

The Constitutional Court of Bosnia and Herzegovina has ordered the BiH Concessions Commission, in its capacity as a joint concessions commission, to resolve disputes between BiH and the Republika Srpska arising in connection with the award of concessions for the construction of hydropower plants on the Drina River.

The decision of July 16 was made based on the request of 24 members of the BiH Parliamentary Assembly to resolve the dispute between BiH and BiH. entity of Republika Srpska due to the construction of hydroelectric power plants on the Drina River, which RS plans to build with neighboring Serbia on the eastern border of BiH.

“The Constitutional Court has made a partial decision on admissibility and merits,” the BiH Constitutional Court said in a statement.

A maximum period of three months has been given to resolve this issue from the date of delivery of this decision.

In mid-May, Republika Srpska Prime Minister Radovan Visković and Serbian Prime Minister Ana Brnabić laid the foundation stone for the first of three planned hydropower plants to be built on the Drina River together, although no BiH Constitutional Court had ruled on the issue.

On November 13 last year, the entity prime ministers signed a statement on the implementation of the “Upper Drina” project, which plans to build three hydroelectric power plants in the upper Drina river basin, on the eastern border between BiH and Serbia, worth about 520m euros.

At that time, 24 deputies of the House of Representatives of the BiH Parliament sent a request to the BiH Constitutional Court to review the legality of the project.

They stated that the decision on that would have to be made exclusively by the state of BiH, and they found a basis for the request in the decision of the Constitutional Court of BiH which defines that “rivers represent property that can be disposed of exclusively by the state of BiH”.

The RS authorities are implementing this project in accordance with the provisions of the RS Law on Inland Navigation, which applies to all rivers in BiH entity, including the Drina, declared “RS internal waters”.

However, the Constitutional Court of BiH, by decision number U-9-19 in February 2020, declared that legal solution unconstitutional, explaining that rivers are property that can be disposed of exclusively by the state.

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