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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Bureau of the Standing Committee

18-19 March 2024
Strasbourg

New complaint: 2022/7

**Possible negative impact of mining activities in Trstionica – Gornja
Bukovica and Vareš (Bosnia and Herzegovina)**

- COMPLAINANT REPORT -

*Document prepared by
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February 9th, 2024

To the Bern Convention Secretariat Dear

Sir/Madam,

Thank you for the opportunity to contribute with this Report on the status of the project of mining activities in Trstionica Gornja Bukovica and Vareš.

Please find below my Report for the March 2024 Bureau meeting.

Complaint No. 2022/07: New Complaint: Bosnia and Herzegovina: Possible negative impact of mining activities in Trstionica – Gornja Bukovica and Vareš

After the Complaint was sent to the Secretariat, and then sent to the institutions of Bosnia and Herzegovina for a response, the relevant institutions did not advertise or react in any way, which is evident from the fact that they did not send their Report to the Secretariat.

In front of an informal group of citizens, I sent a letter to the media and they published the news about the existence of the Complaint and that is the only way the public found out about the existence of the Complaint and disputed facts related to the project in the Trstionica Gornja Bukovica area. Institutions turned a deaf ear to media inquiries.

From the moment the Complaint was sent to the Secretariat until today, I have been contacting various inspection offices asking for their insight and reaction. Unfortunately, their answers were very contradictory and favored the work of investors despite the obvious evidence of the existence of destruction of natural habitats, pollution of watercourses and invasive works in the subject area planned for strict protection.

Instead of revising its decisions regarding the Complaint, the Government of Zenica-Doboj Canton issues Decisions on extending the concession for the exploration and exploitation of lead, zinc and barite ore with accompanying metals on a total area of 7.56 km² for a period of 30 years.¹

On the occasion of the aforementioned Decision, and before it was adopted, an Open Letter was sent to the Prime Minister of the Government of Zenica-Doboj Canton, to which we never received a reaction, an answer, nor was more information requested.²

During the period from November 2023 until today, I submitted requests for inspection and none of the institutions in question showed a clear interest in protecting nature, biodiversity, animals and watercourses. On the contrary, favoring investors is evident in the inspectors' answers.³

¹ Službene novine ZDK 6/2023,pdf. pages 14-18, ponedjeljak 24.04.2023. Link:

<https://drive.google.com/file/d/1nG-GXr5eXDXqkiMnwhOfBqitnSXoGSk/view?usp=sharing>

² https://drive.google.com/file/d/1C9vnAC_692K3FNYGdjB9zTIpy0E4RUha/view?usp=sharing

³ <https://drive.google.com/drive/folders/1GSok0CHPANC1RsqQcx5dw9am7AGobLGu?usp=sharing>

In April 2023, the Federal Ministry of Environment and Tourism approves the construction of a landfill at the location of Crvena stijene. In addition to numerous complaints from citizens and environmental associations, who warned of many irregularities, of falsification of data in the TQM Study that presents the location without watercourses and any valuable elements of flora and fauna, for example:

- the presence of mountain streams in the immediate vicinity of the location, the type of habitat protected by the Convention, possible pollution of watercourses and soil, endangerment and destruction of plant and animal life, etc.

However, the Ministry made a decision to allow the construction of the landfill.⁴ During 2023, dead animals were found, and the cause of death remained unknown.⁵ Pictures of the pollution and deterioration of the area are on the link:

<https://drive.google.com/drive/folders/1ojCKXVDMU35bkJ6rVxZJ4tiTigtIBEUh?usp=sharing>

A large forest area was devastated and trees were cut down on over 200ha in the Rupice locality⁶, but also for the construction of roads, for which high-value forest was cut down from Rupica to the Bukovica river and to Semizova ponikva.⁷ On that occasion, the nature monument of the III category "Ponor Rijeka Bukovica" (the abyss of the river) was destroyed.⁸ Works were carried out in the bed of the Bukovica river with heavy construction machinery, and permits for such works were issued by the non-competent bodies of the Municipality of Vareš (jurisdiction rests with the cantonal bodies that did not respond to the prevention of the destruction of nature).

