

State of the art of land and soil management in Bosnia and Herzegovina (BiH) and in Federation of Bosnia and Herzegovina (FBiH). The status of soil legislation and the steps to align the national legislation with the EU pointing gaps and weaknesses

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Land Cover in European countries

Land Cover changes in European countries

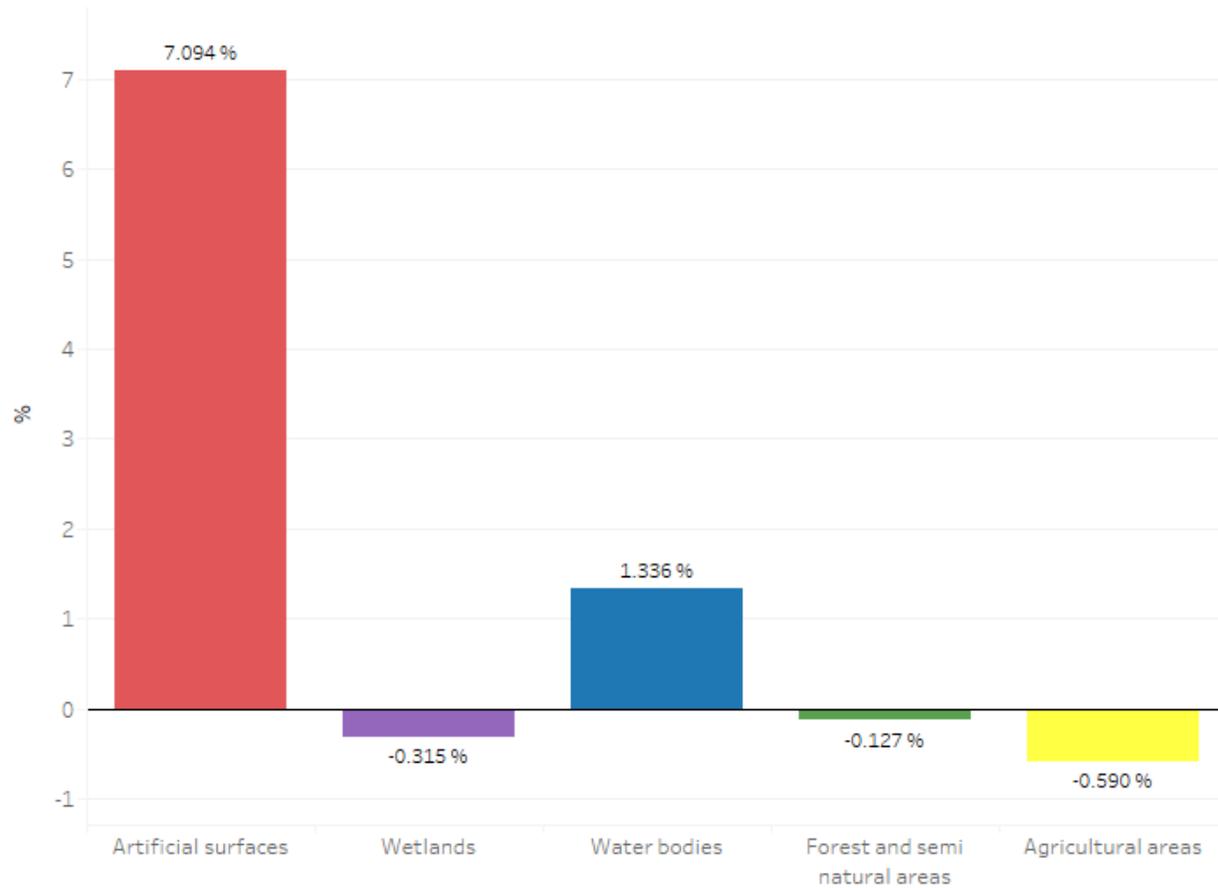
Period

2000-2018

● EEA38+UK

○ EU27

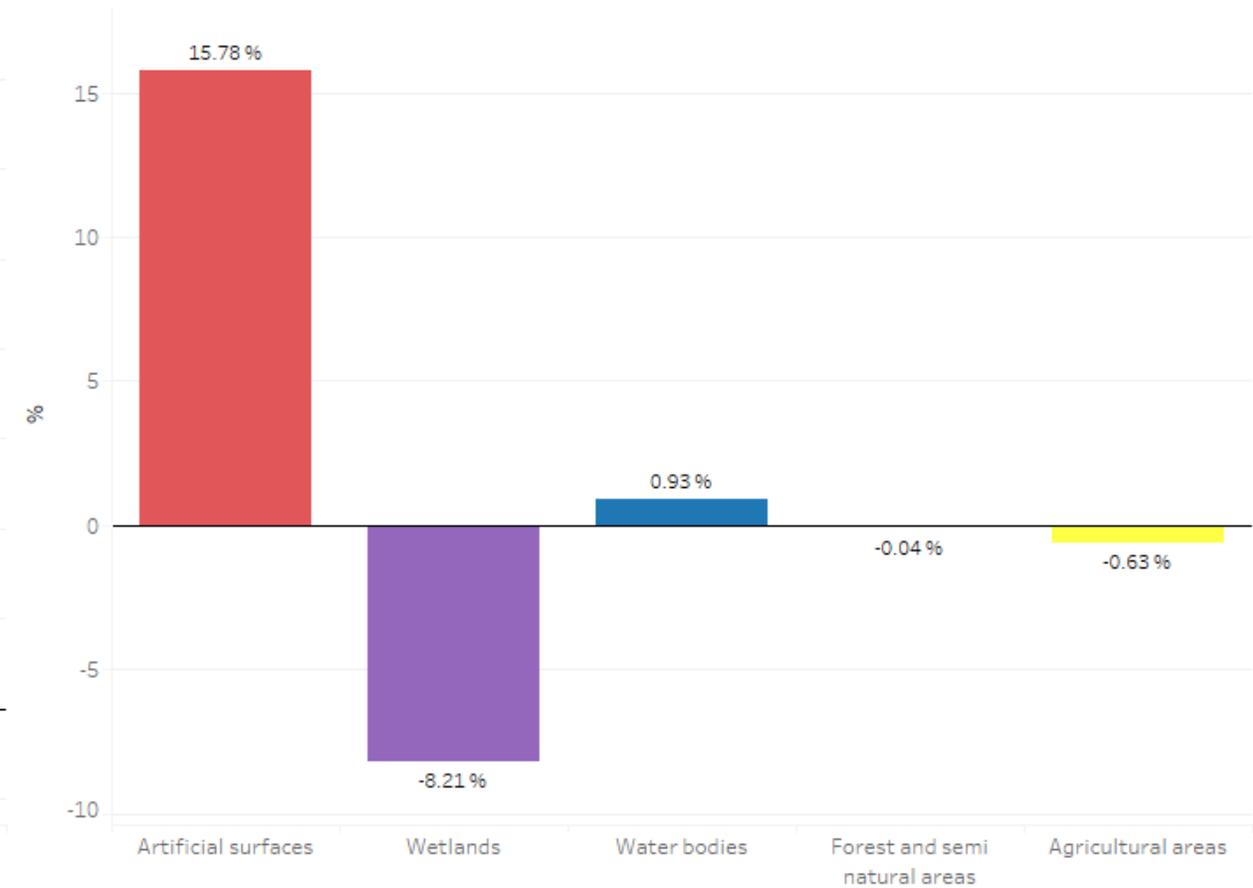
Europe



Country

Bosnia and Herzegovina

Bosnia and Herzegovina

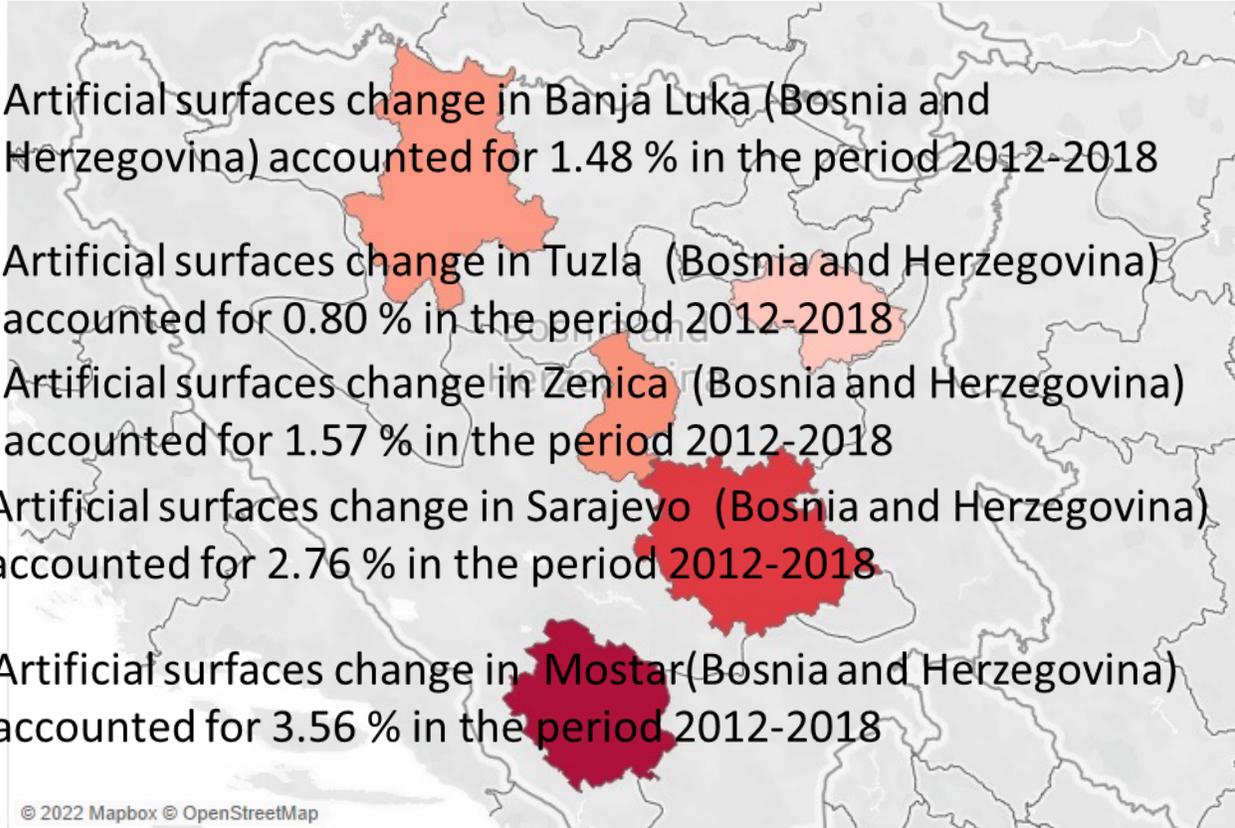


Spatial distribution of selected land cover change in FUAs

[Click in the map to select FUA](#)

Bosnia and Herzegovina

Artificial surfaces change



% of change



Main land cover changes in selected FUA (2012-2018)

[Click in the map to select FUA](#)

Law on Agricultural Land in the BiH and in FBiH

- In Bosnia and Herzegovina, there is no state-level law regulating the issue of sustainable management and protection of agricultural land.
- In the Federation of Bosnia and Herzegovina, there is the Law on Agricultural Land, which has been in force since 2009.
- This Law regulates the issues of basic principles of land management, land protection, land use, land disposal and land records.
