

OHCHR- ANSWERS TO QUESTIONS

1. What conflicts exist in your country between different types of water uses (e.g. agriculture, industry, tourism, among others)? What are the main challenges in your country concerning water resources and wastewater management that impact on the realization of human rights?

The main challenges management of water policy of BiH are:

- Protection of surface water and groundwater resources in terms of water quality in order to achieve good ecological and chemical status of surface waters, as well as good quantitative and chemical status of ground waters;
- Protection of surface waters and ground waters resources in terms of sustainable usage of available amounts of water so these resources could fulfill the needs of present and future generations as well as the needs of ecosystems;
- Provision of an adequate protection for people and goods in extreme hydrological situations such as floods, droughts, torrents, riverbed erosions, etc.;
- Establishment of legislation which will provide fair, efficient and sustainable water resources management;
- Strengthening of institutional system in BiH related to water sector in a way that the roles, tasks and responsibilities of competent authorities/institutions are clearly defined and effectively exercised;
- Establishment of a system in which by using of economically real rates of water fees and prices for water services will be provided a non-profit and self-sustainable financing of water sector; and
- Establish a system for development planning and river basin management by using principles of integral water resources management with full public participation in key-decision making processes.

Bearing in mind that the crucial choice in BiH integration of the European Union, the reform in the water sector is focused on the implementation of European legislation in the sector. The main challenges are related to the proper implementation and achievement of the objectives of the Water Framework Directive, Drinking Water Directive, Urban Waste Water Treatment Directive and Flood Directive.

Analysis showed that investment costs related to the implementation of three EU Directives (Drinking Water Directive, Urban Wastewater Directive and Flood Risk Management Directive) shows that it is necessary to provide the following by 2035 about 8.192 million KM for their implementation.

2. How different water uses prioritized in national legislation and policies? How are these priorities implemented in practice? Are there any implementation challenges? If yes, please elaborate on them and on measures taken to overcome them.

Both entities' Water laws (Federation of Bosnia and Herzegovina and Republika Srpska) prescribe the adoption of planning documents for water management, namely: 1) Integrated Water Management Strategy 2) River Basin Management Plan, 3) Program of measures of the competent Ministry 4) Preparation of planning for the river basins management, and 5) Consultation with the public, which is notified by the Water Agency which collects information in legally prescribed manner.

The Framework Plan for Water Management in RS has been developed and in this document defines the strategic objectives of developing in the water sector in RS. It describes the current situation of water management infrastructure and the necessary conditions and criteria including restrictions for further development of water management and the entire water sector.

Water Management Strategy of BiH is the key document in FBiH with the planning horizon being 2022.

The major goals defined in these documents are classified in the following categories:

Legal, Institutional and Economic Activity Framework with strategic objectives

- water sector legal and institutional reform, arising from the need to adapt to new social circumstances, along with the EU alignment in the water management sector, as a part of process of BiH stabilization and association to EU,
- adequate integration of water management sector in economic system as a whole, with larger representation of the economic tools in the process of water resources management,
- improving efficiency, transparency and accountability in water management,
- provision of financial viability in water management and reform of water pricing system along with progressive introduction of economic water price.

Water Use

With two strategic objectives:

- increase in coverage and improvement of public water supply systems, and
- ensuring conditions for sustainable use of water in the areas whose development depends on market interest.

Water Protection

With the following objectives:

Achieving and maintaining good status of surface water and groundwater for the purpose of protection of aquatic flora and fauna and needs of water users. This includes also the achievement

of the strategic objective: „Reducing the risk at extreme hydrological phenomena“, and implementation of the measures to achieve the operational objectives:

- reconstruction and rehabilitation of existing, and construction and maintenance of protection facilities for the purpose of increasing the safety level in terms of flood control;
- development and adoption of plans for protection against adverse effects of water;
- reduction of erosions;
- setting out programs to combat droughts, and
- prevention and preparedness in case of disaster, such as demolition of overflow.

3. What strategies , approaches and mechanisms guide water resources and wastewater management? How do these ensure that the basic needs of the entire population are met?

