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AND NATURAL HABITATS

Standing Committee

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New complaint: 2022/08

**Possible negative impact of mining activities in Mountain Baba
(Serbia)**

-COMPLAINANT REPORT-

*Document prepared by
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Zaštitimo Jadar i Rađevinu/ Protect Jadar and Radjevina*



**Council of Europe
Biological Diversity Department
Secretariat of the Bern Convention
F-67075 Strasbourg**

Subject: Report on the Complaint No. 2022/08: New Complaint: Serbia: Possible negative impact of mining activities in Mountain Baba

Dear Mrs. Sticker,

Regarding the new letter to the Secretariat of the Berne Convention concerning **Complaint No. 2022/08: New Complaint Serbia: Possible negative impact of mining activities on Mount Baba**, submitted by the association of citizens 'The Guardians of Petrus Valley', with the associations of citizens 'Coalition for Sustainable Mining in Serbia (KORS)' and 'Protect Jadar and Radjevina', on behalf of The Guardians of Petrus Valley, we would like to inform you about the following:

When we wrote this complaint, we were and remain of the opinion that it is necessary to put the interest of the community before personal interests. With that principle in mind, our complaint, which we sent back in 2022, covered the entire area of Mount Baba, as well as the mountain itself. The shadow of the mining corporations constantly lurks over the heads of the Serbian people of this region, for the fourth year in a row.

The area we are talking about, consists of, as a Spatial Plan of Municipality of Paracin says, quote: „ **The settlements that makes the group East that are found in the southern denudation extension of the Grza river (Donja Mutnica, Lešje, Plana, Izvor, Klačevica).**”¹ We hope that the Ministry of Mining and Energy is now a little clearer about the location of the Baba mountain area.

The causes of this big problem lie in the state institutions of the Republic of Serbia, which either do not have enough personnel to cover the entire territory or pass on responsibilities to one another. In most cases, it is the latter.

As a consequence of the above, Mount Baba, as well as the surrounding area, is devastated by the passage of hundreds of trucks in both directions. Reckless blasting and crushing of stone into sand, as well as the taking of whole stone aggregates, led to unfathomable consequences for the environment. Pollution with silicon dust (otherwise carcinogenic) that covered the orchards of hazelnuts, apples, pears, plums, cherries and sour cherries, etc., leads to a decrease in the amount of fruit on the aforementioned orchards, which makes fruit growing almost impossible. And not only that: **our children** eat those fruits. So how can we allow **our children** to eat cancerous fruits? That would mean that we are committing **genocide** against our offspring, and therefore against our own people.

¹ Spatial Plan of the Municipality of Paracin, page 6

In this regard, we will again have to quote the Spatial Plan of the municipality of Paraćin, which says the following: , **Mountain Baba, with the basic character of agriculture in the hills (predominantly arable farming, with orchards and meadows partially present), and the character of lowland intensive agriculture (agriculture) in the Grza valley, and within the settlements of Donja Mutnica, Plana, Lebina, Mirilovac, Lešje and Klačevica. This stretch occupies the space between Strategic development directions B (towards Niš) and V (towards Zaječar). Land suitable for melioration, compaction and irrigation is located in the valleys of Grza and Bresnica, and includes, above all, parts of villages Plana and Mirilovac. This land is not potentially polluted by air and hydro pollutants, so it is suitable for organic agricultural production and creation of a base for products with the characteristics of biologically valuable food.**²

With reference to the quoted text from the Spatial Plan of the Municipality of Paraćin, we see that the area of Mount Baba is suitable for organic food production. Since the pollution, both in our country and in the world, is increasing, the currency of the future will be **organically produced food**. How then is it possible that permission was given to mining corporations to commit **ecocide**, but also **genocide**, on this very valuable space? Due to the unforeseeable consequences on agriculture, the Guardians of Petrus Valley, together with their legal team, filed lawsuits for compensation for damages to agriculture, which occurred amid the uncontrolled exploitation of limestone and the destruction of Mount Baba. Damages are measured in millions of dinars. But money cannot buy health.

And to confirm how agricultural land is a very valuable resource, we will also quote the Spatial Plan of the Republic of Serbia: , **The priority is to protect agricultural land and preserve its biodiversity for food production. The key measure is the prevention of uncontrolled or irrational covering of high-quality agricultural land with construction facilities, primarily by controlling the scope and structure of the so-called Greenfield investment. The largest percentage of Paraćin is in the agricultural zone.**³

Also, in order to confirm that institutions at the local and state level are not functioning, we will attach as evidence that environmental protection inspections do not respond to our requests or are defended by one article of the law on environmental protection inspections, which talks about the actual competence of inspections. How much the institutions themselves do not work is also shown by the fact that administrative proceedings are being conducted before the administrative court: Municipality of Paraćin against the Ministry of Mining and Energy, where the annulment of the decision on exploitation is requested, because it is not in accordance with the Spatial Plan of the Municipality of Paraćin, and therefore the law. The dispute has been ongoing since June 2020, and since then all traces of the proceedings have been lost. This is not the only case and example of the dysfunction of the institutions of the Republic of Serbia. On several occasions, we waged a real war to obtain relevant information through complaints to the Commissioner for Information

² Spatial plan of the Municipality of Paracin: 1.3.2. The proposal for the use of space in the municipality of Paracin

³ Spatial plan of the Republic of Serbia, Official Gazette No. 88/10

of Public Importance, and we repeatedly pointed out the violation of the Aarhus Convention, as well as the law on public information. Fines were even imposed for not responding to requests.

