

United Nations Development Programme



Bosnia and Herzegovina

Initiation Plan

Project Title: Strengthening Environmental Rule of Law in Bosnia and Herzegovina (SERL)

Expected UNDAF/CP Outcome(s): Outcome 1. By 2025 people benefit from resilient, inclusive and sustainable growth ensured by the convergence of economic development, and management of environmental and cultural resources

Outcome 4. By 2025, people contribute to, and benefit from more accountable and transparent governance systems that deliver quality public services and ensure rule of law.

Expected CPD Output(s): Output 1.1 Authorities and communities have in place capacities and tools to ensure sustainable management and protection of natural resources
Output 1.2 Governments at all levels, particularly sub-national governments, implement climate change adaptation and mitigation measures for resilient and sustainable development

Initiation Plan Start/End Dates: 15 December 2022 - 15 December 2023 (12 months)

Implementing Partner: UNDP

Brief Description

Environmental Rule of Law, by definition, is a broad topic that is receiving increasing attention globally. At its core, it is a multidimensional phenomenon and cuts across political, social and economic dimensions. It is generally reflected in:

- Fair, clear and implementable laws
- Access rights (information, participation, justice)
- Accountability and integrity of institutions, economic operators and decision makers
- Clear and coordinated mandates and roles
- Accessible, fair and impartial dispute resolution mechanisms

In the context of Bosnia and Herzegovina, given the situation analysis undertaken for the purpose of program design, the following phased approach is proposed:

- Improving legislative framework
- Supporting evidence-based policy making and institutional and operators' procedures
- Strengthening enforcement capacities
- Enabling access rights
- Increasing public awareness and tailored education

In Bosnia and Herzegovina, there are several systemic and social challenges which affect the quality of the environmental rule of law in the country. **Governance structure.** Bosnia and Herzegovina's complicated administrative structure mirrors the country's challenging environmental responsibility structures. The Bosnia and Herzegovina (BiH) Constitution States that jurisdiction in environmental issues is split between entities (Federation of Bosnia and Herzegovina - FBiH and Republika Srpska - RS), the district of Brčko (BD), and at the cantonal/municipal level. The only institution at the State level with jurisdiction in environmental issues is the Ministry of Foreign Trade and Economic Relations (MoFTER). The environmental competences mainly fall under the ambit of competences of the Federation of Bosnia and Herzegovina, Republika Srpska and Brčko District, and the Cantons/Municipal level. Within the scope of common goals and interests in the field of environmental protection, Republika Srpska establishes cooperation and coordination with the Federation of BiH and BD via Inter-entity body for environmental protection which is established in accordance with the Law on Environmental Protection. The inter-entity body deals with all environmental protection issues that require a harmonised approach of the entities. This complex administrative set-up makes coordination of internal regulations and international policy coordination very difficult. The political tensions often impact cooperation among ministry staff. **Harmonization of laws with EU acquis.** Bosnia and Herzegovina has committed to join the EU family of nations. This process also includes approximation to the EU environmental acquis, including in the field of criminal law where the EU Directive on the Protection of the Environment through Criminal Law (2008/99) is of particular concern. It is not fully clear to what extent BiH environmental laws are aligned with EU acquis, or how well defined 'environmental crimes' are in the criminal legislation. **Capacity of responsible bodies.** Various environmental inspectorates and law enforcement agencies (police and border police), lack the expert knowledge and staff capacity to address the ever-increasing pressures on the environment (for example: it is estimated there are hundreds of illegal landfills across the country, with dangerous and toxic waste generally untreated safely and endangering public health). **Case identification, reporting and processing.** Environmental crime covers the gamut of activities that breach environmental legislation and cause significant harm or risk to the environment, human health, or both (as defined by EUROPOL). Environmental crimes and offences are dealt with by second instance courts and prosecution offices (cantonal and district level for FBiH and RS) deciding on these matters. The World Wildlife Fund [WWF] claims that BiH, together with other Eastern European countries, represents a major source for illegal or suspicious wood entering the EU market.

In terms of impact, the 12-month intervention planned under this funding window should enable the following:

- Support for necessary legislative changes in environmental and criminal laws to ensure alignment with the EU acquis and international norms
- Integrated change to judicial and prosecutorial training curriculum whereby inclusion of environmental criminal law training would improve capacity and enforcement of related regulations in BiH
- Improved public trust in institutions as environmental human rights violations are adequately mapped, reported, and investigated by responsible authorities

With its multi-pronged approach to achieve systemic and embedded change in this field, the project fully contributes to UNDP's Environmental Justice Strategy goals, especially on "ensuring environmental rule of law, improving access to environmental justice and protecting and promoting human rights" and "promoting people-centred environmental public policies and public services". A stronger environmental rule of law, as noted in the Strategy, requires enabling legal frameworks (Output 1), effective institutions related to justice and human rights (Output 2 and 4) and increased access to justice and legal empowerment (Output 3).

