



Strasbourg, 5 August 2024

T-PVS/Files(2024)54

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

44th meeting
Strasbourg, 2-6 December 2024

Bureau of the Standing Committee

10-12 September 2024
Strasbourg

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 / Zaštito Jadar i Rađevinu and Earth Thrive, Earth Law Center

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 unconstitutional¹. 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 again², 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.

Further to the above developments and to the already previously listed natural protected features

¹ <https://ustavni.sud.rs/ostalo/odnosi-sa-javnoscuvesti/2024-07-11-15-45/saopstenje-za-javnost>

² <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>

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.”³

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.”⁴

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”.⁵

³ [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 \(pticesrbije.rs\)](#)

⁴ 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.

⁵ 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 far⁶, 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 publicly⁷ 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 year⁸ ⁹weather 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 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" us¹⁰.

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 thinks that you will have the most important ore of the 21st century and say "Hey, it's ours, we won't

⁶ <https://rs.bloombergadria.com/ostalo/opste/26855/ministarstvo-11-puta-produzilo-rok-rio-tintu-za-dobijanje-dozvole/news>

⁷ <https://www.021.rs/story/Info/Srbija/379503/Djukanovic-Zatucani-kreteni-se-protive-eksploataciji-litijuma-kopace-se-nego-sta-ce.html>

⁸ <https://n1info.rs/vesti/vucic-najavio-mogucnost-raspisivanja-referenduma-o-rudarenju-litijuma/>

⁹ <https://www.sns.org.rs/novosti/vesti/jovanov-ne-bezimo-od-referenduma-o-rio-tintu>

¹⁰ <https://n1info.rs/vesti/kako-vlast-gura-rudnik-u-sestoj-brzini-akademici-i-narod-zatucani-a-bezopasni-litijum-i-sumporna-kiselina/>

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."¹¹

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 mine¹². 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 patent¹³, 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 company¹⁴. 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 Radevinu

¹¹ <https://www.facebook.com/share/v/aTPnoKMpFByN2j4t/>

¹² <https://www.danas.rs/vesti/ekonomija/rio-tinto-tuzba/>

¹³ <https://patents.google.com/patent/US20200263277A1/en?assignee=Rio+Tinto+Minerals+Inc>

¹⁴ <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 attended¹⁵ 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 announced¹⁶.

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.”¹⁷

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

¹⁵ 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.

¹⁶ <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>

¹⁷ 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].

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.¹⁸

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

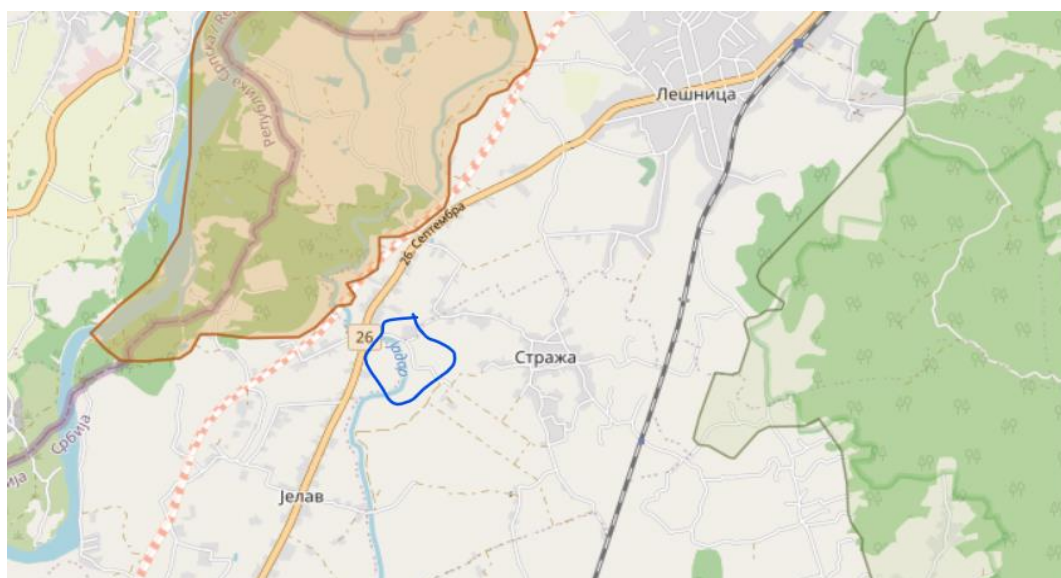
C6. Species threatened at the European Union level

