

## **Legal issues - transparency and community perceptions**

In December 2016, Rio Tinto commissioned the Ministry of Construction, Transportation and Infrastructure of Serbia to develop a Spatial Plan for the purpose of exploitation of jadarite. The site covers an area of 293 km<sup>2</sup> affecting 22 villages over two municipalities, with almost 20,000 inhabitants. The Spatial Plan assigned zones for an underground mine, industrial area, tailing storage facilities and infrastructure developments (roads, railroad, flood defense, gas and telecommunication structures). The draft plan was published for public scrutiny over 30 days in November-December 2019 and approved by the Government of the Republic of Serbia in March 2020 without any significant modifications. The details of the technical process for jadarite processing were disclosed to the public in Rio Tinto's 2019 newsletter. However, the quantities of chemical compounds to be used in operations were published in company literature in February 2021. The Spatial Plan was approved before the ore resources and reserves were declared. Rio Tinto continued to explore until 2020 and eventually submitted the documentation for the Elaboration of Resources and Reserves to the authorities on 31 July 2020 (approved on 6 January 2021).

The villagers have complained of groundwater issues, soil damage and leaks from the drill holes during the exploration process. The Spatial Plan identified two tailing storage facilities, but without defined volumes or lifespans. The main filtered tailings site is planned to be 20 kilometers southwest of the river Štavica, on the border of the villages Dvorska, Krasava, Gornja Brezovica and Cerova. According to information we have recently received, Rio Tinto is considering moving the landfill to a location of Paulje, an archeological site of great importance, up to 3,500 year old.

Between August and November 2020, Rio Tinto approached the landowners with the "Proposal for Land Purchase." In autumn 2020 the Serbian Geodetic Authority circulated decisions that local agricultural parcels of land have been recategorised as construction land, thereby impeding the continuation of farming livelihoods, thus compelling the farmers to sell. Rio Tinto started acquiring the parcels of land in 2020. Rio Tinto opened two information centres in the area and held a number of consultation events. The company claims that the consultation process is carried out in "a transparent, sensitive and fair manner" and that "legal and sociological" help

is offered to the families that are to be 'relocated.' However, landowners have reported being pressured in the 'consulting' meetings with the company's legal representatives to sell early, saying "that was the best price they could get," subsequently being repeatedly phoned to hurry up, and expropriation has been mentioned as a possibility in the 'consulting' meetings. Under the Serbian Law of Expropriation, expropriation can be performed only in the case of "public interest." Even though the Government representatives casually dub the project as of 'exceptional' importance for the country, the project has not been legally declared as such, therefore we contend that this is clearly misleading on behalf of the company's legal representatives. The stakeholder engagement process is causing a feeling of deep concern, confusion and insecurity in the local village communities. Some have sold their land and houses, and started taking away building materials. Some landowners that sold their land cut down and sold old oak trees already causing environmental damage. The citizens in the area ascertained that the forestry inspectors were not informed as per law, and that the wood was sold without necessary documentation to a sawmill. In the already very precarious political and social situation in the country, and with inadequate legislation and systemic shortcomings in inspecting and enforcement, the approach taken by Rio Tinto is contributing to the sense of insecurity, fear and absence of rule of law. The public investment into the infrastructure related to the project has not been disclosed. However, the local road has already been approved for re-routing by Loznica municipality. Infrastructure developments will imply further impacts on households.

### **Nature areas**

Within the area of the Spatial Plan, there are two important Nature areas. 5-6km east/south-east from the planned mining and processing area is the landscape of exceptional features "Cultural landscape Tršić-Tronoša. Several kilometres north from the planned mine area, Mount Cer is an ecologically important area of the Republic of Serbia under the Decree on the ecological network and it also includes the International Biodiversity and Bird Area. Over 15 species of trees are in the group of rare, endemic, relict and endangered. The ecosystem of the area comprises of indigenous licorice and other forests, while out of a total of 145 protected wild species of plants and animals,

83 are protected, and 62 species belong to the category of strictly protected.

### **Historical and cultural sites in the mine area**

In addition to the cultural values of Tršić-Tronoša, the Valley of Jadar contains many: prehistoric sites, numerous settlements, fortifications and necropolises of the Bronze and Iron Age, sites from Ancient Roman, medieval Serbian, and Ottoman periods; and played an important role in the history of independent Serbia from the 19th century. Less than 2km east of the projected impact zone of the mine is an important WWII memorial and crypt, as well as mass mound graves, that contain the remains of victims executed during WWII. Metres away from the western edge of the planned processing plant area stands an important church, "St. George." It is now in the process of obtaining a new iconostasis. The local communities are gravely concerned about the protection and safeguarding of the invaluable natural and cultural heritage of the area. The legislative framework of Serbia, candidate country of the EU since 2011, in relation to the EU acquis is in need of substantial reform particularly in the non-compliance of environment impact assessment (EIA) legislation with other laws, especially with the law on planning and construction. In practice, an EIA is carried out after the issuance of the construction permit. This practice can be used by companies to push ahead the development of the project on the ground well before the key technical documentation has been disclosed and scrutinised by those directly affected, civil society and all stakeholders.

### **Action needed**

Communities demand that in Serbia, a country with inadequate legislation and systemic shortcomings in inspecting and enforcement, Rio Tinto should:

- Improve community consultation processes and increase accountability and transparency to local community and Government.
- Produce an EIA and permits for exploitation: currently neither the Government nor the communities have detailed information about e.g. environmental and social impacts of the projects.
- Disclose the scientific reports that the Spatial Plan and the associated Strategic Impact Assessment are based on.
- Disclose the plans about the new location of the filtered tailings storage in the Valley of Jadar as soon as possible.
- Outline specific plans to protect natural biodiversity cultural and historical

heritage in the area.

-Halt the land acquisition process until all the above issues are resolved and stop putting pressure on the local citizens to sell their land. The landowners are now being asked to sell without either due consultation through the legislative process or sufficient prior information about the impacts of the project. They are not in a position to make informed and free decisions.

-Stop using the government media to promote the project, since media freedom is not ensured in the current socio-political context.

Source: [londonminingnetwork.org](http://londonminingnetwork.org)