many localities with this problem, for example. The Prokoško Lake natural monument on Vranica Mountain (Picture 1) is managed by the municipality of Fojnica, which is in conflict with the Nature Protection Act. Such approach has enabled destructive anthropocentric influence and the realization of the interests of various interest groups, all at the expense of nature. Numerous facilities have been built without permits where catering services are provided, and the lake basin and biodiversity are endangered. Also, the Hutovo Blato Nature Park has lost about 50% of its water capacity in the last 40 years due to hydroelectric power plants, while the sludge has clogged numerous underground canals. What is expanding is the exploitation of natural resources



protected area sites which further disrupts the natural environment, but also the indigenous flora and fauna. The construction of four mini hydro power plants is planned in the Sutjeska National Park, and the project is currently pending for the adoption of the Spatial Plan. Problems are also evident within the Bardača wetland complex, which has been privatized and turned into an agricultural land, where out of the total 11 lakes only one left. In this situation, there is indeed a thinking that this extroverted anthropocentric influence of man in nature, due to excessive and insatiable desire for conquest, has forgotten nature and takes much more from it than it returns to it. Judging by what has been seen, the greater the development of technology and the human mind, the less care there is for what is of vital importance to us.

As logical questions in this case are the following:

- Is the human population facing large-scale environmental challenges?
- Has man himself turned against nature?
- Is this attitude towards nature really a threat of ecological catastrophe?
- When will modern man understand the importance and value of natural resources?
- Who can help us overcome this state of mind?
- How much time does it take to adequately approach nature conservation?

Logical and a meaningful answer should be on the line that it is necessary to systematically regulate this area in accordance with EU documents and that this is the only right way and way to preserve the protected area and nature in general, which is very endangered in Bosnia and Herzegovina.



Picture 1. Panorama of Prokoško Lake  
(Photo: N. Tolja)

### 3. ENVIRONMENT PROTECTION

Environment (eng. Nature conservation) is a term for the totality of the natural and man-made (anthropogenic) environment, i.e. a set of biotic factors (living nature) and abiotic factors (inanimate nature: rocks, soil, water, air) and their relationship (Kosović, 2008). Environmental protection means taking appropriate activities and measures aimed at preventing pollution of environment, preventing occurrence of damage, reduction or elimination of the caused damage in the environment and return of the environment to the previous state before the damage occurs.

European environmental policy is based on the principles of prudence, preventive action and the removal of pollution at source, as well as the principle of "Polluter pays". Multi - annual action programs for the environment are the framework

for future activities in the overall environmental policy. They are an integral part of horizontal strategies and are taken into account in international negotiations on the environment. Implementation itself plays a key role. The principle of public involvement in decision-making processes and implementation of environmental protection policies is crucial, because without adequate action of individuals at the local level, even broader policies and their implementation cannot give the desired results. In addition, the involvement of the public in environmental issues, allows control over these processes, i.e. strengthening civil society and its functions in environmental matters. The right of citizens to be informed about environmental issues, as well as to participate in decision-making, is a necessary basis for the emergence and strengthening their ecological consciousness.

(<http://www.rec.org.ba/arhus.htm>).

### 3.1. Environment in Bosnia and Herzegovina

Based on the data provided in the Federal Environmental Strategy, the development of environmental policy in Bosnia and Herzegovina aims to strengthen central government institutions responsible for the environment and the development of relevant policies, in order to improve sustainable environmental management in Bosnia and Herzegovina. The implementation of the Sustainable Development Guidelines enables the long-term development of Bosnia and Herzegovina, which is confirmed by the signing of most important International Agreements (conventions) on the environment. In addition, the Federation of Bosnia and Herzegovina and the Republika Srpska have adopted a set of environmental laws, based on key principles of environment protection. Apart from the law, the principle of sustainable development should be integrated into official policies and programs, because sustainable development policy, in addition to

improving the environment, will help Bosnia and Herzegovina progress on its path to full membership in the European Union. Authority bound for nature protection in Bosnia and Herzegovina are at the entity level and at the level of Brčko District. Legal acts in which the competencies are nature protection are the Law on Nature Protection of the Federation of Bosnia and Herzegovina ("Official Gazette of the Federation of BiH", No. 66/13) for the Federation of Bosnia and Herzegovina, the Law on Nature Protection of Republika Srpska "Official Gazette of RS", No. 20/14) for the Republika Srpska and the Law on Nature Protection of the Brčko District of BiH ("Official Gazette of the Brčko District of BiH", No. 24/04) for the Brčko District. Within these laws, the competencies are also related to protected areas, categories of protected areas as well as the protection procedure. When it comes to monitoring and coordinating preparations for the conclusion and implementation of international agreements, implementation of projects in cooperation with international organizations, programs and funds, coordination of cooperation with institutional structures in BiH, the competence belongs to the ministries at the state level. Bosnia and Herzegovina's environmental policy is multidisciplinary focused on environmental protection, increasing the territory of protected areas on the model of ecologically aware countries with special emphasis on preserving the natural environment, indigenous flora and fauna. Previous environmental research in Bosnia and Herzegovina confirms the thesis that this is a country of biological and geological diversity and that it is necessary to improve and preserve natural benefits by applying adequate environmental tools. However, the problem arises due to inadequate implementation of adopted laws, signed Conventions, protocols and other acts important for environmental protection. In addition to all the above, one of Bosnia and Herzegovina's environmental policy is multidisciplinary focused on environmental protection, increasing the territory of protected areas on the model of ecologically aware countries with special emphasis on preserving the natural environment, indigenous flora and fauna. Previous environmental research in Bosnia and Herzegovina confirms the thesis that this is a country of biological and geological diversity and that it is

