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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

44th meeting
Strasbourg, 2-6 December 2024

Complaint on stand-by: 2021/07

**Alleged threat to fauna species and protected sites due to the
proposed construction of a lithium mine in the Jadar River Valley
(Serbia)**

- COMPLAINANTS' REPORTS -

Document prepared by

Protect Jadar and Radjevine / Zaštitimo Jadar i Rađevinu and Earth Thrive, Earth Law Center

FAO Bern Convention Secretariat

4th November 2024

Dear Secretariat of the Bern Convention

Bern Convention - Complaint No. 2021/07 - Serbia-lithium mine in the Jadar Valley Fourth report

Thank you for the opportunity to contribute with our Report on the latest status of the Jadar lithium mine project in Serbia.

Please find below our Earth Thrive & Earth Law Center and Zaštitimo Jadar i Rađevinu / Protect Jadar & Rađevina joint report for the December 2024 meeting of the Standing Committee:

We would like to start with an important development we would like to draw the Bureau's and Standing Committee's attention to - the request of Rio Tinto of September 17 2024, for determination of the scope and content of the EIA study which was opened for only 14 days to the public for any comments. We shall like to remind you that the initial request was submitted in July 2021, and subsequently the whole process was cancelled by governmental decree in January 2022, only to be formally reactivated by the Constitutional Court's annulment of the decree in July 2024..

The EIA request, which is based on the studies made, among others, by the Faculty of Biology of the University of Belgrade, confirms to a large degree the list of the species in the impacted area that we submitted in the Complaint, and even expands it in some respects.

For reference of the plethora of flora, fauna and habitats, we will quote here from the actual scoping request of the EIA¹. We as an organisation do not have anywhere near the resources, nor does any other civil society organisation in the country, to verify these claims if not based on the publicly available data, with several scientific studies now available.

Even the publicised numbers present in the scoping request are striking. In the zone of the planned works, 11 amphibians were registered, of which 6 in Appendix II of the Bern Convention, and 5 in Appendix III. (. (126) 10 reptile species were surveyed, with further 2 listed as "possible" according to other studies, of which 10 in the Appendix II of the Bern Convention, and 2 in the Appendix III.² In the area of the spatial plan, 85 different bird species were documented, out of which 1 NT and two VU according to IUCN. In the project area of mining and processing, 62 species were documented, of which 4 in the Annex I of the Bird Directive, 2 listed in the Appendix II of the Bern Convention. Of detected Coleoptera, 1 is found in the Appendix III of the Bern Convention. A scientific study of the area, however, report the presence of one more Coleoptera taxon that is in the Appendix II of the Bern Convention³. Of 11 detected fish species, 9 of which under some kind of nation and/or international protection, 1 is found in the Appendix III of the Bern Convention⁴. 30 species of mammals were

¹ Rio Sava Exploration. "ZAHTEV ZA ODREĐIVANJE OBIMA I SADRŽAJA STUDIJE O PROCENI UTICAJA NA ŽIVOTNU SREDINU PROJEKTA PODZEMNE EKSPLOATACIJE LEŽIŠTA LITIJUMA I BORA JADAR." September 2024. Available at: <https://www.ekologija.gov.rs/sites/default/files/inline-files/%D0%88%D0%B0%D0%B4%D0%B0%D1%80%D0%A1%D0%B5%D0%BF%D1%822024.zip>.

² These findings are in line with Krizmanić et al. (2021) study, which remains the most comprehensive independent study of the biodiversity impacts of the mine project as of this date.

³ Krizmanić et al. (2021), quoted above.

⁴ This survey is in line with the findings of the scientific study: Simonović, P., Dekić, R., Nikolić, V. (2022) Treatise on Assessment of Risk on Aquatic Ecosystem of the River Jadar Owing to the Exploitation of Boron and Lithium in the Project "Jadar." Acta Scientifica Balcanica, 3 (2), 23-34. Available from: https://www.researchgate.net/publication/369196233_TREATISE_ON_ASSESSMENT_OF_RISK_ON_AQUA

documented in the EIA request, of which 10 in the Appendix II and 4 in the Appendix III of the Bern Convention. Note that the comparative scientific study, based on limited fieldwork and comparative literature analysis, states that 59 mammal species would be “expected” in the area exposed to “medium or high degradation.”⁵ Some discrepancies can be attributed to the focus of the scoping request only on the mining and processing area, which, however, does not provide the full picture, as it is evident.

The scoping request also acknowledges that a separate study about the impacts of mining and other technical waters and “a more detailed analysis of their interaction with surface and ground waters.” The impact on water has been one of the main points of scrutiny throughout the development of the project, and it is deeply unsatisfactory that there is no solid data about these yet. (For more details on this important issue please see Annex No2.)

The focus on the mining areas, with worryingly little space given to details about the processing plant and the mining waste facility, which may be even more damaging than the mine itself, as well as water supply pipeline from River Drina, energy and transportation infrastructure, invites doubts that the company may be engaged in “slicing” the project in parts and avoiding or minimising the cumulative impacts of all the operations⁶. It is astonishing to note that the main mining waste disposal facility, planned in possibly the most sensitive biodiversity area, is named twice - in passing - in the whole Scoping document, and supposedly will be the object of a further EIA process. The pattern of incoherence and avoidance, which has characterised their formal application process since 2017 at least, seems to continue.

Of particular note is one of the key “challenges” individuated by the company in the scoping document, regarding riparian habitats alongside Korenita River (see Appendix 1), which are categorised as priority habitats under the Habitats Directive.

Note that the aforementioned habitats lie *within* and *upstream* of the mining and processing zone. We would like to remind the Bureau and Standing Committee about the significance of the Internationally Important Bird Area (IBA) Donje Podrinje, which is *downstream* of the project area. The broader bioregion also includes the IBA Cer Mountain, whose southern edge lies less than 5km north from the mining and processing area, and the Landscape of outstanding features Cultural Landscape “Tršić,” 8 km south-west.

