

Analysis of the Bosnia and Herzegovina legal framework in relation to the provisions of the Mediterranean ICZM Protocol





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Introduction

Bosnia and Herzegovina is a coastal state on the Adriatic Sea, which with its state territory crosses the territory of the Republic of Croatia and goes to sea in the area between Neum and Klek. As such, it is obliged to be a member of all conventions, protocols and other international agreements, which relate to the protection of the seas and oceans.

The most important convention in the field of maritime law is the United Nations Convention on the Law of the Sea, which Bosnia and Herzegovina, as a member of the UN and a maritime country, ratified in January 1994. Bosnia and Herzegovina has been a member of the International Maritime Organization since 1993, however most of the Conventions have not been ratified in their legislation. It shares its sea border with the Republic of Croatia.

Bosnia and Herzegovina is a country in Southeast Europe. It borders Croatia, Serbia and Montenegro. By its arrangement, it is a complex federal state with elements of a confederation. It consists of two entities: the Federation of Bosnia and Herzegovina and the Republika Srpska and the Brcko District of Bosnia and Herzegovina. The capital and largest city of the state of BiH is Sarajevo. Neum is the only city in Bosnia and Herzegovina that faces the sea, and is located in the Herzegovina - Neretva County in the southern part of Bosnia and Herzegovina. It is a tourist city and the only exit of Bosnia and Herzegovina to the Adriatic Sea. The municipality of Neum has an area of 225 km², with a population of about 5,000.

Since 1992, Bosnia and Herzegovina has continued to exist as a member of the UN, as an independent, internationally recognized, sovereign and maritime state. Bosnia and Herzegovina, although a member of the International Maritime Agency (IMO) since 1993 has not ratified most of the Conventions in its legislation. Its activities in marine protection took place through the implementation of the Barcelona Convention and its seven protocols, which to ratify 3 protocols, of which the last protocol related to Integrated Coastal Zone Management is of special importance for BiH. Therefore, UNEP / MAP has provided support to BiH in the implementation of the Coastal Area Management Programme project, the so-called CAMP BIH which will try to resolve the issues prescribed by this protocol.

The CAMP (Coastal Area Management Program) plays an important role in creating the conditions for integrated and effective coastal zone management in Bosnia and Herzegovina.

1. Position of the Municipality of Neum in Bosnia and Herzegovina

Neum belongs to the tourist region of the southern Adriatic, is located in the triangle of tourist centers Makarska - Mostar - Dubrovnik. It is sheltered from the open sea of the Adriatic by the Peljesac peninsula, the Klek peninsula and their beautiful bays, harbors, tourist and fishing villages. The Adriatic highway, which passes through the city, connects it with Dubrovnik (70 km) in the south, and Ploče (30 km), Makarska (80 km) and Split (140 km) in the north. The Neretva Valley, from Sarajevo (210 km) through Mostar (70 km) and Ploče, is crossed by the electric railway and the Main Road Sarajevo - Opuzen (18 km). Dubrovnik Čilipi Airport is 90 km away, Mostar Airport 70 km and Split Airport 170 km. Thanks to such a connection, Neum opens up excellent opportunities for tourism development throughout the year. It has two border crossings with the Republic of Croatia on the State Road D8, which connects the northern and southern Adriatic. Crossing "Neum 1" borders with Klek, and "Neum 2" with Zaton Doli.

The primary activity of the municipality of Neum is tourism. It has about 25,000 beds in high-class hotels, then resorts and private accommodation where the conditions for a comfortable stay throughout the year are provided. Given the size of the municipality and its tourist potential, the current accommodation capacities meet the needs. Neum also offers a rich content of cultural events such as: Neum Animated Film Festival, which has been held in early summer since 2004, and which is attended by guests from all over the world, then Etnofest Neum is a traditional Croatian music festival held in the second half August, also, in August, a klapa festival is held.

The area of Neum is characterized by long and warm summers and short and mild winters, and belongs to the category of Adriatic coastal places with the largest number of sunny days. As such, it is favorable for the development of sustainable tourism, especially in the summer, but it would be extremely important for the tourist offer to be extended and to last throughout the year. This is especially important, because in the area of the municipality of Neum there are several cultural monuments and protected areas. Namely, the Commission to Preserve National Monuments of Bosnia and Herzegovina has declared a total of 7 cultural and historical heritage sites to be national monuments, while 2 monuments are on the Provisional List of National Monuments. These are: Hutovski grad (Hadžibegova tvrđava), Katolička crkva sv. Ana in Neumski Gradac, the inscription of Radovac Vukanović in Novkovića klanac in Hutovo, the necropolis with stećak tombstones at the Crkvina site in Hutovo, the necropolis with stećak tombstones at the site of the stećak cemetery at the Roman Catholic cemetery near Jurković house in Brštanica, Donje Hrasno, among the necropolises in, Remains of a Roman settlement and a medieval necropolis with stećak tombstones in Vranjevo selo, these are two historical buildings, an archeological monument inscription and archeological sites (necropolis of the Hum nobleman Nikolić).

2. Historical context of the development of Bosnia and Herzegovina as a maritime state

The historical development of Bosnia and Herzegovina as a maritime state began with the Peace of Srijemski Karlovci (1699), which is considered one of the most significant events in world history, as it established the borders between the Ottoman Empire, the Habsburg Monarchy and the Venetian Republic. Kleka as a buffer zone between the Dubrovnik and Venetian Republics.

This peace established the borders between the Republic of Croatia and Bosnia and Herzegovina, which are manifested to almost the same extent today. The Peace of Požarevac (1718), which confirmed everything stated in the Peace of Karlovac, and with which the belt of Klek and Sutorina was ceded by the Republic of Dubrovnik, the Ottoman Empire, and the Bosnian pashaluq. Peace in Sremski Karlovci took place in the 17th century, and was preceded by the Ottoman Empire's desire to conquer the capital of the Habsburg Monarchy - Vienna, which they tried to do in 1683. The Ottomans signed a peace treaty with the Habsburg Monarchy and Poland for twenty-five years. the possibility of further extension, which is better known as Peace in Srijemski Karlovci or Karlovac Peace.

According to the conclusions of the treaty, each signed party received a part of the countries won by the previous wars, according to the principle that whoever already owns, let him stay. The peace in Srijemski Karlovci was an important peace treaty because it then became clear that the Ottoman Empire on the Balkan Peninsula was moving on the defensive, while the Habsburgs were taking matters into their own hands. This peace treaty is important for Bosnia and Herzegovina, which was then under occupation, and the Ottoman Empire laid the foundations for today's border between Croatia and Bosnia and Herzegovina. In addition, in order to prevent contact with the Venetians, the Republic of Dubrovnik demanded that corridors be established for the Ottomans in the area of the Klek-Neum and Sutorina bays, which was accepted.

That agreement separated Neum from its territory and separated Dubrovnik territorially from the motherland of Croatia. However, it is important to say that Neum was assigned to Turkey, at the request of Dubrovnik, which at that time did not want a border with Venice. In essence, with the Karlovac Peace Treaty, the area of Neum and Klek became a buffer zone between the Dubrovnik and Venetian Republics "by land to sea. Even after the Peace of Srijemski Karlovci (1699), the conflicts did not abate. The wars ended with the Peace of Požarevac, which was a peace treaty concluded in Požarevac on July 21, 1718 between the Habsburg Monarchy, the Venetian Republic and the Ottoman Empire.

As for Bosnia and Herzegovina, and Neum, it confirmed the peace decisions in Srijemski Karlovci, to which the Ottoman Empire was given corridors to separate the territories of the Dubrovnik and Venetian Republics: one towards the bay of the Klek peninsula south of the Neretva estuary (approximately today's Neum) and the second, somewhat narrower (about 3 to 4 km), along the Sutorina stream at the entrance to the Bay of Kotor.

2.1 Sutorina 1946.

By the decision of the Berlin Congress, Klek and Sutorina came under the control of Austro-Hungary, however, for Austro-Hungarians, they were not so important. Thus, in the census from 1895, Neum-Klek was treated as a district in Trebinje, and later within the Stolac district. Sutorina

was part of the Trebinje district all the time. With the enclaves of Sutorina and Neum-Klek, Bosnia and Herzegovina became part of the Kingdom of Serbs, Croats and Slovenes and the Kingdom of Yugoslavia on December 1, 1918. After that, in 1929, Sutorina became part of the Zeta Banovina, which was part of the Trebinje district. The partisan authorities did not discuss the borders at the AVNOJ session. This question was opened in February 1945, when the Secretary of the Presidency of AVNOJ, Mile Perunicic, proposed that the situation determined by the Berlin Congress in 1878 be taken as a criterion for resolving the BiH border. According to that criterion, Neum and Sutorina would belong to BiH.

The loss of Sutorina as Bosnia and Herzegovina's access to the high seas was a rather reckless step by the then authorities, which had no legal basis for Sutorina to pay homage to neighboring Montenegro. The Constitution of the Federal People's Republic of Yugoslavia from 1946, which defines that demarcations between people's republics are made by the National Assembly of the Federal People's Republic of Yugoslavia. In order for this to be done, both republics had to have the consent of the republican assemblies on the issue of mutual demarcation, and they did not. Bosnia and Herzegovina officially recognized Montenegro on June 21st, 2006. Diplomatic relations between the two countries were established on September 14, 2006. The crown of exceptional bilateral cooperation between Montenegro and Bosnia and Herzegovina is the signing of an agreement on the state border, which is the first document of its kind among the states of the former Yugoslavia.

Although there have been recent attempts to challenge the border agreement with Montenegro, ie the issue of Sutorina has been brought up, the prevailing opinion of the profession is that it is a "done deal". The agreement on the border between BiH and Montenegro was signed in Vienna on August 26, 2015 by the Ministers of Foreign Affairs of the two countries, which strengthened the extremely good relations between BiH and Montenegro.

3. [An overview of the development of maritime law in the world](#)

In Roman law, the sea was equated with air and running water, and even the sea shore. It could not be the subject of private property (*res extra commercium*). In the era of feudalism, from the beginning of the ninth century, the opinion that parts of the sea were under the rule of individual feudal rulers began to prevail. Some states have emphasized demands for power over entire seas. Venice (Venice) owned the Adriatic Sea until the 13th century, although it never owned all its shores. It did not allow navigation on the Adriatic without its approval and charging. After the discovery of America, Spain and Portugal considered themselves the owners of entire oceans, along with the discovered countries. Portugal appropriated the Indian Ocean and part of the Atlantic, and Spain the Caribbean Sea and the Pacific.

When Great Britain grew into the world's largest naval power in the 18th century. It was not until the second half of the 18th century that states recognized each other's authority over the sea up to the range of the cannon. Soon the need arose to turn that range of the cannon into some constant distance. Since the end of the 18th century, Britain and the United States have adopted this border of 3 nautical miles, and the Scandinavian states 4 miles. Spain and Portugal have never recognized the basic limit of their power over the sea narrower than 6 nautical miles.