The expansion of the area of devastation of the forest area continues and the damage is increasing every day.⁹

The authorities of the Federation of Bosnia and Herzegovina and the Government of the Zenica-Doboj Canton issue permits to the investor, ignoring the warnings¹⁰ of experts in the field of nature protection (for example, Prof. Dr. Ballian Dalibor), experts in the field of hydrology and geocology (for example, Academician Prof. Dr. Muriz Spahić), nor to the appeals of environmental associations, activists and volunteers¹¹; on the contrary, they ignored the warnings of the Kakanj local government¹² considering that the concession field extends over the water protection zones of the Bukovica River and its tributary Borovicki Potok, from which the entire municipality of Kakanj is supplied with drinking water, and the

⁴ https://drive.google.com/drive/folders/1ngx_wkoW6RjulTxItO1ItFnF3hoIT8GH-?usp=sharing

⁵ https://drive.google.com/drive/folders/16ycJN42DiSX6Vyhf_ONUrl5NMPEKD4kc?usp=sharing

⁶

https://www.myqnapcloud.com/share/6h72i98knp2m2612253y7xc6_9g822425869o2763q978yw229ze_eghif#/home (active daily 7am-11pm)

⁷ <https://youtu.be/UQbNfQzjVLw?si=khNvlkYqOpho5T8u>

⁸ https://youtu.be/6XZgcRPkqj4?si=sebgwFh_QUw_MwF0

⁹ <https://drive.google.com/drive/folders/1ojCKXVDMU35bkJ6rVxZJ4tiTigtIBEUh?usp=sharing>

¹⁰ <https://drive.google.com/file/d/1d219IWDZCiYgK0MUAiejNGlW8CHnJOzg/view?usp=sharing> page 8-9

¹¹ https://youtu.be/SfywT-ey7_U?si=iAaBA3i_QLL3o-jd

¹² https://drive.google.com/file/d/1NBVFKEF7h4cX9Lzqj_4X0H7oIuS-p8OZ/view?usp=sharing

whole project is now not only a danger to biodiversity, but also a very direct a threat to the health and survival of the population. Namely, the local self-government of Kakanj is asking the higher levels of government and authorities to act in order to prevent the poisoning of the population with water that already contains an increased level of cadmium values and to save the Bukovica river, in the bed of which construction works are being carried out for the needs of investors and cutting down forests in water protection zones for the needs of investors, both of which are prohibited by law from working in water protection zones.

The extraction of ore has been taking place at the Rupica site (Trstionica Gornja Bukovica) since July 2023, and according to statements made to the media by the investor and the local government of Vareš, this exploitation continues, although officially the exploitation has not even started. The authorities in Bosnia and Herzegovina are also ignoring this fact.¹³

In the period from July 2023 to September 2023, the investor committed the criminal offense of "forest devastation" on state land with an area of 3ha. To date, the prosecution has not prosecuted this criminal offense¹⁴, and the investor submitted a request for the conversion of that land from forest land to construction, justifying that the criminal offense was committed "accidentally".¹⁵

As a conscientious citizen, but also in front of an informal group of citizens, I filed a criminal complaint for environmental crime in the area outside the concession field (Mehorić) and for disrupting the natural flow of the Trstionica and Boriv watercourses, as well as for dumping tailings on the banks of rivers, but also for the pollution of mountain waters Vrući stream and Trstionica. Not long after the news about this criminal complaint was released to the public via N1 television¹⁶ we received from the prosecutor a "Decision of not conducting the investigation", stating that "there is no criminal offense".¹⁷

Therefore, the authorities in Bosnia and Herzegovina do not respect the Convention and do nothing to prevent the destruction of biodiversity, habitats, animals, and even people.

