

THE IMPACT OF EUROPEANIZATION ON THE NATURE PROTECTION SYSTEM OF BOSNIA AND HERZEGOVINA: EXAMPLE OF THE ESTABLISHMENT OF MULTI-LEVEL GOVERNANCE OF NATURA 2000 PROTECTED AREAS

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Abstract

The Europeanization of South Eastern Europe led to the pre-accession process of Bosnia and Herzegovina joining the European Union. Bosnia and Herzegovina entered the pre-accession process as part of the Stabilization and Association Process with the European Union, which lasted from 1999 to 2015. Then, in 2016, Bosnia and Herzegovina submitted an official bid for entry into the European Union. This paper examines the impact of Europeanization during this period on the nature protection system in the case of Bosnia and Herzegovina while establishing multi-level governance of Natura 2000 protected areas.

An analysis of the establishment of multi-level governance is performed as a case study in three cycles according to Archer's morphogenetic model. The case study is organized with the help of interviews and a desk analysis of the relevant documents. The first cycle explains Natura 2000 implementation projects in Bosnia and Herzegovina and its changing impacts on national legislation in the area of nature protection. The second cycle explains the role of the main actors in the establishment of multi-level governance of Natura 2000. The third cycle outlines the contributions to the establishment of multi-level governance of Natura 2000 in the nature protection system of Bosnia and Herzegovina and future challenges of the nature protection system of Bosnia and Herzegovina. The main conclusions emphasize the major changes due to the implementation of the European ecological network Natura 2000 into the national system of Bosnia and Herzegovina's nature protection, which led to the adoption of a coordination mechanism for governmental institutions, strengthening of non-governmental organizations and changing the relationships of governmental and non-governmental actors in the decision-making process within the national nature protection system.

Keywords: *Europeanization of South Eastern Europe, Bosnia and Herzegovina, pre-accession process, nature protection system, protected areas Natura 2000*

1. INTRODUCTION

The authors Šobot and Lukšič (2016, 2017) had similar research on the impact of Europeanization in former Yugoslavian countries (Slovenia and Croatia) and noted that there were common practices of non-compliance with international obligations and

emergent national legislation in the process of Europeanization. The main objective of the research represents a continuation of the study in the territory of Bosnia and Herzegovina, which determines the influence of Europeanization on the nature protection system while establishing multi-level governance of Natura 2000.¹

2. RESEARCH DESIGN AND ANALYTICAL FRAMEWORK

2.1. *Model of research*

The impact of Europeanization on the nature protection system of Bosnia and Herzegovina (BiH) is investigated as a comparative case study on the example of the establishment of multi-level governance system (MLG) of Natura 2000 (N2000) in order to determine the socio-political changes in BiH's nature protection system according to the applied methodology in the articles published by Šobot and Lukšič (2016, 2017). This methodology includes three cycles, namely: structural conditionality, social (and political) interaction, and structural reproduction (Figure 1). These cycles were investigated in the same way and through the same research questions² as in the previous research carried out by Šobot and Lukšič (2016, 2017). The basic difference is the period of Europeanization research. Europeanization in BiH is presented in the pre-accession period of the Stabilization and Association Process of BiH to the European Union (EU) from 1999 to 2015.³

2.2. *Data collection and analysis*

The data analysis of the results and the discussion is based on a desk study and qualitative research as carried out by Šobot and Lukšič (2016, 2017). The empirical research is based on 27 interviews.⁴ The interviews were taken in the official language of BiH. In addition, two interviews were taken in other languages.⁵ All the interviews were taken in

1 A literature review on the impact of Europeanization in the former Yugoslav countries can be found in the articles published by Šobot and Lukšič (2016, 2017).

2 The first research question is to determine the process of establishing MLG of N2000 in BiH that followed during the pre-accession process; The second research question is to determine the changes in the national legislation during the implementation of N2000 international agreements; The third research question is to determine the roles of the main actors in the process of establishing MLG of N2000; The fourth research question is to determine the contribution of the process of establishing MLG of N2000 in the nature protection system of BiH; The fifth research question is to identify future challenges for the nature protection system of BiH.

3 The Stabilization and Association Process of BiH to the EU is the pre-accession period to EU integration. After this period BiH submitted its formal application for EU membership (DEI, 2016).

4 The interviews were taken from participants on the entire territory of BiH (including two entities and one district), at all levels of the MLG of nature protection (local, national, supranational) and from the EU, governmental and non-governmental representatives. Also, the interviews were taken from all constituent peoples in BiH (3 ethnicities).

5 One interview was taken in the Slovenian language (international expert), and one in English (international expert).

the period from June 2015 to February 2016.⁶ The duration of the interview was from 45 minutes to 170 minutes.

Transcriptions of the interviews were performed in the same way as by Šobot and Lukšič (2016, 2017). The transcription of the interviews lasted from 200 to 800 minutes and about 450 pages of text were collected. Based on this, the network of responses or the matrix of responses of participants was divided into four groups, namely: representatives of governmental organizations⁷ (7 interviews), representatives of protected areas⁸ (5 interviews), representatives of experts⁹ (10 interviews) and representatives of non-governmental organizations¹⁰ (5 interviews) (Figure 2). In the same way as in the articles by Šobot and Lukšič (2016, 2017) the responses were coded according to the representatives of the groups and the order of the interviews.¹¹

The results and discussion¹² were conducted according to the research questions from the morphogenetic model with the position of the actors or legislation as in the research by Šobot and Lukšič (2016, 2017).

3. RESULTS AND DISCUSSION

3.1. Process of establishment of MLG of N2000

BiH has an area of 51 000 km² with about 3 500 000 inhabitants. BiH is a state consisting of two entities, the Republic of Srpska (ERS) and the Federation of BiH (EFBiH) (Article 1, The Constitution of BiH).^{13,14} In addition, the Brčko District (BD)

6 Preparation of the interviews and the interviews themselves were conducted in the same way as by Šobot and Lukšič (2016, 2017). Also, an interview guide was developed within the same project. The transcriptions of the interviews were performed in the same way.

7 Seven interviews were taken from governmental representatives who come from the competent state ministry for nature protection, the competent entity ministries for nature protection, the competent cantonal ministries for nature protection in BiH, Institute for the Protection of the Natural Heritage of the ERS, the competent authority for nature protection of the Brčko District.