To conclude, what we see in the valley of Jadar and surrounding landscape is a unique mosaic of important and interconnected habitats, hosting a wide number of protected amphibians, reptiles, fish, mammal taxa and fauna.

Protect Jadar and Rađevina / Zaštitimo Jadar i Rađevinu organisation says, that when speaking of environment, the biggest reason we are all here, it is important to know that during the last couple of weeks the Faculty of Biology of Belgrade University has published two important announcements, wrote by the team hired by the company for the needs of EIA. From the first announcement published on the 6th of September 2024⁷, we emphasize:

“The proposed mitigation and remediation measures for the area’s biodiversity are extremely limited in capacity and insufficiently defined in terms of time. The optimal and basic measure to prevent negative consequences on the state of biodiversity in this area is to abandon the planned exploitation and processing of jadarite mineral”, and “Protection of the environment and natural resources (land, water

TIC_ECOSYSTEM_OF_THE_RIVER_JADAR_OWING_TO_EXPLOITATION_OF_BORON_AND_LITHIUM_IN_THE_PROJECT_JADAR

⁵ Krizmanić et al. (2021), quoted above.

⁶ Renewables and Environmental Regulatory Institute. “Rio Tinto – Salami slicing in accordance with ‘the highest European standards of environmental protection’.” October 8, 2024. <https://reri.org.rs/en/rio-tinto-salami-slicing-in-accordance-with-the-highest-european-standards-of-environmental-protection/>.

⁷ <https://www.danas.rs/vesti/drustvo/biolski-fakultet-odbacio-odgovornost-rio-tinto/>

and air) in the Republic of Serbia is a constitutional category. Everyone has the right to a healthy environment, and the state is responsible for its preservation.”

The second, much more detailed announcement published on the 12th of October 2024⁸, stated, among other things:

“The opening of the Rio Tinto mine would bring enormous damage to biodiversity and nature, because this is not only about mining lithium, but about a giga project that would fundamentally change the above-ground and underground space of the entire Jadar valley, with real and potential negative impacts that can reach beyond from the valley itself. More in Annex point 6.

Government

On 17th of September 2024 the company has submitted the request to determine the scope and content of the **EIA to the Ministry of Environmental Protection**. The request itself is problematic and illegal on several levels.

First problem is that the company has submitted the request to determine the scope and content only for the underground exploitation excluding the ore processing and waste management resorting so to the so called “salami slicing” which is not only illegitimate way of avoiding to represent the environmental impact of the entire project and reduce the cost of the environmental protection, but is also illegal according to the Serbian legislative. More in Annex point 7.

To make things worse, the minister of environmental protection, Irena Vujovic, publicly said:

“It is very important for the citizens to know that it will not be mining for two more years as this same procedure that is ongoing at the moment for the mining part, we expect also to be done for the processing and waste management part. It means that the same procedure will be repeated three times...”⁹

Irena Vujovic admitted so that the Ministry of Environmental Protection consciously and premeditated broke the Law on Environmental Impact Assessment which forbids separating the project into smaller parts during EIA process (“salami slicing”) and furthermore informed us that there will be mining in two years from now. As you can see, whatever the people of Serbia does or does not, submits the comments or not, requests or not, trying hard to be involved and give its contribution to the decision making or not, the decision has been already made by the Serbian authorities. Not only that there is no democratic will nor capacity, not even in traces, to conduct the institutional processes, but we have a blatant example of one Government breaking its own laws for the needs of the company risking lives of all species inhabiting the territory they should be protecting.

Documentation submitted by the company on the 17th of September is also problematic. More in Annex, point 8.

Following the statements on illegality of the procedure, “Protect Jadar and Radjevinu” has submitted the request for the rejection of the company’s request for the determining the scope and content of the EIA on the 19th of September 2024, but we have not receive any responses to this day. Similar request has been submitted by other organisations and individuals as well but no one got any feedbacks from the Ministry. Instead of rejecting the company’s request, which would be the only legal solution in the current situation, the Ministry of Environmental Protection did not pass within the legally prescribed period, i.e. according to the Law on Impact Assessment, a decision on whether the request for scope and content is accepted or rejected which means that the Ministry is already breaking the law on this matter and to make things worse, does not communicate with the interested organisations and individuals continuing so their tradition of lack of transparency.

⁸ . <https://insajder.net teme/profesor-bioloskog-fakulteta-za-insajder-otvaranje-rudnika-u-jadru-nanelo-bi-ogromnu-stetu-po-biodiverzitet-i-prirodu-od-eksploatacije-treba-odustati>

⁹ https://www.youtube.com/watch?v=zpztBhCXItM&ab_channel=novosadskatelevizija

On the other hand, by submitting such a request, with incomplete and illegal documentation, the company has proved their intention of obtaining fast and easy profit and no intention and care for the environment and no intention of respecting “European ecological standards” they mention so often.

Obtaining the Act on scope and content of the EIA would bring the company one step closer to obtaining the Licence for exploitation field which would mean they could start working on the mine.

We still have no access to any media with national frequency which actively promote the project. The protector of citizens - ombudsman, in the last four years has not publicly spoken or done anything about the “Jadar” project in order to protect the citizens or to help resolve complaints. One single document on the “Jadar” project has not been approved in accordance with the local community nor has the Government of Serbia announced to the public in any way or manner (media, Parliament...) that the process before the Secretariat of Berne Convention exists nor the public is informed by the Government of Serbia about the meeting that will happen from 2nd to 6th December 2024 in Strasbourg.

ANNEX

1. Important Habitats

"For the chapter on biodiversity, it is necessary to take into consideration that the riparian habitats of the Korenita River, which are adjacent to the zone of surface works (*outside the planning area*), are categorised as priority habitats according to Annex I of the Habitats Directive. Significant representatives of flora and fauna have been detected at this location. Also, the Korenita River proved to be a *key* corridor, primarily for birds and bats, with a higher frequency of use than the Jadar River bed. Therefore, the rehabilitation of this area and the maintenance of optimal living conditions during the construction phase/operational phase of the project will be a priority, but also *a challenge* in an ecological sense." Rio Sava Exploration, 2024, p. 134 [italics added]

2. Study on the impact of the mine and other wastewater on the environment

"It is of crucial importance to conduct a Study on the impact of the mine and all other waste water that will be generated in the process of exploitation and other activities foreseen by the Jadar Project. Although the identified risks from spills of polluting substances (including mine water) are recognized within the available technical documentation, a more detailed analysis of their interaction with surface and underground water is needed." Rio Sava Exploration, 2024, p. 133.

