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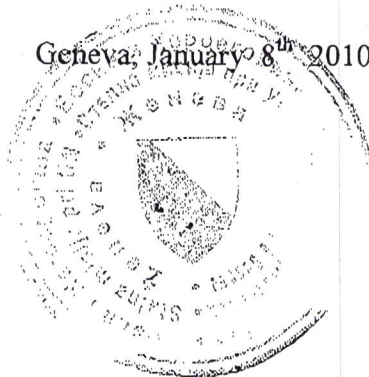
**Permanent Mission of Bosnia and Herzegovina  
to the United Nations  
in Geneva**

**MIS-UN-GVA**  
202-03-37-1505/09

The Permanent Mission of Bosnia and Herzegovina to the United Nations at Geneva presents its compliments to the United Nations Office of the High Commissioner for Human Rights and has the honour to forward the submission related to access to safe drinking water and sanitation in Bosnia and Herzegovina, requested by the Independent Expert Ms. Catarina de Albuquerque.

The Permanent Mission of Bosnia and Herzegovina to the United Nations at Geneva avails itself of this opportunity to renew to the United Nations Office of the High Commissioner for Human Rights the assurances of its highest consideration. *e KJ*

Geneva, January 8<sup>th</sup> 2010



**OHCHR REGISTRY**

**31 DEC 2001**

Action : *SPD*

**Independent Expert on the issue of human rights obligations related  
to access to safe drinking water and sanitations**

**ESCR Section**

**Special Procedure Division**

**THE OFFICE OF THE UNITED NATIONS**

**HIGH COMMISSIONER FOR HUMAN RIGHTS**

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**Information for the independent expert at the UN in Geneva - Access to safe drinking water and sanitary in BiH**

According to the 2006 UNDP Human Development Report, lack of access to safe drinking water and sanitation constitutes a barrier to achieving several Millennium Development Goals. Sustained economic growth, human development, and environmental integrity depend on the existence of a water system that delivers water services: (1) reliably over the long-term, (2) efficiently, (3) safely (i.e. with proper testing for contamination), and (4) to all citizens. BiH's water system satisfies none of these criteria. The water supply and sewerage system in Bosnia and Herzegovina is unsustainable over the long-term, it is characterized by gross inefficiencies, does not have the requisite controls in place to ensure that the water is uncontaminated, and does not reach the entire population.

The key factors that have caused this situation and have allowed it to persist can be divided into two closely related categories: weak economic governance and poor physical infrastructure. Analysis on a deeper level shows that the root causes of these closely connected issues are institutional deficiencies, complicated and inefficient vertical political dynamics, and a lack of engagement at the citizen/community level. Addressing these issues through a combination of capacity development, infrastructure investment, and the development of participatory mechanisms that are consistent with EU standards will make a contribution to BiH's EU accession aspirations, the reduction of social exclusion, and the achievement of the Millennium Development Goals. Specific welfare objectives will include a reduction of the child mortality rate, improved maternal health, a reduction in the prevalence of infectious diseases, and the securing of a healthy environment.

BiH's Constitution defines the responsibilities and relations between the country's two constituent entities: the Federation of BiH and the Republika Srpska, as well as Brčko District. While the Water Sector is not explicitly mentioned in the Constitution, Article III.3c notes that, "functions and powers not expressly assigned to the institutions of BiH shall be those of the entities", thus, the entities and Brčko District are responsible for water sector management within their administrative borders.

However, there are certain state-level institutions that are engaged in water issues. The Ministry of Foreign Trade and Economic Relations is, among other things, responsible for defining basic principles, developing policy, coordinating activities, and harmonizing plans of the entity authorities and institutions in the agriculture, energy, environmental protection and natural resource, and tourism sectors. The Ministry of Foreign Affairs signs international multilateral and bilateral agreements and contracts, and carries out procedures for their ratifications.



At the entity level, the FBiH Ministry of Agriculture, Water-Management and Forestry executes the administrative and professional tasks set out by the Federation's laws in the field of agriculture, water management, forestry and veterinary issues. The Federal Ministry of Health is responsible for ensuring the quality of drinking water. The Federation also has water agencies for the Sava River Basin and the Adriatic Sea Basin, with jurisdiction over preparation of strategic planning and decisions for their respective districts.

The Federation's 10 cantons self-govern through their own legislatures, executive bodies, and judiciaries. The main functions and tasks related to water and assigned to the cantons include licensing and allocation of water resources under their competence (drainage, irrigation, water supply, waterways for navigation, hydropower, and water protection). Within the cantons, municipal authorities are responsible for the establishment and managing of water utility companies, with two exceptions. The Sarajevo Water Utility is under the jurisdiction of Sarajevo Canton and the Mostar Water Utility is under the administration of Mostar City.

In the Republika Srpska, the Ministry of Agriculture, Water Management and Forestry is in charge of water issues, and conducts administrative and other professional work according to the RS Water Law (2006) with the assistance of its Agencies for Water. The municipal authorities in the RS are responsible for establishing and managing water utilities, with the exception of the Banja Luka Water Utility, which is under the control of the administration of Banja Luka.

While the utility companies are responsible for delivering water services, they act at the behest of their associated municipalities, who, along with government at higher-levels, are the duty-bearers. In the FBiH, the owners of the physical assets are the cantons and/or the Entity; in the RS, the ownership structure is varied, with various stakes of the utilities held by the municipalities, the Entity, and other investors such as private stakeholders and pension funds.

Although the water utility companies are subsidized by the municipalities, these subsidies are insufficient to cover losses and minimum maintenance capital expenditure requirements. The relationships between these two stakeholders are often strained, with the municipalities unsatisfied with the level of service delivery from the utilities, while the utilities feel that they do not receive the requisite support (financial and otherwise) from the municipalities. For example, in most cases, tariff-setting is the jurisdiction of the municipality, thus there is a vested political interest in keeping rates low, which precludes the water utilities from charging an economically viable rate.

initiatives must be provided to the municipalities to enable them to offer the water utilities the requisite support. Furthermore, assistance must be provided to higher-level government to improve its capacity for evidence-based policy and enable it to fulfill its support obligations to the municipalities and water utilities. Citizens' participation in the economic governance of their own water service delivery needs to be institutionalized through a systematic, sustainable mechanism. The voice of the people must be heard on a regular basis as an input into decision-making processes for important issues such as, *inter alia*, infrastructure investment priorities.