Shortly after it was determined that the investor had committed the criminal offense of devastation of the forest, the Government of the Federation of Bosnia and Herzegovina, led by Prime Minister Nermin Nikšić, is trying to amnest such an act by passing a Decision allowing the free conversion of state forest land into construction¹⁸ even though they violate the Decision of the High Representative on the prohibition of disposal of state property.¹⁹

When preparing this Report, I contacted the competent institutions with a request for access to information, in which I ask them to answer the question: "What was done regarding the Decision of the Secretariat of the Berne Convention from the meeting on 12-13 September

¹³ https://youtu.be/1GHa4tXbFnc?si=De4g7Zjb_c1mbnUz

¹⁴ <https://drive.google.com/drive/folders/1Mqlv60E1BLLEjzTZPZmNSIdPrB3Z6vVq?usp=sharing>

¹⁵ https://drive.google.com/drive/folders/1TrA_7hMWa0FyyvTID2XpwqAmhIZ0tftG?usp=sharing

¹⁶ <https://youtu.be/6EqAt2bBcCs?si=6hPV7AdISmmiAtdV>

¹⁷ <https://drive.google.com/drive/folders/1SIVTgEZYXaxHnvBD9jq2fR673F644ez?usp=sharing>

¹⁸ <https://drive.google.com/file/d/1cbyZ9XxCTgR11qzdf8R4wwIwJoQhQoXs/view?usp=sharing>

¹⁹ <https://drive.google.com/file/d/1KerAxHx55XIqyQVG0lwv2w5luBkzfn6n/view?usp=sharing>

2023. The decision received on October 6, 2023, by which Bosnia and Herzegovina was invited to implement the suspension of all work on the exploitation of ores in Vareš until the factual situation is established?²⁰

The Prime Minister of the Government of the Federation of Bosnia and Herzegovina did not respond to the inquiry even though the legal deadline had expired.

The Federal Ministry of Environment and Tourism submitted a response in which they do not state that they have taken any action according to the Secretariat's Decision, but only that they will submit their report on time.²¹

The Office of the Government of the Federation of Bosnia and Herzegovina for Public Relations and the Office of the Government of the Federation of Bosnia and Herzegovina for European Integration announced that they were not competent, and the Cabinet of the Secretary of the Government of the Federation of Bosnia and Herzegovina only forwarded the Request to other addresses.

The recognition of a project of state importance was given to this disputed project by the FBiH government without any public participation and without any detailed analysis of the benefits of such a devastating project. The damage that has already been done to watercourses and valuable forests is immeasurable and the project should be stopped urgently.

We did a simple calculation in front of our informal group of citizens:

According to the planning documentation, which is already largely implemented, Adriatic Metals takes clean drinking water from Bukovica 20 l/s, Borovicko potok 4 l/s, Vruće potok 4 l/s for some of its industrial consumption in Rupice. That's a total of 28 l/s.

$28 \text{ l/s} \times 60 \text{ s} = 1680 \text{ l/min.}$

$1680 \text{ l/min} \times 60 \text{ min.} = 100\,800 \text{ l/h}$

$100\,800 \text{ l/h} \times 24 \text{ h} = 2\,419\,200 \text{ l/day}$

$2\,419\,200 \text{ l/day} \times 30 \text{ days} = 72\,576\,000 \text{ l/month}$

$72\,576\,000 \text{ l/month} \times 12 \text{ months} = 870\,912\,000 \text{ l/year}$

To je 26 127 360 000 l/30-year-concession

If we would sell at a price of one mark per liter of bottled water, it is 26 127 360 000 l/30- year-concession instead of 60 million fees for the 30-year-concession, all that water will be destroyed and polluted with heavy metals.

This kind of water pumping led to an unprecedentedly low water level in the Bukovica River during the summer and fall of 2023, even though this was a very rainy summer.²²

The competent authorities in Bosnia and Herzegovina completely ignored all the warnings of all lawyers, ecologists, experts, associations, activists and volunteers, and especially they

²⁰ https://drive.google.com/file/d/1wTTCiIXqDeUmxEQE47beWIYd-2_muBkQ/view?usp=sharing

²¹ <https://drive.google.com/file/d/15Rd9VRuCZMDUedZFWUxYz8pzDuFxWa5s/view?usp=sharing>

²² <https://www.facebook.com/mehoric.kakanj/posts/pfbid022PTnZ7L4etsPdsTg4hUW1SqjtpgHXE4mfTxiB89s1sWtJDqnZac6fEXraMu3r5YBI>

ignored the Decision of the Secretariat and did not even stop the exploitation (which is not even official and is being carried out), nor did they stop the further devastation of nature.