While the company has not yet found time and resources to engage in this, a consortium of scientists has. Dragana Đorđević et al. 2024 study demonstrated impacts on waters already in the *geological exploration* stage.¹⁰ To note that the company's scientists have tried to make the article revoked, without success. It goes without saying that the underground mine would be an incomparably larger operation than exploration drillings. Further risks analysis of the possible risks and impact of mine on fish fauna by Predrag Simonović et al. (2023).

3. *The influence of exploration activities of a potential lithium mine to the environment in Western Serbia work by Dragana Djordjević and others (please see [this link](#))*

The work of Professor Dragana Djordjević from the Centre of Excellence in Environmental Chemistry and Engineering at the Institute of Chemistry, Technology, and Metallurgy, National Institute of the Republic of Serbia, University of Belgrade, along with others, concluded in their research on the potential environmental impacts of lithium mining in Western Serbia that:

- The mine and processing plant would be built above the largest underground drinking water source in the region, and near rivers that flood frequently.
- The extraction process uses strong acids, primarily sulfuric acid, and large quantities of water, producing dangerous wastewater that could severely pollute local water sources.
- The lithium deposit in Western Serbia holds only about 1% of the world's lithium reserves, making it insufficient to significantly address global climate change and not worth the environmental risk.

4. Discovery of *Teucrium Scorodonia*

There has been a recent discovery of *Teucrium Scorodonia* plant growing within the region of the planned mine,

This particular community of *Teucrium Scorodonia*, is possibly 600 km away from the next closest *such living community*.

¹⁰ Đorđević, D., Tadić, J.M., Grgur, B. et al. The influence of exploration activities of a potential lithium mine to the environment in Western Serbia. Sci Rep 14, 17090 (2024). <https://doi.org/10.1038/s41598-024-68072-9>

Woodland ground flora can be used as indicators of habitat health due to their function in these ecosystems. Birds will not breed in woodlands without sufficient ground cover (Long & Bromley, 2011), and pollinators vital for tree reproduction are drawn in by woodland ground flora. Each woodland flower species has its blooming season, which encourages pollinator activity year-round. Year-round pollinators then encourage bird activity and dispersal of tree seeds. In more ways than one, the function of a forest correlates strongly to its ground flora.

A major concern for conservation translocation of woodland flora is the relatively low success level for projects, with survival rates of reintroduced flowering plant species once as low as 52% (Godefroid et al., 2010)

The success of mature plant translocation is even lower, showing that most plants reach maturity but are not as likely to successfully reproduce or survive beyond a few years (Dalrymple et al., 2021).

5. Possible effects of decreased sunlight

Research indicates that reduced sunlight can lead to decreased photosynthetic rates, which can have cascading effects on plant health and productivity. We enclose the below study as reference, which is relevant for this case on the impact of mining on sunlight and number of sunny days:

The impact of pollution from mining activities on the number of sunny days
The impact of pollution from mining activities on the number of sunny days

6. Impact on biodiversity by SANU

As stated in the work in the monograph published by Serbian Academy of Sciences and Arts - SANU in 2021, in the primary zones of influence there will be a complete and direct destruction of the habitats, along with the disappearance of all the organisms that inhabit them. Additionally, there will be different types and degrees of habitat degradation and fragmentation, changes in their physical and chemical characteristics, as well as the cutting and disappearance of migratory routes and ecological corridors.

In a recent interview, two authors who were part of the team of the Biological Faculty who performed the biodiversity analysis upon request from Rio Sava Exploration, stated:

“From an insight into the nature and scope of planned activities in the Jadar area as well as the quality and state of biodiversity in this part of Serbia, we remain of the opinion that from the perspective of preserving the living world in the Jadar area, at this moment, it is best to abandon the exploitation of jadarite ore. Among other things, this position is based on the precautionary principle, which, as a key principle in decision-making in disputed situations, should be applied by all other subjects in the decision-making chain in the state of Serbia. This important principle derives from the concept of the responsibility of the present towards future generations and is one of the fundamental principles of sustainable development, that is, today's story about the green transition.”¹¹

7. Illegality

According to the current Law on EIA of the Republic of Serbia, it is expressly prohibited to separate the project during the EIA process. Not only that such manner is illegal according to before mentioned Law, but separating the project is contrary to the Conditions of the Institute for Nature Protection of Serbia in which is prescribed that “the type of work obliges the company to initiate the decision-making process

¹¹ Karović, Boban. “Profesori Biološkog fakulteta za Insajder: Otvaranje rudnika u Jadru nanelo bi ogromnu štetu - od eksploatacije treba odustati.” *Insajder*, October 12, 2024. <https://insajder.net teme/profesori-bioloskog-fakulteta-za-insajder-otvaranje-rudnika-u-jadru-nanelo-bi-ogromnu-stetu-po-biodiverzitet-i-prirodu-od-eksploatacije-treba-odustati>.

on the need to prepare an EIA, and the preparation of an environmental impact assessment study of the main mining project that will include all stages of exploitation and processing of jadarite ore.”

Certificate of mineral reserves of lithium and borates is illegal since the Law on determining ore reserves does not contain rules for lithium and borates, so this Certificate could not be obtained in accordance with the law. Protect Jadar and Radjevina has submitted the request to the Ministry of Mining and Energy (which has approved the obviously forged certificate according to ZJR) on the 2nd of October 2024 to abolish the illegal Certificate on ore reserves of lithium and borates, but we did not receive any responses to this day.