The law of the sea until the end of World War II.

At the turn of the 19th and 20th centuries, there were only 3 generally recognized legal regimes at sea. Inland sea waters included the sea to the lowest ebb line, then ports, estuaries and bays (if all the shores of the bay were under the rule of the same state). The power over these waters was equal to that in the land area. The territorial sea consisted of a sea area (or belt) along the coast of each state, whose starting line was measured from the lowest ebb line or from the outer limits of inland waters. There was no uniformly accepted breadth of the territorial sea, and the demands of the states ranged from 3-6 nautical miles. It was generally considered that in the territorial sea all foreign civilian ships had the right of innocent passage, but there was a dilemma as to whether this right was also enjoyed by foreign warships. The open sea included all other sea areas. It is open to everyone for sailing, fishing and laying submarine cables, and from the beginning of the 20th century for flying.

The first conference on the law of the sea was held in Geneva in 1958, and the entire matter on the law of the sea at that conference was divided into 4 special conventions:

The Convention on the Territorial Sea and the Outer Belt confirmed the sovereignty of the state in its territorial sea. The regulations on harmless passage through the territorial sea and the jurisdiction of the coastal state over foreign ships in it represent a codification of the existing law, the bases of which have not changed until today. According to the Convention, the outer sea belt is a part of the open sea in which the state can exercise supervision to prevent violations of its regulations. The maximum allowed width of that belt is 12 nautical miles, measured from the starting line from which the width of the territorial sea is determined.

The Convention on the Continental Shelf stipulates that a state enjoys "sovereign rights" over its continental shelf (seabed and subsoil) for the purpose of exploring it and exploiting its natural resources. The sea above that belt forms part of the open sea. The Convention failed to prescribe a single outer boundary of the continental shelf. A double criterion is prescribed: depth and exploitability, and accordingly the width to the depth of the sea is 200m or to the limit where the depth allows the exploitation of natural resources. This leaves the possibility for technological advances to move these borders further and further.

The High Seas Convention codified existing customary law. The open sea is free to all nations. The Convention also enacted regulations to ensure free access to the high seas and non-coastal states.

The Convention on Fishing and Conservation of the Biological Resources of the High Seas aimed to preserve the rightful countries to fish on the high seas, but at the same time to protect the interests of coastal states by parts of the high seas near their shores. The convention did not achieve the desired the goal. These 4 conventions have never been generally accepted.

The Second UN Conference on the Law of the Sea was held in Geneva in 1960. It again considered the breadth of the territorial sea and the borders of the exclusive fishing of the coastal states. No agreement has been reached in this regard, and it follows from the existing regulations that it is the right of each coastal state to unilaterally determine the breadth of its territorial sea. The strongest naval forces (except the then USSR) did not recognize the width of the territorial sea of more than 3 miles to other countries.

The Third UN Conference on the Law of the Sea began in New York in 1973 and ended in Montego Bay, Jamaica in 1982, with the signing of the new UN Convention on the Law of the Sea. 1982 Convention and general customary law of the sea. The Convention is a comprehensive document with 320 articles in 17 parts, with 9 annexes. The Convention contains parts that represent a pure codification of general customary law (territorial sea, outer sea belt, open sea). At the same time, many regulations represent a progressive development of common customary law because they crystallize already existing state practice (territorial belt up to 12 miles, outer sea belt up to 24 miles, continental shelf up to 200 miles from the baseline). Finally, the provisions on the “legislation” of the law of the sea in the Convention are relatively few.

3.1. Importance of the Convention on the Law of the Sea

The basis for strategic development and management of the sea is given by the UN Convention on the Law of the Sea of 1982, according to which every state with access to the high seas has the right to declare an exclusive economic zone, and the legal effects of such an act are regulated by that international convention. Most coastal states in the world, including almost all Mediterranean countries, have declared their variants of the exclusive economic zone or exclusive economic zone, in accordance with the UN Convention on the Law of the Sea. In this regard, Italy, Croatia and Slovenia, all member states of the European Union, have agreed that the Italian declaration of economic, but also the Croatian upgrade of their Protected Ecological and Fishing Zone, which in 2003. declared to the border with Italy, done as early as 2021.

Namely, Italy in 2006. declared an "Environmental Protection Zone", which was limited to aspects of nature protection only. The Italian and Croatian declaration of an exclusive economic zone would mean that the Adriatic would no longer have international waters (at least in the part of the sea where BiH would navigate and access via the Neretva and Korcula Canals), which for BiH could become a matter of protecting state interests. , which BiH has according to general international law, ie according to the UN Convention on the Law of the Sea. According to the Convention, a territorial sea is an area of the sea in which a coastal state exercises sovereignty over certain restrictions and rights of other states. The Third Conference on the Law (see Chapter 1.3) of the Sea decided that coastal states have the possibility to determine the territorial sea in a width not exceeding 12 nautical miles from the coastline. As already mentioned, this decision is related to the acceptance of the economic belt in the width of 200 nautical miles and the establishment of the right to transfer cargo through the narrow passages used for international navigation or international waters. Free passage determined by the article of the Convention says that ships of all states (whether coastal or continental) have the possibility of free passage through the territorial sea. International waters cover the part of the sea outside the territorial sea towards the open sea.

According to the provision on freedom of navigation, the development of international trade is possible there. In the high seas, all countries are ready to co-operate in tackling drug trafficking and the fight against terrorism. Continental states are also allowed to pass to the seas as well as transit to those seas according to the realized bilateral or multilateral agreements with the authorities of the coastal states. However, the most important provisions of the Convention certainly include those on the protection of the marine environment. do not dissolve.

Also, the Convention authorizes states to enact laws and regulations to punish, reduce and control pollution caused directly or indirectly by immersion, and to undertake the elimination of any immersion of waste and other substances not approved in advance by the competent authorities of

the coastal State. Thus, the Convention requires that national anti-pollution regulations be at least as effective as generally accepted rules and standards.

Since, like any other state, along its coast, Bosnia and Herzegovina has its own internal sea waters and territorial sea, it had to ratify the above-mentioned Conventions. This remains a permanent task of Bosnia and Herzegovina until it completes the ratification of all missing international documents, conventions, protocols, agreements. The Convention on the Territorial Sea and the Outer Belt was ratified by Bosnia and Herzegovina on September 1, 1993, and the Convention on the High Seas and the Convention on Fishing and Conservation of the Biological Resources of the High Seas were ratified on January 12, 1994.

The House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina, at its 51st session, held on 7 and 13 September. 2017, adopted a DECLARATION declaring publicly that Bosnia and Herzegovina is a maritime state that has its own territorial sea and other associated rights in accordance with its status, and according to the United Nations Convention on the Law of the Sea, which especially refers to completely free and nothing obstructed access connection / connection of the territorial sea of Bosnia and Herzegovina to international waters (open sea) in which the regime of harmless passage is not applied, as well as the regime of transit passage, but the regime of free navigation and communication (exactly the same as in international waters) is applied types of vessels, overflights and laying of submarine cables;

Apart from tourism, fishing and transport, as economic activities that are usually related to the sea, thanks to the quality of sea water and constant replenishment of Neum Bay with inland waters from the Neretva and Popovo fields, the shellfish industry in Neum Bay is one of the important branches of strategic development planning. in BiH.

The stated importance of the management and protection of the Adriatic Sea, as part of the territory of BiH in the context of transboundary water resources, further strengthens the obligations of BiH, as a signatory to several international agreements. this area).

4. Transposition of EU legislation into BiH legislation

Regarding the transposition of the *acquis communautaire* in the field of water and in accordance with the current regulations of BiH, BiH plays a role in at least three directions:

- concluding and implementing international agreements related to water management
- conducting effective coordination and harmonization of activities on the implementation and enforcement of international agreements related to water management; and
- implementation of efficient coordination and harmonization of activities on transposition of the *acquis communautaire* in the field of water into the legal systems of the entities and BD BiH, and subsequent implementation and enforcement of entity and BD BiH regulations containing transposed provisions of the *acquis communautaire* in this area.

From the point of view of international agreements, there is no gap between the EU and BiH. The state of BiH is the only EU partner in the process of harmonization of regulations in the field of environmental protection. Viewed from this angle, BiH institutions have a responsibility to ensure the implementation of the EU *acquis* in the field of water management throughout BiH.

Therefore, to successfully fulfill this international obligation, BiH (state level) is in accordance with its own Constitution and the Constitutions of both entities, and the Statute of the DB BiH, responsible for coordinating and harmonizing activities in the process of transposition, implementation and enforcement of the EU acquis in water management.

The water sector is extremely sensitive in nature and has significant potential for environmental impact in other countries. European Union legislation has adopted documents for the protection of the marine environment which regulate some relevant areas, such as the regulation of fisheries through the Common Fisheries Policy (CFP) or the control of nutrient inputs into the water through the Water Framework Directive (WFD). However, these regulations contribute to the protection of the sea only from specific pressures, and result in a fragmented and sectoral approach.

That is why the European Union has adopted three instruments, the EU Recommendation on Integrated Coastal Zone Management of 2002, the Marine Strategy Framework Directive - Marine Environment (2008/56 / EC) of 2008 and the Directive on Maritime Spatial Planning (2014/89/), which offer a comprehensive and integrated approach to the protection of all European coast and sea waters.

Of these regulations, only the WFD has been transposed to some extent into the Laws on Waters in both Entities in BiH, and a strategic document at the level of BiH is being prepared for the CFP, while for the other two regulations there are no preconditions for transposition. At the level of BiH, the institution that will perform the transposition is not in charge yet.

5. Water Framework Directive

According to the FBiH Water Law, water as part of the environment is a common good and as such is under special protection of Bosnia and Herzegovina, the Federation, the cantons, the city and the municipality. Coastal sea waters means surface waters on the landward side bounded by a line, each point of which is one nautical mile from the boundary line measuring the breadth of the territorial waters and, where applicable, from the outer boundary of the transitional waters.

In the Water Management Plan of the Adriatic Sea Basin, according to the parameters prescribed by the Water Framework Directive for the assessment of ecological and chemical status, the water body of the coastal sea in BiH was assessed as good.

Due to its sensitivity and importance, and in order to remain in good condition, the water body of the coastal sea in BiH should continue to be protected by enhanced measures, especially when it comes to procedures and measures taken in cases of incidents on waters and coastal waters with the aim of protecting the sea water in cases of incidental pollution.

6. Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean - Barcelona Convention

In addition to all the above, the most important international instrument for the protection and preservation of the Mediterranean Sea is the Convention for the Protection of the Mediterranean Sea signed in Barcelona on 16.02. 1976 at the Conference of Representatives of the Governments of the Mediterranean countries, and entered into force two years later, ie in 1978, and the protocols of that Convention adopted in the period of 29 years from 1979 to 2008. The Barcelona Convention is the legal framework for the work of the MAP, and to date it has been complemented by seven specific protocols. The Barcelona Convention is a convention on the prevention of pollution of the marine environment and the coast in the Mediterranean area.

Sixteen Mediterranean countries and the European Community have signed the "Barcelona Convention", which was amended in 1995 into the "Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean". The Convention today has twenty-one contracting parties. Bosnia and Herzegovina became a member of the MAP and acceded to the Barcelona Convention in 1993, at the eighth meeting of the signatories of the Barcelona Convention held in Antalya, (Turkey).

The Convention commits the signatories to take all appropriate measures to prevent, reduce and combat pollution and to protect the marine environment. Bosnia and Herzegovina successively took over the signed Barcelona Convention (Official Gazette of BiH, No. 26/98) from the former Yugoslavia, which entered into force on February 12, 1978, together with its four protocols.

As a member of the Convention, BiH has full responsibility for conducting its policy in order to improve the environment and sustainable development of the Mediterranean, and in this context, is responsible for the implementation of the Barcelona Convention and its protocols.

In order to protect and preserve the Mediterranean Sea, in addition to modern international law (general and regional), the existing legislation of Bosnia and Herzegovina has been woven, and cooperation between Bosnia and Herzegovina between the governments of the Mediterranean countries and the European Union has been enhanced.

The aforementioned Barcelona Convention and its Protocols are important for Bosnia and Herzegovina, which as a Central European and Mediterranean country implements environmental protection of the sea and coast, which is realized as part of the overall regional strategy for the protection of the Mediterranean.

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6.1. Significance of the Barcelona Convention

The objectives of the Barcelona Convention are pollution assessment and control, ensuring sustainable management of natural resources of the sea and coast, integrating environmental protection into economic development, protection of the marine environment and coastal area through prevention, reduction and elimination of land or sea pollution, cultural heritage, strengthening solidarity among Mediterranean countries and contributing to improving the quality of life. Originally, fourteen countries and the European Communities signed the convention adopted in 1976. The parties are all countries with a Mediterranean coast, as well as the European Union. Interested NGOs and third country governments can be granted observer status. The Convention applies to the "Mediterranean Sea Zone", which represents the sea waters of the Mediterranean as such, with all its bays and tributaries, bounded by the Strait of Gibraltar to the west and the Dardanelles by the Strait to the east. The Parties may extend the application of the Convention to coastal areas within their own territory.

Today, the Convention has 22 contracting parties, namely: Albania, Algeria, Bosnia and Herzegovina, Cyprus, Montenegro, Egypt, European Community, France, Greece, Croatia, Italy, Israel, Lebanon, Libya, Malta, Morocco, Monaco, Syria, Slovenia, Spain, Tunisia and Turkey. The protocols of the Convention were adopted in the period from 1979 to 2008. The Barcelona Convention is the legal framework for the work of the Mediterranean Action Plan (MAP), and to date has been complemented by seven specific protocols:

- Dumping Protocol - Protocol for the Prevention and Removal of Pollution of the Mediterranean Sea by Dropping Waste and Other Substances from Ships and Aircraft or Incineration at Sea (adopted in 1976, amended in 1995),

- Emergency Protocol - Protocol on Cooperation in the Prevention of Pollution from Ships and, in Emergencies, in the Control of Pollution of the Mediterranean Sea (1976, replaced by a new one in 2002),
- LBS Protocol - Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources and Activities (adopted in 1980, amended in 1996),
- SPA and Biodiversity Protocol - Protocol on Specially Protected Areas and Biodiversity in the Mediterranean (adopted in 1982, replaced by a new one in 1995),
- Offshore Protocol - Protocol for the Protection of the Mediterranean Sea against Pollution from Exploration and Exploitation of the Continental Shelf, Seabed and Subsoil (adopted in 1994),
- Hazardous Wastes Protocol - Protocol for the Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and Their Disposal (adopted in 1996),
- ICZM Protocol - Protocol on Integrated Coastal Zone Management in the Mediterranean (adopted in 2008).

The Mediterranean countries have made and are making significant efforts to protect and preserve the Mediterranean Sea, primarily by taking on obligations from many international treaties, general and regional. Since the efficiency of the environmental protection system can only be achieved by an efficient balance of international and national concern, it is very important to explore, preserve and protect the Mediterranean by international treaties, especially internal regulations of the Mediterranean.

The Union's policy is to contribute, in the field of the environment, to the protection and improvement of the quality of the environment, the protection of human health, the proper and rational use of natural resources and the improvement of measures at international level to address regional and global environmental problems. Bosnia and Herzegovina is following this policy in its EU accession process.

In applying the amendments to the conventions, the Contracting Parties must consider the biological wealth and natural dynamics, the functioning of the area during high tide and low tide. It is especially important to prevent negative consequences during development so as not to disrupt the reception capacity of the coastal area. At the same time, a planned approach to management is important to ensure the sustainable development of the coastal area. The process itself requires the cooperation and coordination of administrative services, state, local and regional authorities responsible for the coastal area.

The adoption of the amendments to the Barcelona Convention has multiple positive effects for Bosnia and Herzegovina. The amendments were adopted on 13 May 2020 and since then the Barcelona Convention is the only one in the world universally accepted by the signatories to the convention). With the quality establishment of the institutional mechanisms required by the Convention and its Protocols, effective pollution assessment and control could be carried out in the first place. In addition, sustainable management of natural marine and coastal resources would be ensured. Greater protection of the marine environment and the coastal area would be made possible through the prevention and reduction of pollution and, if possible, the elimination of pollution, whether from sea or land pollution. As a member of the Convention, Bosnia and Herzegovina would contribute to strengthening solidarity among the Mediterranean coastal states and improving the quality of life.

The adoption and ratification of the amendments to the Barcelona Convention and its Protocol to Bosnia and Herzegovina is an extremely important step towards the process of European integration and further progress on the path of Bosnia and Herzegovina's accession to the European Union. Ratification and other missing protocols will strengthen it along the way in the field of marine protection.

The common interests of the preservation of the sea and the marine environment, specific subtopics, are defined in seven protocols of the Barcelona Convention, four of them were previously ratified by Bosnia and Herzegovina, and the acceptance and ratification of those not ratified to date. The protocols have been upgraded over time and provide a legal framework for the implementation of joint activities in the protection of the sea and the marine environment.

According to the succession agreement on October 22, 1994, Bosnia and Herzegovina ratified the Barcelona Convention and the protocols adopted until then. BiH successively took over the signed Barcelona Convention from the former Yugoslavia, together with its four protocols:

Emergency Protocol - Protocol on Cooperation in the Prevention of Pollution from Ships and in Cases of Danger in the Control of Pollution of the Mediterranean Sea - Succession 1 March 1992.

- LBS Protocol - Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources and Activities - entered into force on 17 June 1983, and succession October 22 1994
- SPA and Biodiversity Protocol - Protocol on Specially Protected Areas and Mediterranean Biodiversity; old name - entered into force on March 23, 1986 and succession October 22 1994
- Protocol on Specially Protected Areas and Biodiversity in the Mediterranean - ratified on December 12, 1999

As already mentioned, in 2020, Bosnia and Herzegovina ratified the amendments to the Barcelona Convention adopted in 1995, while the ICZM Protocol is in the process of ratification.

7. Mediterranean Action Plan MAP

The Mediterranean Action Plan (MAP) was established under the auspices of the United Nations Environment Program (UNEP) in 1975. MAP is the first in a series of regional seas programs established with the aim of ensuring a better life for the inhabitants of the countries surrounding the Mediterranean Sea and establishing and strengthening mutual cooperation and harmonization of strategies for the management of common natural resources. Also, his focus is on environmental protection, promotion of sustainable management models, as well as harmonization of relations between Mediterranean countries.

(MAP phase I) represents a gradual transition from the basic program for the protection of the marine environment, to a complex program focused on the environmental protection of coastal areas and rational resource management in the context of integrated coastal planning and management.

In 1995, MAP Phase II was adopted, which became an action program for sustainable development and an additional supplement to the Barcelona Convention and its protocols, with a global approach

to the development of all areas in the Mediterranean (natural resources; water, land, air and forests; then tourism, urban and rural development, population, etc.).

The Barcelona Convention provides the legal framework for the work of the MAP. The scope of the Barcelona Convention does not cover the inland waters of the signatory states.

Member States shall decide on the strategy of the MAP, its financing and programs at meetings of the Contracting Parties held every two years. In each country, there is one or more people in charge of coordinating MAP activities in their country (National Focal Point - NFP).

In its forty-six years of operation, MAP has dealt with a large number of problems related to the protection of the marine environment and has extensive experience in establishing cooperation among Mediterranean countries in the implementation of environment protection projects. The common interests of preserving the sea and the marine environment, i.e. specific sub-themes, are defined in the seven protocols of the Barcelona Convention. The protocols have been upgraded over time and provide a legal framework for the implementation of joint activities in the protection of the sea and the marine environment, together with the MED POL program (Pollution Assessment and Control Program in the Mediterranean Region) and the 100 HS Program (Coastal Historic Settlements Program).

The MAP Coordination Unit (MEDU) acts as the MAP Secretariat, responsible for the implementation of the Mediterranean Action Plan. She has a diplomatic and political role and is in charge of public relations. MEDU cooperates with countries, relevant international organizations, as well as non-governmental organizations, and is responsible for the implementation of legal documents and MAP activities, coordination of the work of 6 Regional Centers for Activity (RAC) and organization of meetings.

Funding for MAP activities is provided from the UN budget, annual membership by member countries in proportion to their national income, and support from financial institutions and programs (World Bank, European Bank for Reconstruction and Development, European Investment Bank, Global Environment Facility). World Health Organization, International Atomic Energy Agency, etc.)

7.1 Regional Activity Centers

Within the MAP, there are 6 centers for regional activities (RACs) located in Mediterranean countries, and each has the expertise to implement MAP activities in a particular area.

REMPEC (Regional Marine Pollution Emergency Response Center for the Mediterranean Sea) The Regional Emergency Pollution Intervention Center in the Mediterranean Sea is jointly managed by MAP and the International Maritime Organization (IMO). The center assists Mediterranean countries in building national prevention and response capacities for large-scale marine pollution. It also promotes cooperation among Mediterranean countries in combating sudden pollution of the sea with hydrocarbons and other dangerous and harmful substances.

