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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

42nd meeting

Strasbourg, 28 November - 2 December 2022

New complaint: 2022/07

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

- COMPLAINT FORM -

*Document prepared by
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Convention on the Conservation of European Wildlife and Natural Habitats



COMPLAINT FORM

First name: Hajrija

Surname(s): Ćobo

On behalf of (if applicable): N/A

Web site: N/A

Date: October 20, 2022

1. Please state the reason of your complaint (refer also the Contracting Party/es involved and the Articles of the Convention which might be violated).

Reason of complaint: Concession contract between institutions of Bosnia and Herzegovina/Federation of Bosnia and Herzegovina/Zenica-Doboj Canton and 1. Adriatic Metals Plc/Eastern Mining and 2. Balkan Mining and Minerals Limited¹ company for exploration and exploitation of minerals in biodiverse area of Trstionica – Gornja Bukovica and Vareš² and Triassic Resources d.o.o.³ 3. Concession contract with hunter societies⁴ for the area named.⁵

Articles of the Convention which are violated are: Article 4, 5, 6, 7, and 8 because the local, cantonal, federal and state authorities have not taken any necessary legislative and administrative measures for protection of the area which is a highly biodiverse rainforest called Trstionica – Gornja Bukovica.

Bosnia and Herzegovina has approved the Vareš project mine⁶ despite a very limited information about environmental impact, inadequate public participation in the process where the local community of Kakanj did not participate at making the final decision although most of the damage will hit the biodiverse area on Kakanj territory (the rainforest Trstionica – Gornja Bukovica, mountain streams and the river Trstionica, the river Bukovica).

Although the local and cantonal authorities should have ex officio taken action against the damage caused by the contract and undertaken the legal measures to protect the area or at least to protect fresh drinkable water of the mountain streams and rivers, they have failed to do that.⁷

Bosnia and Herzegovina and the exploration works for the mine have already impacted and violated the inherent rights of species and their habitats.⁸ Animal rights or Rights of Nature have not yet taken a respectable part in Bosnia and Herzegovina's laws, but also not in practice despite the Convention and many other international conventions and declarations signed. Therefore, enforcing The Rights of Nature and Animal rights in accordance with the purpose of the Bern Convention is urgent for species and their habitats well-being.

2. Which are the specific specie/s or habitat/s included in one of the Appendices of the Bern Convention potentially affected? (Please include here information about the geographical area and the population of the species concerned, if applicable)

Location: The concession area for the mine is located in the biodiverse Trstionica – Gornja Bukovica rainforest of 32,5 ha protection area by Spatial Plan, and includes the surrounding area of fresh mountain streams and the river Bukovica well which are habitats for numerous unique algae, surrounding flora, fish and crabs. The area is part of the continental Dinarides in Central Bosnia and Herzegovina, located on the territory of towns Vareš and Kakanj. The mine is still in exploration and preparation for the exploitation phase where the exploitation is planned to begin in spring 2023. The exploration by now has vastly affected this valuable area⁹ of:

¹ <https://drive.google.com/file/d/1BDvro7qQ3MLr7RvE3Q2Saoq82ZMITGGA/view?usp=sharing>

² See Annex A

³ <https://drive.google.com/file/d/1MTt1XoPAodWn3EFchsSojKZFnPRXOTsu/view?usp=sharing>

⁴ See Annex F

⁵ <https://drive.google.com/file/d/1YMbUFqiMO7rTe6MNj92hZ6nhrmDxmj7x/view?usp=sharing>

⁶ Vares project info: <https://www.adriaticmetals.com/our-projects/updated-rupice-maiden-resource-estimate/>

⁷ See Annex A

⁸ <https://www.youtube.com/watch?v=OF5wzKdgFas>

⁹ <https://youtu.be/RHiM-PLt6Is>

Habitats: total area of cca 40 ha (expands to potential cca 2000ha under concession) and 14 different habitats in total;

Species: at least 26 fauna species from Appendix II and at least 14 species from Appendix III, unknown number of species from Appendix I¹⁰.