8. Documentation submitted by the company is also problematic.

Feasibility study the company submitted with the request of 17th of September 2024 could not be done in accordance with the Serbian legislative since one of the necessary documents for its writing is the Act on determination of the scope and content of the EIA of the Ministry of Environmental Protection, as it is stated in the Law on Mining and Geological Research. As we can all see, the Feasibility study has been done before the necessary conditions for the same study had been fulfilled.

9. Absence of public participation/ information

The interested citizens, including our collaborates, did not receive any information on the studies involved in the process we speak about that they had asked for, even though the commissioner for information of public importance ordered to the Faculty of Mining and Geology to make them publicly available.

The Organisation “Protect Jadar and Radjevina” filed several criminal charges against the company and individuals who participated in the making of the above mentioned illegal documentation. To this day, we do not have any response from the Prosecution, except that they are acting according to our charges.

ZJR also says that *“Until this day the public does not know the exact chemical composition of the jadarite mineral. Serbian scientists, like professors from the Faculty of chemistry of the Belgrade University, stated that they have asked the sample of jadarite from the company, but they never succeeded in their attempts that are now longer than 15 years.”*

As for the socio-political situation that worsens, one example would be enough to describe the pressure we all live in as hostages of the “Jadar” project. On the 8th of October 2024, the dean of the Faculty of Electrical Engineering of the University of Belgrade and members of the board resigned because of the “Jadar” project¹². The members of the Faculty who are against the opening of the mine in Jadar and Radjevina were supposed to vote on their position on the “Jadar” project. The pressures on the faculty members to support it led to their decision on resignations. Rio Tinto continue to donate money to local and sports associations at an unabated pace, committing the most unscrupulous acts of corruption, while pressure and intimidation are applied to activists and members of citizens' associations.

¹² <https://www.danas.rs/vesti/drustvo/dekan-etf-a-i-clanovi-uprave-podneli-ostavke-zbog-projekta-jadar/>

FAO Bern Convention Secretariat

5th August 2024

Dear Sirs,

Bern Convention - Complaint No. 2021/07 - Serbia-lithium mine in the Jadar Valley Third report

Thank you for the opportunity to contribute with our Report on the latest status of the Jadar lithium mine project in Serbia.

Please find below our Zaštitimo Jadar i Rađevinu / Protect Jadar & Rađevina and Earth Thrive & Earth Law Center joint report for the September 2024 meeting of the Bureau:

Our submissions for this Report will show that the Republic of Serbia would (further) violate Articles 2, 3.2, 4.1, 4.2, 4.4 and 5 of the Bern Convention by potentially causing transboundary environmental harm, given the close proximity to the border, and severely impacting protected species and water quality. The Republic of Serbia, i.e. the responsible authority, violates the already mentioned articles of the Convention by not taking the necessary measures to preserve the habitat and endangered species that live in that area.

We would like to inform the Bureau that **the Serbian government has taken some definitive steps towards reviving the project Jadar** and we are outlining the Chronology of the most important recent developments in that regard for your attention:

The Government of Serbia has broken their statements from previous reports. On the 11th of July 2024, the Constitutional court has declared the Decree of the Government of Serbia from 20th January 2022 that abolished the “Jadar” project as unconstitutional¹³. Only 5 days later, on the 16th of July, the Government declared the Spatial plan for the “Jadar” project from march of 2020 to on force again¹⁴, without public hearing, without consultations. The public was not previously informed about this decisions. The legal demands were not respected, the strategic assessment of the impact of the spatial plan has not been done again even though it is necessary according to the Serbian legislative system. According to the Serbian law, lithium and borates reserve cannot be registered since the law ore reserves does not even mention these minerals. The Spatial plan is as illegal as it can be.

EU - Serbia ‘Strategic raw materials’ Agreement

19.07.2024. - The EU and the Republic of Serbia signed a Memorandum of Understanding (MoU) launching a Strategic Partnership on sustainable raw materials, battery value chains and electric vehicles - EU and Serbia sign strategic partnership (europa.eu)

The above events, which followed each other in an extremely and very unusually quick and coordinated succession, attest to the never abandoned Serbian government’s intention to (re)open the project, which we warned about in our initial Complaint.

¹³ <https://ustavni.sud.rs/ostalo/odnosi-sa-javnoscu/vesti/2024-07-11-15-45/saopstenje-za-javnost>

¹⁴ <https://www.srbija.gov.rs/vest/800266/osnovano-telo-za-koordinaciju-poslova-bezbednosti-saobracaja-na-putevima.php>

<https://www.bbc.com/serbian/lat/srbija-69187043>

Further to the above developments and to the already previously listed natural protected features and species, we would like to add the following in support of our argument that the opening of the lithium mine in the Jadar valley and Radjevina would lead to the detrimental consequences to protected species in this Nature very rich and fragile region: Donje Podrinje / Lower Podrinje (the region around the river Drina) see Picture 2.

We would like to draw special attention to one of the most endangered birds within the above mentioned Donje/Lower Podrinje IBA region, the *Little tern* which is protected not only by the Bern Convention but also by the Bonn Convention, SPA/BD Protocol, EU Birds Directive, AEWa and Helsinki Conventions

“The only regular nesting site of the little tern (Little Tern - *Sterna albifrons Pallas, 1764*) in Serbia is in the lower reaches of the Drina, on the last 20 km upstream from the mouth, within the Internationally Important Bird Area (IBA) Donje Podrinje. Almost the entire population of these birds in Serbia, which is estimated at **only 25-35** pairs, nests right here, on the gravel mounds.”¹⁵

Another species that we would like to draw a particularly special attention to is *T. scorodonia*

“From the point of view of threat and protection, the newly discovered species for the flora of Serbia, the large dubacac (*T. scorodonia*), which was found during research on the southern slopes of the future Štavice landfill (see picture 3.), has by far the greatest importance. That this is an extremely significant floristic discovery and a natural rarity, not only within the flora of Serbia, is also confirmed by the fact that the new population represents an isolated eastern enclave within the range of this sub-Atlantic species, which is more than 600 km away from the nearest population in the west, so that the valley of Štavica practically represents the only site of the species in the Balkans.