The outcome of not stopping the activities in the area is visible not only in deforestation and pollution of water habitats, but also in the absence of animal presence in the area. This summer and autumn, and during the winter we could hardly find any visible presence of large mammals: only here and there we saw some eaten tips of a bush, or animal prints in mud. There were no feces found. Detonations are horrifically loud, and the land vibrates; obviously, animals fled away from the area.

Following these findings, we have noticed the hunters' reports of "over number of deer" in other areas which led to another hunt.

Vrući potok has lost its life: there are no more living beings there.

Trstionica river is dying and there is notable a decreased number of organisms if a stone is lifted.

Insects such as dragonflies and others usually seen before have not been spotted this summer.

Some baby fish is spotted in the Trstionica river upstream before the mouth of Vrući potok.

Birds have been silent or gone.

Additionally, I must warn about another case of "devastating policy" of the BiH authorities towards valuable areas in Vares, and it is the area of Duboštica-Tribija, which is also provided for a high degree of protection by the Spatial Plan of the Zenica-Doboj Canton.²³, and for which a concession for the exploitation of chrome ore was issued to the company Seven Plus, which was already mentioned in the Complaint.²⁴

Once again, I would like to point out that there was no public participation regarding this project and no public hearing was organized in accordance with the law and Aarhus Convention in the municipality of Kakanj. Citizens of Kakanj which is highly impacted by the project have never given their consent for such invasive activities in an area planned for a high degree of protection. On the occasion of public insight of the Environmental Impact Study²⁵ due to the issuance of the environmental permit, the Federal Ministry of the Environment, in cooperation with the investor, organized a public meeting in the remote village of Borovica in August 2020 during the lockdown. However, even the Study mentioned is not in use anymore since the investor has put to use the ESIA (available on: <https://www.adriaticmetals.com/sustainability/esia/>) which expands the project over and

²³ https://drive.google.com/file/d/1xwFHbnh3qErU5RKW_10vLwN0dnKDeY-C/view?usp=sharing
pdf.page

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²⁴ <https://drive.google.com/file/d/1am4a9r3c8JkrFK8rg6oG-5EXMJ5bLQJ7/view?usp=sharing> page 7
https://drive.google.com/file/d/1aojV5bLFv4xWqmAN_ra2TBWS7lt36D2J/view?usp=sharing

²⁵ https://drive.google.com/file/d/1cLqCDMMT6JALkipoikNzqL0dJTCoMgt_/view?usp=sharing

beyond the primary Study used for the issuance of the environmental permit and the authorities tolerate it.

In the end, a folder has been added to the drive in which additional information will be placed and which will be filled by time:

<https://drive.google.com/drive/folders/1ulhopfbuX5ptupfRa5Z2o0PLdSPfaXC8?usp=sharing> Additional

links:

<https://youtu.be/OdIzHD-gBXA?si=zAcPcttaUIKX7nIq>

<https://youtu.be/PdfDB9vUjP4?si=oQTRNSp3megMozXg>

<https://youtu.be/jPc7wOGkX7A?si=by5j9C8hN5IBCCgJ>

<https://youtu.be/Huo65D2bSDM?si=HjaK7dDuq8zYAyWk>

https://youtu.be/PuNOhIr_iE4?si=b2IU6pOwIMbhdI9V

https://youtu.be/_itkBSatAXo?si=LgdYI7rCKW2B5fLW

<https://youtu.be/LTVD2R6f-i8?si=-zvFL1zNU5Fs271t>

<https://youtube.com/shorts/y335K-skiIo?si=1ntqnJk7H3s9daBO>

<https://youtube.com/shorts/29JhrQqjzUQ?si=rv4gd8LeCYlAVlif>

<https://youtube.com/shorts/flyR--Eg1e0?si=kmXjPuQn-xoclWh6>

https://youtube.com/shorts/FdWeJ3CVi_s?si=OYMHS_xM9arpP5oe

Please, do not hesitate to contact me if you have any questions, or need some more information or translation of a document. I will gladly help at any time.

Kind regards,

Hajrija Čobo