An aerial photograph of a river flowing through a dense, green forest in a mountain valley. The river is the central focus, winding through the lush greenery. The surrounding mountains are covered in thick forest, and the sky is visible at the top with some clouds. The image is framed by green geometric shapes on the left and right sides.

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

*Redžib Skomorac, LL.B.  
Center for Environment*

*43<sup>rd</sup> Meeting of the Standing Committee of the  
Bern Convention, Strasbourg (29<sup>th</sup> Nov 2023)*

## - Recommendations no. 217 (2022)

- ▶ Set of fifteen (15) recomm. adopted during 42<sup>nd</sup> meeting of the StC in Dec 2022, which are in presentation presented in 6 “clusters”:
- ▶ **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 Gornja Neretva hydro scheme in RS, HPPs in FBiH, 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**
- ▶ **Recomm. No 14-15 calls for collaboration and establishment of an FP for the BC**

## Declaration of protection of “Gornji tok Neretve” as Emerald Network site and elaboration of adequate mitigation measures

- ▶ **Not implemented**
- ▶ Drafting and approval of EIA for Phase I (3 SHPPs) is **temporary suspended**
- ▶ RS entity level protection-granting procedure on “stand by” since 2021, however, it is important to emphasize that this is **not the protection which was primarily advised by Recomm. No. 1**
- ▶ **Emerald Network site (BA0000002) remains unprotected**
- ▶ For Phase II (4 SHPP’s) all domestic legal remedies have been exhausted, but the project remains in place with legal grounds to apply for construction permits
- ▶ The Complainants remain concerned that eventual entity-level protection (IV category regime) will not hinder future realization of 7 SHPPs
- ▶ Uncertain **operational mode of HPP Ulog** (technical possibilities for hydropeaking hard to ignore), and project falls out of the (eventually) protected area

## Halting the construction of HPP Ulog (35 MW)

- ▶ **Not implemented**
- ▶ The construction of the HPP Ulog has not been halted nor was it imposed
- ▶ Moreover, the construction has significantly intensified. According to the investors, the expected finalization is latest in 2024
- ▶ In July 2023, the RS authorities re-approved the EIA (originally approved in 2013) for installation of **20 km of power-lines** until 2028, without requesting new EIA
- ▶ The most recent activities on HPP Ulog (during Sept/Oct 2023) already **resulted in a severe negative impact (!)**
- ▶ Prolonged water pollution led to **suffocation of fish downstream** of the HPP Ulog construction site
- ▶ No penalties for the misconduct were imposed by the RS inspection which **failed to assess the impact** on the site

Intensified construction of  
HPP Ulog dam and machine  
house, October 2023












An aerial photograph of a forested valley. A winding road or path is visible, leading to a large, cleared area in the center of the valley. The surrounding forest is dense and dark green. The text is overlaid on the right side of the image.

► Extensive clear cutting of  
vegetation for HPP Ulog  
reservoir, October 2023



Pollution of Neretva River  
downstream of the HPP Ulog  
dam construction site,  
October 2023







► Suffocation of fish due to prolonged pollution caused by construction, October 2023



## 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 7 SHPPs are still pending. So far, no physical realization of any of the SHPPs, but all **concession contracts remain binding and in place**
- ▶ Request for information submitted to all relevant RS authorities proved the RS authorities **haven't conducted any steps**
- ▶ RS Government (as grantor) exclusively titled to cancel these concessions, but clearly, so far, no real intention and **zero legal steps were taken to implement Recomm. No. 8**
- ▶ Also, limited initiative from FB&H authorities were noted, but eventually **no legal action was conducted to cancel or prohibit** the projects downstream of HPP Ulog (HPP Glavatičevo and HPP Bjelimići)

## 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, Neretva's most valuable tributary, remain as planned and still **under permitting procedures**
- ▶ Jezernica hydro scheme (4 SHPPs) in RS, another tributary of Neretva, **still under active planning**
- ▶ The concession for **HES Jezernica scheme** was recently transferred from private company to Elektroprivreda Republike Srpske (RS public electricity producer)
- ▶ So far, none of the projects planned on Upper Neretva tributaries were **not terminated nor red-flagged** by any authority
- ▶ Findings obtained through NSW initiative **yet to be consulted by authorities**



## 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
- ▶ Neretva Delta in Croatia (Natura 2000 site), and Nevesinjsko, Dabarsko, Fatničko, Popovo poljes - **four Emerald sites in B&H can be impacted** by Upper Horizons projects
- ▶ In June 2023, the RS officials declared the beginning of the main **construction works on HPP Dabar** (160 MW) on the site in Dabarsko karst field Emerald site (BA0000024)
- ▶ The channel in Fatničko karst field Emerald site (BA0000023) is already constructed, whereas the **screening procedure for HPP Bileća** (32 MW) is currently ongoing

## Collaboration between the authorities and concerned parties and establishment of FP for the BC on state level

- ▶ **Limited implementation**
- ▶ Focal Point for the BC **officially appointed on entity level**
- ▶ NGO's were **not consulted or invited for collaboration** after the Interentity Body for Environmental Protection meeting in February 2023
- ▶ Letter sent in June 2023 to the **newly appointed RS Minister for environment**, proposing a consultative meeting on the status of play regarding ongoing protection procedure, left **without any feedback**
- ▶ Concession contracts for Gornja Neretva hydro scheme (RS), Construction permits for HPP Dabar (RS) and documentation for Ljuta river (FBiH) **persistantly remain undisclosed to the Complainats**

# Neretva Science Week (2023)



Photo: ©Nicholas J.R. White

## Main findings from NSW (May/June 2023)

- ▶ Confirms the Neretva River basin as of **extremely high biodiversity value**
- ▶ 70 scientists have **extended the research to tributaries** (Ljuta and Jezernica rivers), **the nearby karst field** (Nevesinjsko polje), and Zalomka river
- ▶ Over **800 vascular plant species registered**, at least **2 new specimens of bats** were discovered, at least **4 new species of butterflies** of high value
- ▶ A species discovered during NSW 2022 was officially confirmed as a **new species for science** and was named after Neretva river (*Baeoura neretvaensis*)
- ▶ **Endemic species of the Adriatic soft-mouth trout** (*Salmo obtusirostris*), critically endangered (IUCN categorization) as the most important finding
- ▶ The eDNA samples to be verified very soon

## Conclusion

- ▶ **Recommendations No. 217 (2022)**, including halting construction, cancelation of concessions and mandatory protection, have been practically almost ignored by the relevant B&H authorities
- ▶ **Disconcerting narrative(s):**
  1. **Statement by the RS authorities** (included in the latest Progress report) that the *“Decision making (...) has been prolonged until the RS Government takes its position on final purpose of the subject area”*, and that the *“Construction of HPP Ulog has not been halted as it falls outside of scope of the protected area”* (?)
  2. **Blame-shifting by FB&H authorities** (after deliberately discarding all the HPP Ulog-related archives in 2019) and vague action regarding federal projects

## Proposal

- ▶ The Complainants call upon the Standing Committee to take a clear position and to direct the authorities of B&H to **urgently follow up on recommendation in a more diligent, cooperative and appropriate way**, and to ensure involvement of both state and entity level authorities and the complainants in a **joint consultations** on the most appropriate actions
- ▶ Proposal to rename the Case file from “*Possible negative impact (...)*” to “*Negative impact of hydro-power plant development on the Neretva river*”

Thank you for the attention!