

# Uvod

## Introduction



Bosna i Hercegovina (BIH) se nalazi u jugoistočnoj Evropi. Ukupna kopnena površina je 51.129 kvadratnih kilometara. Ukupna dužina kopnene granice je 1.459 km, a dužina obale je 20 km. Granične države su Hrvatska (932 km) i Jugoslavija (527 km). Najniža visinska tačka je Jadransko More (0 m), a najviša Maglić (2386 m) (CIA, 2001).

Bosna i Hercegovina je postala nezavisna država 1992. i odmah nakon toga ušla u rat koji je trajao 3,5 godine. Rat je završio u zimu 1995 potpisivanjem Dejtonskog mirovnog ugovora, čiji Aneks 4 predstavlja Ustav Bosne i Hercegovine. U skladu sa Ustavom (1995), Bosna i Hercegovina se sastoji od dva entiteta: Federacije Bosne i Hercegovine (FBiH) i Republike Srpske (RS). Federacija se sastoji od deset kantona, od kojih se svaki sastoji od opština. Svaki kanton ima svoj vlastiti ustav i vladu. Republika Srpska nema kantone nego samo opštine.

### Institucionalno uređenje

Ustav BIH ne navodi eksplicitno prava na okoliš i pristup informacijama o okolišu, kao što je to bio slučaj sa ustavom bivše Jugoslavije. U Republici Srpskoj, pravo na zdrav okoliš je uključeno u Ustav koji je usvojen 1994. (Kurbegović, 1998). U skladu sa Ustavom BIH, okoliš je u nadležnosti Entiteta. U oba Entiteta postoji po jedno ministarstvo za okoliš: u FBiH to je Federalno ministarstvo prostornog uređenja i okoliša, a u RS Ministarstvo za urbanizam, stambeno-komunalne djelatnosti, građevinarstvo i ekologiju. U FBiH takođe postoji po jedno ministarstvo za okoliš u svakom od deset kantona, a Federacija i kantoni su zajednički odgovorni za okoliš (REC, 2000).

Zbog komplikovane političke situacije koja je slijedila nakon rata, bilo je vrlo malo saradnje između Entiteta u pogledu pitanja okoliša. Kako bi se prevazišao problem nedostatka saradnje, u ljeto 1998. uz pomoć Regionalnog centra za okoliš za Centralnu i Istočnu Evropu (REC), formiran je Zajednički komitet za okoliš. Komitet se sastoji od osam članova, po četiri iz svakog entiteta, i nekoliko članova bez prava glasa koji su predstavnici međunarodnih organizacija, kao što su Ured visokog predstavnika (OHR), USAID, Svjetska banka i Evropska komisija (Csagoly, 1998).

Komitet je odgovoran za: "harmonizaciju zakona i regulative iz oblasti okoliša, standarde i akcione programe, međunarodne ugovore koji se tiču okoliša i njihovu implementaciju; učešće u međunarodnim procesima, kao što je Okoliš za Evropu; saradnju sa međunarodnim organizacijama, kao što su UNEP i Evropska agencija za okoliš i odnose sa donatorima; monitoring u okolišu i informacione sisteme i planove u slučaju izvanrednih situacija; prostorno planiranje koje se tiče okoliša, sakupljanje i razmjenu

# Uvod

## Introduction

informacija; prekogranična i međuentitetska okolinska pitanja, uključujući saradnju sa susjednim zemljama u pitanjima okoliša; kao i koordinaciju svih okolinskih aktivnosti bitnih za priključenje BIH kao članice EU." (Csagoly, 1998)

### Okolinski zakoni

U skladu sa Dejtonskim mirovnim sporazumom, sva zakonska regulativa koja je bila na snazi u bivšoj Socijalističkoj Republici Bosni i Hercegovini, a koja nije u suprotnosti sa Dejtonskim mirovnim sporazumima, može ostati na snazi. U skladu s tim, Zakon o prostornom planiranju, usvojen u 1974, koji obuhvata i zaštitu okoliša i prirode, je još na snazi u FBiH (Kurbegovic, 1998).

Set zakona o okolišu priprema se u sklopu projekta Evropske komisije pod nazivom "Priprema okolinskih zakona i politike u BIH" (REC, 2000). Prema podacima Vlade BIH (2002), slijedeći zakoni trenutno su u parlamentarnoj raspravi: Nacrt zakona o zaštiti okoliša, Nacrt zakona o zaštiti voda, Nacrt zakona o zaštiti prirode, Nacrt zakona o otpadu i Nacrt zakona o zaštiti vazduha.

### Međunarodna saradnja

Ovo je lista konvencija o zaštiti okoliša u kojima je BIH članica (Izvor: Ecolex, 2000 i Federalno ministarstvo, 1999):

- Konvencija o ribarenju i zaštiti živih resursa otvorenog mora (Geneva 1958)
- Konvencija o zaštiti svjetskih kulturnog i prirodnog nasljeđa (Paris 1972)
- Konvencija za zaštitu Sredozemnog mora od zagađenja (Barcelona 1976)
- Protokol o saradnji u borbi protiv zagađenja Sredozemnog mora naftom i drugim štetnim substancama u hitnim slučajevima (Barcelona 1976)
- Protokol o sprječavanju zagađenja Sredozemnog mora otpadom iz brodova i aviona (Barcelona 1976)
- Konvencija o prekograničnom zagađenju vazduha (Geneva 1979)
- Protokol za zaštitu Sredozemnog mora protiv zagađenja iz izvora koji su bazirani na tlu (Athens 1980)
- Protokol o posebno zaštićenim oblastima u Mediteranu (Geneva 1982)
- Konvencija UN o zakonu o moru (Montego Bay 1982)
- Protokol Konvencije o prekograničnom zagađenju vazduha o dugoročnom programu finansijske saradnje za monitoring i procjenu dalekosežnog prenosa zagađivača vazduha u Evropi (EMEP) (Geneva 1984)
- Konvencija o zaštiti ozonskog omotača (Vienna 1985)
- Protokol o tvarima koje uništavaju ozonski omotač (Montreal 1987)
- Konvencija o zabrani upotrebe, pravljenja zaliha, proizvodnje i prenosa protivpješadijskih mina i o njihovom uništenju (Oslo 1997)
- Bazelska konvencija o kontroli prekograničnog prometa opasnog otpada i njegovu odlaganju (Basel 1989)
- Okvirna konvencija Ujedinjenih naroda o klimatskim promjenama (Rio de Janeiro 1992)