As we can see, the Ministry of Environmental Protection has omitted to mention the mine of the Serbian Glass Factory, and places the greatest focus on the even more controversial mine, Lešje. We will deal with this first. The mine 'Plana' or the mine of the Serbian Glass Factory was opened in the 80's of the last century. However, by looking at the documentation and through information of public importance, we learned that the mentioned mine is not in the Spatial Plan of the Republic of Serbia, nor does it have the necessary permits for the exploitation of limestone for the needs of the Serbian Glass Factory. Moreover, after several requests for information of public importance, we learned the following: that the Plana mine, Holcim AD Plana, or SFS Mine was not registered with the Ministry of Mining and Energy, and that the Ministry never issued a permit for limestone exploitation. Also, in the 1980s, studies were made for the needs of that mine. The studies were conducted by the Institute for Fodder Plants in Kruševac and the Agricultural Institute in Zemun. After we established through information of public importance that the aforementioned institutes do not have any studies regarding that mine, armed with the facts, we sent a request for a mining inspection to the republican inspection and, according to the law, requested the inspection record. A year later, we have not received the record, although we have the legal right to do so. We just wonder, who committed **ecocide** over Mount Baba for 40 years?

As for the Lešje mine, things became chaotic there from the very start. Three companies work on that mine: Bechtel Enka UK, Kruševac Put and Satek Graditi. It all started in 2019, when the Information on the location was issued on April 22, 2019, in which it is said that the exploitation of limestone is not foreseen at the given location according to the Spatial Plan of the municipality of Paraćin. The Spatial Plan of the municipality of Paraćin was prepared in accordance with the opinion of the Ministry of Environmental Protection and Spatial Planning dated July 20, 2010. However, when we requested a copy of this document through a request for information of public importance, the aforementioned Ministry replied that it was an archived document and that the deadline for the response was extended by 40 days, only to receive a response a few days later that they did not have the document. We assume that this is the exact location that was devastated in the middle of uncontrolled limestone exploitation. The Spatial Plan of the Municipality of Paraćin states the following:

„ It is necessary to reserve areas with the purpose of protecting natural resources (forests, watercourses, soil, flora and fauna), preserving the quality of the environment and defined use for recreation of the population in nature. In this context, it is necessary to pay attention to: 1. Areas defined as sources of water supply; 2. All larger forest complexes, regardless of ownership; 3. The area that gravitates to Juhora; 4. The area of the Kučaj Mountains; 5. Baba mountain area. ”⁴

Also, in the *Natural Monuments section*, the Spatial Plan of the Municipality of Paraćin states the following: **, Within the category of natural monuments, priority**

⁴ Spatial Plan of the municipality of Paracin, Protection of nature and natural resources, page 16

is given to geomorphological landmarks, i.e., their protection through nature reserves or the protection of areas of special natural features. The viewpoints are particularly noteworthy: Crni vrh, Šiljati vrh, Golo vrče, Magarači vrh, Javorački vrh, Debelo Brdo, Tisin vrh, Samarnjača, Košučić vrh, Vršiljak, Jankov vrh, Čukara, Tomin vrh, Hajdučki kamen, Baba. Areas of special natural features:

1. Part of the mountain range and the slopes of Mount Baba - there are also several beautiful viewpoints on this massif.⁵

This is where we see that the area of Mount Baba is intended for protection, and it has also been proposed as a natural monument. However, upon further inspection of the documents, the Institute for Nature Protection of Serbia issues conditions for geological research on August 8, 2019, but first issued a decision for exploitation on May 27, 2019. As other institutions also gave consent for this mine, the local communities of the villages of Plana and Lesje declared against mining on the Baba mountain and thus made legally binding decisions that they are against harmful projects in the area of the Baba mountain. However, no one took those decisions of the local communities of the villages of Plana and Lesje into account. How is it possible to proceed with **ecocide** over a mountain when there is no social permission for the same?

As for the exploration field Donja Mutnica (it is interesting how all the mines were named after the village in the area of Mount Baba), the Ministry of Mining and Energy gave permission for geological exploration to the mining corporation Asena Investment d.o.o., so that later that exploration granted rights to another mining corporation Edelweiss Mineral exploration d.o.o. For now, it doesn't look like they were doing geological research, because they didn't expect a complaint to the Bern Secretariat.

We thank the Bern Secretariat for taking our complaint into consideration. We will provide versions both in Serbian and English.

With respect

Milos Jovanovic
President of association of citizens
The Guardians of Petrus Valley

⁵ Spatial plan of the Municipality of Paracin, Protection of Nature and natural resources, page 17

ANNEX 1

Additional documentation and pictures:

[Evidence for Secreteriat of Bern - Google Drive](#)

[New documents for Bern Secreteriate - Google Drive](#)