

It is necessary to urgently terminate the concession agreement for the construction of three small hydropower plants in Montenegro

The Center for Civic Education (CCE) called on the Montenegrin Government to review and terminate the Concession Agreement with Dekar doo and Dekar Energy doo and thus prevent the investor from putting the local and wild rivers Ljubastica, Crnja and Cestogaz in the pipeline to build three SHPPs in Kraljske Bare in the municipality of Kolasin.

“The government should review both building permits and accompanying technical documentation for construction with environmental impact studies and feasibility studies of such facilities, because construction began 12 years after the conclusion of the original concession agreement.” This would prevent harmful consequences and protect the environment and basic human rights of the residents of Kraljske Bare, who have been bravely and persistently fighting for the public interest since mid-July, “the CCE statement reads.

They state that at the end of July, they submitted requests to the competent institutions in the direction of suspending the exploitation of these waters through the planned construction of small hydropower plants.

“Based on one of those requests, we received notes of Water Inspector Miloš Vujačić from July 30 and August 3, to which we filed a complaint due to violation of the Law on Inspection Supervision, undetermined facts on the spot and biased actions of this inspector. Namely, the inspector was obliged to consider the initiative of the CCE to initiate the inspection procedure and to inform the CCE, which he did not do. The inspection was done at the water intake of the river Čestogaz, where Dekar Energy d.o.o. has not been working since July 26 due to the indignation of the locals. But, by some miracle, the executive director of Dekar Energy found himself on the spot on July 30, when this inspector performed the inspection finding. The fact that the inspector did not inform the CCE, as the applicant about the planned supervision, nor the president of MZ Kraljske Bare, so that the locals could attend and point out the violations of the requested supervision, and that he invited the investor as a subject of supervision on the spot reduced the efficiency of this control. the Law on Inspection Supervision has been violated, ”the CCE states.

The CCE points out that “this points to indications that the inspector has special relations with the subject he should control, because he puts him in a privileged position, and that should also professionally interest his superiors.”

“Also, the inspection was performed only at the water intake site, and if the inspector had visited the entire construction site, he would have indisputably stated that the installed pipes fi 812 in the excavated canal in the length of about 100 m, in which they were welded and several buried, while further downstream a few hundred meters along the riverbed of such a pipe placed next to the road to the very mouth of the river Ljubastica. Why didn’t the

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inspector visit the entire route of works, do a photo study of the installed pipes and supervise the works on the entire course of the Chestogaz riverbed, because all that is visible downstream from the water intake? The inspector stated the beginning of the works in the notes, so it is unclear how the notes of the current situation on the spot can state the future and still unperformed works “, they say in the CCE.

The CCE also asks that if the inspection was really carried out on July 30, how is it possible that the water inspector, together with the investor, did not see dozens of locals who were there.

“How is it possible that none of the locals who came during the alleged surveillance found the persons who are the signatories of the disputed notes?” This leads to indications of falsification of the notes, for which the determination of sanctions should follow. The inspector was obliged to take statements from the locals who do not leave the place of supervision, which he also did not do. And that raises the question of determining the responsibility of this inspector. CCE appreciates that such actions of inspectors and biased reporting of the situation on the ground protect exclusively the interests of investors, and this is not the first time, “the statement reads.

The NGO states that the concession granted for these three rivers, after 12 years, was extended on December 27, 2019 on the basis of “then suspicious reporting by the Directorate for Inspection Affairs, whose supervision was requested by the Ministry of Economy in 2017 to determine that whether the concessionaire has fulfilled its contractual obligations during the previously set reasonable period ”

“The notes, which were submitted to the Ministry of Economy on September 27, 2017, stated that the investor is performing works in accordance with the approved revised projects in the third phase. As a reminder, the third phase includes the construction of small hydropower plants and facilities and obtaining a water and use permit, as well as a license for electricity production. And it is indisputable that the work started only in the middle of July 2020, so it is unclear how the inspector could have stated the construction three years earlier. This is contrary to the information from the notes that the CCE received. Finally, the water inspector did not act in accordance with his powers prescribed by the Law on Inspection Supervision and we justifiably suspect that he did not officially go to the field on July 30, 2020, but that he made a report on the on-site supervision in the local office by looking at the documentation on August 3, 2020. Proof of that are the testimonies of dozens of locals who have been tirelessly on duty at the construction site day and night since mid-July and who no one can enter without them seeing it, and the inspector is not a ghost at all. The CCE also expects a clear position of the Directorate for Inspection Affairs on the actions



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of this inspector “, the CCE statement concludes.

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