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The Permanent Mission of Bosnia and Herzegovina to the United Nations Office and Other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights, in regard to the letter sent by Mr. John H. Knox, Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, dated 28<sup>th</sup> July 2016, has the honor to transmit the response received from the Ministry of Human Rights and Refugees of Bosnia and Herzegovina.

The Permanent Mission of Bosnia and Herzegovina to the United Nations Office and Other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurance of its highest consideration.



Geneva, December 15<sup>th</sup>, 2016

**OFFICE OF THE HIGH COMMISSIONER  
FOR HUMAN RIGHTS**  
*Geneva*

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**Answers to the Questionnaire by the Special Rapporteur related to resolution 28/11 respecting human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment:**

- 1. Please provide, in detail, examples of biodiversity-related legislation, policies and programmes that incorporate human rights obligations.**

Bosnia and Herzegovina is a party to a number of international agreements related to biodiversity, such as the Convention on Biological Diversity, the Convention on the Conservation of European Wildlife and Natural Habitats, the Convention on Wetlands of International Importance and the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

In accordance with the Strategic Plan of the Convention on Biological Diversity (2011-2020) and aims to protect biodiversity (Aichi targets), Bosnia and Herzegovina has developed the 2015-2020 Strategy and Action Plan for the protection of biodiversity, which is in the process of adoption by the Council of Ministers of Bosnia and Herzegovina.

Bosnia and Herzegovina acceded to the Paris Agreement under the Framework Convention on Climate Change in order to support a sustainable future, the future of living in harmony with nature.

Questions of nature / biodiversity conservation are defined in the legal framework of the FBiH set in the Nature Protection Law and it was drafted in accordance with the European Union principles and brought in line with certain EU directives of the acquis relating to nature.

- 2. Please provide specific examples of good practices in the implementation of human rights obligations in biodiversity-related matters.**

Pursuant to the Nature Protection Law of the Federation of BiH, citizens have the right to healthy environment, rest and recreation in the natural environment. Further, the public is entitled to free access to information on the state of nature, timely notification of any damage to nature and the measures taken for their removal and to participate in making decisions about nature.

Environmental protection is the right and obligation of every natural or legal person and, to this end, they are obliged to cooperate in order to prevent dangerous actions and occurrence of damage and restoration of natural conditions that existed before the damage occurred.

- 3. Please specify, where relevant, challenges your Government has experienced in the integration and protection of human rights obligations in biodiversity-related matters.**

Generally, environmental issues and implementation of the legislative framework require strong institutional capacity and competence. It is necessary to establish professional institutions within the system of administration which will have in their portfolios an obligation to conduct professional activities concerning the environment. This is primarily necessary in monitoring the situation in certain

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areas. It is necessary to incorporate environmental issues harder in other sectorial policies and other areas. Funding the environmental protection in BiH should be more co-ordinated through the institutions of the system, with the aim of monitoring the effectiveness of implementing measures and actions.

4. How are the rights of those who may be particularly vulnerable to the loss of biodiversity, including but not limited to indigenous peoples?

The right to healthy environment is recognized as a basic human right, without any exceptions.

5. How do you ensure rights of environmentalists working on biodiversity issues?

The existing professional institutions and recognized experts in specific areas are included in the activities and work of various bodies / working groups when creating professional documents and opinions with a view to fulfilling the tasks / obligations arising from international agreements to which BiH is a party, as well as in various international conferences.

They have a role assigned consisting of participation in the work of certain bodies and working groups at state / FBiH / cantonal level, such as the Advisory Council for the Environment, which has an advisory role in the field of nature protection and was established under the Environmental Protection Law. Further, their role has been recognized in providing expertise in the implementation of the legislative framework. This is a general statement that is relevant to all areas of the environment.

6. What efforts has your Government made to create safe and enabling environment for them to freely exercise their rights without fear?