- Konvencija o močvarama od međunarodne važnosti, osobito kao staništa ptica močvarica (Ramsar 1971)

Bosnia and Herzegovina (BIH) is located in Southeastern Europe. Its total land area is 51,129 sq km. The total length of the land boundaries is 1,459 km, and that of the coastline, 20 km. Adjacent countries are Croatia (932 km) and Yugoslavia (527 km). The lowest elevation point is the Adriatic Sea (0 m), the highest Maglić (2,386 m) (CIA, 2001).

Bosnia and Herzegovina became an independent state in 1992 and immediately afterwards entered into a 3.5 years-long war. The war was ended in the winter of 1995 by the Dayton Peace Agreement, of which Annex 4 represents the Constitution of Bosnia and Herzegovina. According to the Constitution (1995), Bosnia and Herzegovina is composed of two Entities: the Federation of Bosnia and Herzegovina (FBIH) and Republika Srpska (RS). The Federation consists of ten cantons, which in turn consist of municipalities. Each canton has its own constitution and government. Republika Srpska has no cantons, only municipalities.

## **Institutional Settings**

The Constitution does not explicitly assert rights to the environment and to access to environmental information, as it was the case with the constitution of the former Yugoslavia. In Republika Srpska, a right to a healthy environment is incorporated in the Constitution that was adopted in 1994 (Kurbegovic, 1998). According to the Constitution of BIH, the environment is under the authority of the Entities. There is an environmental ministry in both Entities: in FBIH the Federal Ministry of Physical Planning and the Environment, in RS the Ministry of Urbanism, Housing, Public Utilities, Civil Engineering and Ecology. In FBIH, there is also a ministry for the environment in each of the ten Cantons, and both the Federation and the Cantons are jointly responsible for the environment (REC, 2000).

Because of the complicated political situation which followed the war, there was very little co-operation between the Entities regarding environmental matters. In order to overcome the problem of non-cooperation, an Environmental Steering Committee was established in the summer of 1998, with help from the Regional Environmental Center for Central and Eastern Europe (REC). The Committee consists of eight members, four from each Entity, and several non-voting members, representatives of international organizations, such as the Office of the High Representative (OHR), USAID, the World Bank, and the European Commission (Csagoly, 1998).

The Committee is responsible for: "harmonisation of environmental legislation and regulation, standards and action programs, international treaties concerning the environment, and their implementation; involvement in international processes such as Environment for Europe; cooperation with international organisations such as UNEP and the European Environmental Agency, and relations with the donor community; environmental monitoring and information systems and plans for emergency situations; physical planning concerning the environment, information collection and exchange; transboundary and inter-entity environmental issues, including cooperation with neighbouring countries on environmental matters; and coordination of all environmental activities incident to the admission of BIH as a Member State of the EU." (Csagoly, 1998)

## **Environmental Legislation**

According to the Dayton Peace Agreement, all legislation belonging to the former Socialist Republic of Bosnia and Herzegovina that was not inconsistent with the Dayton Peace Accords may stay in force. Hence, the Law on Urban Planning, adopted in 1974, which covers the environment and nature protection, is still in force in FBIH (Kurbegovic, 1998).

Environmental legislation has been prepared through an EC project named "Preparation of Environmental Law and Policy in BIH" (REC, 2000). According to the Government (2002) the following legislation is currently under parliamentary discussion: Draft Law on the Protection of the Environment, Draft Law on the Protection of the Waters, Draft Law on the Protection of the Nature, Draft Law on Waste Management, and Draft Law on the Protection of the Air.

# Uvod

## Introduction

### **International Co-operation**

Here is a list of some environmental conventions to which BIH is a party (Source: Ecolex, 2000 and Federal Ministry, 1999):

- Convention on Fishing and Conservation of the Living Resources of the High Seas (Geneva 1958)
- Convention Concerning the Protection of the World Cultural and Natural Heritage (Paris 1972)
- Convention for the Protection of the Mediterranean Sea against Pollution (Barcelona 1976)
- Protocol concerning Co-operation in Combating Pollution of the Mediterranean Sea by Oil and other Harmful Substances in Cases of Emergency (Barcelona 1976)
- Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft (Barcelona 1976)
- Convention on Long-Range Transboundary Air Pollution (Geneva 1979)
- Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources (Athens 1980)
- Protocol concerning Mediterranean Specially Protected Areas (Geneva 1982)
- United Nations Convention on the Law of the Sea (Montego Bay 1982)
- Protocol to the Convention on Long-Range Transboundary Air Pollution on Long-Term Financing of Co-operative Programme for Monitoring and Evaluation of the Long-Range Transmission of Air Pollutants in Europe (EMEP) (Geneva 1984)
- Convention for the Protection of the Ozone Layer (Vienna 1985)
- Protocol on Substances that Deplete the Ozone Layer (Montreal 1987)
- Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (Oslo 1997)
- Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Basel 1989)
- UN Framework Convention on Climate Change (Rio de Janeiro 1992)
- The Ramsar Convention on Wetlands (Ramsar 1971)