In the case of construction of a landfill, 90% of the population of *T. scorodonia* would disappear from the mentioned location, while the rare fern *Dryopteris borreri* and 20 other rare plants would also disappear.

With the construction of a zone of production and industrial activities, seven plant species would disappear from the Brezjak site, of which *Agrostis gigantea* and *Peucedanum palustre* are particularly important. Several hygrophilous and aquatic plants were recorded at the Lipički Shore location, of which *Carex pseudocyperus*, *Dipsacus pilosus*, *Sparganium erectum* and *Utricularia vulgaris* are particularly interesting.”¹⁶

For all the above-mentioned reasons, the optimal and basic measure to prevent negative consequences on the state of biodiversity in this area is to abandon the planned exploitation and processing of jadarite minerals”.¹⁷

¹⁵ [DZPPS | Jedino redovno gnezdište male čigre u Srbiji jeste u donjem toku Drine, na poslednjih 20km uzvodno od ušća, u okviru Međunarodno... | Instagram ; Krenite u posmatranje ptica sa obe strane Drine! – Društvo za zaštitu i proučavanje ptica Srbije \(pticesrbije.rs\) ; Mapa-za-posmatranje-ptica-IBA-Donje-Podrinje.pdf \(pticesrbije.rs\)](#)

¹⁶ Krizmanić, I., Živić, I., Niketić, M., Vukov, T. et al. (2021) "Projekat Jadar: Biodiverzitet i biološki uticaji," in Stevanović, V., Šolaja, B., Radmilović, V. (eds.) "Projekat Jadar - Šta je poznato?" Beograd: Srpska akademija nauka i umetnosti, (157-176) The volume is an edited collection based on the eponymous two-day conference held at the Serbian Academy of Sciences and Arts, 7-8 May 2021.

¹⁷ Krizmanić, I., Živić, I., Niketić, M., Vukov, T. et al. (2021) "Projekat Jadar: Biodiverzitet i biološki uticaji," in Stevanović, V., Šolaja, B., Radmilović, V. (eds.) "Projekat Jadar - Šta je poznato?" Beograd: Srpska akademija nauka i umetnosti, (157-176) The volume is an edited collection based on the eponymous two-day conference held at the Serbian Academy of Sciences and Arts, 7-8 May 2021.

The company keeps advertising the nonexistent project for months now, which deeply disturbs the citizens of Serbia. Our organisation has submitted multiple criminal charges against the company and their collaborators that have not been rejected but are in the process. However, we are waiting more than a year for the prosecution to do something about it. The company has demanded the licence for the exploitation field and the Ministry of mining and energetics has extended the date for the company to bring all the necessary documents 11 times so far¹⁸, which is against the law that clearly states that the licence will be refused if necessary documents are not submitted. We have asked the Ministry via emails and via post multiple times to refuse the company's demand and inform us on their decision. We have been told that what we ask is not the information of public importance! That is the answer we mostly get from Serbian institutions lately. We cannot get copies of their contracts with Rio Tinto because they are, as they say, "business secret". But what do we get is enormous pressure from the representatives of Vucic's regime, both on local and republic level. Threats and insults are constant. Members of our organisation have already suffered job losses and it goes as far as the parliament member insulting us publicly¹⁹ with no institution protecting us. The prosecution in Loznica has all the evidence we submitted but the stay silent. Tax inspection we asked to check and examine corruptive actions of Rio Tinto in Serbia and tax avoidance, remains silent since May 2023 when we demanded the inspection. The company gave a large amount of money to the owners of the plots where they performed the research drills, even though they no longer have exploratory permits, the drills remained posing a danger to the environment which is obviously corruption. Ministry of mining and energetics does not react to our requests and demands to remove them and turn the soil back into the previous state.

It is also important to note that all of the experts who publicly oppose to the "Jadar" project become target of the company and pro regime media. All of the conclusions Serbian academy of science and art made on the project in May 2021 are completely ignored.

These days Aleksandar Vucic has announced that we might decide on referendum next year^{20 21} whether to open the mine or not. Referendum on such issue would be unconstitutional and besides that, it is clear that, according to domestic and international laws such as Bern convention, this mine cannot be open in Jadar and Radjevina. As you can see, the regime in Serbia is based on arbitrariness of one man and one political party ruled by the same person, no laws apply to him and that is why we need international legal intervention on this matter as fast as possible. It should be remembered that in 2021, the census was abolished in Serbia, which made the referendum even more meaningless. Speaking of referendum, the president of Serbia called of us who are opposing the lithium mine "stunned" saying that if there would be a referendum, he would "beat" us²².

To make things worse, leader of the Serbian progressive party parliamentary group, Milenko Jovanov, said spreading fear in war threatening speech:

"That lithium will not remain in the soil. Will it be extracted with the consent of the state of Serbia and the participation of the state of Serbia so that it can protect its citizens and its interests or will someone extract it regardless of what the interests of the state of Serbia are, those are the alternatives. Whoever

¹⁸ <https://rs.bloombergadria.com/ostalo/opste/26855/ministarstvo-11-puta-produzilo-rok-rio-tintu-za-dobijanje-dozvole/news>

¹⁹ <https://www.021.rs/story/Info/Srbija/379503/Djukanovic-Zatucani-kretni-se-protive-eksploataciji-litijuma-kopace-se-nego-sta-ce.html>

²⁰ <https://n1info.rs/vesti/vucic-najavio-mogucnost-raspisivanja-referenduma-o-rudarenju-litijuma/>

²¹ <https://www.sns.org.rs/novosti/vesti/jovanov-ne-bezimo-od-referenduma-o-rio-tintu>

²² <https://n1info.rs/vesti/kako-vlast-gura-rudnik-u-sestoj-brzini-akademici-i-narod-zatucani-a-bezopasni-litijum-i-sumporna-kiselina/>

thinks that you will have the most important ore of the 21st century and say "Hey, it's ours, we won't touch it", should look a little at the history of the Middle East. Let him look a little at the history of those Arab countries that had oil, let him see what happened there."²³

There are also constant threats by Aleksandar Vucic and other officials that Serbia would have to pay the amends to Rio Tinto if we refuse to open the mine²⁴. It is an absolute nonsense, there is no contract between the Government and the company, nor the company has ever been granted the exploitation license, as if we can put price on Nature, biodiversity and human lives.