BP / RAC (Blue Plan Regional Activity Center) The Center for Regional Activities - Blue Plan is in charge of environmental protection in the context of sustainable development in certain

Mediterranean regions. In its work, BP / RAC applies a systematic approach to the environment in the Mediterranean and development issues using monitoring and assessment of the situation and developing indicators of environmental protection and sustainable development. The Centre's experts are working out scenarios for harmonizing environmental protection with socio-economic development with the aim of providing assistance and advice to Mediterranean countries in making decisions for the future.

PAP / RAC (Priority Actions Program Regional Activity Center) The Center for Regional Activities - Priority Actions Program was established with the aim of establishing integrated coastal zone management that will contribute to mitigating and stopping negative environmental impacts due to development in built-up coastal areas. The Center provides technical assistance and coordinates Coastal Area Management Programs (CAMPs).

SPA / RAC (Specially Protected Areas Regional Activity Center) The Center for Regional Activities for Specially Protected Areas is engaged in the protection of biodiversity in terms of protection of Mediterranean species, their habitats and ecosystems. The Center develops management plans, monitoring monitoring tools, develops awareness of the protection of natural values and participates in the exchange of information between experts, international institutions and non-governmental organizations.

The INFO / RAC Center provides communication services and is a technical support to the MAP Secretariat and other centers for regional activities. The Center also works to develop environmental awareness by establishing partnerships that promote sustainable development in the Mediterranean.

CP / RAC (Cleaner Production Regional Activity Center) The Center for Cleaner Production Regional Activities is committed to reducing industrial waste in the Mediterranean and promotes tested and proven cleaner production techniques. The center also conducts training programs, encourages the exchange of experts and technology transfer in the region. In addition to the activities of the regional centers, there is the Program for the Protection of Coastal Historic Settlements (100 historic settlements or 100 HS - Historical Sites) which implements training programs in the field.

As an advisory body to the MAP, the Mediterranean Commission for Sustainable Development (MCSD) was established in 1996, which, based on an assessment of various sectoral issues, prepares recommendations, guidelines and other documents for achieving sustainable development in the Mediterranean. As part of the MCSD activities, and with the support of other centers for regional activities, the Mediterranean Strategy for Sustainable Development was developed. After its adoption in 2005, the most important role of the MCSD became the implementation of the Strategy at the level of the Mediterranean region and the encouragement and assistance of countries in the implementation of the Strategy at the national and local level.

The role of the Pollution Assessment and Control Program in the Mediterranean Region (MED POL), which is a scientific and technical component of the MAP and is responsible for the implementation of the LBS, Dumping and Hazardous Wastes protocols, is significant. MED POL played a key role in upgrading the technical capacity of most Mediterranean countries through the implementation of 500 research contracts with national institutions between 1982 and 1995, and helped MAP countries establish marine monitoring programs.

8. CAMP / Coastal Area Management Program of Bosnia and Herzegovina

The Contracting Parties to the Barcelona Convention, at their 1st regular session held from 9 to 12 February 2016 in Athens, Greece, adopted a decision covering the preparation of a Feasibility Study for the implementation of the CAMP project in Bosnia and Herzegovina. The study provides an overview of existing laws, policies, plans and strategies, analysis of institutional arrangements for coastal zone management, a list of ongoing initiatives and projects aimed at contributing to sustainable development of the coast of Bosnia and Herzegovina, identification of needs and CAMP areas and CAMP activities for long-term project sustainability.

Coastal Area Management Program (CAMP) of Bosnia and Herzegovina, feasibility study was adopted on March 4, 2021. The assessment for the CAMP of Bosnia and Herzegovina is based on an overview of the current situation (legislation, strategies, plans of institutions) and interviews with stakeholders. Progress has been made in Bosnia and Herzegovina over the last few years, although no laws and strategies have been officially adopted in the Adriatic area of Bosnia and Herzegovina. On the other hand, limited capacities and weaknesses in cooperation and coordination between different parts of the administration are slowing down the implementation of new laws. The capacity of existing institutions (at state and local level) for integrated management is limited in terms of human and technical resources, financial resources and knowledge and practical experience. There is a lack of experience with ICZM and coastal conflict resolution instruments as well as a lack of indicators to measure progress towards sustainability.

The implementation of CAMP and similar initiatives will help to overcome some of these weaknesses and will contribute to their implementation in practice. CAMP plays an important role in creating the conditions for integrated and effective coastal management of Bosnia and Herzegovina. The goals and activities of CAMP BiH are set in a way that will strengthen coordination and capacities of relevant participants for integrated management, improve knowledge base and planning processes, increase public awareness and participation in development and implementation of sustainable development policies, contribute to conservation of valuable biodiversity and natural resources, and enhance pollution mitigation efforts. As such, they are fully compatible with the objectives set for CAMP projects, as well as with the objectives and principles of the ICZM protocol. Therefore, CAMP BiH will facilitate the implementation of the ICZM Protocol of the Barcelona Convention.

The ICZM protocol has not yet been ratified in BiH, but all preconditions have been prepared to start the implementation of ratification. Regardless of the commitment to sustainable development in the coastal area, there is a clear need for further capacity building, training and awareness raising on ICZM. The main strategic orientation of Bosnia and Herzegovina is the accession to the EU, and through the process of reporting on the status of harmonization of national legislation with the *acquis communautaire*, is constantly monitored to report the stage of BiH's readiness to join the EU. Integrated management concepts and tools will therefore be increasingly integrated into the national legal framework. It is also important to note that BiH, together with Slovenia, is the co-chair of the third pillar of the macro-regional strategy for the Adriatic-Ionian region - Environmental Quality, EUSAIR and plays an active role in its implementation in this macro-region of Europe.

In parallel, there are efforts to increase the capacity of institutions to implement new laws and sustainable development policies, and several ICZM-relevant initiatives are being implemented or

planned. The existing institutional framework, although with marked weaknesses in terms of coordination and overall capacity, has the potential to develop ICZM.

Interest in the implementation of CAMP has been expressed at both national and local levels. The main arguments in favor of CAMP BiH are:

- growing awareness of the need to commit to sustainable development of the coastal area.
- there is a clear policy for the implementation of CAMP BiH. The legal framework is increasingly favorable to ICZM.
- existing institutions can provide the necessary structures for the implementation of CAMP, and there is interest in the Project at the national and local level.

Increasing pressure on the coastal area, such as population growth, urban growth, expansion of tourism and industry, exploitation of natural resources, water, air pollution and more, have resulted in thinking about how to ensure the sustainable development of the area. The answer to this question is integrated coastal zone management, especially due to the complexity of that area. Sustainable development requires that the quantity and quality of coastal resources be preserved, not only to meet current needs, but to secure natural resources and for future generations.

The main goal of this paper is to point out the need for sustainable development of the coastal area and connection with integrated management, due to the importance of this area to the Herzegovina-Neretva County, and ultimately to Bosnia and Herzegovina.

Definition of the concept of coastal zone management (CAMP) The Coastal Area Management Program (CAMP) is focused on the implementation of practical coastal zone management projects in selected Mediterranean coastal areas, applying integrated coastal zone management (ICZM) as main tool.

The goals of CAMP are:

- facilitate the implementation of the ICZM Protocol at a national level in a particular country,
- develop strategies and procedures for sustainable development in project areas,
- identify and apply appropriate methods and tools,
- contribute to capacity building at the local, national and regional levels,
- all to ensure wider use of the results achieved in the region.

The need for sustainable development is becoming increasingly important in coastal areas because more than 50% of the world's population lives in these areas. Sensitive coastal areas around the world are facing population growth, industrial and tourism development, and intensive exploitation of marine resources. Furthermore, threats of natural disasters are increasing as a result of climate change. In addition, conflicts of interest are becoming more frequent, and the sustainable use of natural resources is increasingly being called into question.

Conflicts are primarily between different categories of users and they grow and spread with increasing population density. They, among other things, often lead to the loss of: economically valuable terrestrial resources, property, terrestrial resources of natural and visual value, marine and terrestrial species, historical and archaeological assets, public access to space and resources, and

noise and overcrowding, air pollution, etc. In order to resolve these conflicts, the principle of Integrated Coastal Zone Management (ICZM) has been developed.

Integrated coastal zone management as a basic tool for achieving sustainable development of the coastal area is the process of achieving overall goals and environmentally sustainable development of coastal areas, within the constraints of physical, social and economic conditions, within the constraints of legal, financial and administrative systems and institutions. Integrated coastal management should focus on facilitating horizontal and vertical dialogue, agreement and compromise between all parties involved in the use of coastal and marine resources. It is a participatory process that includes strategic planning that considers local values, traditions, needs and priorities to define the overall priorities and goals of development and management of coastal areas.

The Coastal Area Management Program (CAMP) is implemented by the Mediterranean Action Plan, which operates within the framework of the United Nations Environment Program (UNEP), and was established in 1975. CAMP projects are implemented in Mediterranean countries, with the basic goal of providing assistance, knowledge and experience in solving urgent environmental problems. CAMP was approved at the Sixth Regular Meeting of the Parties to the Barcelona Convention held in Athens in 1989.

The assessment for the CAMP of Bosnia and Herzegovina is based on an overview of the current situation (legislation, strategies, plans of institutions) and interviews with stakeholders. Progress has been made in Bosnia and Herzegovina over the last few years, although no laws and strategies have been officially adopted in the Adriatic area of Bosnia and Herzegovina. On the other hand, limited capacities and weaknesses in cooperation and coordination between different parts of the administration are slowing down the implementation of new laws. The capacity of existing institutions (at state and local level) for integrated management is limited in terms of human and technical resources, financial resources and knowledge and practical experience. There is a lack of experience with ICZM and coastal conflict resolution instruments as well as a lack of indicators to measure progress towards sustainability. The implementation of CAMP and similar initiatives will help to overcome some of these weaknesses and will contribute to their implementation in practice.

9. International organisations in the field of maritime law

Two important international organizations in the field of maritime law, namely the International Maritime Organization (IMO) and the European Maritime Safety Agency (EMSA). The International Maritime Organization (IMO) is a specialized agency of the United Nations responsible for the safety and security of maritime traffic and the prevention of maritime pollution from ships. It is a global institution that sets standards for the safety, protection, and environmental impact of international maritime transport. Its main role is to create a fair and effective, universally accepted and universally applied regulatory framework for the maritime sector. The International Maritime Organization was established by the 1948 UN Convention, which entered into force in 1958 when it was ratified by 21 states. It got its current name in 1982, and until then it was called the Intergovernmental Maritime Advisory Agency. As far as membership is concerned, all countries can join the organization, and all member states of the European Union are also members of the IMO.

The International Maritime Organization has 166 members, making up 98.5 of the world's merchant fleet. The goals of the organization are primarily technical but also economic. The role of the

organization is advisory and informative, and its task is to discuss technical issues that affect the international development of merchant navies, especially the safety of human life at sea and the achievement of the highest standards for unhindered navigation. Also, the organization wants to monitor and prevent pollution of the marine environment and wants to provide all possible assistance to the governments of individual countries to develop their national fleets and ultimately wants to prevent any discrimination in international navigation.

