

Open file 2020/09 - Bosnia and Herzegovina: Possible negative impact of hydro- power plant development on the Neretva river

*Redžib Skomorac, LLB
Senior Legal Adviser
Center for Environment*

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- Pending Recommendations no. 217 (2022)

- ▶ **Recomm. No. 1-6 calls for rapid declaration for protection of “Gornji tok Neretve” as Emerald Network site and to ensure adequate mitigation measures**
- ▶ **Recomm. No. 7 calls for halting the construction of HPP Ulog**
- ▶ **Recomm. No. 8-9 calls for prohibition of implementation of other hydropower projects, cancelation of concessions and removal from SP’s**
- ▶ **Recomm. No. 10-11 calls for suspension of all planning and permitting of projects along the Upper Neretva tributaries, assessment of habitats and species**
- ▶ **Recomm. No. 12-13 calls for banning of further development of hydro projects in all other candidate Emerald sites in the Neretva river basin**

No. 7 / Halting the construction of HPP Ulog (35 MW)

- ▶ Not implemented
- ▶ The HPP Ulog dam is **constructed**, and the investor has **finalized the reservoir filling**, which led to psychical and chemical water changes in the accumulation
- ▶ The **remaining activities** (construction of machine house, installation of power lines, etc.) continue to **impact the river** and the area negatively, adding to the concerning factual state re environment and biodiversity
- ▶ The RS Supreme Court rejected the lawsuit filed by local CSO against the **renewal of the environmental** for HPP Ulog. Currently, revision of this decision is pending before the Constitutional Court of BaH upon local CSO's **appeal**
- ▶ Throughout the construction period **negative impacts were observed**, however inspection **failed to assess real impact**, no effective measures and/or sanctions were imposed so far
- ▶ Recomm. No. 7 possibly obsolete

Final construction works on
HPP Ulog dam and machine
house, May-Oct 2024













► Following extensive clearing of vegetation in 2023, test filling of the reservoir was conducted in Sep/Oct 2024













No. 1-6 / Declaration of protection of “Gornji tok Neretve” as Emerald Network site

- ▶ **Not implemented**
- ▶ Drafting/approval of EIA for Phase I (3 SHPPs) remains temporary suspended
- ▶ Renewal of EP for Phase II (4 SHPPs) temporary suspended in June 2024
- ▶ However, protection-granting procedure is effectively also suspended since 2021, as the Ministry is waiting for the government *approval* to follow up the procedure (*also not the protection which was advised by Recomm. No. 1)
- ▶ Emerald Network site (BA00000002) remains **unprotected**
- ▶ The complainants remain concerned that eventual entity level protection (IV category regime) will not hinder future realization of 7 SHPPs

No. 8-9 / Prohibition of implementation of Gornja Neretva hydro scheme (7 SHPPs) in RS, large HPPs in FBiH, cancelation of concessions and removal from SP's

- ▶ **Not implemented**
- ▶ The **concession contracts** for HES Upper Neretva **remain valid**
- ▶ The **status** of these concessions is **unchanged**, even after CfE tried to facilitate recommendation implementation. After a meeting in April 2024, and obtaining additional documentation, CfE conducted a **legal analysis** on validity of concessions and, in July 2024, provided the analysis to the Ministry of Energy and Mining
- ▶ The analysis proved there are substantial **legal ground to terminate the contract** due to inaction of parties. As early as in February 2021, the parties **failed to extend the deadlines and amend the original contract**, which, according to the agreed terms, constitutes as termination of contract
- ▶ However, the Ministry still did not initiate any legal steps towards cancelation of these concessions, as they try to **unofficially negotiate** with the investor
- ▶ Some initiative from **FB&H** authorities were noted, but eventually **no legal action was conducted** to cancel or prohibit the projects in FBiH

No. 10-11 / **Suspension of all planning and permitting of projects along the Upper Neretva tributaries, assessment of habitats and species**

- ▶ **Not implemented**
- ▶ Nine (9) SHPPs on Ljuta river in FB&H remain as planned
- ▶ Jezernica hydro scheme (4 SHPPs) also in place, owned by Elektroprivreda Republike Srpske (RS public electricity producer)
- ▶ So far none of the projects planned on Upper Neretva tributaries were **terminated nor red-flaged**
- ▶ Findings obtained through Neretva Science Week's (2022/2023) initiative were not utilised and are **yet to be consulted**

No. 12-13 / Rapid formulation of management plan and banning of further development of hydro projects in all other candidate **Emerald sites** in the Neretva river basin

- ▶ **Not implemented**
- ▶ The realisation of the **Upper Horizons hydropower scheme** (3 HPPs) has intensified
- ▶ Expected impact on **4 Emerald sites in B&H** (Nevesinjsko, Dabarsko, Fatničko, Popovo polje) and Neretva Delta in Croatia (Natura 2000 site)
- ▶ The channel in Fatničko karst field Emerald site (BA0000023) is constructed, and there are **evident construction works in Dabarsko and Nevesinjsko polje**
- ▶ Complainants challenged **5 construction permits** for HPP Dabar. 2 CPs were annulled but re-issued. Several court cases are pending before RS Supreme Court
- ▶ ***NEW complaint re HES Upper Horizons filed to the StC in Sept 2024**



HPP Dabar construction site
(Google, October 2024)

Image © 2024 Airbus

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Tunnel and Pošćenje dam
construction sites (HPP Dabar)
(Google, October 2024)

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Conclusion

► 14 out of 15 recommendations are still pending:

- Halting construction of HPP Ulog was **ignored** (recomm. might be obsolete),
- Concession for HES Upper Neretva are **pending** and might be subject to **unofficial and unfavourable negotiations** with the investor,
- Despite temporary suspension of permitting, mandatory **protection** of the Upper Neretva area **remains uncertain**,
- Projects in FBiH on **stand-by**, projects in candidate Emerald sites very **active**
- **Findings** of the NSW 2022/2023 so far **not utilised**
- **Very limited collaboration** and dialogue between stakeholders
- **Very limited capacities** of entity level authorities

Proposal

- ▶ The Complainants call upon the Standing Committee to urge the authorities to:
 - Ensure real capacities for better implementation
 - Follow up implementation in a coherent and diligent manner
 - Ensure meaningful cooperation of all stakeholders
- ▶ Add new complaint (HPP Dabar) to the StC 2025 agenda

Thank you for the attention!