necessary to improve and preserve natural benefits by applying adequate environmental tools. However, the problem arises due to inadequate implementation of adopted laws, signed Conventions, protocols and other acts important for environmental protection. In addition to all the above, one of Bosnia and Herzegovina's environmental policy is multidisciplinary focused on environmental protection, increasing the territory of protected areas on the model of ecologically aware countries with special emphasis on preserving the natural environment, indigenous flora and fauna. Previous environmental research in Bosnia and Herzegovina confirms the thesis that this is a country of biological and geological diversity and that it is necessary to improve and preserve natural benefits by applying adequate environmental tools. However, the problem arises due to inadequate implementation of adopted laws, signed Conventions, protocols and other acts important for environmental protection. In addition to all the above, one of by increasing the territory of protected areas following the example of ecologically aware countries with special emphasis on the preservation of natural environment, indigenous flora and fauna. Previous environmental research in Bosnia and Herzegovina confirms the thesis that this is a country of biological and geological diversity and that it is necessary to improve and preserve natural benefits by applying adequate environmental tools. However, the problem arises due to inadequate implementation of adopted laws, signed Conventions, protocols and other acts important for environmental protection. In addition to all the above, one of by increasing the territory of protected areas following the example of ecologically aware countries with special emphasis on the preservation of natural environment, indigenous flora and fauna. Previous environmental research in Bosnia and Herzegovina confirms the thesis that this is a country of biological and geological diversity and that it is necessary to improve and preserve natural benefits by applying

adequate environmental tools. However, the problem arises due to inadequate implementation of adopted laws, signed Conventions, protocols and other acts important for environmental protection. In addition to all the above, one of Previous environmental research in Bosnia and Herzegovina confirms the thesis that this is a country of biological and geological diversity and that it is necessary to improve and preserve natural benefits by applying adequate environmental tools. However, the problem arises due to inadequate implementation of adopted laws, signed Conventions, protocols and other acts important for environmental protection. In addition to all the above, one of Previous environmental research in Bosnia and Herzegovina confirms the thesis that this is a country of biological and geological diversity and that it is necessary to improve and preserve natural benefits by applying adequate environmental tools. However, the problem arises due to inadequate implementation of adopted laws, signed Conventions, protocols and other acts important for environmental protection. In addition to all the above, one of key issues it also represents an insufficient number of human resources employed in jobs dealing with environmental programs.

### **3.2. Environment in the Constitutions of BiH**

Constitution of Bosnia and Herzegovina, Article III defines the responsibilities and relations between the institutions of Bosnia and Herzegovina and its two constituent entities: The Federation of Bosnia and Herzegovina (FBiH) and the Republika Srpska (RS). The environment and water sector is not clearly defined by the Constitution, nor the competencies of the state of Bosnia and Herzegovina, nor the competencies of the entities. However, according to Article III.3c, "All governmental functions and powers, which are not explicitly assigned to the institutions of Bosnia and Herzegovina under this Constitution, belong to the entities." Therefore, the environmental issue belongs to the entities. This means that the entities regulate environmental issues with their laws, regulations and standards. However, with the adoption of the Law on Ministries and Other Administrative Bodies of Bosnia and Herzegovina in March 2003, The Ministry of Foreign Trade and Economic Relations is given the authority to deal

with environmental issues and natural resources issues at the state level (Official Gazette of BiH, No. 5/03).

cantonal regulations (Official Gazette of FBiH, No. 1/94, 13/97, 16/02, 22/02, 52/02, 60/02, 18/03, 63/03).

### 3.2.1. Constitution of the Federation of Bosnia and Herzegovina

The Constitution of the Federation Bosnia and Herzegovina defines the division of competencies between the Federation and the constituent cantons in the following order:

- The exclusive competence of the Federation is the general policy in the field of economy, energy, finance and land use (Article III.1, b, fi I);
- Joint competencies of the Federation and cantons are, for example, health, environmental policy, tourism and the use of natural resources (Article III.2);
- (In these areas, the powers of the Federation and the cantons may be exercised "jointly or indirectly separately, or by the canton coordinated by the Federal Government") (Article III.3.1);
- The cantons have all responsibilities not clearly given to the Federation (Article III.4.1). Activities related to the water sector are public services, local land use, local energy production facilities and cantonal tourism.