Speaking of the head of Serbian state we have to remind that, speaking of "Jadar" project, he said: "We have no right to destroy more lives than intended." The protests against the "Jadar" project are being held all over the country, the situation in society is tense. Bearing in mind the fact that Rio Tinto has caused social conflict almost wherever they operated and adding to it the statements of Serbian officials mention above and the strong determination of the people to prevent the opening of the mine, we are truly concerned that the conflict may escalate.

The company still does not have approved patent²⁵, all of their studies are just private documentation as they are not approved, yet, Serbian politician, starting from president Vucic, are claiming to the public that mine is safe and so does the company²⁶. Chad Blewitt, managing director of the "Jadar" project, said that they published the studies on their own, admitting that it is done against the law.

People from local community keep repeating they do not want the mine, supported by masses from entire country and region as well, but yet, our "no" has no meaning for the decision makers. Our basic human rights are being broken constantly. We are constantly forced to get into dialogue with the company even though we refuse to do so as we simply do not want the mine, now we cannot even have enough freedom to say that we do not want to discuss about the product we simply do not want to buy and there is no one single institution in Serbia to protect us so that we can protect the reason we are all here – the Nature.

As you can see from all the above, laws and constitution in Serbia are practically nonexistent. Mentioning the case of Bern convention is practically forbidden in the media, and our access to them is limited to a minimum, whereas the regime and the company have all the media and public space they want.

Everything that the Government of Serbia has declared in their previous reports to the Secretariat of Bern has been broken now, as you can see, thankfully they were put under monitoring. **The Republic of Serbia violated Articles 2, 3.2, 4.1, 4.2, 4.4 and 5 of the Bern Convention by causing environmental harm and severely impacting protected species and water quality.**

For all the reasons mentioned above, we ask the Secretariat to activate this case in September meeting and stop all the actions on the "Jadar" project.

Hoping that you will, as always, put the Nature and biodiversity in first place, and help us fight the injustice and ecocide threats in Serbia,

We gratefully salute you from Jadar and Radjevina.

Zoe Lujić, Earth Thrive and Marija Alimpic Katsakiori, Protect Jadar and Radjevina/Zaštitimo Jadar i Rađevinu

²³ <https://www.facebook.com/share/v/aTPnoKMpFByN2j4t/>

²⁴ <https://www.danas.rs/vesti/ekonomija/rio-tinto-tuzba/>

²⁵ <https://patents.google.com/patent/US20200263277A1/en?assignee=Rio+Tinto+Minerals+Inc>

²⁶ <https://www.politika.rs/scc/clanak/624066/Zivot-u-dolini-Jadra-moze-neometano-da-se-nastavi>

ANNEX

Citizens throughout Serbia are protesting against the Jadar project

The renewal of protests against Rio Tinto has led to a series of highly attended²⁷ protests across Serbia, and the high attendance in the places in the vicinity of which the exploration of lithium deposits has been announced shows that there has been a huge disturbance of the local population, the non-governmental organisation Archives of Public Meetings announced²⁸.

Conclusions and quotes of independent experts with regard to the endangerment the proposed mine would pose on the protected species and Nature as a whole:

Eminent professor of ichthyology Dr. Simonović, as the leading expert of a group of scientists who worked on *Treatise on Assessment of Risk on Aquatic Ecosystem of the River Jadar Owing to the Exploitation of Boron and Lithium in the Project “Jadar.”* states that:

“The risk that mining of the mineral jadarite *in the Jadar Region of the Western Serbia poses to the River Jadar* as a main recipient of treated underground waters is very high. High contents of B and Li in underground water would strongly affect the ecosystem of the River Jadar regardless of whether the untreated water was released at low-, medium-, or high-water levels and discharges. The concentrations of B and Li that would then occur in water of the River Jadar would greatly exceed the limits considered harmless for species in the fish community of the River Jadar and most likely cause serious fish kill, as well as death of other aquatic organisms. Owing to their sedentary way of life, the most susceptible will be brook lamprey and streber that are declared as strictly protected species in the national legislation. The massive death of aquatic organisms and decomposition of their carcasses will deplete oxygen in stream water and increase the ammonium content, which will additionally augment the initial lethal effect. The downstream extent of pollution, as well as the lasting recovery period for the ecosystem is difficult to predict.”²⁹

Members of Serbian Academy of Arts and Sciences - SANU also state that: *“The jadarite mineral exploitation project in Serbia, if implemented, will have a significant number of negative impacts that will lead to irreversible and partially reversible consequences on the existing ecosystems.*

By carrying out the planned activities, especially by depositing industrial waste, there will be significant damage to biodiversity in the entire area of the planned works. In certain, primary zones of influence,

²⁷ The Archive of Public Meetings published attendance data from places where protests against lithium mining were held, highlighting in parentheses the equivalent of attendance in Belgrade, proportional to the number of residents. Viewed in relation to the number of inhabitants of the place where they are held, of the 14 protests organized this summer against Rio Tinto, 10 of them were even more massive than last year's largest protests against violence in Belgrade. Also, five of them are even bigger than the Fifth of October in terms of relative size.

