

Briefing Paper: A Look at Water Management in Bosnia and Herzegovina*

Introduction

This briefing paper aims to present a snapshot, and not a detailed insight, into the current issues pertaining to water management in Bosnia and Herzegovina. It explains the current institutional and legislative framework for water management, provides examples of good practices and points at potential conflicts in the field of water management. Finally, the conclusion offers a few thoughts on the future steps which would secure a more sound and efficient management of rich water resources Bosnia and Herzegovina disposes with.

Background

Bosnia and Herzegovina is rich in water resources and those resources can certainly represent an important contribution to the overall economic development of the country. However, war damages on the infrastructure, together with inadequate or inexistent maintenance, incomplete, confusing or overlapping regulatory framework put additional pressure on this precious resource. Results of this complex situation obviously include water pollution, due to inefficient planning, lack of financial resources, poor public awareness or simply neglect.

Already in pre-war times, Bosnia and Herzegovina was exposed to significant environmental pressure, given that it served as a supplier of raw materials and energy in former Yugoslavia. The heavy industry was in Yugoslav times mainly centred in the country and caused additional pollution particularly on the water. In addition, water resources in BiH are unequally distributed throughout the country, which generally necessitates the construction of relatively large and complex water management facilities. This is to enable rational use of water, protection from flooding, as well as protection of water quality and quantity.

Bosnia and Herzegovina's total hydropower potential is estimated at 6,100 MW, mostly located within the Drina, Neretva and Trebišnjica river basins. Less than 40 per cent of this potential is exploited. About 40 per cent of the country's energy production today comes from hydropower¹. Analyses show that increased use of hydropower would not only be justified from an economic point of view, but would also have positive environmental repercussions (lower emissions of greenhouse gases and fewer discharges of waste water) compared to increasing the use of thermal (coal) energy.

Legislative and Institutional Framework

The Constitution of Bosnia and Herzegovina places the competencies in water management at the level of the entities (the Federation of BiH and Republika Srpska). Entity ministries of agriculture, water management and forestry are responsible for water management within the entities. The reality on the ground also includes shared competencies with the cantons (in the Federation) opposite a centralized form of government (in Republika Srpska) which also gave way to uncoordinated and micro-level water management mechanisms. A small department for environment within the BiH Ministry of Foreign Trade and Economic Relations is

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¹ Source: UNECE Environmental Performance Report for Bosnia and Herzegovina (2004)

responsible for overall co-ordination of policy and serves as an interface for the country's international presence. Proposals in 2006 to establish a state level ministry responsible for environmental matters failed due to lack of political agreement among entity representatives. Clearly, this complex given the fact that river courses cross from one entity territory onto another, an Inter-entity Water Commission, established in 1998, was a natural response to dealing with cross-entity water management. A set of water laws adopted in both entities in 1998 and 2002/2003, which included overlapping competencies, were replaced with new laws in 2006². The new entity water laws include both water protection and water management segments, and are harmonized to the largest extent possible with the EU Water Framework Directive. However, as in the case of laws pertaining to other environmental media, these laws are not supplemented with the so-called implementing regulations, or by-laws which would provide the operational and technical guidelines necessary for their effective application and enforcement.

River Basin Management in BiH

As outlined above, a more significant attention to the environment was paid only in 1998, given that immediate focus centred on housing reconstruction and rehabilitation in the aftermath of the war. With the support of a number of international organizations, both entities were involved in a project of institutional strengthening of the water sector which encompasses institutional, legal, financial, human resource and water quality components. The underlying idea of the project is to separate the legal, permit issuing, management and administration functions from the business one. The project aims to achieve a transparent, legal and profitable water resource management, based on natural basin areas which cross inter-entity and international borders.

In addition to adoption of new water laws in both entities, accomplishments in the project also include the establishment of river basin management institutions, namely responsible for Sava river basin and Adriatic Sea basin (based in the Federation) and the RS Water Directorate. Bosnia and Herzegovina has already established water agencies for the river basin Bosna and the river basin Vrbas. The intention is to have water authorities for all river sub-basins, including Una-Sana, Drina, Trebišnjica, Neretva and Cetina.