8 Five interviews were taken from the representatives of three national parks in BiH, namely: Sutjeska, Kozara, and Una.

9 Ten interviews were taken from the representatives of the academic community of BiH including the University of Sarajevo, University of East Sarajevo, University of Bihać, University of Banja Luka, The Museum of BiH, The Museum of Republic of Srpska.

10 Five interviews were taken from the representatives of non-governmental organizations in the field of nature protection in the entire BiH territory, namely: NGO Center for Environment, NGO Center for Development and Support, NGO Our Birds, NGO Arbor Magna, and NGO Sustainable Development.

11 In this way, the representatives of governmental organizations received the code V and serial numbers from 1 to 7; representatives of protected areas were given the code P and numbers from 1 to 5; representatives of expert groups have the code E and numbers from 1 to 10; and representatives of non-governmental organizations have the code N and numbers from 1 to 5.

12 The results and discussion were conducted according to the statements of participants of MLG system and access to relevant reference books.

13 The entities have their constitutional, judicial and legislative power (Ministry of Foreign Affairs BiH, 2016; National Assembly of the RS, 2016a; Parliament of the F BiH, 2016).

was established in 1999 as a separate legal unit within the state.¹⁵ BiH is composed of three constituent peoples: Serbs, Muslims, and Croats. According to the legal part of the state, the Council of Ministers¹⁶ has a major role in the country and is made up of nine Ministers (Council of Ministers of BiH, 2016) and the president of the Council. The Council of Ministers proposes laws or international agreements to the Parliament for adoption and ratification. The role of the Parliament of BiH¹⁷ is to adopt or not proposed laws or international obligations. BiH has adopted numerous international obligations on its path towards the EU.

In 1999 BiH entered the pre-accession process as part of the Stabilization and Association Process to join the EU. This process lasted until 2015 and in 2016 BiH submitted its official candidacy to join the EU. During this period, BiH worked diligently on all necessary issues and processes that were obligatory to enter the EU, such as the process of implementation of N2000, i.e. the establishment of MLG of N2000. N2000 has not been formally adopted in BiH but an official proposal of N2000 areas has been made by the competent ministry for nature protection which should be adopted in the future. The beginning of establishing MLG of N2000 in BiH was set for 2003. In 2003¹⁸ BiH adopted new laws in the field of environmental protection. Also in this period, BiH adopted the *National Environmental Action Plan* document (Federal Ministry of Physical Planning and Environment and Ministry of Spatial Planning and Construction and Ecology of RS, 2003), which was the first national policy for environmental protection. This document emphasizes the necessity of joint actions for nature protection in accordance with international obligations¹⁹ as a condition for entry into the EU.

The first project aimed at fulfilling the international obligations in the field of nature protection was the *Emerald Network*²⁰ which lasted from 2004²¹ to 2006. This project was the first one to collect information for the establishment of N2000 in BiH. The aim of the project was to identify natural areas important for European wild birds. The initiators and participants of this project were representatives of the academic commu-

14 BiH also has an office of the High Representative of the UN (OHR, 2016).

15 The Brčko District was formed after the arbitration decision on Brčko in 1999 and on the decision of the High Representative in BiH. Previously, this area fell under the jurisdiction of the ERS. Today, the Brčko District is under the sovereignty of BiH, which is formally under the same governance of EFBiH and of ERS (Assembly of the BD, 2016a).

16 The Council of Ministers has the role of Government (Council of Ministers of BiH, 2016).

17 The Parliamentary Assembly has two chambers: the House of Peoples and the House of Representatives (Article 4, BiH Constitution).

18 Up to then, the laws had been based on inherited laws of former Yugoslavia. In 2003 entity laws on environmental protection were adopted, which partially implemented the principles of AC.

19 For example, research on natural habitats of European wild birds, according to the goals of the Berne Convention.

20 The Emerald Network was based on surveys of European wild bird species and their natural habitats according to the principles of the Berne Convention (Council of Europe, 2006).

21 In 2004 the EU Council adopted the first partnership with BiH (DEI, 2016).

nity in BiH (Faculty of Natural Sciences and Mathematics, University of Sarajevo) and it was funded by the EU.²²

Another important project for establishing MLG of N2000 was the *Living Heart of Europe*, which lasted from 2006²³ to 2011 and led by WWF MedPo²⁴. The duration of this project was the most important for all of the first great transformations within the country according to the process of BiH joining the EU and at the same time for the process of establishing MLG of N2000. This project was divided into several stages²⁵ with several goals: research of species and habitats important for the Birds Directive (BD) and Habitats Directive (HD) in BiH; implementation of the objectives of the BD and HD in the national legislation; strengthening of civil society in decision-making towards the objectives of the Aarhus Convention (AC); management of N2000 areas and conflict resolution in cases of common areas (such as water). After the project, several publications regarding the management of Natura 2000 areas and conflict management were published and the most important was *the first proposal of Natura 2000 in BiH from 2011*. The government of EFBiH adopted a decree for N2000 under this proposal.²⁶

During this period (from 2006 to 2011) ERS and EFBiH adopted strategies on nature protection.²⁷ These strategies became the basis of the Law on Nature Protection (LNP) at the entity level (National Assembly of the RS, 2014; Parliament of the FBiH, 2013; Assembly of the BD, 2016c). The objectives of the strategies aimed to fulfil the international obligations which were necessary for joining the EU. Great emphasis was given to the establishment of MLG of N2000 as a future basis for nature protection. In addition, BiH ratified the AC in 2008 (Aarhus centers BiH, 2016) and this had a lot of influence in changing the entity Laws on Environmental Protection²⁸ (LEP) as well as

22 The main financier of the project was the EU, through the Council of Europe which signed a contract for implementation of this project (Council of Europe, 2006).

23 The EU Council adopted the second partnership with BiH (DEI, 2016).

24 WWF MedPo represents one Mediterranean programme within the organization World Wide Fund for Nature.

25 According to WWF the Living Heart of Europe project began in 2006. However, in a technical progress report for the Living Heart of Europe of 2008 (WWF, 2016a) which can also be found on the website of WWF, it states that this project began in 2008. In addition, according to the Technical final report for the Living Neretva project from 2008 (WWF, 2008b), it indicates that the project actually started in late 2006 and lasted for 15 months until 2008. The Living Heart of Europe project represents a continuation of the Living Neretva project, however, it is not entirely clear whether the two projects formally merged.