²⁸ <https://nova.rs/vesti/drustvo/velika-posecenost-protesta-protiv-iskopavanja-litijuma-u-skoro-svim-gradovima-u-srbiji-skup-u-bogaticu-verovatno-najmasovniji-u-istoriji-tog-mesta/Protest-protiv-Rio-Tinta-u-Sapcu-dosad-najveci-u-2-024.-n1info.rs>

²⁹ Simonović, P., Dekić, R., Nikolić, V. (2022) *Treatise on Assessment of Risk on Aquatic Ecosystem of the River Jadar Owing to the Exploitation of Boron and Lithium in the Project “Jadar.” Acta Scientifica Balcanica*, 3 (2), 23-34. Available from: https://www.researchgate.net/publication/369196233_TREATISE_ON_ASSESSMENT_OF_RISK_ON_AQUATIC_ECOSYSTEM_OF_THE_RIVER_JADAR_OWING_TO_EXPLOITATION_OF_BORON_AND_LITHIUM_IN_THE_PROJECT_JADAR [accessed Mar 27 2024].

there will be complete and direct destruction of habitats with the disappearance of all the organisms that inhabit them.

Additionally, there will be different types and degrees of habitat degradation and fragmentation, changes in their physical and chemical characteristics, as well as the cutting or disappearance of migratory routes and ecological corridors.

The negative impacts of jadarite mineral exploitation can be reflected on the entire ecosystem diversity of all aquatic and terrestrial habitats outside the area of the "Jadar" mining complex.

In August 2019, the project team under Uros Pantovic from Bird Protection and Study Society of Serbia - BPSSS produced the following conclusions within their study.³⁰

Some of their most relevant findings are quoted below:

B2. Species with an unfavourable conservation status in Europe The site is one of the 'n' most important in the country for a species with an unfavourable conservation status in Europe (SPEC1/2/3) and for which the site-protection approach is thought to be appropriate

C6. Species threatened at the European Union level
The site is one of the five most important in the European region (NUTS region) in question for a species or subspecies considered threatened in the European Union (i.e. listed in Annex I of the EC Birds Directive).

BirdLife Data Zone

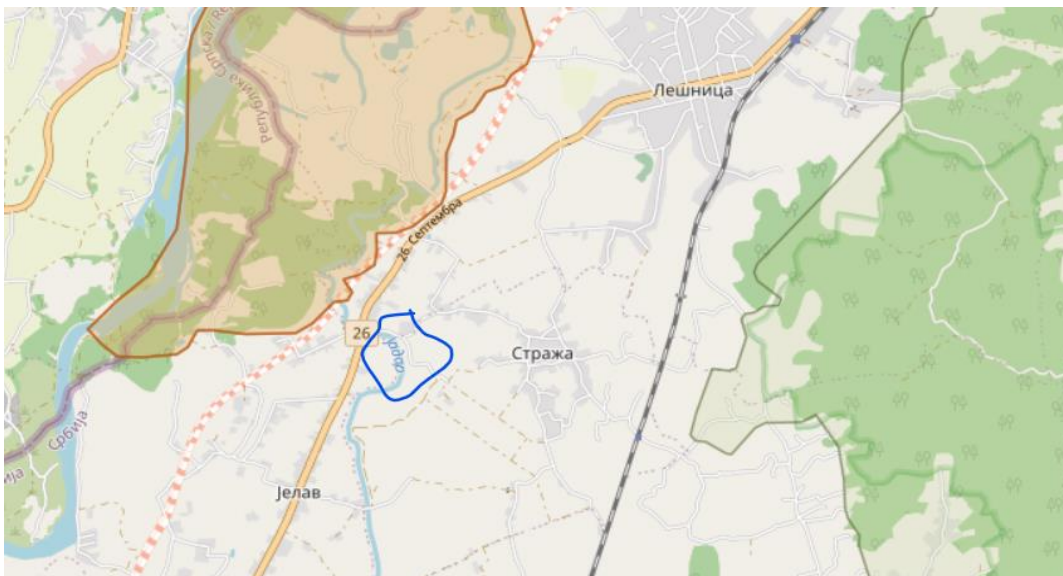
Jadar river

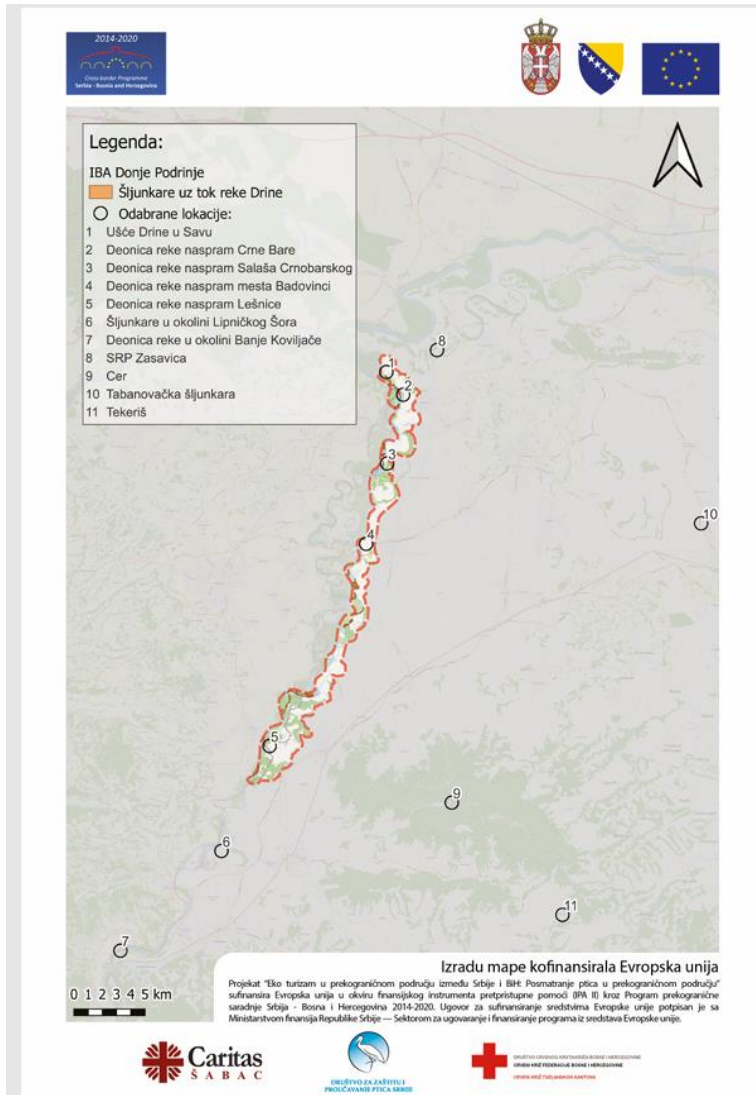
The Jadar River is part of the protected area (IBA Donje Podrinje³¹), but this protection extends throughout the habitat, i.e. along the Jadar River, which is right in the centre of the planned mine, whose waters would be used for the needs of the mine. Waste, purified water would end up in the Jadar River, which flows into the international Drina River³² as shown on the map (Picture 1.)