Environmental policy and the use of natural resources, including water, are the responsibility of both the Federation and Canton governments. These responsibilities may be exercised jointly or separately, as the case may be, or by the Canton, coordinated by the Federation authorities. The cantons and the Federation are, according to the Constitution, obliged to consult on the performance of these duties. According to the Constitution of Bosnia and Herzegovina, municipalities will apply self-government when it comes to local problems. Each municipality will have a statute that must be in accordance with the Constitution of the Federation and the constitutions of the cantons and in accordance with any relevant

### 3.3.2. Canton constitutions

Federation of Bosnia and Herzegovina consists of ten cantons. In accordance with the Constitution of the Federation, the cantons have all the competencies that are not clearly assigned to the Federal Government. The cantons apply self-government through their own legislative, executive and judicial bodies. Each canton has its own Constitution and Government. Cantonal constitutions must be in accordance with the Constitution of the Federation of Bosnia and Herzegovina (Article V.4). Cantonal governments are responsible for the execution and implementation of cantonal strategies and laws, decisions of any cantonal or Federal court, and are responsible for those matters assigned to them by the Federal Government. When it comes to the environment, all cantonal constitutions also stipulate that both the Federation and the cantons are responsible for environmental policy, in accordance with the Federal Constitution. Cantonal constitutions allow for the establishment of cantons to coordinate and harmonize strategies and activities of common interest. Cantons have the opportunity to transfer their competencies to municipalities and / or the Federation. However, such a transfer has not yet been made and there is no agreement on the joint implementation of these responsibilities between the Canton and the Federation. The basic functions and tasks related to water and entrusted to the canton include issuing permits and allocating water resources within its competences (sewerage, irrigation, water ways, water supply, hydropower, water protection). Each canton has the authority to delegate or delegate responsibility to municipalities in its territory or to the FBiH Government (Article V.2) (Functional Review of the Environmental Sector in Bosnia and Herzegovina).



## 5. CONCLUSION

Bosnia and Herzegovina, as a country of biological and geological diversity on the way to the European Union, puts nature protection in its documents as one of the key imperatives for the future.

Jurisdiction in the field of nature protection in Bosnia and Herzegovina is regulated at the entity and level of the Brčko District of BiH. The IUCN categorization is also included in the Law on Protection of nature of the Federation of Bosnia and Herzegovina ("Official Gazette of FBiH", No. 66/13), the Law on Nature Protection of the Republika Srpska ("Official Gazette of RS", No. 20/14) and the Law on Nature Protection of the Brčko District of BiH "Official Gazette of the Brčko District of BiH", No. 24/04), which made it mandatory for the categorization of protected areas in Bosnia and Herzegovina. Unfortunately, the low level of awareness of the importance of natural resources in Bosnia and Herzegovina has resulted in the situation that the competent institutions are less and less involved in environmental protection programs, while civil society organizations are publicly advocate conservation and protected management areas, but without jurisdiction. Shared competencies, inert inspections and the lack of adequate sanctions in the environmental policy sector are certainly aggravating circumstances in this area, leading to deforestation and desertification of natural areas. In order to improve and regulate the state of environmental policies in Bosnia and Herzegovina, it is necessary to harmonize laws and bylaws with EU acts as soon as possible, practically apply them and work towards a sustainable environmental future in Bosnia and Herzegovina for which there are natural preconditions.

## LITERATURE

- [1] Dudley, N. (2008). Guidelines for Applying Protected Area Management Categories, Gland, Switzerland: IUCN. x + 86pp.
- [2] Federal Ministry of Environment and Tourism (2009). Environmental Protection Strategy of the Federation of Bosnia and Herzegovina 2008-2018. Bosna S Oil Services Company, Institute of Hydraulic Engineering, Faculty of Civil Engineering in Sarajevo & IPSA Institute doo Sarajevo.
- [3] Federal Environmental Strategy (2009).
- [4] Functional Review of the Environmental Sector in Bosnia and Herzegovina. (2011). UN, Geneva.
- [5] Graham, J., Amos, B., Plumptre, T. (2003). Governance Principles for Protected Areas in the 21st Century, Institute On Governance Policy Brief No. 15, Ottawa: Institute on Governance (IOG).
- [6] Kosović, N., (2008). On ecology and agro ecology of vegetable species. Džemal Bijedić University, Mostar.
- [7] Ray, GC (2004). Reconsidering 'dangerous targets' for marine protected areas, Aquatic Conservation: Marine and Freshwater Ecosystems 14 (2), 211-215.
- [8] The Biodiversity Strategy and Action Plan for Bosnia and Herzegovina is 2008-2015. (2008). Sarajevo.
- [9] Constitution of Central Bosnia Canton, Official Gazette 1/97 (1997). Meadow.
- [10] Law on Nature Protection (Official Gazette of the Federation of Bosnia and Herzegovina 66/13).
- [11] Western, D., Wright, RM (1994). The Background to Community-based Conservation, in: Western, D., Wright, RM and Strum, SC (Eds.), Natural connections: Perspectives in community-based conservation, Island Press, USA.