RS Framework Water Management Development Plan was adopted in 2006, as an interim solution until the Integrated Water Management Strategy was adopted. It is open to public discussion and planned for adoption in the first quarter of 2013 by the RSNA.

In December 2011, the FBiH Parliament adopted the WMS (Water Management Strategy) in which it identified the strategic and operational objectives in the field of water management until 2022 and measures to achieve those goals.

(for more details see answer No. 2)

4. How does your government ensure transparency, access to information and participation in decision making regarding water resources and wastewater management?

, Both entities' Water laws are regulating obligations and responsibilities in relation to the public participation and free access to information. Already in the 'General Principles' chapter of the Water Laws it is stated that water resources shall be used and managed in a manner that ensures public participation in the preparation of water management plans. This is completely in line with the Water Framework Directive requirements where the active involvement of all concerned and interested parties in the preparation review and updating of river basin management plans is an essential step in the planning process.

Furthermore, specific Articles of the Water Laws are prescribing public participation:

- Article 38 FBiH Water Law / Article 29 RS Water Law: 'Public Consultation' specifies the way in which the Agencies for Waters shall inform the Consultative Council for Waters and local community about the beginning of water management plan preparation as well as about the public consultation process
- Article 124 FBiH Water Law / Article 130 RS Water Law: "Informing of the concerned parties and public" defines procedures during the issuance of prior water consent.
- Article 126 FBiH Water Law / Article 133 RS Water Law: 'Delivering of decision and informing' specifies the way the competent authority shall, before issuing the water act, inform the concerned parties and the public within the river basin.

Other relevant legal framework for public participation and access to information in B&H is created by entity environmental laws (Law on Environment Protection, "Official Gazette of Federation BiH", No. 33/03 and Law on Environment Protection of Republika Srpska, "Official Gazette of Republika Srpska", No. 53/02), other special laws on certain environmental issues, and Laws on free access to information.

5. In your Government's view, should water resources and wastewater management be reflected in the Sustainable Development Goals/post 2015 development framework?

There is no strategic document governing environmental protection or sustainable development at the BiH state level. However, there are several documents whose purpose is to regulate environmental protection and sustainable development issues. Activities to achieve goals of sustainable development in BiH represent a continuous task affecting all elements of society, especially through the process of Euro-Atlantic integration. Given the resources, the existing BiH institutional setup and possibilities and needs of the government institutions, the companies, organizations and all other entities of society participate in the process of sustainable development, each in their own way, whether through the adoption of laws and by-laws, development of strategies or through the implementation of national commitments and international obligations, with various degree of success. BiH is committed to the implementation of the Millennium Development Goals. The National Human Development Report/BiH Millennium Development Goals (NHDR/MDG) was developed in 2003 for the 2003-2015 periods. The document contains a set of policy proposals aimed at achieving progress towards the full realization of the relevant Millennium Development Goals at the local level, including 18 specific goals for BiH. Total of 48 indicators were established for detailed monitoring of the progress, while progress reports are made periodically. Progress Report on the Realization of the BiH Millennium Development Goals for the year 2010 was adopted by the BiH Council of Ministers on 29 November 2010.

In addition, several documents related to the sustainable development were developed in BiH, namely:

- Assessment of the BiH Sustainable Development prepared for the Johannesburg Summit in 2002,
- Document entitled "BiH in the Rio+20 Process" from 2012,
- Medium-Term Poverty Reduction Strategy Paper (PRSP 2004-2007), dealing with the following priority environmental areas: Water Resources (wastewater), sustainable development and rural areas, environmental management (through information system, integrated planning and training), protection of biological and landscape diversity, waste management, sustainable economic development, public health and demining).

Concerning mechanisms and policy instruments for the implementation of sustainable development, it should be noted that according to the Conclusions of the 66th session of the BiH Council of Ministers of 16 May 2002, a Steering Committee for Sustainable Development was established, which held a few sessions, followed by establishment of advisory bodies for environmental protection and sustainable development at the Entity level. The Ministry of

Foreign Trade and Economic Relations of BiH is also responsible for carrying out tasks and duties related to defining policies, basic principles, coordinating activities and harmonizing plans of the Entity authorities and bodies at the international level in the fields of: Agriculture, energy, environmental protection, development and use of natural resources.