IMO bodies are:

- Assembly (meets every two years and elects 40 members of the Council)
- Maritime Safety Committee (MSC)
- Maritime Environment Protection Committee
- MEPC)
- Legal Committee (LC)
- Committee for Technical Cooperation
- Facilitation Committee (FC).

It is important to say that within the International Maritime Organization, about thirty conventions and more than 700 resolutions and recommendations have been adopted regarding safety at sea and protection of the marine environment. Regarding to the Convention on the Safety of the Sea, it is important to highlight the International Convention for the Safety of Life at Sea - SOLAS (1974), the International Convention on Load Lines (1966/88), the Agreement on Special Carriage for Passenger Ships (1971) and the Protocol on Spatial Conditions. for special passenger transport (1973), Convention on the International Regulations for Preventing Collisions at Sea - COLREG (1972), International Convention on the Safety of Containers - CSC (1972), International Convention on Search and Rescue at Sea - SAR (1979), International the Ship Calibration Convention - TONNAGE (1969) and the International Code for the Safe Management and Prevention of Pollution - ISM Code (1993).

In the context of marine pollution, it is important to emphasize the International Convention for the Prevention of Pollution from Ships - MARPOL (1973), the Convention for the Protection of the Mediterranean Sea against Pollution - Barcelona Convention (1976), the Convention for the Prevention of Pollution from Wastes and Other Substances - LDC (1972) Convention on Preparedness, Action and Cooperation in the Event of Oil Pollution - OPRC (1990), International Convention for the Control of Harmful Antifouling Systems on Ships - AFS (2001) and International Convention for the Control and Management of Ships' Ballast Water and Sediments (2004).

Although Bosnia and Herzegovina have been a member of the International Maritime Agency (IMO) since 1993, it has not ratified most of the Conventions in its legislation. Of these, Bosnia and Herzegovina have ratified the Convention for the Protection of the Mediterranean Sea against Pollution - Barcelona Convention (March 1993) and the International Convention for the Prevention of Pollution from Ships (1994). It is important to say that these Conventions were taken over by succession, since Bosnia and Herzegovina were part of the SFRY until 1992. Bosnia and Herzegovina is also encouraged to become a party to SOLAS (International Convention for the Safety of Life at Sea) and it is important to mention that in May 2020 the Presidency of Bosnia and Herzegovina ratified the Convention on International Rules for the Prevention of Collisions at Sea.

9.1. Access of BiH to the international waters of the Adriatic Sea

The Neretva and Korčula canals are straits 116 that are under the regime of internal sea waters of the Republic of Croatia. They are located between the territorial sea and the internal sea waters of Bosnia and Herzegovina, and the open sea. In order for a ship sailing from the territorial sea of Bosnia and Herzegovina (inland sea waters) to reach the open sea, coming out of these straits it would still be in the internal sea waters of the Republic of Croatia, then in its territorial sea and then in the economic zone (protected ecologically). - fishing zone).

The waters of Bosnia and Herzegovina are far from the open sea. As Bosnia and Herzegovina is a coastal state, the Neretva and Korčula canals are straits that serve international navigation. They are ruled by a regime of harmless passage through the straits. Bosnia and Herzegovina is a coastal country in an unfavorable geographical position. It has a very small area of inland waters and territorial sea, it cannot have a continental or economic belt. The only waterway that connects Bosnia and Herzegovina's internal sea waters and the territorial sea with the open sea passes through Croatian straits.

In the Croatian straits that allow ships to pass from the open sea to the sea under the rule of Bosnia and Herzegovina and from that sea area to the open sea, Croatia is obliged to suffer the harmless passage of foreign ships. The United Nations Convention on the Law of the Sea, which is binding on both states, clearly provides in Article 45 para. 2. that safe passage through straits used for international navigation must not be suspended. Croatia, therefore, must not suspend, which means restricting or obstructing the navigation of foreign ships on the way to and from the waters of Bosnia and Herzegovina to the high seas. Passing ships, in turn, must comply with Croatian regulations and legislation (for example, on safety, comply with permits and restrictions, must not fish, explore, intentionally pollute the environment, etc.).

9.2 Coastal area management of Bosnia and Herzegovina

Increasing pressure on the coastal area, such as population growth, urban growth, expansion of tourism and industry, exploitation of natural resources, water, air and other pollution, have resulted in thinking about how to ensure the sustainable development of the area. The answer to this question is integrated coastal zone management, especially due to the complexity of that area. Sustainable development requires that the quantity and quality of coastal resources be preserved, not only to meet current needs, but to secure natural resources and for future generations. The main goal of the paper is to point out the need for sustainable development of the coastal area and connection with integrated management, especially due to the importance of this area to the Herzegovina-Neretva County, and ultimately to Bosnia and Herzegovina.

The need for sustainable development is becoming increasingly important in coastal areas because more than 50% of the world's population lives in these areas. Sensitive coastal areas around the world are facing population growth, industrial and tourism development, and intensive exploitation of marine resources. Furthermore, threats of natural disasters are increasing as a result of climate change.

Integrated coastal zone management as a basic tool for achieving sustainable development of the coastal area is the process of achieving overall goals and environmentally sustainable development of coastal areas, within the constraints of physical, social and economic conditions, within the constraints of legal, financial and administrative systems and institutions. Integrated coastal

management should focus on facilitating horizontal and vertical dialogue, agreement and compromise between all parties involved in the use of coastal and marine resources. It is a participatory process that includes strategic planning that considers local values, traditions, needs and priorities to define the overall priorities and goals of development and management of coastal areas.

The Coastal Area Management Program (CAMP) is implemented by the Mediterranean Action Plan operating under the United Nations Environment Program (UNEP), established in 1975. CAMP projects are implemented in Mediterranean countries, with the basic goal of providing assistance, knowledge and experience in solving urgent environmental problems. CAMP was approved at the Sixth Regular Meeting of the Parties to the Barcelona Convention held in Athens in 1989.

The assessment for the CAMP of Bosnia and Herzegovina is based on an overview of the current situation (legislation, strategies, plans of institutions) and interviews with stakeholders. Progress has been made in Bosnia and Herzegovina over the last few years, although no laws and strategies have been officially adopted in the Adriatic area of Bosnia and Herzegovina. On the other hand, limited capacities and weaknesses in cooperation and coordination between different parts of the administration are slowing down the implementation of new laws. The capacity of existing institutions (at state and local level) for integrated management is limited in terms of human and technical resources, financial resources and knowledge and practical experience. There is a lack of experience with ICZM and coastal conflict resolution instruments as well as a lack of indicators to measure progress towards sustainability. The implementation of CAMP and similar initiatives will help to overcome some of these weaknesses and contribute to their implementation in practice.

CAMP can play an important role in creating the conditions for integrated and effective coastal management of Bosnia and Herzegovina. The goals and activities of CAMP BiH are set in a way that will strengthen the coordination and capacity of relevant actors for integrated management, improve the knowledge base and planning processes, increase public awareness and participation in the development and implementation of sustainable development policies, contribute to conserving valuable biodiversity and natural resources. pollution mitigation efforts. As such, they are fully compatible with the objectives set for CAMP projects, as well as with the objectives and principles of the ICZM protocol. Therefore, CAMP BiH will facilitate the implementation of the ICZM Protocol of the Barcelona Convention (which the country intends to ratify). Coastal Zone Management Program (CAMP) of Bosnia and Herzegovina, feasibility study, access date: 4.3.2021.

10. ICZM PROTOCOL

10.1 Reasons for ratification in Bosnia and Herzegovina

The Protocol on Integrated Coastal Zone Management of the Mediterranean is the seventh protocol under the Barcelona Convention and is the first international legal instrument dealing with an integrated approach to marine and coastal protection that takes into account spatial planning, environmental and nature protection, cultural heritage and tourism and other economic activities, coastal area. This Protocol is of great importance to all the countries of the Mediterranean.

In order to protect and preserve the Mediterranean Sea, in addition to modern international law (general and regional), national legislation has been woven, and national cooperation between the governments of the Mediterranean countries and the European Union has been enhanced.

The Barcelona Convention and its Protocols are important for Bosnia and Herzegovina, which, as a Central European and Mediterranean state, implements the protection of the marine and coastal environment, which is realized as part of the overall regional strategy for the protection of the Mediterranean. Bosnia and Herzegovina is aware that the protection of the environment as well as the reduction of emissions of hazardous and harmful substances into the environment is a priority goal and task of preserving the environment and fulfilling the postulates of sustainable development.

The Protocol is based on the provisions of the Barcelona Convention, ie the obligations of the parties to adopt and implement an integrated approach to coastal zone management in order to protect the environment and support sustainable development of the Mediterranean area, taking into account ecological protection, landscape importance and rational use of natural resources. The aim of the Protocol is to establish a common framework for integrated coastal zone management in the Mediterranean, which in terms of the provisions of the Protocol means a dynamic process of sustainable coastal management and use that takes into account the fragility of coastal ecosystems and landscape, diversity of marine and terrestrial organism. The scope of this Protocol is determined by the boundary of the coastal area towards the sea which consists of the external boundary of the territorial waters of the Contracting Parties and the boundary of the coastal area towards the mainland which is the boundary of the competent coastal units as defined by the Contracting Parties. The protocol defines the procedure for action in case one of the contracting parties decides to determine the boundaries differently than prescribed.

It is especially important to prevent negative consequences during development so as not to disrupt the reception capacity of the coastal area. At the same time, a planned approach to management is important to ensure the sustainable development of the coastal area. Transparency of the entire procedure is of great importance in the application of this protocol because it ensures proper management and participation of the interested local population.

The process itself requires the cooperation and coordination of administrative services, state, local and regional authorities responsible for the coastal area. It is also required to develop a strategy, plans and programs related to land use related to urban development and other social and economic activities that are very numerous and diverse in this area, and their specifics require proximity to the sea.

The coastal area needs to be evenly distributed according to purpose and risk assessments related to different human activities and infrastructure must be assessed in order to prevent and reduce their negative impact on coastal areas. If damage to the coastal environment occurs, it is necessary to re-establish the previous state of the environment as much as possible.

The objectives of integrated coastal zone management are:

- Enabling rational planning of sustainable coastal development activities by ensuring that the protection of the environment and the appearance of the landscape are taken into account together with economic, social and cultural development,
- Preservation of the coastal area for the benefit of present and future generations,

- Fully ensure the preservation of coastal ecosystems, landscape appearance and geomorphology,
- Prevent or mitigate the impact of natural risks and climate change that may be caused by human and natural factors,
- Achieving coherence between public and private initiatives and all decisions of the state government at the national regional and local level, which affect the use of the coastal area.