Linkage with SDGs: SDG Goals 13, 14, 15 and 16
Linkage with EU accession agenda: EU Acquis, Chapter 15: Energy, Chapter 17: Statistics, Chapter 27: Environment and climate change and European Union’s priority in the fight against serious and organized crime within EMPACT (2022-2025).

Linkage with UNDP Strategic Plan 2021-2025:
Structural transformation: including green, inclusive and digital transitions: working with countries to effect change in systems and structures that shape a country’s sustainable development
<https://www.undp.org/library/undp-strategic-plan-2022-2025>

Contributing Outcome (UNDAF/CPD): Outcome 1.
By 2025, people benefit from resilient, inclusive and sustainable growth ensured by the convergence of economic development, and management of environment and cultural resources.

Contributing Output (CPD 2021-2025):
RELATED STRATEGIC PLAN OUTCOME: Outcome 2: Accelerate structural transformations for sustainable development

Award: BIH10/ 00147504, Output: 00134126

Output (with gender marker): GEN2

Total resources required	USD 100,000
Total allocated resources:	USD 100,000
Donor:	
Government of Netherlands	USD 100,000

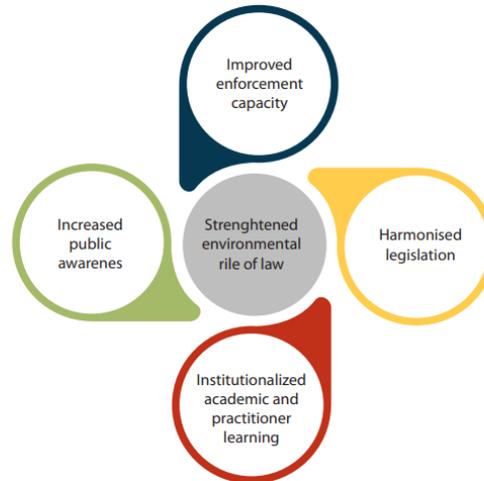
Agreed by UNDP:

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Steliana Nedera
Resident Representative

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I. PURPOSE AND EXPECTED OUTPUT

The Output of the Project is Institutional capacities strengthened to tackle environmental crime in Bosnia and Herzegovina. Below graph illustrates the intervention areas planned:



In terms of impact, the 12-month intervention planned under this funding window should enable the following:

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- Integrated change to judicial and prosecutorial training curriculum whereby inclusion of environmental criminal law training would improve capacity and enforcement of related regulations in BiH;
- Improved public trust in institutions as environmental human rights violations are adequately mapped, reported, and investigated by responsible authorities.

The above Output will be attained through implementation of four concrete Activity-Results:

Activity-Result 1. Further harmonization of environmental legislation and criminal codes with EU acquis is enabled

Activities under this Output will include gap analysis and proposal of amendments to the relevant legislation to further alignment with the EU acquis. A specific report and public discourse with experts and civil society organisations will be facilitated. The Project will engage with the ministries of environment and justice, judiciary as well as academia and civil society. Activities will be implemented through consultancy services, with UNDP assuring continuous dialogue with all relevant stakeholders, especially in consultations and initiating discussions on identified legislative changes and amendments with the ministries of environment and justice.

Activity-Result 2. Capacity of relevant bodies is enhanced

Activities under this Output will include capacity assessment of relevant institutions (law enforcement agencies, inspectorates) to identify further training needs. This initial stocktaking should lead to the development of Specific Standard Operational Procedures for law enforcement agencies to build their capacity in understanding and dealing with environmental offences and incidents. UNDP will implement activities under this Output via consultancy services, building on a long-standing relationship with law enforcement agencies such as police and border services as well as environmental inspectorates. The Project will also initiate cooperation with The European Union Agency for Law Enforcement Cooperation (EUROPOL) and related European Multidisciplinary Platform Against Criminal Threats (EMPACT) program.

Activity-Result 3. Public awareness of environmental human rights and related violations is increased

The Civil Society Organisations (CSOs) have been integral in investigating environmental pressures and in presenting information to law enforcement authorities to bring about prosecution in specific cases. CSOs have also become active as facilitators in training operations concerning transnational environmental crimes/impacts. It is clear that the active engagement of networks and CSOs is contributing to the development of new cooperative enforcement and security structures that are cross-sectoral and multi-level orientated. Hence, activities under this component will include support to the EKO BiH Network in exercising their role as environmental watchdog, with continuing efforts to raise public awareness on the state of environment and public participation practices. Their presence in the field is crucial to understanding community developments, especially where environmental crimes are concerned. Additionally, a cadre of environmental lawyers is available among leading environmental CSOs in the country, contributing to the environmental case law specifically where Aarhus Convention is concerned. Under this Output, the Project will work with EKO BiH Network to ascertain what case studies could be documented based on the reports from the field and legal violations documented by the Network.