Environmental matters are governed by the Constitution of FBiH. In accordance with constitutional provisions of the Federation of BiH, issues of the protection of environment and its components is defined by the framework law on environmental protection, as well as special laws on specific areas: air protection, waste management, nature protection, water protection. These laws were made in accordance with the fundamental principles of the European Union in the field of environmental protection, and appropriately aligned with certain EU directives in certain fields. Improved and implementation of the legal framework in the field of environment is defined by the activities of the Government of the Federation and that obligation is continuously delegated the work of the relevant ministries. It also established the financial mechanisms of financing measures to improve the environment through the establishment and functioning of the Environmental Protection Fund of the Federation of Bosnia and Herzegovina, and whose work is defined by the relevant law of the Environmental Protection Federation. The implementation of the legal framework is in force since 2003. Bosnia and Herzegovina is a member of many international agreements in the field of environmental protection, and participates in the implementation of the same. It is necessary to strengthen the capacity of institutions, as well as the coordination of all the institutions with a view to adequately implementing them.

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**Comments on the Human Rights Council Resolution 28/11 respecting human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment.**

Pursuant to Article 12 of the Law on Ministries, the Ministry of Human Rights and Refugees is in charge of monitoring the implementation of international agreements of multilateral character that BiH has signed, ratified or accepted by succession, including the International Covenant on Economic, Social and Cultural Rights in which the relevant UN committee submitted an initial one and two interim reports.

Sustainable development and **environmental protection** can contribute to human well-being and the enjoyment of human rights. Environmental sustainability means the permanent conservation of biodiversity, human health, air quality, water and land of quality standards that are sufficient to ensure living and well-being of people.

Climate change, unsustainable management and use of natural resources, unsound management of chemicals and wastes can interfere with enjoyment of safe, clean, healthy and sustainable environment. The above-mentioned environmental damage can have negative direct and indirect implications for the effective enjoyment of all human rights, particularly the right to life, the right to an adequate standard of living, which guarantees the realization of the Covenant. Bearing in mind the above mentioned we hereinafter provide comments that were made by this Ministry in cooperation with the competent authorities at all levels of government.

Comments by the Department of Spatial Planning and Property Affairs of Brcko Distrikt

One of the most important regulations is the Regulation on plants and facilities requiring a mandatory assessment of the impact on the environment and plants that can be built and activated only if they have environmental permits (Official Gazette of Brcko District of BiH No. 30/06), which obliges economic operators to obtain an environmental permit for their economic activity if they are required so by the Regulation.

Following the adoption of the Regulation, the issuance of environmental permits for all plants and facilities in Brcko District began. The issuance of environmental permits has opened a possibility of involving the public in decision-making in the field of environmental protection and thus the Aarhus Convention, which BiH signed in 2008, has been complied with.

By adopting the Regulation, in order to protect and improve the environment in Brcko District, almost all plants and facilities have environmental permits in Brcko District.

Comments of the Ministry for Spatial Planning and Ecology of Republika Srpska

In order to include the general public in resolving environmental issues in line with the Aarhus Convention and the directives of the European Union regulating access to information on the environment, the Law on Environmental Protection (Official Gazette Nos. 71/12, 79/15), strengthens the position of the public seeking access to information and to procedures

for adopting environmental plans and programmes. The Law ensures participation and access to information by environmental associations and foundations but also by every individual/citizen.

The ministry responsible for environmental protection, local self-government units and public institutions managing protected natural values are required to provide the public with information related to the state and protection of nature. In case of immediate threat to nature and human health or jeopardizing nature, the public is informed about taking required measures to prevent or mitigate the damage that might arise from such a threat.

When drafting laws and regulations in the field of environment and nature protection, they are approximated to the acquis respecting this area to such an extent that will contribute to achieving a higher degree of approximation, development and strengthening of cooperation in the field of environmental protection with the task of stopping further degradation and improving the existing situation with a view to achieving sustainable development.