By this protocol of the contracting parties undertake to ensure the sustainable use and management of the coastal area to preserve coastal natural habitats, landscape, natural resources, ecosystems in accordance with international and regional legal instruments. In view of the above, the contracting parties shall determine the land belt in which construction is not permitted by the prescribed methods.

The Protocol defines the criteria for the sustainable use of the coastal zone and the need to include the national and legal instruments of the Contracting Parties. The Parties to the Protocol undertake to pay particular attention to economic activities requiring close proximity to the sea, to ensure that various economic activities reduce the use of natural resources taking into account the needs of future generations and to ensure adequate water and waste management in an environmentally sound manner.

In aquaculture, this means protecting aquaculture areas and shellfish farming areas by controlling the input of substances and treated waste into the sea. It is important to encourage the development of tourism, sports and recreational activities while preserving the coastal and marine environment, coastal and marine ecosystems, respecting the traditions of the local population by carrying out those activities that do not disturb or harm the environment, while supporting sustainable coastal development. When building infrastructure, power plants, ports and when performing maritime and construction works, contractors must have special approvals in order to combat the negative consequences or compensate for some other measures that are not of a financial nature.

When navigating, it is also important to ensure the protection of coastal ecosystems in accordance with the standards and procedures prescribed by the relevant international conventions. The Contracting Parties to this Protocol, in addition to a number of the above activities, are obliged to protect specific coastal ecosystems.

In accordance with the prescribed standards, it is necessary to protect wetlands and estuaries, marine habitats, coastal forests, dunes, existing landscapes, islands and cultural heritage.

Participants in the process of implementation of this protocol are local government, relevant territorial communities, public and economic entities, non-governmental organizations, the public and the like. It is necessary for all of them to take part in the development and implementation of strategies, development of plans and programs for the protection of the coast and the sea, as well as in the issuance of various permits. The Contracting Parties to this Protocol undertake to raise awareness at the national, regional and local levels, as well as to organize relevant training and scientific research.

The States Parties to the Protocol undertake to sign the use of appropriate mechanisms for monitoring and supervising the development of integrated coastal zone management. They are obliged to prepare and adjust national regulations on the coastal area, which oblige them to

regularly participate in planning, development of the national coastal strategy, regional action plans and other operational instruments. For the implementation of national coastal strategies and coastal plans and programs, the Contracting Parties may adopt appropriate economic, financial and fiscal instruments aimed at supporting national, local, regional initiatives for integrated coastal zone management.

It is important to note that the National Action Plans (NAPs) of Mediterranean countries, including BiH, have been developed within the Mediterranean Action Plan (MAP).

in Tunisia in 1997 The 11th Meeting of the Parties to the Barcelona Convention adopted a Strategic Action Plan (SAP) which provided guidance to signatory countries to take independent action or launch activities in line with national policies, priorities and resources, in order to prevent, reduce, control and / or eliminate degradation of the coastal environment, as well as for remediation activities from land-based activities. The National Action Plan of BiH deals with the southern part of Bosnia and Herzegovina, ie. the catchment area of the Adriatic Sea (the Neretva, Trebišnjica and Cetina river basins) and the narrow coastal belt around the town of Neum.

In accordance with the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its protocols, Bosnia and Herzegovina, as a party, undertakes to establish a common framework for Integrated Coastal Zone Management and take the necessary measures to strengthen regional cooperation. In following there is analyse of ICZM Protocol provisions, comparison with the existing situation in BiH.

10.2. General provisions

Article 2 Defines clear terms from the ICZM Protocol and what exactly they refer to.

Article 3 Defines the area of application of the protocol, which in BiH is still not properly defined and fully regulated. This document should be the basis for these elements to be edited in a way to define a protocol.

Article 4 defines the PRESERVATION OF THE RIGHTS of a Member State in the sense that the implementation of the legal provisions of the Protocol shall not in any defined segment prejudice the legal provisions of a Member State. The sea border of BiH will be fully defined after the signing of the border agreement with the Republic of Croatia.

Article 5 defines the goals of integrated coastal zone management of Bosnia and Herzegovina, which is already partially regulated by the Law on Nature Protection of FBiH, New Strategy on Biodiversity Protection of BiH, various strategic documents on climate change in BiH, Spatial Planning Documentation of NEUM, cantons and Federation of BiH and all elements defined by the objectives of the ICZM will be considered and considered with the most care.

The tasks of the Ministry of Construction and Physical Planning HNK, which also includes the Institute for Spatial Planning and Environmental Protection, are in following:

1. planning, programming, design, use, valorization and protection of space and measures for their realization,

2. preparation of spatial-planning and urban-technical documentation, except for tasks that are compiled by law within the scope of the Federation and the municipality,
3. development of the spatial plan of the Canton,
4. development of construction land development programs,
5. performs other tasks in accordance with the law.

Performing administrative and other professional tasks related to:

1. spatial planning and landscaping,
2. determining the conditions for arranging space for facilities of importance to the Canton,
3. enactment of regulations on the use of local land, including zoning,
4. monitoring the situation in the construction operation,
5. housing and communal services,
6. determination of housing policy, including the adoption of regulations on the arrangement and construction of housing facilities,
7. reconstruction of housing and communal services,
8. maintenance of residential buildings and apartments on which the Canton has the right of disposal,
9. concluding economic and financial agreements with other cantons with the consent of the Ministry of Finance and the Cantonal Government,
10. determination of conditions for works in protected parts of nature,
11. computerization of space and environment,
12. the conception of the program of scientific research work of importance for the spatial and social development of the Canton,
13. drafting laws and other regulations in their field,
14. deciding in the second-instance administrative procedure on appeals in their field,
15. inspection supervision in all areas of its area,
16. performs other tasks assigned to him.

There is necessity of changing internal acts in relation with above mentioned duties in terms of adaptation to the provisions of ICZM Protocol.

Article 6 defines the general principles of integrated coastal zone management, which is partially defined by the Laws mentioned in the description in Article 5 with the additional Law on Cultural Heritage of BiH. (BiH Water Law).

In order to preserve the development potential of the coastal area of BiH and limit the growing pressures on the resources of the coastal area, it is necessary to establish an efficient, responsible and adaptable management system that enables: - protection of productivity and diversity of coastal ecosystems - improvement of economic efficiency integration and harmonization of sectoral management. Integrated Coastal Zone Management (ICZM) is just such a long, dynamic, multidisciplinary and iterative process of coastal resource management aimed at achieving sustainable development of the coastal area. One of the important shortcomings is the inadequate integration of environmental protection into sectoral policies. Regulations governing economic activities (tourism, agriculture, geological research, exploration and exploitation of the natural resources of the continental shelf generally contain provisions requiring in the form of principles and principles to take measures or - to minimize and / or mitigate negative environmental impacts, but without It is necessary to define by some obligatory act the ways of their efficient implementation as well as the penal provisions in case of non-compliance with the same.

Regarding the coordination of Article 7, it is important to note that the existing system of public administration in Bosnia and Herzegovina is complex, both in terms of the level of administration of state, entity and cantonal levels, and in terms of sectoral competencies belonging to numerous ministries and administrative bodies and local governments. Although there is a significant number of established institutions and agencies at the horizontal and vertical level of activity, however, cooperation between departments is not integrated into all processes and activities relevant to coastal zone management.

The work of public administration bodies is largely characterized by a lack of readiness to act in accordance with the set goals, a lack of continuous monitoring of the achievement of expected results, as well as a lack of responsibility in case of their failure. In addition, low capacities, lack of experience and expertise relevant to the application of a coordinated approach in management, are also characteristic of the existing institutional system, and this is particularly pronounced at the local level. Institution building and organizational restructuring without adequate capacity of the public sector to effectively carry out tasks within its competence cannot have a sustainable effect. Insufficient capacities, primarily human resources, have been recognized by several institutions as a shortcoming in the consultation process during the drafting of important documents, even though public administration in BiH is oversized in certain segments. Working conditions in the public administration system, and the related procedures for promotion and evaluation of the achieved results, are not based on the evaluation of outstanding abilities. As a result, insufficiently motivated staff who have prominent professional potentials, leave, or do not start the engagement at all.

Therefore, the management system does not have the opportunity to adequately contribute to the coordination of activities in terms of implementing the provisions of the Protocol. It is not uncommon for public policies to be implemented without sufficient cross-sectoral coordination, resulting in their inconsistent or insufficiently coordinated implementation. Insufficient integration of economic, social, cultural, and environmental goals to achieve rapid economic effects, with insufficiently clear implications for the environment and social development, is also one of the significant shortcomings when it comes to integrated and coordinated responses to management challenges coastal area.

Such a complex management system can be attributed to the risk of excessive complexity of procedures in the absence of coherence of action and practical application of the principle of sustainability. With the aim of quality coordination and in accordance with the requirements of the protocol, it is necessary to establish a body or group for coordination between the state, entity, cantonal and local levels of government in the field of coastal strategies, plans and programs, to work together to strengthen programs that will also need to be developed after the ratification of the ICZM protocol.

A feasibility study for the coastal zone management program of Bosnia and Herzegovina was prepared in 2017-2018. for the Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina (MoFTER BiH) and the Center for Priority Actions / Regional Activities Center (PAP / RAC) of the UNEP Mediterranean Action Plan (MAP).

CAMP of Bosnia and Herzegovina includes cross-cutting activities with goals to ensure smooth project implementation, preparation of project documentation and reports, coherence between different components, sustainability analysis, public participation and awareness raising, and the like. Within this component, activities will be implemented as follows:

- Coordination and project management will be provided within the PAP / RAC from Split and MoFTER BiH as the leading national agencies..
- At the operational level, the CAMP of Bosnia and Herzegovina will coordinate the implementation of project activities with the support of municipal and county structures / services.
- Monitoring system for the state of the marine environment (Monitoring) in cooperation with MEDPOL and the establishment of an information system.

Sustainability indicators are not defined, which leaves more room for speculative sustainable development debates prone to different subjective attitudes and interpretations. The goal of monitoring and information components of CAMP BiH is to strengthen supervision and set the basis for the information system of the coastal area, to develop an adequate information base for integrated management and sustainable development of the coastal area.

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The main objectives of CAMP BiH under this component are to increase the capacity of different institutions to understand, apply and use different ICZM instruments for sustainable development, as well as to raise awareness of the importance of sustainable coastal governance, promote ICZM and Protocols of the Barcelona Convention and reduce resistance to some ICZM instruments. which are considered as an obstacle to development.

These goals should be achieved through seminars, trainings and other forms of presentation by various target groups for information on ICZM tools and techniques (resource assessment techniques, cleaner production and integration of climate change issues into planning, etc.), and through awareness raising campaigns (including promotion ICZM protocol through NGOs, internet, publications, organization of events, such as Coast Day, to connect CAMP BiH activities by raising awareness with current initiatives in the Mediterranean, etc.). It is very important, among others, the participation of institutions at the local level. In capacity building for ICZM tools, CAMP is positioned to promote the integration of climate change impacts into planning and development policies.