26 The regulation for Natura in FBiH was adopted on 29 June 2011 (Government of the FBiH, 2011).

27 In December 2007 ERS adopted the Nature Protection Strategy of the Republic of Srpska, which was proclaimed in January 2008. In 2008 FBiH announced a strategy on environmental protection which contained a strategy on nature protection (Federal Ministry of Environment and Tourism BiH, 2008; Ministry of Spatial Planning, Construction and Ecology of RS, 2008).

28 ERS adopted a new law on environmental protection in 2008 and EFBiH made amendments to the law of 2009 (Ministry of Spatial Planning, Construction and Ecology of RS, 2016; Federal Ministry of Environment and Tourism BiH, 2016; Assembly of the BD, 2016b).

the legislation on nature protection.²⁹ However, the conditions for full implementation of the N2000 objectives were not made³⁰ because there was no full implementation of international obligations on which the MLG of N2000 is based.

Also, during this period a significant project organized and funded by the EU was *Protection of Biodiversity of the Sava River Basin Floodplains*.³¹ This project had the goal to support the implementation of the BD and HD with the involvement of the public in the management of river flows. Participants of the project were mainly research institutions and experts from BiH and the project lasted from 2007 to 2009.

Moreover, since 2007 the EU through the Instrument for Pre-Accession Assistance (IPA) began funding cross-border cooperation^{32,33} in BiH. A significant project for N2000 funded through IPA funds was *Wise use of common natural resources*. This project began in 2012 and referred to the cross-border river Drina. The main activities of the project were to strengthen the role of the public in decision-making over the management of river areas (that were proposed N2000 areas) and the main contractors of the project were expert NGOs. The project completion was set for 2015.

After launching this project in 2012, in 2013 the EU, with the help of Swedish International Development Agency, funded the last significant project for the establishment of MLG of N2000 entitled *Cooperation for Natura 2000*, which lasted until 2015³⁴ and which was coordinated by the state government ministry responsible for nature protection issues (Ministry of Foreign Trade and Economic Relations) with the participation of representatives from all levels of government. This project had as its goal to screen all previous projects of establishing N2000 and continuation of work on the establishment of N2000; to determine the completeness of the implementation of the objectives of the BD, HD and the directives of the AC into national legislation and their amendments,³⁵ the final establishment of MLG of N2000, a unique proposal of N2000 areas on the state level. During the project, a lot of the experiences of Croatia and Slovenia were used. The project largely influenced the changing of legislation of nature protection³⁶ at the

29 Entity laws had already implemented these objectives but not at the same level as after the ratification.

30 The legislation has still not fully implemented the objectives of the directives of the AC, as well as the BD and HD.

31 This project was funded through the EU LIFE funding mechanisms (Centre for Ecology and Natural Resources, 2016).

32 In 2006 the Council of Ministers in BiH prepared the Strategy of BiH integration in the EU in which it was stated that the next IPA projects should contribute to the harmonization with the *acquis communautaire* of BiH for environmental issues.

33 IPA funds are an instrument of EU assistance to countries seeking to become candidates. These funds should ensure convergence of countries interested in joining the EU according to EU standards.

34 The completion of the project was scheduled for 2015 but the final conference was held at the beginning of 2016.

35 In all projects the objectives have not been fully met so far.

36 In 2014 RS adopted a new law on nature protection. In 2013 EFBiH adopted a new law on nature protection. Source: Ministry of Spatial Planning, Construction and Ecology of RS, 2016; Parliament of the FBiH, 2013; Assembly of the BD, 2016c.

entity level. In the legislation the objectives of the BD, HD and the directives of the AC were fully implemented, i.e. legislative MLG of N2000³⁷ was established. In addition, the final proposal of N2000 areas was made within the competent ministry for nature protection, which was further submitted to the competent authorities for approval. The establishment of MLG of N2000 requires inter-sectoral cooperation which, in BiH, also includes mutual cooperation between entities that also underwent legal changes in the direction of international obligations in nature protection during the last project. The competent entity ministries are required to establish mutual cooperation³⁸ between entities (Article 3, BiH Constitution; Article 40, LEPEFBiH; Article 11, LEPERS; Article 78, LEPERS, Article 79, LEPERS) and the coordination mechanism³⁹ (Article 112, LEPEFBiH; Article 114, LEPEFBiH; Article 115, LEPEFBiH; Article 127, LEPERS) to all important issues for the EU.

3.2. The main actors in the new system of nature protection in Bosnia and Herzegovina and their new roles

The Aarhus Convention is the basis of nature protection in BiH⁴⁰. The role of the EU is to finance all the changes on the way to EU integration (Article 61, LNPEFBiH). In addition, under Article 88 (LEPEFBiH) EU is a consultant of BiH for all major projects that are necessary to meet the requirements when joining the EU (such as N2000). Because of the great division in BiH, and due to the large number of authorities (ministries⁴¹), BiH established the Directorate for European Integration (DEI) which is the professional organization of the Council of Ministers of BiH. The role of the DEI is a vertical and horizontal coordination of governmental institutions in order to create a unique attitude toward the international obligations and necessary processes, such as the process of establishing MLG of N2000 (DEI, 2016).

37 Environmental impact assessment and strategic environmental assessment are necessary to be included in all processes of nature protection.

38 Including the Brčko District.

39 The coordination mechanism was formally adopted at the state level in 2016 while the partial implementation of its objectives took part some time earlier (DEI, 2016).

40 Access to information is implemented in the following: Article 4, LNPEFBiH; Article 198, LNPEFBiH; Article 13, LNPEERS; Article 16, LNPEERS; Article 92, LNPEERS; Article 14, LNP BD; Article 10, LEPEFBiH; Article 29, LNPEFBiH; Article 31, LEPEFBiH; Article 33, LEPEFBiH; Article 37, LEPEFBiH; Article 12, LEPERS; Article 25, LEPERS; Article 33, LEPERS; Article 35, LEPERS; Article 36, LEPERS; Article 40, LEPERS; Article 22, LEP BD; Article 23, LEP BD; Article 30, LEP BD; Article 32, LEP BD; Opportunity to participate in decision-making is implemented in Article 4, LEPEFBiH; Article 200, LNPEFBiH; Article 16, LNPEERS; Article 10, LEPEFBiH; Article 30, LEPEFBiH; Article 31, LEPEFBiH; Article 36, LEPEFBiH; Article 61, LEPEFBiH; Article 12, LEPERS; Article 35, LEPERS; Article 39, LEPERS; Article 30, LEP BD; Access to justice is implemented in Article 201, LNPEFBiH; Article 10, LEPEFBiH; Article 31, LEPEFBiH; Article 38, LEPEFBiH; Article 12, LEPERS; Article 35, LEPERS; Article 10, LEP BD; and Article 30, LEP BD.