- The objectives of this Law are to preserve agricultural land, purposeful use of the land, increase production capacity and improve the management of this resource.
- The implementation of this Law is carried out by lower levels of government through two documents, the Cantons through the "Strategy for Agricultural Soil Management", and local communities (municipalities and cities) through the adoption of the "Agricultural Soil Management Program"

Strategy for Agricultural Soil Management

- This Strategy was adopted by the FBiH Government in 2011
- This document defines the problems, priorities, goals, proposed ways and time for solving the problem.
- This Strategy provides an overview of land areas, ownership structure, size of parcels, a proposal for their consolidation, arranging land registers and cadaster, encouraging leases, granting concessions, the impact of urbanization and other types of land degradation.
- Furthermore, this document proposes land policy measures that affect land management.
- In drafting this Strategy, the European Soil Protection Strategy and the Water Framework Directive 2000/60 / EC were analyzed.

Strategy for Agricultural Soil Management

- This strategy in the FBiH also emphasizes the guidelines for soil management and protection, which are binding in EU countries, and which are defined in the European Soil Protection Strategy from 2006.
- According to this Strategy, 8 main processes of soil degradation in the EU are clearly identified, namely: erosion process, reduction of soil organic matter, soil pollution, salinization, soil compaction, biodiversity loss, soil cover, landslides and floods.
- In the EU, risk areas have been identified that require certain actions and measures, an inventory of contaminated areas has been carried out and registers have been established.
- The European Soil Protection Strategy has taken into account some other regulations in force in the EU, such as the Water Framework Directive, the Nitrates Directive, CAP measures and incorporated all this into its content, which obliges all EU actors to influence any the way the country's degradation processes respect them.

Program on Agricultural Soil Management FBiH

- Program on Agricultural Soil Management are brought by lower levels of government: Cantons, Cities and Municipalities.
- This program include: regionalization, prescribing the procedure of soil management, monitoring, protection of agricultural land and habitats of wild plant and animal species that cannot be changed for use.
- The biggest shortcoming of this Law is the fact that even after 12 years out of 79 municipalities in FBiH, more than 30 of them have not adopted this Program.