List of species and habitats in **Annex B**

3. What might be the negative effects for the specie/s or habitat/s involved?

Some of the habitats (4030, 4060, 6520), according to Adriatic Metals Plc Biodiversity Plan¹¹, will be permanently lost and irreversibly devastated. The mine results in major deforestation in the mine fields, dust pollution due to road construction in Mehorić area (with no legal permit) followed by the river Trstionica pollution due to the same road construction (tailings in the river bed in order to widen the road where the river bed is now unnaturally narrowed) and also due to the pollution of Vrući potok stream; increased amount of heavy metals is expected in the soil, water and air.¹²

4. Do you know if potentially affected species or habitats also fall under the scope of other international Conventions, (for instance: RAMSAR, CMS, ACCOBAMS, Barcelona Convention, etc) or if the area has been identified as a NATURA 2000/Emerald network site?

CMS, ACCOBAMS protect migratory species, so there might be species present in the area as a part of their migration route (birds) or the area they visit (e.g. canis lupus packs and others).

The site is not yet identified as a Natura 2000 site, but is a good candidate and the activists including myself intend to sign up for identification; the area is home to many species found in Natura 2000 and not found in Bern Convention. Furthermore, much many species are found on the endangered list in Federation of Bosnia and Herzegovina¹³

5. Do you know if there are any pending procedures at the national or international level regarding the object of your complaint?

There are not any procedures pending although we (activists) do intent to file official complaints and criminal charges on individuals responsible for allowing such a project enter the area at all.

Bosnian legal system fails to provide adequate legislative and administrative protection for wildlife and habitats. As an activist, I “hit a wall” whenever I try to take action in accordance to the positive law standards as the local, cantonal and federal administration unlawfully ignores even my letters, requests for a meeting or information let alone to take action ex officio in accordance to the legislation.¹⁴

6. Any other information (existence of an Environmental Impact Assessment (EIA), size of projects, maps of the area, etc)

An Environmental Impact Assessment is ordered by Adriatic Metals Plc¹⁵ and Eastern Mining¹⁶; Maps¹⁷

¹⁰ As a nearly ignorant in Biology, only that many I was able to identify. Studies show the presence of numerous algae but I am not able to confirm which are those.

¹¹ https://www.adriaticmetals.com/downloads/esia-final/management-plans-final/zt520182_biodiversity-action-plan.pdf

¹² More in Annex C

¹³ <https://www.fmoit.gov.ba/upload/file/okolis/Crvena%20lista%20Faune%20FBiH.pdf>

¹⁴ <https://drive.google.com/file/d/19h0achLSpVP6DA9QcEkDQwVXOuCCC4ba/view?usp=sharing>

¹⁵ https://www.adriaticmetals.com/downloads/esia-final/500-impact-assessment_final_v1.0.pdf (pg.156 of pdf. Doc.)

¹⁶ more information in Annex E

¹⁷ <https://drive.google.com/file/d/1lc1q9dfF6P1CK-2tks0DWpbMbhjF3Ou/view?usp=sharing>
<https://drive.google.com/file/d/15vnmNCJzClctkyGuriuKECKzR2QwL3GN/view?usp=sharing>
<https://drive.google.com/file/d/1nGW5xcwOSEHI3B0PfuR4uD2gEGXccLnb/view?usp=sharing>

ANNEX A

Bosnia and Herzegovina has approved the Vareš project mine despite a very limited information about environmental impact, inadequate public participation in the process where the local community of Kakanj did not participate at making the final decision although most of the damage will hit the biodiverse area on Kakanj territory (the rainforest Trstionica – Gornja Bukovica, mountain streams and the river Trstionica, the river Bukovica). Despite the fact that Mining Institute of Tuzla is a private company (PLC) and the fact that one of the top ten shareholders participated in creating Environmental Impact Assessment which is not available to the public as a whole document, and despite the fact that habitats and species that should have got a strong protection are not even mentioned in the part of the document available to the public, based on such EIA the relevant institutions of Bosnia and Herzegovina have issued further permits for the mine: exploration and exploitation of various minerals which are mostly heavy metals.

Although the local and cantonal authorities should have ex officio taken action against the damage caused by the contract and undertaken the legal measures to protect the area, they have failed to do that.