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

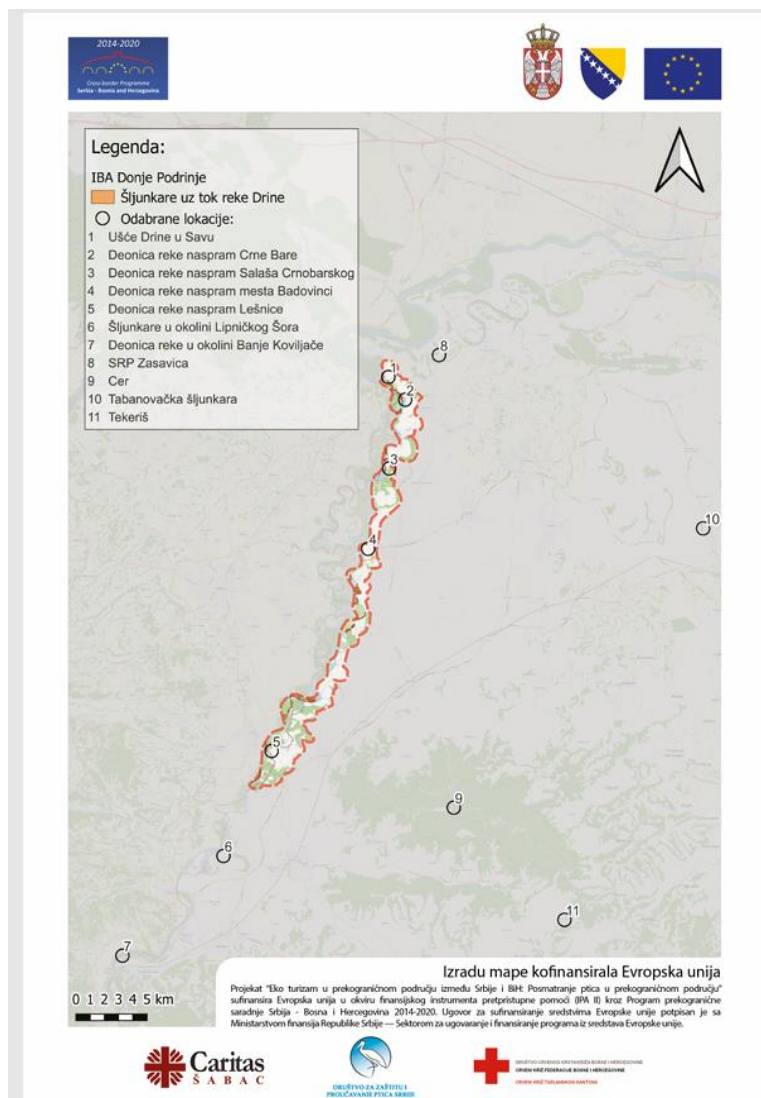
The Jadar River is part of the protected area (IBA Donje Podrinje¹⁹), but this protection extends throughout the habitat, i.e. along the Jadar River, which is right in the centre of the planned mine, whose waters would be used for the needs of the mine. Waste, purified water would end up in the Jadar River, which flows into the international Drina River²⁰ as shown on the map (Picture 1.)