41 BiH has 201 ministries on the territory of the entire country.

In addition, the competent ministries responsible for nature protection have the role of engaging public participation in decision-making (such as impact studies on nature) (Article 27, LEPEFBiH; Article 36, LEPEFBiH; Article 55, LEPEFBiH; Article 61, LEPEFBiH; Article 39, LEPERS; Article 16, LNPERs) or strengthening the NGO sector for participation in decision-making (Article 32, LEPEFBiH; Article 28, LEPERS; Article 31, LEPERS). Also, the competent ministries play a role in strengthening society for access to justice (Article 26, LEPEFBiH; Article 32, LEPEFBiH; Article 12, LEPERS; Article 28, LEPERS). The competent ministries for nature protection are responsible for organizing impact studies on protected areas⁴² and have the role of implementing the pillars of the AC.⁴³ Article 22 (LEPEFBiH), Article 29 (LEPEFBiH), Article 32 (LEPEFBiH), Article 37 (LEPEFBiH), Article 40 (LEPEFBiH), Article 42 (LEPEFBiH), Article 198 (LNPEFBiH) all state that the competent ministry provides information on nature protection.

The Ministry of Foreign Trade and Economic Relations in BiH is responsible for nature protection at the state level. This ministry is in charge of coordinating international obligations towards the entity ministries which are required to meet international obligations. The competent ministry for nature protection in EFBiH (Ministry of Environment and Tourism EFBiH) is responsible for the coordination of international obligations to the competent cantonal ministries.⁴⁴ The competent cantonal ministries are responsible for fulfilment of the obligations prescribed by international obligations. The competent cantonal ministries have an administrative-legal role (Article 43, LEPEFBiH) while the CINP⁴⁵ has a professional role. The competent ministry in the ERS (Ministry of Physical Planning, Construction and Environment ERS) is responsible for fulfilment of international obligations in the field of nature protection in its territory signed by the state. It has an administrative-legal role while the Republic Institute for Nature Protection (RINP)⁴⁶ has a professional role (Article 14, LNPERs). The competent ministry has the role of inter-sectoral cooperation (Article 30, LNPERs) during the organization of international obligations.

In addition, according to the biodiversity strategy of BiH, an important role for the fulfilment of international obligations have public institutions dealing with nature protection. National Parks (NP) gain the role of managers of eco-network (Article 27, LNPERs).⁴⁷ The roles of NPs are educational and scientific (Article 49, LNPERs). They are required to provide assistance in gathering information from their territory (Article

42 Before N2000 was adopted, the competent ministries were responsible for the same studies on the national eco-network.

43 Ministries have administrative-legal and professional roles.

44 EFBiH has 10 Cantons and 10 Cantonal competent ministries.

45 The latest law on nature protection in EFBiH, which was created during the last project, proposes the establishment of the Cantonal Institute for Nature Protection (CINP).

46 In ERS, RINP is a public institution which is under the Ministry of Education and Culture ERS.

47 They are also responsible for the management of protected areas according to the national eco-network.

31, LNPERs) in the process of establishing N2000. They represent an institution of public interest (Article 75, LNPERs) and as such they are required to ensure the public participation in decision-making (Article 15, LNPERs; Article 25, LEPERS).

The representatives of the Non-governmental Organization (NGO) sector participate in an advisory council within the competent ministry for nature protection. The Advisory Council has an advisory role in improving inter-sectoral cooperation (Article 32, LEPERS; Article 11, LEPEFBiH). Additionally, the Advisory Council has an advisory role in the strategic assessment of environmental impact (Article 42, LEPEFBiH), i.e. of nature protection. The NGO sector has a role in engaging public participation in decision-making in nature protection (Article 27, LEPEFBiH) during the assessment of the impact on environmental and nature protection. They are responsible for access to information for the public (Article 12, LEPERS).

3.3. The roles of the main actors in the establishment of MLG of N2000 in BiH

3.3.1. The role and contribution of International / EU in the process of establishing MLG of N2000

The role of the EU in BiH was mostly in financing and coordinating the process towards meeting EU standards⁴⁸ (V1, V2, P1, N4, E10). The first role in establishing MLG of N2000 was financing projects in the implementation of international obligations that underpin N2000 (V3, E2, P3, E9). Such agreements led to altering the national legislation according to the needs and standards of the EU. During these processes, there were changes to the laws on environmental and nature protection on the entity level coordinated by the DEI with the advisory assistance of the European Commission in BiH (V5, V6, P5, N4, E8).

The new legislation implemented the objectives of the BD, HD and the directives of the AC which led to the establishment of a legislative framework of MLG of N2000 in which the participation of all relevant governmental and non-governmental actors was mandatory. The DEI also worked a great deal on the coordination of the competent ministries in these changes through cross-sectoral cooperation (V1, V2, V3, V4, V5, E5, E6). The increased cooperation led to an increased flow of information necessary for the establishment of MLG of N2000. With the last project *Cooperation for Natura 2000* funded by the EU, there was a system of data collection according to the BD and HD at the level of the entire country. This significantly contributed to the increase of protected areas in BiH.⁴⁹

48 A literature review on the EU role in the implementation of international obligations at the national level can be found in the articles by Šobot and Lukšič (2016, 2017).

49 BiH previously had about 3-4% of protected areas, however, with the most recent proposal of Natura 2000 the number of protected areas is about 18-19% of the total territory.

The EU funded and coordinated the first nature protection policy at the national level of BiH through the document *Strategy and action plan for the protection of biodiversity of BiH in the period from 2015 to 2020* which included governmental and non-governmental actors from all levels of government – both entities and the district (Ministry of Foreign Trade and Economic Relations of BiH, 2015). The strategy and action plan were based on the realization of the principles of the AC according to the objectives of the BD and HD.

Also, the EU role ensures equality of governmental and non-governmental actors in the BiH nature protection system and a greater respect of legislation.