10.3. Elements of integrated coastal management

Analyzing the provisions of Article 8 of the Protocol, it is evident that there is insufficient respect for existing and in general insufficient regulations and planning documents in BiH. Illegal construction has significantly contributed to the degradation of the coastal area. It has not yet been completely stopped, nor have measures been taken to mitigate the negative impacts of illegally constructed buildings. The declarative character of planning is noticeable, where planning commitments and established goals and legal recommendations are not elaborated into graphically and normatively clear, concrete, measurable provisions and where it is possible to apply quantified provisions for the implementation of planning solutions. In the adoption of development plans and approval of new projects, not enough attention is paid to the sensitivity or vulnerability of the

environment of the coastal area of Bosnia and Herzegovina and the regulation and prohibition of certain activities. Therefore, in order to comply with Article 8 BiH will have to establish a zone not less than 100 meters in width where construction is not allowed (subject to adaptation of this provision as per paragraph b of Article 8).

Article 9 defines economic activity, so it is important to say that the economy of the coastal area of BiH is not adjusted to its sensitivity, vulnerability, which negatively affects the state of the environment and the sustainability of the use of natural resources. At the same time, the imbalance of economic activities and the need to improve economic performance are evident. The use of the resources of the coastal area is the shared responsibility of several departments or administrative systems. The establishment of special zones of significant natural, regional and agricultural values and their protection from intensive urbanization, the implementation of the concept of "open areas" are not regulated. Although important for the sustainable use of the coastal area, this concept has so far not been sufficiently recognized either in legal solutions or in spatial planning documentation. The shortcomings of regulations from the aspect of standardization of certain instruments whose application is important for stopping unsustainable forms of spatial development of the coastal area are also evident.

In accordance with Article 5 of the Law on Amendments to the Law on Cantonal Ministries and Other Bodies of Cantonal Administration, the Ministry of Trade, Tourism and Environmental Protection performs administrative and professional tasks related to: internal trade in the Canton and economic relations with other cantons; balancing and monitoring the supply of the Canton; trade policy; monitoring and analyzing goods in the Canton, participating in the creation of import and export policies in order to protect production within the Canton; control of prices and services of products in accordance with the law; trade policy and policy of protection of domestic production, creation and implementation of cantonal tourism policy in order to create and develop tourist resources; policy making and development of recreational, rehabilitation and other centers; tourist-propaganda activity; catering and entrepreneurship; investment of foreign persons in domestic companies in the field of tourism in accordance with the law, environmental protection and nature protection; professional and other activities related to obtaining, managing and using earmarked funds from the Environmental Protection Fund of the Federation; financing and co-financing of facilities within the competence of the Ministries; participation in the development of nature protection projects in accordance with the law, drafting of laws and other regulations within its competence, administrative decisions within its competence, other tasks assigned to it by law or competence by law.

It is necessary to make amendments to the existing legislation on which the work of the Ministry is based, to stop and prevent unsustainable spatial development of the BiH coast, improve the protection of the BiH coast, regulate zones of special importance and apply the provisions of the ICZM Protocol. The following is the legislation that needs to be regulated in a way that recognizes the integrated coastal management of BiH:

Law on Catering Activity HNK - Laws on Tourist Activity of HNK and FBiH, Law on Environmental Protection - Law on Nature Protection - Air Protection Act - Law on Waste Management - Ordinance on the content and manner of keeping the register of catering facilities that are categorized and the application form for the issuance of permits for the operation of catering facilities that are not categorized - Rulebook on the content and manner of keeping the guest book and guest regulations - Rulebook on the form, content and manner of keeping the book of complaints - Ordinance on activities, plants and facilities that can be built and put into operation only if they have an environmental permit - Ordinance on deadlines for submitting applications for the issuance of

environmental permits for activities, plants and facilities that have issued permits before the entry into force of the Environmental Protection Act.

In connection with the provisions of Article 10 of the Protocol, the conservation of coastal ecosystems is prescribed by the Law on Nature Protection and a set of other regulations which recommend the application of the ecosystem approach. In the protected coastal area, the provisions of the Spatial Planning Acts must be applied by planning or implementing spatial plans, and endangered areas of natural, cultural-historical, and traditional values of the coastal area must be preserved and rehabilitated. The same law are protecting the coastal landscape and encourage natural regeneration of forests and indigenous vegetation, ecosystems and determine environmental protection measures on land and at sea and in particular protect drinking water resources, ensure free access to the coast, passage along the coast and public interest in using, especially maritime assets, preserve uninhabited part for agricultural activities, recreation, organized visits, research and not to plan construction areas, to condition the development of public infrastructure in particular by protecting and preserving ecosystems of landscape values, to limit interconnection and coastal expansion of existing construction areas, or to plan new construction areas outside d other purpose, to rehabilitate abandoned exploitation fields of mineral raw materials and production areas primarily by landscape reclamation or catering-tourist and sports-recreational purpose.

Conservation and protection conditions of marine habitats and wetlands are regulated by the Law on Nature Protection, and BiH is a member of the Ramsar Convention, and respects the provisions of the same, which partly overlap with the provisions of the ICZM Protocol. Bosnia and Herzegovina has 3 Ramsar sites:

1. Hutovo blato,
2. Livanjsko polje and
3. Bardača.

Without the Ramsar site, nature conservation on a global scale would not be possible. The aim of the Ramsar Convention is to halt degradation and ensure the conservation and rational use of wetlands worldwide, both for the purpose of conserving biodiversity and for providing sufficient natural resources for people dependent on wetland systems.

Preservation of cultural heritage is primarily regulated by the Law on Protection of Cultural and Historical Heritage of the Herzegovina-Neretva Canton. However, in relation to the key requirements of the ICZM Protocol (application of appropriate measures for the protection of cultural, especially archaeological, and historical, property; protection of submarine cultural sites), the lack of a special provision on in site protection of the cultural heritage of the coastal area are evident. The cultural heritage of the Bosnian-Herzegovinian coast is characterized by a high degree of diversity, both in terms of stylistic chronological features and cultural-historical values, as well as in terms of basic functions. According to the Institute for the Protection of Cultural and Historical Heritage of the Herzegovina-Neretva Canton, the coastal municipality of Neum includes a large number of national monuments of Bosnia and Herzegovina "Hutovski grad (Hadžibegov grad) in Hutovo" (historical area),

- "Stone plaque with the inscription of Radovac Vukanović in Gornji Hutovo" (archeological monument),
- "Church of St. Anne in Graz (Neum)" (historic building),
- "Necropolis with stećak tombstones at the Crkvina site in Hutovo" (archaeological site),

- "Necropolis with stećak tombstones at the Stećak Cemetery site at the Roman Catholic cemetery near Jurković kuća in Brštanica, Donje Hrasno" (archaeological site),
- "Necropolis with stećak tombstones at the Medjugorje site in Glumina" - archaeological site,
- "Remains of a Roman settlement and a medieval necropolis with stećak tombstones in Vranjevo selo" (archaeological site).

Article 21 of the Law on Cantonal Ministries and Other Bodies of Cantonal Administration (OG HNK, No. 4/98) determines the scope of the Institute for the Protection of the Cultural and Historical Heritage of the HNK, which includes:

- consideration, study, research and scientific processing of certain issues of protection of cultural monuments,
- keeping central and collective records of data on the condition of cultural monuments, and determining and proposing priorities in the implementation of protection measures,
- performing professional work on determining the condition of cultural facilities, - coordination and implementation of cultural heritage protection measures,
- performing professional supervision over the work of institutions for the protection of cultural heritage,
- performing professional supervision over the implementation of protective measures on cultural monuments,
- providing professional assistance to institutions for the protection of cultural monuments,
- proposing the adoption of appropriate measures and regulations related to the protection of cultural heritage,
- keeping central records and the Register of Cultural Monuments, and collecting documentation on all cultural monuments on the territory of the Canton,
- proposing priorities for the implementation of protective interventions on cultural monuments, and for that purpose evaluating conservation documentation and documentation for spatial plans,
- performing professional scientific and informative works in the field of cultural heritage protection,
- organizing and participating in professional conferences and gatherings on certain issues of cultural heritage protection as well as courses, seminars, etc. for the purpose of professional training of workers in this field,
- expert assessments and consent to the revitalization of individual monuments,
- performing other professional tasks on the protection of cultural and historical heritage in accordance with legal regulations.

In the following there is a laws and regulations from his area: - Law on the Protection of Cultural and Historical Heritage in the Bosnia and Herzegovina

- Law on Protection and Use of Cultural-Historical and Natural Heritage ("Official Gazette of SR BiH", No. 20/85 and 12/87)
- Rulebook on detailed criteria for categorization of cultural, historical and natural heritage assets, as well as on the procedure for categorization ("Official Gazette of SR BiH", No. 29/86)

- Law on Implementation of Decisions of the Commission to Protect National Monuments established pursuant to Annex 8 of the General Framework Agreement for Peace in BiH (“Official Gazette of the F BiH” No. 2/02, 8/02, 6/04, 51/07)
- Decision and criteria to designate the property as a national monument (“Official Gazette of BiH”, No. 33/02, 15/03)
- Law on the approval of construction outside the borders of national monuments or outside temporary borders and the implementation of protection measures (OG HNK, No. 5/08)
- Ordinance on technical and personnel conditions for archaeological research (OG HNK, No. 6/12)

At the same time, the Commission for the Protection of National Monuments operates in Bosnia and Herzegovina and BiH is a member of a large number of agreements in areas of importance for the protection of cultural heritage) Everything defined in Article 14 of the Protocol is fully implemented with all stakeholders within the municipal government structures of economic entities, non-governmental organizations and all other social entities, taking into account that all requirements and needs of the territorial community and public entities are met. In this regard, ad hoc commissions shall be established as necessary to carry out all necessary activities and measures to meet the needs of all parties to the proceedings, as far as possible.

In order to meet the provisions of Article 15 of the Protocol in BiH, in addition to capacity building, awareness-raising campaigns are needed on the importance of a healthy environment for the prosperity of society. At the same time, awareness should be raised about the importance of preserving cultural, natural and regional values as a civilizational task and a precondition for the long-term sustainable development of society.