Activity-Result 4. Academic and practitioner learning and exchanges about environmental law are institutionalized

Activities under this component will include cooperation with formal in-service training agencies such as the Agency for Civil Service of BiH as well as the Entity Judicial and Prosecutorial Training Centers to work on relevant expert learning content for civil servants, inspectors, judges, and prosecutors. Specifically, the Project will roll-out a large stock-taking survey among judges and prosecutors to identify the level of technical capacity available as well as needs for further training. This online survey will be designed and deployed with the training centers, with further utilization of the established digital platforms already in use by UNDP (through the Accelerator Lab facility). Furthermore, the Project will rely upon the academic research (which is rather small in scale to date) that investigates discrepancies in how environmental crimes are (not) recorded in official statistics, as well as by the National Human Rights Institutions, looking also into judicial case management system and reporting through Universal Periodic Review by Bosnia and Herzegovina.

II. MANAGEMENT ARRANGEMENTS

The project design was informed by a wealth of projects implemented in both Environment and Energy (EE) and Justice and Security (JS) sectors. On those grounds, the project envisages a phased approach, which works across a variety of components, basing all future interventions on a thorough legislative gap and system needs assessment.

The Project will rely on staff capacities within both EE and JS sectors to carry out progress monitoring visits directly with institutional partners and beneficiaries, carefully coordinating the work of consultants engaged to conduct the initial gap analysis and needs assessment.

The Project Team will be led by the Project Manager from the EE Sector, who will be responsible for overall Project coordination and day-to-day management of project activities and will ensure that the Project produces the results specified, to the required corporate standards and within the constraints of time and cost.

The overall oversight will be ensured by Senior Management (Resident Representative and Deputy Resident Representative), while the Project Assurance role will be provided by UNDP Country Office JS and EE Sector Leaders.

In addition, the Project will engage one full time Project Officer (JS Sector) with responsibilities involving substantial and technical inputs into implementation of project activities, as well as conceptualizing communications and outreach content, as well as monitoring and reporting functions.

The overall financial, administrative, and logistical support will be ensured through a part time engagement of 1 Project Assistant from the EE Sector. Regular communication and interaction will be ensured between the Project team, particularly among the staff based within the UNDP and the BIH stakeholders.

III. MONITORING

The Project will be monitored and evaluated in line with UNDP corporate standards and the specific requirements of the Global Programme. Project monitoring will be characterised by a gender-sensitive approach and it will incorporate the monitoring of potential adverse environmental impact, particularly for the activities implemented in the environmentally sensitive areas. The main tools for organising the Project monitoring system are: (1) the gender-sensitive Logical Framework; and (2) the Project risk analysis.

Reporting

UNDP will consolidate narrative reports, as well as detailed financial reports as per the requirements of the Global Programme. Those reports will include:

- **Annual Narrative Progress Reports** submitted to the Global Programme;
- **Annual Financial Report** submitted to the Global Programme.

Monitoring Plan

Monitoring Activity	Purpose	Frequency	Expected Action	Partners (if joint)	Cost (if any)
Track results progress	Progress data against the results indicators in the RRF will be collected and analysed to assess the progress of the project in achieving the agreed outputs.	Quarterly, or in the frequency required for each indicator.	Slower than expected progress will be addressed by project management.		
Monitor and Manage Risk	Identify specific risks that may threaten achievement of intended results. Identify and monitor risk management actions using a risk log. This includes monitoring measures and plans that may have been required as per UNDP's Social and Environmental Standards. Audits will be conducted in accordance with UNDP's audit policy to manage financial risk.	Quarterly	Risks are identified by project management and actions are taken to manage risk. The risk log is actively maintained to keep track of identified risks and actions taken.		
Learn	Knowledge, good practices and lessons will be captured regularly, as well as actively sourced from other projects and partners and integrated back into the project.	At least annually	Relevant lessons are captured by the project team and used to inform management decisions.		
Review and Make Course Corrections	Internal review of data and evidence from all	At least annually	Performance data, risks, lessons and quality will be		

	monitoring actions to inform decision making.		discussed and used to make course corrections.		
Project Report	A progress report will be presented, consisting of progress data showing the results achieved against pre-defined annual targets at the output level, the annual project quality rating summary, an updated risk long with mitigation measures, and any evaluation or review reports prepared over the period.	Annually, and at the end of the project (final report)			