3.3.2. *The role and contribution of governmental actors / competent ministry for nature protection in the process of establishing MLG of N2000*

At the beginning of the process, the establishment of MLG of N2000 was not done systematically at the national level with the participation of all governmental and non-governmental actors for nature protection. In this way, the representatives of the competent ministries were not involved in all projects to establish MLG of N2000. In the process of establishing MLG of N2000, there were several significant projects that were coordinated by researchers, national and international NGOs. Data from these projects later served for the first project at the national level entitled *Cooperation for Natura 2000* coordinated by the competent ministry for nature protection and which was attended by all governmental representatives from all levels of MLG of nature protection.

The role of the competent ministry for nature protection in BiH in the last project of establishing N2000 was communication with the representatives of the European Commission in BiH and coordination of all obligations in the development of the N2000 proposal at the state level (V4, V5, P1, N3, E8).⁵⁰ The competent state ministry organized the Management Board (in line with the experience of the Republic of Slovenia), which consisted of representatives from all levels of government to protect nature in BiH (V1, V2, V3, V4, P1, P2, E1). The coordinator of the board was a representative of the competent state ministry (V1, V2, V3, P1, P2, E1). In addition to the Management Board, the project had three more working groups: a research group for exploring areas of biodiversity and of proposals; a group for creating a GIS applications for a database of protected areas; and a group for harmonization of national legislation with EU legislation according to the needs of the work on establishing MLG of N2000 (V1, V2, V3, V4, V5, V6, P1, N1, E1, E2, E3). The groups were in constant communication and regular meetings were held every three months (V5, V6, P1, N1). The representatives of the research group, in addition to governmental representatives, included non-governmental representatives as well (E1, E2, E3, E4).

⁵⁰ A literature review on the roles of the ministry on implementation of international obligations can be found in published articles by Šobot and Lukšič (2016, 2017).

Within this project, the competent entity federal ministry had the role of communicating with the competent state ministry and transferring of information, i.e. vertical coordination of the competent cantonal ministries (V6, V7). Also, this ministry was in charge of inter-entity communication, i.e. horizontal coordination of alignment of the process of establishing MLG of N2000 on their territory (V3, V4, P4, N4, E6). The competent cantonal ministries had the role of organizing the process of N2000 on their territory (V4, V5). This included inter-sectoral cooperation (V6). The research processes were organized with non-governmental actors because during that period cantonal ministries did not have an institute for nature protection, which would be in charge of professional work on N2000 (V4). This caused many problems in misunderstanding of the research needs by the representatives of the ministries (N4). Ministries questioned the work of the non-governmental sector with an attempt to obtain a proposal of protected areas as early as possible and in small number (N3).

The competent entity ministry in the Republic of Srpska had the role of communicating with the competent state ministry and coordination of work in the territory of the Republic of Srpska (V1, V2). This work included administrative-legal issues, i.e. harmonization of legislation, creating the first database for N2000 areas and professional activities of the fieldwork which was done by RINP with the help of researchers and non-governmental sector (V7, N5, E1). The ministry also had the role of ensuring inter-sectoral cooperation with other ministries (V1).

The cross-sectoral cooperation in both entities was mostly held with the Ministry of Agriculture, Water and Forestry because a large part of the proposed N2000 areas is covered by forests, agriculture or water (V2). Their role was to implement N2000 objectives through harmonized legal framework which is based on EU standards (V3). N2000 applies to all sectors and cooperation is necessary to achieve the objectives of sustainable development (Kay, 2014). However, the cross-sectoral cooperation was characterized as very weak mainly due to a low level of awareness of the need for cooperation, a poor organization of the process, small capacities of all ministries to carry out such work and the lack of practice of inter-sectoral cooperation (V1, V7, P1, P2, P3, P4, P5, N1, N2, N5, E4, E5). It was recognized and defined in the strategy and action plan of biodiversity of BiH in which the following activities were proposed: raising awareness of the need for mutual cooperation, strengthening structural capacity in the field of nature protection⁵¹ and improvement of cross-sectoral cooperation.

3.3.3. The role and contribution of the Sutjeska National Park in the process of establishing MLG of N2000

The Sutjeska National Park (SNP) is the oldest and largest national park in BiH. The SNP was established in 1962⁵² on the territory of three municipalities – Kalinovik,

51 The establishment of the Federal and Cantonal Institute for Nature Protection.

52 The first protection of this area was in 1954.

Foča, Gacko, with an area 16,052 ha. The SNP adopts a 10-year management plan according to the needs of the local population, national interests and international obligations (Article 76, LNPERS; Article 77, LNPERS). The management board and the director manage the public institution of the NP. The SNP's management board and its director are proposed by the competent minister (National Assembly of the RS, 2016b). The management board has no representatives of the land owners on the territory of the park, nor representatives of the NGO sector (a similar situation is in the Plitvice National Park in Croatia: see Šobot and Lukšič, 2016).

The SNP did not have a defined role in establishing MLG of N2000 by the competent ministry.⁵³ According to the national legislation and the concept of sustainable development (from the 1987 Brundtland Report), NPs should work on collecting information and involving local people in decision-making (Šobot and Lukšič 2016, 2017). Public involvement in the work of the SNP while establishing MLG of N2000 did not exist, although there was a certain increase in their participation at the national level. Their association with the local population is quite minor and almost insignificant (P3). The SNP has the indisputable role of space usage and benefits regardless of the local population in the park (E5). It has an old model of managing without public involvement (N3, N4). In this way, many of the decisions which were made without the local population became controversial at a later period (such as mini-hydroelectric power plants on the Sutjeska River). In the future, it is necessary to establish a new management of the SNP which would lead to greater involvement of the local population and NGOs in the decision-making, such as co-management (Carlsson and Berkes, 2005; Ferranti et al., 2010; Beunen and de Vries, 2011), ecosystem management (Niedziałkowski et al., 2012; Gruby and Basurto, 2013; Blenckner et al., 2015), ecosystem based management (Slocombe, 1998; Imperial, 1999; Borgström et al., 2015; Nilsson and Bohman, 2015) and community based management (IUCN, 1980; Armitage, 2005; Booth and Halseth, 2011; Bennett, 2016).