Program on Agricultural Soil Management

FBiH

- The analysis of this Law in force in the FBiH can identify a number of weaknesses that make this law non-functional, which is very easy to verify in practice.
- The system of implementation of this Law is very complex because it is a decentralized system of management and control
- In addition to the federal level of government and inspection in the management and control system, ten cantonal levels of government participate, through their line ministries and inspection bodies to local levels of government (municipality), with responsibilities related to the adoption of the Program on Agricultural Soil Management
- It should be noted that there is no single methodology prescribed at the federal level for the development and adoption of the Program on Agricultural Soil Management,
- In addition, this Law does not define a clear mechanism by which the federal level can influence the lower levels of government in terms of adopting and approving this Program. There is no obligation for lower-level government reporting to the federal level regarding the implementation of this Program

Report of the Federal Ministry on the Implementation of the Law on Agricultural Land for 2020

PROCESSES WHICH NEGATIVELY AFFECT THE IMPLEMENTATION OF LAWS AND STRATEGIES OF AGRICULTURAL LAND MANAGEMENT WITH PROPOSED MEASURES FOR IMPROVEMENT:

- Lack of the Department for agricultural land within the Ministry and a small number of professional staff in this Ministry
- Loss of agricultural land several thousand ha per year (usually of the highest quality), by converting agricultural land into non-agricultural due to non-compliance with the Law
- Fragmentation of agricultural land by unplanned or illegal construction and poor inheritance policy;

Non-implementation of the Law, due to the following reasons:

- Most Cantons have no records of State-owned agricultural land;
- Agricultural consents are given for changing the purpose of agricultural land without adopted Spatial plans or general interest and a Map of the use value of the soil;
- Issuance of decisions on changing the purpose of agricultural land as well as contracts on lease and concession of agricultural land is done on the basis of Cantonal regulations in this area without referring to the existing Law on Agricultural Land of the F BiH.
- Very weak cooperation between the departments of agriculture and physical planning in the Federation of BiH, Cantons and Municipalities,
- Non-harmonized sectoral policies

- Competencies regarding the use and disposal of state-owned agricultural land have not been defined.
- Lack of Spatial plan of the Federation of BiH
- The problem of ownership of agricultural land, due to the inconsistency of the Law on Real rights, the Law on survey and cadastre of real estate and the Law on land registry
- Some municipal courts in the Federation of BiH change the registration of ownership of parcels of agricultural land that was registered as state, on behalf of the holder of the right to dispose of that land, referring to the Law on real rights, which directly derogates from the Law on agricultural land principles and management, protection, use, arrangement, disposal and other important issues related to agricultural land in the Federation of BiH
- Some scientific-professional institutions and laboratories for land affairs act contrary to the issued Decisions on authorization issued by this line Ministry.
- Lack of Land information system;
- Purchase of private agricultural land on a larger scale by foreign individuals and legal entities;
- Illegal privatization and purchase of state agricultural land in the process of privatization and conversion of ownership of former socio-economic entities;
- Illegally constructed buildings on agricultural land;
- Construction of facilities of the first stage of processing and exemption from payment of fee for change of use (some Cantons use data from the register of agricultural holdings as a basis for exemption from payment of fee);
- Failure to keep special records of state-owned agricultural land given for use, lease and concession;
- Illegal changes in the creditworthiness categories of land;
- Mining of land;
- Lack of a single land cadastre (separate cadastre and land) and the role of the cadastre in changing culture;
- Low level of education on the importance of land for sustainable development and survival of humanity

Recommendations:

- Due to all the above, it would be necessary to adopt a unified Strategy for sustainable land management and protection at the level of BiH, which would be harmonized with EU documents related to land protection, green agenda, UN Convention on Land Protection, European directives. about water and the environment.
- At the entity level, in cooperation with local self-government units (municipalities and cities), should be adopted Program for Sustainable Soil Management and Protection.
- These Programs would be in the function of implementing the measures and goals defined by the strategic plan.
- It should also clearly define the rights, obligations and responsibilities of the competent entities for the implementation of prescribed measures and activities, especially lower authorities to higher

Recommendations:

- In the Federation of BiH, it is necessary to amend the existing Law on Agricultural Land as soon as possible, eliminate its shortcomings and harmonize it with modern trends in Europe and the world, especially related to degradation processes, conservation, protection, sustainable land management and provide mechanisms for its implementation and control.
- According to SDG indicators for BiH in 2015, the share of degraded land in the total area was 4.0%.
- This information additionally obliges all actors in BiH in charge of land policy to pass appropriate laws as soon as possible that would contribute to stopping further processes of soil degradation as well as remediation of already degraded soils.

A decorative wreath composed of various blue and green leaves and flowers, arranged in a circular pattern. The wreath is framed by a gold-colored geometric border consisting of overlapping lines forming a hexagonal shape. The text "Thank you for your attention" is centered within the wreath.

Thank you
for your
attention