The public outcry on the topic, complaints and demands for more information ended up by various answers: from “we are not in charge”, “we have no information what is going on in the area” etc. to the recent complete silence and ignoring.¹⁸

Bosnia and Herzegovina and the exploration works for the mine have already impacted and violated the inherent rights of species and their habitats. Animal rights and Rights of Nature have not yet taken a respectable part in Bosnia and Herzegovina’s laws, but also not in practice despite the Convention and many other international conventions and declarations signed. Therefore, enforcing The Rights of Nature and Animal rights in accordance with the purpose of the Bern Convention is urgent for species and their habitats well-being.

According to the Contract and Annexes gives information that cca 2000 ha of forest will be cut down, unknown ha of mountain meadows will be permanently lost due to digging, mining and heavy machines works, and four mountain crystal clear rivers will be permanently polluted: Trstionica through Vrući potok, Bukovica, Mala rijeka, Misoča.¹⁹

ANNEX B

By all relevant domestic documents²⁰ this whole area is meant for protection, there are official documents²¹ and studies²² confirming it; however, the devastation is going on. Consequently, the mine results in major deforestation in the mine fields, dust pollution due to road construction in Mehorić area (with no legal permit) followed by the river Trstionica pollution due to the same road construction (tailings in the river bed in order to widen the road where the river bed is now unnaturally narrowed) and also due to the pollution of Vrući potok stream²³; increased amount of heavy metals is expected in the soil, water and air.

ANNEX C

¹⁸ <https://drive.google.com/file/d/19h0achLSpVP6DA9QcEkDQwVXOuCCC4ba/view?usp=sharing>

¹⁹ <https://drive.google.com/file/d/11H5HHNdCmu0daWIF7b8TguN74o9z6WMu/view?usp=sharing>
https://drive.google.com/file/d/1eVktAQnbhr-ndvmQJiS8PtmsDAJ_Nn3/view?usp=sharing

²⁰ <https://drive.google.com/file/d/1mZnWmfqR4KXn6myCp05cNYWwOPuGuRme/view?usp=sharing> page 36

²¹ <https://drive.google.com/file/d/1gNajk0BpB7y-NOd2DAUAzoHfLm0An-ii/view?usp=sharing> page 225

²² https://drive.google.com/file/d/1BkfLBM3ioHK4hp_SpMe9ns24RvNbB7xl/view?usp=sharing

²³ <https://youtu.be/RHiM-PLt6Is>

“Trstionica Rainforest Considering the regulations according to the Habitat Directive (Directive 92/43/EEC-Annex I) this forest should be classified in the highest level of protection according to the IUCN category - special nature reserves, GJ "Gornja Trstionica-Bukovica",...²⁴

The Gornja Trstionica-Bukovica rainforest area is located on a moderately steep slope, with a slope of 20-25°, at an altitude of 1005-1112 m. It is characterized by the preserved diversity and uniqueness of the habitat, and the high proportion of fir (*Abies alba*), spruce (*Picea abies*) and beech (*Fagus sylvatica*) in the rainforest stand.

As part of the natural heritage of the Municipality, and the wider area of the Zeničko-Doboј Canton and the Federation of Bosnia and Herzegovina, the rainforest in Gornja Trstionica and Bukovica represents a unique and unrepeatable part of the biological, geomorphological-hydrological and ecological diversity of Bosnia and Herzegovina.

The area is very heterogeneous from an orographic point of view. According to the ecological vegetation rezoning of Bosnia and Herzegovina, the Gornja Trstionica-Bukovica rainforest belongs to the area of the internal Dinarides, and it extends over the area of the East-Bosnian Plateau, that is, the Ozrensko-Okruglička region.

A high degree of ecosystem diversity is provided through, also a high diversity of species. In the composition of the flora of vascular plants, in the area of the Gornja Trstionica-Bukovica rainforest itself, more than 175 plant species were identified, classified into 49 plant families.