The opinions of the local population were not taken into consideration during the implementation of N2000 from the territory of the SNP.⁵⁴ Also, the SNP did not work on raising public awareness of the importance of N2000 as prescribed by law and what Ferranti et al. (2010), Rosa and Da Silva (2005), Jones et al. (2012) considered very important. Their relationship with the media is based on a lot of conflicts with local communities (such as the mini-hydroelectric power plants). This is why most media space was occupied by such information, while systematic working on raising public awareness of N2000 at the national level did not happen.⁵⁵

⁵³ A literature review on the roles of national parks in an implementation of international obligations can be found in the articles by Šobot and Lukšič (2016, 2017).

⁵⁴ A literature review on the opinions of people from protected areas can be found in the articles by Šobot and Lukšič (2016, 2017).

⁵⁵ It is essential that in the future the SNP should work on raising awareness of the local population about the importance of N2000 areas (Šobot and Lukšič 2016, 2017).

At the national level, the SNP in the course of establishing MLG of N2000 had regular communication with the competent entity ministry for nature protection and with RINP (V1, V2). Such communication was rather based on a legal basis, where, apart from those sectors, the SNP had regular communication with the forestry sector, the hunting sector and the water management sector in whose management plans from their territory they are involved.⁵⁶

The SNP has a legal-based problem as the Act on the SNP has no visible objectives of implementing the BD, HD and AC directives.⁵⁷ Therefore it is necessary to change this legislation in the future for implementation of the objectives and principles of N2000. At the supranational level, the SNP is a member of the Association of Dinaric Parks (WWF, 2016b) aiming to transfer experiences (Šobot and Lukšić, 2016, 2017). The representatives of the SNP in the course of establishing N2000 had study trips to Croatian and Slovenian national parks to see and transfer practices of managing N2000 areas. However, even despite that the NP implemented nothing in terms of N2000 in its management plan.

The role and contribution of non-governmental actors / NGOs in the process of establishing MLG of N2000

The international NGO World Wildlife Fund (WWF) first started intensive research on the territory of BiH with the aim of establishing MLG of N2000 (V2, N1, N3, E2, E4, E9). In its work WWF involved all NGOs interested in nature protection of BiH (N1, N2). During this period NGOs were founded at the national level and this led to the development of existing NGOs in the field of nature protection.⁵⁸ In 2011 WWF prepared the first draft of N2000 for BiH which was not much different from the final proposal of the competent ministry for nature protection.

On the other side, NGOs in BiH began to monitor the implementation of N2000 objectives and principles into the national legislation. E2 stated ... *The problem in BiH is that it is quite easy to put something on paper and publish it in the official gazette and that's the biggest difference between BiH and its surroundings...* NGOs first started to react to such legislative omissions. Such role of NGOs caused greater public involvement in nature protection as there was the realization that it could influence decision-making through NGOs (N3, N4). One such example was in the SNP where the NGO Center for Environment launched a campaign and legal proceedings against the competent ministry for nature protection in which the public became massively involved. NGOs have different tactics to achieve their objectives (Brulle, 2010). This resulted in a court case being initiated for a potential N2000 area. This was the first campaign in the nature

⁵⁶ The SNP had no significant role in the policy of establishing MLG system of N2000 although Arnberger (2012) cited it as their main role.

⁵⁷ The Act on Nature Protection recognizes national parks as managers of the ecological network according to the principles of the Aarhus Convention.

⁵⁸ A literature review on the roles of NGOs in the implementation and execution of international objectives at the national level can be found in the articles by Šobot and Lukšić (2016, 2017).

protection system of BiH after the breakup of former Yugoslavia. The campaign received widespread media attention and it included several international NGOs. National NGOs started to receive more information regarding N2000 from other countries and began to educate the public about the importance of nature protection and of N2000 areas.

However, the NGO sector in nature protection of BiH has not undergone a complete evolution (as was the case in Croatia after organizing the “Right to the City” campaign). The problems are most common in low public awareness to the objectives and principles of nature protection. The EU has recognized this and funded the establishment of three Aarhus centers in BiH⁵⁹ (Sarajevo, Tuzla, Banja Luka), which should contribute to greater applicability of the principles of the AC in achieving the objectives of environmental protection and sustainable development.⁶⁰

As in Croatia and Slovenia (Šobot and Lukšič, 2016, 2017), the major problems are financial shortages or uneven funding of the NGO sector on the entire territory of BiH. Such financing created several large and professionalized NGOs that are mainly located in large centers while small areas (such as the area of the SNP) do not have a single NGO developed.

3.4. Contribution of Europeanization to the nature protection system of BiH in the case of establishing MLG of N2000

Šobot and Lukšič (2016, 2017) have described the contributions of Europeanization in Slovenia and Croatia, where they pointed out an improvement of the environmental law. Also, in BiH the environmental law has been largely improved with the implementation of international objectives and principles of nature protection into national legislation. The AC has become a very significant means in the process of nature protection, primarily through gathering of information, including all interested parties in decision-making and legislation access possibilities.

The gathering of information has led to an increased knowledge of the species and habitats at the state level according to the BD and HD. As a result, new protected areas in BiH (such as the Una National Park, which represents a potential N2000 area) were established.⁶¹ Also, gathering information about the N2000 habitats and species in BiH has led to increased cooperation and communication between entities and sectors in nature protection. Cooperation and work on establishing N2000 in BiH have contributed to a greater amount of information that is publicly available.

⁵⁹ Mason (2010) states that the OSCE (Organization for Security and Co-operation in Europe) SEE established institutions that support the implementation and development of EU legislation such as the AC. In this way the OSCE in BiH has 3 Aarhus centers, which should support the development of the AC principles in practice.

⁶⁰ Education on nature protection is the basis of sustainable development (Gifford and Nilsson, 2014; Torkar, 2014).

⁶¹ Romano and Zullo (2015) have cited similar examples.

The entire process of establishing MLG of N2000 in BiH for the first time includes governmental and non-governmental actors coming together, through the creation of the biodiversity strategy from 2015 to 2020, on the territory of the entire country, which led to the development of participation in the nature protection policy of BiH. In BiH the most deserving for the increase of participation are the NGOs in the field of nature protection. The NGOs included all the public interested in decision-making when establishing the biodiversity strategy in the process of establishing N2000.⁶²

In BiH access to justice was used for the first time in the case of the construction of mini-hydroelectric power plants (MHPP) in the SNP (during the time of N2000 establishment). There was litigation between governmental and non-governmental actors and this caused raising public awareness and acquiring first national experience in approaching legislation within the nature protection system.