³⁰ Long-term conservation of key biodiversity sites in Serbia – evaluation and designation of a new national network of Important Bird and Biodiversity Areas-IBA project,

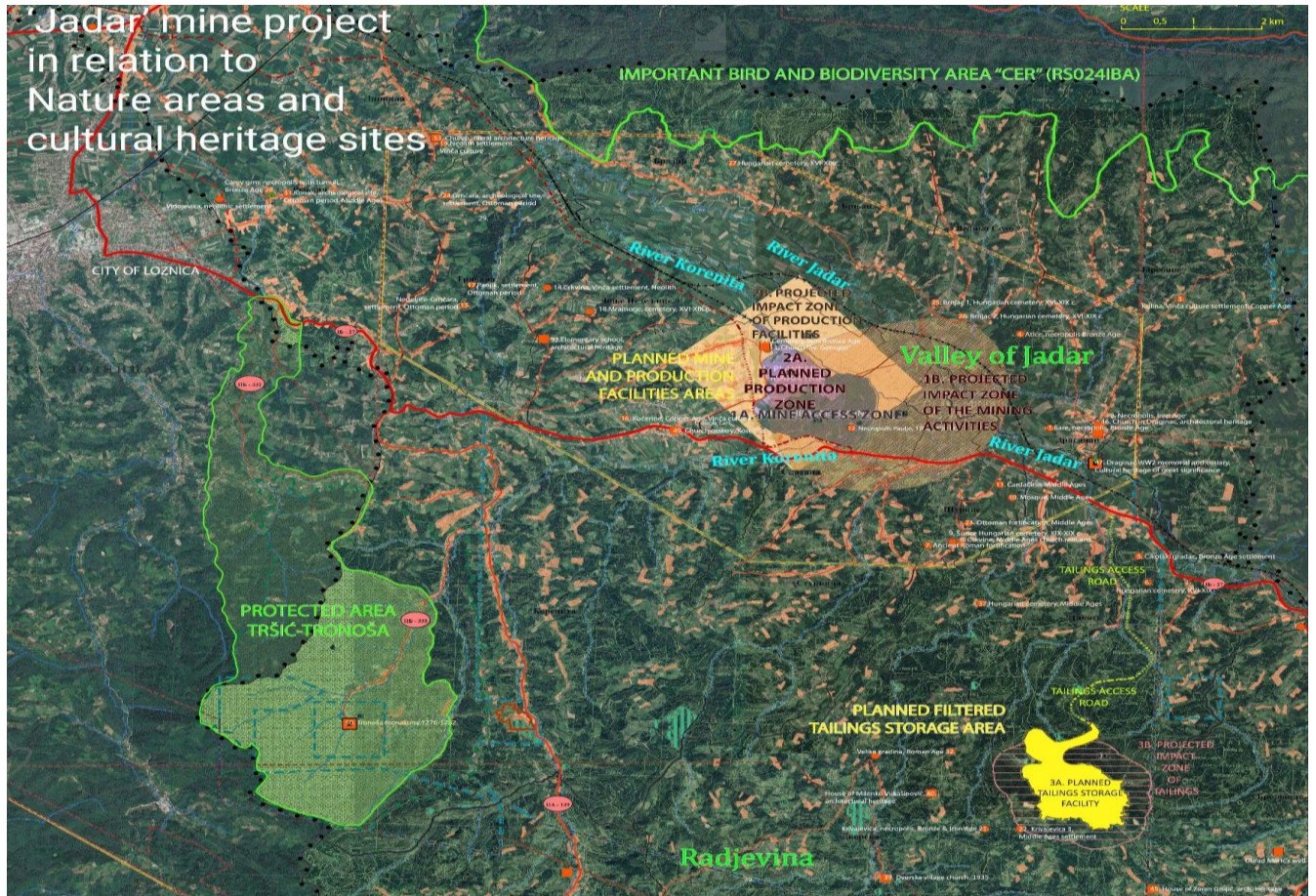
³¹ This IBA represents wide, temporary flooded area of Drina river in Western Serbia. It is situated between Mačva district in Serbia and Semberija in Bosnia and Herzegovina. It has elongated shape and Picture 1. includes around 40 km of Drina river flow with lot of meanders, patches of riparian forests and dozens of gravel islands. Along IBA borders there is four larger settlements belongs to Loznica and Bogatić municipalities.

³² “The Drina River Basin is of high importance for the riparian countries in terms of water, energy and land resources as well as ecosystems, taking into account the resource bases of these countries at the national level.”
[Drina-FINAL-EN-WEB_final-correct.pdf \(unece.org\)](#)





Mapa-za-posmatranje-ptica-IBA-Donje-Podrinje.pdf (pticesrbije.rs)
Picture 2. Birdwatching Map for the IBA Lower Podrinje region



Picture 3. Map showing the Jadar mine project in relation to Nature areas and cultural & heritage sites
In the yellow is highlighted the Štavica site, the habitat of the highly endangered *T. scorodonia* (a place intended for the future Štavica landfill)

Some info about inspection in Serbia (Forbes Serbia investigated what human capacities Serbia have, bearing in mind the chronic shortage of inspectors in Serbia.): [We are investigating the state of inspections that are supposed to control Rio Tinto - Forbes Serbia \(n1info.rs\)](https://www.forbesserbia.com/en/inspections-that-are-supposed-to-control-rio-tinto/)