Based on the analysis of indicators of the degree of degradation (spectrum of indicators of ecosystem degradation), it can be concluded that in this area there are still today extremely valuable and preserved forest ecosystems represented by communities: Fagetum montanum illyricum Fukarek et Stefanovic 1958, Abieti-Fagetum dinaricum (Horvat 1938 (1957 emend. Puncer 1976), Aceri-Fraxinetum illyricum Tomazic 1939, Crataego - Coryletum avellanae Fukarek 1969, Crataego-Prunetum spinosae Beus 1971.

As many as 84% of rare and medium rare communities were found in the area, while 27% of communities contain a large number of endemic species. As many as 60% of the present communities play an extremely important role in the function of the survival of the landscape.

The Gornja Trstionica-Bukovica rainforest area is a unique area with significant potential for biodiversity conservation and protection. The scientific study of the Faculty of Science and Mathematics in Sarajevo has so far established that, from a syntaxonomic point of view, this rainforest area is differentiated into 25 associations, 21 bundles, 18 orders and 13 classes.

The established communities constitute the producer component within 12 different ecosystems (the rainforest only)²⁵.

Impacted species: (As a non-professional, I have written the list of species I was able to recognize; however, there are so many more species of birds, insects, amphibians, reptiles and plants living in the area that I am not able to name and tell which are those although I see them or hear them.)

Appendix II – STRICTLY PROTECTED FAUNA SPECIES

- *Alcedo atthis*
- *Bombina variegata*
- *Bufo viridis*
- *Canis lupus* (*Canis lupus kurjak*)
- *Elaphe longissima*
- Falconiformes (*Falco peregrinus*)
- *Felis silvestris*
- *Lacerta viridis*
- *Lutra lutra*
- *Lynx lynx balkanicus*
- Microchiroptera (*Rhinolophus ferrumequinum*, *Rhinolophus hipposideros*, *Myotis myotis/Myotis oxygnathus*, *Eptesicus serotinus*, *Miniopterus schreibersii*, *Barbastella barbastellus*, *Plecotus macrobullaris*.)
- Piciformes (*Dendrocopos major*, *Dendrocopos leucotos*)
- *Rana dalmatina*
- Salamandridae (*Salamandra salamandra*)
- Strigiformes (*Bubo bubo*, *Asio otus*, *Otus scops*, *Tyto alba*)
- *Testudo hermanni*
- Ursidae (*Ursus arctos*)
- *Vipera ammodyt*

²⁴ https://drive.google.com/file/d/1xwFHbnh3qErU5RKW_10vLwN0dnKDeY-C/view?usp=sharing page 349 of pdf/103

²⁵ <https://drive.google.com/file/d/1T868a3HHxM4YggHfKUC0DqOq--hZmN6m/view?usp=sharing>
https://drive.google.com/file/d/15GPKATYL7x4b0N2_hXCfTMOIHZBratnm/view?usp=sharing



Appendix III – PROTECTED FAUNA SPECIES

- *Astacus astacus*
- *Astacus astacus* L.
- *Austroptamobius pallipes*
- *Capreolus capreolus*
- *Erinaceus europaeus*
- Gliridae
- *Glis glis* L.
- *Helix pomatia*
- *Hucho hucho*
- *Lepus capensis* (europaeus)
- *Lucanus cervus*
- *Martes foina*
- *Martes martes*
- *Meles meles*
- *Mustela nivalis*
- *Putorius putorius* (Mustela)
- *Sciurus vulgaris*

Habitats (by natura 2000):

- 9110 Luzulo-Fagetum beech forests
- 3220 Alpine rivers and the herbaceous vegetation along their banks
- 3240 Alpine rivers and their ligneous vegetation with *Salix elaeagnos*
- 4030 European dry heaths
- 4060 Alpine and Boreal heaths
- 6430 Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels
- 6520 Mountain hay meadows
- 9140 Medio-European subalpine beech woods with *Acer* and *Rumex arifolius*
- 91K0 Illyrian *Fagus sylvatica* forests (Aremonio-Fagion)
- 9410 Acidophilous *Picea* forests of the montane to alpine levels (*Vaccinio-Piceetea*)
- 62d0 Oro-moesian-acidophilous-grasslands
- 7220 Petrifying springs with tufa formation (Cratoneurion)
- 8210 Calcareous rocky slopes with chasmophytic vegetation
- 91M0 Pannonian-Balkan turkey oak –sessile oak forests