3.5. Future challenges of the nature protection system

N2000 has not yet been adopted at the national level in BiH and it is a major challenge in the future. Besides, the environmental law has not yet acquired considerable weight in practice, particularly in obeying the AC principles while executing BD and HD objectives at a local level.

Šobot and Lukšič (2016, 2017) have stated for Slovenia and Croatia that at the local level it is necessary to work more on collecting the opinions of the population on nature protection and of N2000 in protected areas. Also, it is necessary to do that in BiH. At the national level, there is no unified access to information⁶³ for N2000 in BiH. BiH has made some steps in this direction,⁶⁴ however, in the future it should work more to establish a unified database of nature protection. It is essential to link local, national and regional data and this requires institutional transformation that would include the public in gathering information.⁶⁵

As with Slovenia and Croatia (Šobot and Lukšič, 2016, 2017), in BiH it has also been proposed to develop the NGO sector (in the field of nature protection) on the entire territory in order to enable greater public involvement. Also, as in Croatia, respect for the law on the entire territory of BiH is something that should be accepted as a need and challenge in the future. Besides, the problem in BiH is the inconsistency of both entities and their sectors in the implementation of the objectives and principles of nature protection. It is necessary to harmonize more different entity sectors through discussions of experts. Šobot and Lukšič (2016, 2017) propose preparation of a communication strategy primarily for protected areas (potential N2000 areas) in the countries of former Yugoslavia, which is necessary to do in BiH.

62 A literature review on participation in the protected areas can be found in the articles by Šobot and Lukšič (2016, 2017).

63 Access to information is still at the entity level.

64 A coordination mechanism at the state level was adopted.

65 A literature review on institutional transformation can be found in the articles by Šobot and Lukšič (2016, 2017).

Access to justice in the nature protection of BiH is still underdeveloped, and through the process of Europeanization, the relevant ministry was given the role of strengthening civil society and accessing the judiciary. Moreover, in BiH, the access to justice in the case of the construction of MHPP in the SNP was used for the first time. However, this case has demonstrated many problems in access to justice, mainly because of a lack of information and lack of financial resources (for the NGO sector). At this point, only financially powerful organizations which have a large number of activists through which they can obtain plenty of information, may decide on litigation (such as “Green Action” from Croatia or “DOPPS” from Slovenia, that also have an international exchange of experiences). In the future it is necessary to improve the mechanism of access to justice (through faster access of information and financial relief at a national level).

4. CONCLUSION

N2000 in BiH has not yet been adopted, even though much has been done in this process during the period of Europeanization. The number of protected areas has increased from 3% to 18%; national legislation has improved considerably with the implementation of international objectives (BD and HD) and the principles of nature protection (AC), i.e. adoption of a unique strategy of nature protection at the national level (up to now these strategies referred to entity levels); a coordination mechanism has been adopted and the European Integration Direction was founded in order to take a managerial role over this mechanism; the NGO sector was partly developed and there was public participation in the nature protection system.

However, the main problem is disobedience of ecological law in practice. It is obeyed only formally, while real implementation of international legislation at the local level fails to be performed. Again, disobedience of legislation, in particular of the AC principles, is largely caused by inadequate transparency of information, i.e. there is no unique information system for proposed N2000 areas. In addition, public awareness on the possibility of involvement, and the process of involvement itself in nature protection is underdeveloped. As such, there are no developed steps on how to develop access to justice in nature protection at the national level.

In the future one must make great strides to develop a nature protection strategy at the BiH level, which would be based on the AC principle development, i.e. collection of information into a unique database, cooperation of both entities and all relevant sectors in the process of nature protection, as well as of both governmental and non-governmental actors, improvement of access to justice and the system of nature protection, primarily through financial relief. All this will lead to an alteration of the practice in realizing the international objectives of the BD and the HD at the local level.

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Appendix

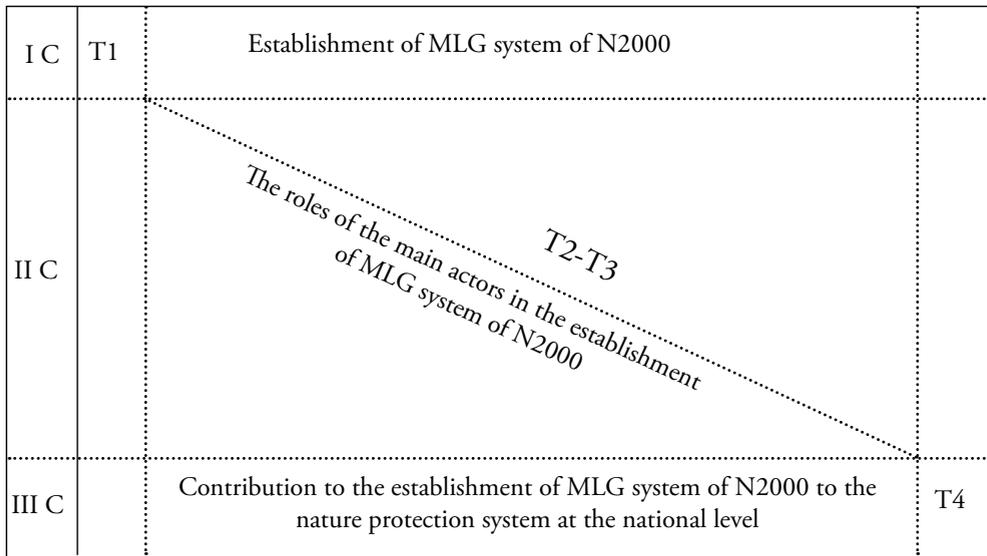


Figure 1. Margaret Archer's morphogenetic model (Šobot and Lukšić, 2016, 2017)

