

The selection of case studies was based on the availability of environmental and social impact assessment (ESIA) documentation, stakeholders comments (during previous public debates), and their location within important biodiversity areas. In each case there is a continuing debate between objectors and promoters, with legal challenges in 5 out of the 6 cases.

HPP Vrilo is located within a Ramsar site which has a very complex water regime and is already adversely affected by development. An EIA was undertaken and subsequently refused after revision in 2013.

SHPPs Hrčavka involve the planned construction of three proposed power plants within the heart of Sutjeska National Park. The EIA was concluded in July 2013, following public debates in April - May of the same year. NGO Center for Environment took legal action against the Ministry of Spatial Planning, Civil Engineering and Ecology of Republic Srpska for approving the EIA and the court ruled in favour of the plaintiff.

ETNAR "Advocacy NGOs networks for sustainable use of energy and natural resources in the Western Balkans and Turkey" maintains a website which provides updates on legal challenges and the following information is quoted verbatim from a posting on 15th March 2015.

„The District Court in Banja Luka canceled the decision about the approval of environmental impact assessment study for small hydropower plants in the Hrčavka River canyon in the National Park Sutjeska, and made a verdict in favor of Center for Environment. After the District Court ruled in favor of the Center for Environment and annulled the decision on approval studies of environmental impact, the Ministry had 30 days to issue a new decision, but decided to terminate the proceedings.

Nataša Crnković, Center for Environment: "This verdict proves that there are evidences of breaking the law by the Ministry and also irregularities and defects in the process of making the environmental impact assessment. We expect similar verdict for the other lawsuit and we will not stop until we protect these two rivers."

The representatives of the Project a.d. company from Banja Luka, who made the doubtful study, admitted at the public debate in Foča that they were not even entering in the Hrčavka River canyon, which makes ridiculous to even discuss the real analysis of the environmental impact."

SHPP Sutjeska power plants are also planned within the core area of Sutjeska National Park. The EIA process followed the same timescale as that for SHPPs Hrčavka and a legal challenge against approval of the EIA was also decided in favour of the plaintiff.

HPP Dabar has the potential to affect Nature Park Hutovo Blato. An EIA was undertaken in

2012 with public consultation in May-June of that year. Amendments were made to the EIA and a special section was devoted to the water issues. The Federal Ministry of Tourism and Environment of Federation of BiH challenged the findings of the Ministry of Spatial Planning, Civil Engineering and Ecology of Republic Srpska but its lawsuit was rejected as unfounded by the lower Court. The case was referred by the Federal Ministry to the Higher Court of Republic Srpska. It is reported that the public participation in this case was not encouraged by the promoting Ministry.

SHPPs Ljuta consist of ten individual power plants lying within a natural area for which the process of formal protection has begun. Four of the SHPPs lie in areas under control of Cantonal Ministries and six are under the control of the Federal Ministry. Three of the proposed dams exceed 30 metres in height which is in contravention of the definition of an SHPP. EIAs were undertaken between May and June 2012, followed by public consultation in October 2012. The EIAs were amended and finalised after consultation and revision by the expert group. The relevant Ministries' decisions to approve the EIAs were challenged by a group of NGOs and the case remains in court because amendments which were made didn't take into account real cumulative impacts even though the reports were being revised exactly for this reason.

SHPP Medna, Sana River The EIA was prepared between October 2008 and May 2009. The courts are still considering lawsuits served by an NGO Coalition for Sana River and Ribnik municipality against the Ministry of Environment for approving the EIA, environmental permit and partial construction permit. Despite the fact that the cases are still in court, construction began in 2015.

source: WWF & SEE Change Net