IV. WORK PLAN

Period: 15 December 2022 to 15 December 2023 (12 months)

Goal: Strengthen institutional capacities to tackle environmental crime in Bosnia and Herzegovina

EXPECTED OUTPUTS And baseline, indicators including annual targets	PLANNED ACTIVITIES List activity results and associated actions	TIMEFRAME (2022)	TIMEFRAME (2023)					RESPONSIBLE PARTY	PLANNED BUDGET		
		Q4	Q1	Q2	Q3	Q4	Funding Source		Budget Description	Amount USD	
<p>Output 1: Institutional capacities strengthened to tackle environmental crime in Bosnia and Herzegovina</p> <p>Activity-Result 1.1: Further harmonization of environmental legislation and criminal codes with EU acquis is enabled</p> <p>Indicator 1.1.a: Availability of comprehensive gap analysis on harmonization of environmental legislation and criminal codes with the EU acquis; Baseline (2022): No Target (2023): Yes</p> <p>Indicator 1.1.b: Number of representatives of governments, CSOs, judiciary (men and women), contributing to the preparation and design of the Gap Analysis;</p> <p>Baseline (2022): 0</p>	<p>Sub-Activity 1. Conduct and present comprehensive gap analysis on harmonization of environmental legislation and criminal codes with the EU acquis (January-April 2023)</p> <ul style="list-style-type: none"> - Conduct gap analysis - Ensure multistakeholder consultations on research results - Present gap analysis in a thematic roundtable on Earth Day - Translate and distribute the UNDP Guidance Note on Environmental Justice 						UNDP	UNDP	71400 Staff costs 71300 Contractual service – individuals 71600 Travel	20,500.00	

Target (2023): 100										
<p>Activity-Result 1.2: Capacity of relevant bodies is enhanced</p> <p>Indicator 1.2.a: Level of institutional capacity and understanding of environmental crimes including SOPs for police and border officers;</p> <p>Baseline (2022): Low institutional capacity and understanding of environmental crimes; Absence of codified SOPs for police and border officers on response to environmental accidents or emergencies</p> <p>Target (2023): Improved. Stocktaking of procedures and training needs for inspectorates, police and border police completed. Develop required SOPs for police and border police. Methodology to identify environmental human rights violations; Compendium of identified cases documented, published, presented to human rights institutions and wider public</p>	<p>Sub-Activity 2.1 Conduct stocktaking of procedures and training needs for inspectorates, police and border police; (March-September 2023)</p> <ul style="list-style-type: none"> - organize presentation and screening meetings with inspectorates, police and border police bodies - conduct training needs assessment 									
	<p>Sub-Activity 2.2 Develop required SOPs for police and border police; (March-September 2023)</p> <ul style="list-style-type: none"> -Draft required SOPs for use by police and border police in responding to environmental emergencies and accidents - ensure participatory consultations on developed SOPs 					UNDP	UNDP	71400 Staff costs 72100 Contractual services-companies	35,000.00	

<p>Activity-Result 1.3. Public awareness of environmental human rights and related violations is increased Indicator 1.3.a: Level of public understanding and visibility of environmental human rights violations in BiH; Baseline (2022): Low public understanding and visibility of environmental human rights violations in BiH Target (2023): Improved.</p>	<p>Sub-Activity 3. Conduct a wide-reaching public awareness campaign based on identified case studies in the field (April – October 2023) - Publish Call for Proposals to identify environmental CSO which will prepare methodology for identification of environmental human rights, compile a research document containing case studies in the field and organize an awareness campaign encompassing BiH as well as a public event presenting its findings to the human rights institutions and the wider public.</p>						UNDP	UNDP	71400 Staff costs 72100 Contractual services-companies 72600 Grants (LVGA)	30,000.00
<p>Activity-Result 1.4. Academic and practitioner learning and exchanges about environmental law are institutionalized. Indicator 1.4.a: Availability of assessment of capacities of judges and prosecutors as well as law students at public universities in BiH regarding countering environmental crimes. Baseline (2022): No Target (2023): Yes Comprehensive capacity assessment of judges and prosecutors completed.</p>	<p>Sub-Activity 4. Organize capacity assessment among judges and prosecutors as well as law students at public universities in BiH (June-December 2023) - Identify most suitable digital platform for capacity assessment (with Innovation and Integration Cell of UNDP BiH) - Organize meetings with judicial and prosecutorial training centers, law schools - Present capacity results at a dedicated thematic roundtable - Initiate dialogue on mainstreaming environmental (criminal) law training into training institutions' and law schools' curricula</p>						UNDP	UNDP	71300 Contractual services Individual consultant 72100 Contractual services – companies 72400 Translation	7,092.59
									GMS 8%	7,407.41
									TOTAL	100,000.00