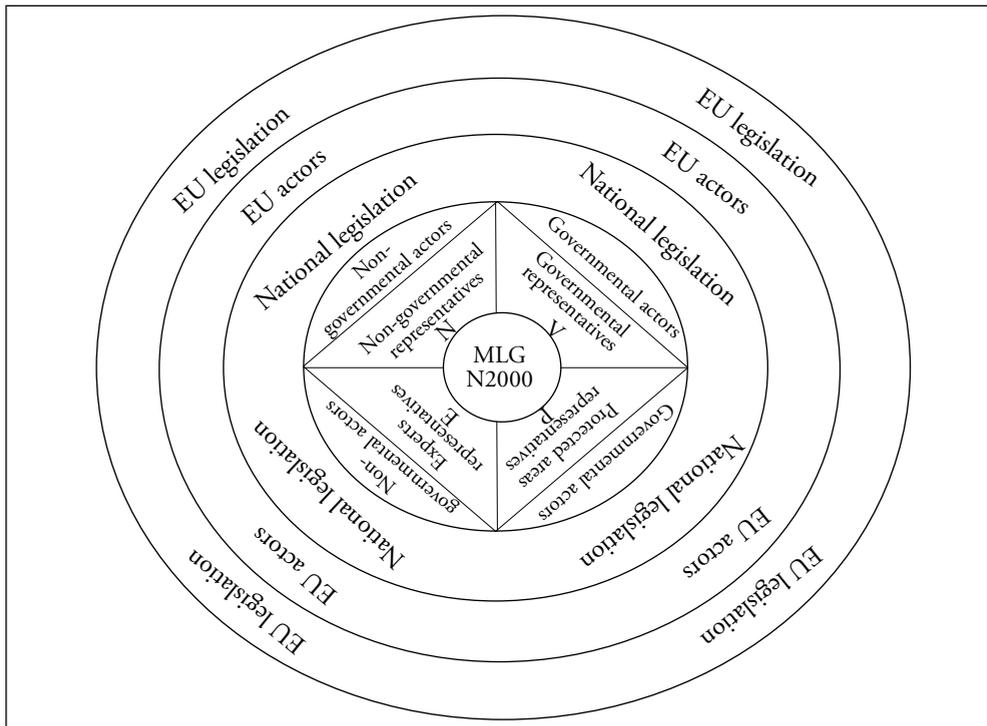


Figure 2. Matrix of research (Šobot and Lukšić, 2016, 2017)

UČINCI EUROPEIZACIJE SUSTAVA ZAŠTITE PRIRODE U BOSNI I HERCEGOVINI: PRIMJER „NATURA 2000”

Aleksandar Šobot i Andrej Lukšić

Sažetak

Proces europeizacije južne Europe rezultirao je pregovorima o pristupanju Bosne i Hercegovine Europskoj uniji. Pregovori su započeli Sporazumom o stabilizaciji i pridruživanju između 1999. i 2015. godine. Nakon toga, Bosna i Hercegovina je 2016. godine predala službeni zahtjev za pristup Europskoj uniji. U ovom radu analiziramo učinke europeizacije na sustav zaštite prirode u Bosni i Hercegovini tijekom tog razdoblja kroz uspostavu višestupanjskog sustava za upravljanje zaštićenim područjima „Natura 2000“. Predstavljamo studiju slučaja kojom analiziramo morfogenezu uspostave višestupanjskog sustava upravljanja u tri dijela. Za studiju slučaja korištena je analiza relevantnih dokumenata te su provedeni intervjui s relevantnim akterima. U prvom dijelu objašnjava se projekt „Natura 2000“ u kontekstu Bosne i Hercegovine te njegovi potencijalni učinci na državne zakone u području zaštite prirode. U drugom dijelu objašnjava se uloga glavnih aktera u uspostavi višestupanjskog sustava upravljanja „Natura 2000“. U trećem dijelu ukazuje se na doprinos ali i izazove „Natura 2000“ za sustav zaštite prirode u Bosni i Hercegovini. Glavni su zaključci da je implementacija Europske ekološke mreže „Natura 2000“ u nacionalni sustav zaštite prirode u Bosni i Hercegovini rezultirao usvajanjem mehanizama bolje koordinacije između vladinih institucija, osnaživanjem nevladinih organizacija i promjenom odnosa između vladinih i nevladinih aktera u procesu donošenja odluka vezanih za nacionalni sustav zaštite prirode.

Ključne riječi: europeizacija, Jugoistočna Europa, Bosna i Hercegovina, pristupni pregovori, sustav zaštite prirode, Natura 2000

AUSWIRKUNGEN DER EUROPÄISIERUNG DES NATURSCHUTZSYSTEMS IN BOSNIEN UND HERZEGOWINA: BEISPIEL „NATURA 2000”

Aleksandar Šobot und Andrej Lukšić

Zusammenfassung

Der Europäisierungsprozess Südeuropas führte zu Verhandlungsgesprächen über den EU-Beitritt von Bosnien und Herzegowina. Die Verhandlungsgespräche fingen mit dem Stabilisierungs- und Assoziierungsabkommen zwischen 1999 und 2015 an. Danach stellte Bosnien und Herzegowina 2016 seinen Antrag auf Beitritt zur EU. Im vorliegenden Artikel analysieren wir die Auswirkungen der Europäisierung auf das Naturschutzsystem in Bosnien und Herzegowina während dieser Periode durch die Erstellung eines mehrstufigen Systems der Verwaltung von Schutzgebieten „Natura 2000“. Wir stellen die Fallstudie vor, in der wir die Morphogenese der Erstellung eines mehrstufigen dreiteiligen Verwaltungssystems analysieren. Für die Fallstudie wurde die Analyse der relevanten Dokumenten genutzt und es wurden Interviews mit relevanten Akteuren geführt. Im ersten Teil wird das Projekt „Natura 2000“ im Kontext Bosnien und Herzegowina erklärt, sowie dessen mögliche Auswirkungen auf die staatlichen Gesetze im Bereich des Naturschutzes. Im zweiten Teil wird die Rolle der Hauptakteure bei der Erstellung des mehrstufigen Verwaltungssystems „Natura 2000“ erklärt. Im dritten Teil wird auf den Beitrag sowie auf die Herausforderungen von „Natura 2000“ auf das Naturschutzsystem in Bosnien und Herzegowina hingewiesen. Die wichtigsten Schlüsse sind, dass die Implementierung des Europäischen ökologischen Netzes „Natura 2000“ ins nationale Naturschutzsystem in Bosnien und Herzegowina die Einführung von Mechanismen einer besseren Koordinierung zwischen Behörden, eine Stärkung von Nichtregierungsorganisationen sowie eine Änderung des Verhältnisses zwischen Regierungs- und Nichtregierungsorganisationen im Prozess der für das nationale Naturschutzsystem wichtigen Entscheidungsfällung zum Ergebnis hatte.

Schlüsselwörter: Europäisierung, MO-Europa, Bosnien und Herzegowina, Beitrittsverhandlungen, Naturschutzsystem, Natura 2000