

The experiences of Bosnia and Herzegovina in the promotion and implementation of the Aarhus Convention principles in International Financial Institutions (IFIs)

Suada Numić, Bosnia and Herzegovina

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Introduction

- Bosnia and Herzegovina ratified the Aarhus Convention in September 2008 and incorporated the provisions of the Convention into domestic legislation, thereby enabling their implementation in practice.
- Within the Convention, access to information, public participation in environmental decision-making and access to justice are an integral part of environmental management.

Framework for the Aarhus Convention Implementation

- The power to implement the Aarhus Convention is in national law. The law is implemented by the public administration and the bodies that perform public functions and are under the control of the Government.
- Consequently, the implementation of the Aarhus Convention is primarily the responsibility of public administration bodies.

BiH membership and relations with International Financial Institutions (IFIs)

IFIs operating in the territory of Bosnia and Herzegovina are:

- The International Monetary Fund (IMF) and the World Bank (the Breton Institutions),
 - (The European Bank for Reconstruction and Development - EBRD),
 - (The European Investment Bank - EIB),
 - The KfW Development Bank.
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- Bosnia and Herzegovina (BiH) has inherited membership in the Breton Institutions and the Bank for International Settlements, as one of the five countries of the heirs of the former Yugoslavia.
 - Bosnia and Herzegovina is a member of the European Bank for Reconstruction and Development and European Investment Bank.
 - IFIs in B&H finance projects that directly contribute to environmental sustainability, social well-being and sustainable development.

IFIs and good environmental practice

- IFIs promote good environmental practice through the European Principles for Environment (EPE) Declaration.
- EPE, whose principles derive from EU environmental policy and law, are designed in partnership with other multilateral financial institutions (MFIs) based in Europe, and confirmed by the European Commission.

The lessons learned and the challenges

IFIs funded projects have citizens' trust in Bosnia and Herzegovina due to their environmental policy and environmental standards, because:

- the projects must be structured so that:
 1. respect national environmental laws and
 2. respect the EU environmental standards,
- to the extent that they can be applied specific projects of environmental protection, health and safety of people throughout the region,
- require that the principles of the Aarhus Convention on Information and Participation of the Public and Access to the Judiciary be complied with,
- require that the projects to be financed comply with good international environmental practice.

Experiences and challenges

In order for the project to be accepted for funding by IFIS, documentation and permits must comply with:

- Relevant national environmental laws;
- The applicable EU environmental legislation, in particular the EU Environmental Impact Assessment Directive and Nature Protection Directives, as well as the specific sectors and cross-cutting Directives, Principles and Standards of relevant international environmental conventions incorporated in EU law.
- The Loan User must behave in accordance with the Environmental and Social Safeguards Policy (ESSP);
- All projects are carried out in accordance with the Multilateral Environmental Agreements and Conventions of the Council of Europe incorporated under applicable laws.

Particular importance is given to:

- Principles, Standards and Practices relating to Environmental Impact Assessment;
- Principles envisaged in the EU Directives on Industrial Emissions, Water and Waste Management, Air and Soil Pollution, Health and Safety at Work, Nature Conservation.

Respecting the procedure

- If the project is likely to have a significant impact on the environment, an Environmental Impact Assessment (EIA) is required;
- If there is no environmental impact assessment (EIA) for some project, it is necessary to justify it.
- The public must be notified in timely of the Project, participation, commenting on the project and obtaining answers to those comments.
- If there is a probability that the project will have a significant impact on the environment of neighboring countries, relevant provisions of both the Aarhus Convention and the Espoo Convention should be respected.

Public participation

- IFIs require that the Loan User facilitates the availability of environmental information to the public, in accordance with the Aarhus Convention on Access to Information and Public Consultation.
- IFIs publish information regarding social and environmental protection measures pertaining to the Project via the Internet.
- For all Projects that are subject to Environmental Impact Assessment, a non-technical summary must be available through the website.
- IFIs will publish on their website a summary of Projects likely to include subprojects for which EIA is required.

Projects NOT funded by IFIs

- The IFIs do not fund projects that result in human rights violations that are protected in the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms and the European Social Charter.
- Projects that have been identified as harmful to human beings or that violate human rights.
- Projects that will cause significant and irreversible negative environmental and / or negative social impacts.
- Projects that do not comply with the current environmental and social legislation at national and EU level.
- Projects located on the "Exclusion Lists" shown in the Credit Policy.

World
Financial
Institutions
EIB, EBRD,
KfW have a
strict ban on
financing
construction
of thermal
power plants
due to
pollution!!!

Monitoring and Reporting on the project

Lender Loan Obligations

- reports and monitors the implementation of demanding environmental and social protection measures in accordance with the Environmental and Social Safeguards Policy (ESSP) points to the need for corrective measures.

Obligations of IFIs

- controls the Project's performance on the basis of the Loan Agreement obligations.
- It compiles the Annual Monitoring Report in accordance with the ESSP.

Suggestions for the future to promote the principles of the Aarhus Convention in IFIs

- Building trust between the public, the government, public authorities, the non-governmental sector and investors by respecting the law.
- Building trust with the governments of neighboring countries through the joint implementation of regional projects.
- Raising public awareness of the right to a healthy environment.
- More active involvement of the academic community.
- Formal and informal education of all levels of government on the Aarhus Convention principles (seminars, workshops, debates, panel discussion).

Suggestion for the future to promote the principles of the Aarhus Convention

- Fully align national legislation with EU legislation (the Directive), in particular the Strategic Environmental Assessment Directive, the Environmental Impact Assessment Directives and the Industrial Emissions Directive.
- Cross-cutting Promotion of the Aarhus Convention Principle, Exchanging experiences with governments of other countries (especially with neighboring countries).
- Strengthening non-governmental organizations promoting environmental protection.

Final considerations

- **The interest of investors in the realization and financing of a project should not be more important than the interests of environmental protection and human health.**
- **A country that respects the Aarhus Convention's principles is attractive to IFIs.**
- **Violating the Aarhus Convention's principle jeopardizes the potential financing and implementation of projects by IFIs.**

Thank you for your attention

Suada Numić, Sarajevo, Bosnia and Herzegovina

suada.numeric@fmoit.gov.ba

suada.numeric@gmail.com