ANNEX D (more about the negative effects)

According to the documents (contract, annexes, Adriatic Metals maps and plans (in their official documents ESIA on their official web site) it is clear that habitats will be permanently removed, ruined, devastated and gone, no matter that the company presents it all as nature friendly project: no deforestation is ever friendly to trees and plants and living creatures, no digging deep and removing the soil can ever be friendly to fresh water sources and streams and rivers, no dust is ever friendly to plants and animals and any living creature breathing the air.

The damage in this phase of “exploration only” is so obvious and enormous, that questions any good development for the nature once the exploitation begins.

Dead animal photo²⁶

Videos:

1. <https://photos.app.goo.gl/hro8D61wnL1fiqjW6>
2. <https://photos.app.goo.gl/sG21WVB6Y7XY57Qh7>

²⁶ https://drive.google.com/drive/folders/1Zpiz7NdqIX521GwcANgedvAgC6a2_Jxc?usp=sharing

3. <https://photos.app.goo.gl/dgxxkSv1iWSbanDE9>
 4. <https://photos.app.goo.gl/ESJ4m4X5wvy7R26w8>
 5. <https://photos.app.goo.gl/Ss78Px24ioCgVYg66>
- River Bukovica: <https://www.facebook.com/100000924743812/videos/591698592485014/>

Additional photos: <https://photos.app.goo.gl/k5yTuJn2tFVv6ELb9>

Maps: <https://photos.app.goo.gl/dtPGdTkH7sidUTVg8>

ANNEX E (more about question 6)

The Study of Environmental Impact of the underground exploitation of Rupice mine is ordered by Eastern Mining and performed by Mining Institute PLC Tuzla.²⁷ This was the key document for Eastern Mining to get all other permits, such as environmental etc. However, the document prepared by Esad Oruč (hydrology) and Šefket Goletić (ecology) makes no logical sense because it is obvious the impact is nothing but destruction; the worse, both Esad Oruč (hydrology) and Šefket Goletić (ecology) are Eastern Mining/Adriatic Metals employees²⁸ and not independent experts as are constantly presented. Furthermore, Esad Oruč is one of the top shareholders at the Mining Institute PLC Tuzla that issued the document.²⁹

ANNEX F

<https://drive.google.com/file/d/1YMbUFqiMQ7rTe6MNj92hZ6nhrmDxmj7x/view?usp=sharing> is the document of public invitation for offers: the hunting area is given to those who offer better price. Hunting areas are marked prior to the invitation; the area of Trstionica – Gornja Bukovica is marked as shared between 2. sportsko – privredno lovište „ZVIJEZDA“, VAREŠ, površine 35.775 ha and 5. sportsko – privredno lovište “SRNDAC”, KAKANJ, površine 37.697 ha. The outcome can be seen in the photos: Hunters and killing (public posts only): <https://photos.app.goo.gl/ytX5viRTck9eGyXt6>

The concession as per the public invite is given in the year 2015 to last for ten years.

CONCLUSION: Animal rights, nature rights, strictly protected species, conventions or laws are not at all taken in consideration in Bosnia and Herzegovina. Thus for, these projects need to be terminated as urgently as possible to prevent further damage od habitats and loss of species.

I suggest at least putting all the projects and contracts on hold until the final decision is made.

For further information, you can contact me to home address, email, or phone number provided in this Complaint.

²⁷ <https://drive.google.com/file/d/1MkTdbJ8CpDnJUDIUDhsCF3402QYQslhD/view?usp=sharing>

²⁸ <https://radiokakanj.co.ba/2022/08/01/u-organizaciji-kompanije-easter-mining-u-kaknju-je-odrzana-tribina-na-temu-odgovorno-upravljanje-prirodnim-resursima/>

²⁹ <https://drive.google.com/file/d/1nG3TeZO-65P8JzJKnFmU4ygsqt5tbcCK/view?usp=sharing>