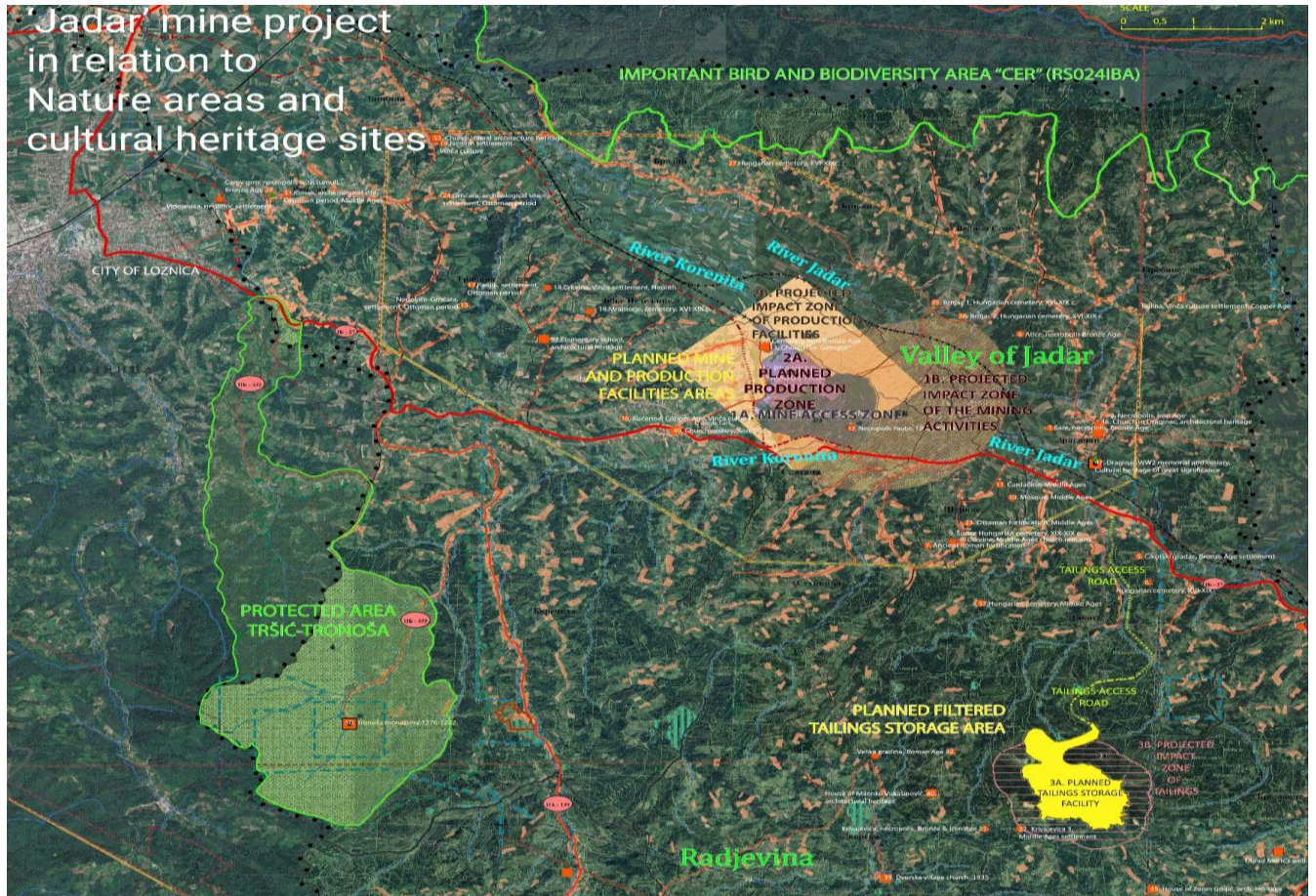
¹⁸ Long-term conservation of key biodiversity sites in Serbia – evaluation and designation of a new national network of Important Bird and Biodiversity Areas-IBA project,

¹⁹ 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.

²⁰ "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 \(unep.org\)](https://www.unep.org/press/2014/04/drina-final-en-web-final-correct.pdf)



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/)