Bosnia and Herzegovina has also ratified the Framework Agreement on the Sava River Basin, which it signed on 3 December 2002 along with Croatia, Serbia and Montenegro, and Slovenia. Bosnia and Herzegovina has also established bilateral co-operation on water with Croatia³.

Water-related Conflicts in BiH?

² Laws adopted in 2002, 2003 and 2006 were supported through targeted projects funded by the European Commission.

³ BiH is an observer only to important conventions like the Convention on the Protection and Use of Transboundary Watercourses and International Lakes and the Convention on Co-operation for the Protection and Sustainable Use of the Danube River. As it is not a Signatory to these treaties, Bosnia and Herzegovina cannot obtain financial and technical assistance to implement and monitor international procedures or standards. It is expected that BiH will soon become a Party to these conventions in the near future. Bosnia and Herzegovina became a Party to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention) by succession in 1998 and to its four protocols, but has not accepted the 1995 Amendments.

Seven river basins, natural lakes, significant artificial accumulations and ground water place Bosnia and Herzegovina on the list of European countries with significant water resource potential. In certain places, rivers and springs can be used without previous treatment. Not only that such areas constitute important natural reserves of drinking water, but the surrounding territory represents unique natural treasure. Environmental NGOs in Bosnia and Herzegovina have been particularly outspoken during the past two years with regard to government plans on construction of high dams in areas designated as nature parks (see map in the Appendix to this document). The NGOs strongly advocate for preservation of nature, in particular the natural heritage, as that will ensure long-term protection of drinkable water and pave the way for stronger tourism development in those areas, based on principles of sustainable development. The losses in that case would be irreversible and permanent, as water quality would in certain areas be downgraded to II and III category and require costly installations for treatment.

Arguments against the construction of additional small and high dams on BiH rivers also include deterioration of water quality and reduction in appeal of the future national park areas. NGOs also contest the new legislation on physical plans (mostly in the entity of the Federation of Bosnia and Herzegovina) which are linked with pre-war plans dating back to 1982, when the country was part of a larger federation and plans were made on the basis of different needs and resource requirements.

In September 2006, the FBiH government announced plans for construction of 7 high dams on rivers in that part of the country. Four of these are to be placed in an area reserved for future national park. The concession-related legislation in such cases provides room for ignorance of physical plans, designated park zones, value of such areas of even the interests of the population living in the area⁴. Environmental NGOs from BiH (gathered around *Ekomreža BiH – BiH Eco-network*) launched a campaign to increase public involvement in the development of a country-wide energy strategy, whose completion is expected in 2008. Until that strategy is developed, the NGOs will request suspension of all activities related to the construction of dams in the Federation BIH. Also, NGOs have urged potential investors to refrain from investing in such projects given the strong opposition of the local population living in affected areas, and which see more benefit in investment for construction of water-bottling factories and development of tourism in those areas.

Conclusion

It is clear that Bosnia and Herzegovina needs to define and put in place a country-wide water management strategy, in line with the specific circumstances in the country, with a view to protecting a rare natural resource in the wider region. Similarly, the drafting of the BiH energy strategy is under way and should be completed during 2008. Improving the current institutional and legislative set up, coupled with incorporation of contemporary global water management trends, will ensure management based on principles of sustainable development.

The country's path toward the membership in the European Union includes a number of important pre-requisites, among them a state law on environmental protection and establishment of a state environmental protection agencies. Current constitutional arrangements stand in the way of a more efficient planning or protection and management strategies, not only in the field of water management but environment in general. Overall, the future steps and long-term plans Bosnia and Herzegovina makes in this field will have to comply with EU directives and trends in water management.

⁴ Environmental NGOs collected 15,000 signatures opposing plans for construction of a dam on Neretva river.

APPENDIX: Map of Bosnia and Herzegovina Showing Dam Construction Plans