Awareness-raising campaigns should also take into account the importance of disseminating experiences on the implementation of examples of good practice in the development of diversified coastal activities and the provision of incentives to local entrepreneurship. In addition, it is important to encourage public affirmation of socially responsible behavior of all entities, especially those that recognize and support the development of green projects. Providing a healthy environment for the population enables complex social cohesion, which is essential for long-term sustainable social development. Raising awareness and improving knowledge should be done at different levels in BiH and in different ways by including issues of spatial planning and environmental protection in curricula, exhibitions and workshops, promotional campaigns and the like. This year, for the first time, the Mediterranean Coast Day was marked in Bosnia and Herzegovina, with the aim of raising awareness on sea coast protection, in order to emphasize the importance of education and research of the sea coast and the sea and the implementation of the ICZM protocol. In that sense, representatives of kindergartens, primary and secondary schools from Neum, as well as prominent experts and representatives of the administration of all levels of government in BiH, as well as representatives of international organizations and regional centers, who helped organize this gathering, took part in the gathering. As they have proven to be extremely useful, such and similar activities will continue in the coming years.

10.4. Instruments for integrated coastal area management

Weaknesses in the information system, especially the lack of capacity of mechanisms and networks as well as the unavailability of usable data and their use for assessing the situation,

monitoring changes in the coastal area, defining goals and assessing the effects of certain measures, are among the most significant shortcomings of the coastal zone management system. In addition, there is a lack of knowledge and experience in the application of modern decision-making mechanisms with elaborate and objective criteria. Due to the fact that they require significant technical and financial resources, scientific research is rare, and the application of their results in decision-making is even rarer. Also, the scope of research in the context of monitoring the state of the land and marine environment and coastal processes is not sufficient. This weakness results in a lack of systematically collected and comparable time series data on important parameters of the state of the environment, space, coastal processes and natural and anthropogenic hazards, complicating management and increasing the risks of making wrong decisions.

In addition, data are often not prepared and adapted to the needs of their use in other sectors (eg in spatial planning). This significantly reduces their practical use value. Unfortunately, Bosnia and Herzegovina do not have the budget to implement these activities, and mostly research is conducted through projects and processes supported by the international community. Such a concept must change and provide adequate funds in the budgets of relevant institutions in order to get a complete picture of the state of the maritime and coastal area in BiH. It is necessary to define a sustainable way of establishing a marine environmental monitoring system in BiH.

Fulfillment of the provisions of Article 17 of the Protocol requires BiH to develop a Mediterranean Strategy for Integrated Coastal Zone Management, which is missing in Bosnia and Herzegovina. There are no assessments on the implementation of strategic documents, and they need to be defined in the process of preparation of the ICZM Strategy within the analysis of compatibility of national policies with the Protocol. IUOP Progress in achieving the objectives of the various sectoral and horizontal strategies and plans is generally weak or moderate due to a lack of technical and financial resources as well as the capacity to implement the adopted strategies, programs and plans.

In line with the implementation of the provisions of Article 19 of the Protocol, it is important to note that a very significant group of shortcomings is caused by weaknesses in conducting environmental impact assessments which include: insufficient information for assessment, unsatisfactory capacity of assessment entities and assessment as formal procedures in the adoption and adoption of planning documentation, ie obtaining permits for the implementation of project activities, insufficient consideration of the comments of the public, and sometimes the institutions that must be consulted and others. These weaknesses are reflected in the quality of planning solutions, as well as in the success of the implementation of specific measures to mitigate or eliminate the negative impacts of programs and projects that are subject to environmental impact assessments. In order to understand the seriousness of the problems and the importance of protecting the marine environment, a project is planned: "Biodiversity assessment in part of the NEUM-KLEK bay in terms of climate change and pollution", which will assess the risks, dangers and damages that threaten us if not complied with the provisions of the ICZM Protocol and other international agreements.

Responsible use of resources is treated by legal acts regulating environmental protection, especially strategic and project environmental impact assessment. However, the methodology of strategic assessment is often very formal, often general, without separating spatial sub-units in relation to sensitivity to planned interventions application of quantitative indicators in environmental impact assessment. When assessing the impact on the environment, the specificity of the impact of certain interventions that have or may have a significant impact on the environment of the coastal area,

and especially on the interrelationships of its sea and land part (waterways, exploitation of all types of architectural and building stone, is not adequately recognized). as well as technical-building stone, exploitation of sea salt, exploitation of gravel and sand, embankment sea, marine fish farms and mariculture farms).

The current regulations governing economic activities of importance for the coastal area (tourism, agriculture and rural development, maritime and land transport, maritime economy, exploitation of mineral resources) are insufficient in terms of determining environmental protection measures, including reducing pollution in the coastal area and prevention of their occurrence. Previous activities related to the definition of land policy and urban planning have been defined by spatial plans that did not consider the existence of the ICZM protocol. After the ratification of the ICZM Protocol, BiH will be obliged to implement all the provisions of the Protocol, which will require a change in the existing legislation. Economic, financial and tax instruments are defined through the existing financial legislation and concern VAT. Additional legislation will need to be drafted after the ratification of the ICZM protocol.

10.5. Risks affecting the coastal area

Within the framework of the national strategy on integrated coastal zone management, the contracting parties are obliged to formulate policies for the prevention of the risk of natural disasters. To this end, appropriate assessments of the vulnerability (risk) of the coastal area should be carried out, and measures for prevention, reduction and adaptation in the event of natural disasters and changes caused by climate change should be determined. In the event of coastal erosion, the Parties shall adopt the necessary measures to prevent and reduce, then to maintain the natural capacity of the coast to adapt to changes including those that cause sea level rise. The Protocol obliges international cooperation in order to provide support in the event of natural disasters and to take the necessary measures for a timely response in order to prevent the consequences.

Weaknesses in reducing damage from natural hazards in Bosnia and Herzegovina relate primarily to the lack of reliable data on the extent of risk and sensitivity to possible impacts, but also the lack of awareness of the importance of taking these impacts into account. This is particularly relevant for coastal erosion and climate change, as well as for combined hazards (eg. the impact of stormy winds and sea level rise in the municipality of Neum. Of particular concern is that climate change risk assessment has not yet been developed and thus integrated into spatial and development plans, but measures have been taken to assess the risks and propose possible measures, especially when it comes to climate change, biodiversity loss and the like. The consequences of climate change due to the increase in the concentration of GHG gases have been observed both globally and at the European level.

The clearest indicator is a significant increase in air temperature, then changes in precipitation, temperature and sea levels, retreat of glaciers, reduction of snow cover, changes in extreme weather and climate events. Bosnia and Herzegovina has developed a Risk Management Strategy for Bosnia and Herzegovina, which needs to be refined in terms of the part related to the coastal area of BiH. By signing this protocol, Bosnia and Herzegovina would undertake to work

independently or with the support of competent international organizations on training of technical and administrative staff in the field of integrated coastal zone management, especially in order to determine and strengthen skills, improve scientific and technical research, promote centers specialized in integrated coastal zone management, promotion of training programs for local experts, exchange and promotion of scientific and technical information, research and coordination of programs with the aim of improving the integrated coastal zone. The exchange of information on the use of best environmental practices and other activities is of common interest as well as cross-border cooperation to properly assess the transboundary environmental impact.

10.6. International cooperation

Since they require significant technical and financial resources, scientific research is rare, and the application of their results in decision-making is even rarer. Also, the scope of research in the context of monitoring the state of the land and marine environment and coastal processes is not sufficient. This weakness results in a lack of systematically collected and comparable time series of data on important parameters of the state of the environment, space, coastal processes, and natural and anthropogenic hazards, complicating management and increasing risks of making wrong decisions.

BiH experts are taking place at the many international scientific forums and using the experience from the other countries are implementing it in Bosnia and Hercegovina.

Also as a member of EUSAIR, we strive to strengthen cooperation with EUSAIR member states, the EU and the Mediterranean countries. Integrated coastal zone management is a long-term process that involves the use of specific instruments. The coastal monitoring system is one of the key instruments of the ICZM, and the establishment of a coastal zone database is one of the essential requirements of the ICZM Protocol. In addition, there is an evident lack of knowledge and experience in the application of modern decision-making mechanisms with elaborate and objective criteria. There is also a lack of equipment and modern technology that would enhance the exchange of information and activities of common interest. Cross-border cooperation is an activity that BiH seeks to strengthen through various programs, projects and plans of regional and global character. Due to the lack of defined policies and budgetary resources, these obligations are being fulfilled with the exclusive support of the international community.

The assessment of transboundary environmental impact is related to an activity that may have an international character, given that the municipality of Neum is a border municipality with the Republic of Croatia.

10.7. The institutional provision

Each Contracting Party to the Protocol shall designate a person or organization responsible for technical and scientific cooperation for the proper implementation of this Protocol, responsible for information at the national, regional, and local levels as well as for regular meetings with representatives from other countries. signatories, who deal with the same tasks from the Protocol in order to perform their functions, timely reporting, coordination of activities and pointing out

possible problems that may be encountered during the application of the regulations from the Protocol.

The signatory countries of the Barcelona Convention have committed themselves to regular meetings, and extraordinary meetings can also be organized if the need arises. According to the provisions of the Barcelona Convention that apply to any protocol, they are applicable to this protocol as well as the rules of procedure and financial rules according to Art. 24 of the Convention. Also, this part of the protocol defines relations with third countries, signing of protocols, ratification, acceptance or approval, accession and entry into force of protocols. The protocol was signed in Madrid on January 21, 2008.

Conclusion

To ensure compliance in accordance with the requirements of the ICZM protocol after the ratification of ICZM Protocol in Bosnia and Herzegovina, it is necessary to transpose the following obligations:

- define the area of application of the Protocol,
- prepare the ICZM Strategy,
- establish a body or group for coordination between the state, entity, cantonal and local levels of government in the field of coastal strategies, plans and programs,
- establish a zone not less than 100 meters in width where construction is not allowed,
- standardize certain instruments whose application is important for stopping unsustainable forms of spatial development of the coastal area,
- awareness-raising campaigns,
- establish proper monitoring the state of the land and marine environment and coastal processes,
- improve conducting environmental impact assessments,
- collect data on the extent of risk and sensitivity to possible impacts due to coastal erosion and climate change,
- organise training of technical and administrative staff in the field of integrated coastal zone management.

List of acronymus:

BiH - Bosnia and Herzegovina

RS - Republica Srpska

FBIH - Federation of Bosnia and Herzegovina

SFRY - Federal Republic of Yugoslavia

MOFTER - Ministry of the Foreign Trade and Economic Relations

UNEP - United Nations Environment Programme

MAP - Mediterranean Action Plan in 1975

EMSA -The European Maritime Safety Agency

IMO - International Maritime Organization

ICZM Protocol- Protocol of Integrated Coastal Zone Management in the Mediterranean

EMSA - European Maritime Safety Agency

IMO - International Maritime Organization

REMPEC - Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea

BP/RAC- Blue Plan Regional Activity Centre

SPA/RAC - Specially Protected Areas Regional Activity Centre

CP/RAC - Cleaner Production Regional Activity Centre

HNK - Herzegovina Neretva Canton