

On national and local level public participation in environmental matters is enabled by transposition of Aarhus and Espoo convention, but also Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) EU directives.

Bosnia and Herzegovina ratified the UNECE Aarhus Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters (AC) in September 2008, and authorities submitted the First national report on implementation of the Aarhus Convention, with extensive support of OSCE. The report emphasized the fact that the major problems in implementation of the Convention are caused by lack of availability of environmental information as well as inadequate public participation in early stages of the decision making process.

In European Commission Progress Report for 2012 stands:

A Framework Law on the Environment remains to be adopted and efforts are required to implement the Environmental Impact Assessment (EIA) Directive in a harmonised manner at State and Entity levels. Implementation of the Espoo Convention on EIA in a Transboundary Context has not started. Public participation in environmental decision-making and public access to environmental information remain weak.

Transposition of the SEA directive is at an early stage, while EIA directive is fully transposed, but poorly implemented. BiH did not start implementing the Espoo Convention on Environmental Impact Assessment in a Trans-boundary Context. Local NGOs believe that out of all countries in the region (with exception of Kosovo) Bosnia and Herzegovina is in most dire situation regarding environmental standards and public participation in energy related activities. There are few examples of poor implementation of public participation in environmental aspects of energy projects, that can be illustrative.

Hydro-power project Upper Drina River

In July 2012 Government of Republika Srpska* started public consultation on EIAs for two out of four planned HPPs in hydro-power project Upper Drina River, but did not inform relevant ministries in BiH and Montenegro, because Drina River is transboundary watercourse and accumulation planned for HPP Buk Bijela would reach border with Montenegro and potentially could have impact on Tara River, which is UNESCO MAB reserve. After first reactions from NGOs and Government of Montenegro, high officials of Republika Srpska (President and Prime Minister) released statements that Republika Srpska does not need approval of Montenegro or institutions of BiH. Government of Montenegro promptly sent official letter to Ministry of Foreign Trade and Economic Relations (responsible for energy and environmental issues on BiH level), calling for implementation of Espoo convention and as result as we speak we have public consultation in Montenegro

about EIA for HPP Buk Bijela, after Government of Republika Srpska provided all requested information and documents. What is interesting, during all this communication in media between governments, ministries and NGOs, responsible ministry in Government of Republika Srpska did not release single information about this case.

Hydro-power project Upper Horizons

About in same time as case on Drina River, we had very similar situation in hydro-power project Upper Horizons in southeast BiH. Project from 70ies of last century came into reality with major activity of channeling river Zalomka and diverting waters of periodically flooded fields through tunnels into Trebisnjica river.

The problem is that water from those fields was naturally drained in two rivers, Trebisnjica and Neretva. Potential negative impact could be most severe in lower part of Neretva River, with smaller water flow and impact on potential UNESCO site of Buna River spring, Ramsar site Hutovo Blato and agriculture region of Neretva River delta. On other side, there is potential impact of higher chances of floods in lower Trebisnjica River. Ministry for Environment and Tourism (MET) and NGOs from Federation of BiH submitted comments on EIA for HPP Dabar (one of four HPPs planned on Trebisnjica that would benefit from increased

water flow), but Ministry for Environment of Republic of Srpska did not take info account those comments. As a result we have NGOs that started campaign against project Upper Horizons and MET initiated court process against responsible ministry from Republic of Srpska.

Project of small hydro-power plant Medna on Sana River

When we come to local level, situation is even worse. Example could be project of small HPP (4.9 MW) 500 meters downstream of the springs of Sana River. Spatial plan of Republic of Srpska define upper part of Sana River as future nature park, and wider area of springs with special level of protection. Moreover, local assembly of Ribnik community adopted position against SHHP as it's in conflict with their local development plan. EIA procedure started in 2007, but it is not finished yet for both local community Ribnik and NGOs appealed against approval of EIA, for already fourth time.