

Shortly after the Banja Luka District Court annulled a renewed environmental permit for the construction of the Buk Bijela hydroelectric power plant on the Drina River, Republika Srpska government officials say they will not abandon the project, which environmentalists claim would cause enormous damage to the Tara River and its UNESCO-protected canyon. Republika Srpska's Energy and Mining Minister Petar Djokic said the Republika Srpska government is ready to begin work on hydro power plants Foca and Buk Bijela on the upper course of the Drina in the second half of this year, the construction of which has been agreed with Serbia.

"There is a preliminary design for the Buk Bijela and Foča hydropower plants, which was done several years ago, which has undergone all audits and can be considered ready for implementation," Djokic said at the regional conference "Energy Security in the Region" in Belgrade.

A few days before this statement by Minister Djokic, the Banja Luka District Court quashed the decision on the renewed environmental permit for the construction of the Buk Bijela hydroelectric power plant, and cited the reason for such a decision by the Republic of Srpska Electricity Company not having Montenegro's approval for its construction. would have a transboundary impact on its territory.

Last March, the Montenegrin Government reiterated its position that Tara would remain protected and that they would not initiate the initiative to build the Buk-Bijela HPP.

Economy Minister Dragica Sekulic said at the time that "the Declaration, which has been in force since 2004, has not been questioned and accordingly there are no initiatives for the construction of the Buk-Bijela HPP" by the Government of Montenegro.

How can Montenegro legally protect itself in case the Republic of Srpska and Serbia implement their plan for the construction of the disputed facility, we asked Professor of International Law at the Faculty of Law in Podgorica, Nebojsa Vucinic.

"There is a process of amicable settlement of disputes, first through diplomatic political means or negotiations, and if that does not work, then the matter is settled by court. It may even before arbitration, it may before the International Court of Justice, but hopefully an agreement will be reached. in any case, nothing can be done without the consent of Montenegro, that is, its approval when it comes to the use of water from Tara. This is a very clear situation," Professor Vucinic told RSE.

International case law in similar cases is very clear, Professor Vucinic added, citing a dispute between Hungary and Slovakia that intended to build a hydroelectric power plant on the Danube.

"The construction of the hydroelectric power plant began without the consent of Hungary

and in the end the court found that Hungary had been violated and that project was suspended. It is a famous case of Gapčikovo-Negymaros from 15 years ago, which is precisely related to the topic of water sharing”, Professor Vucinic explains.

Natasa Kovacevic of the Green Home NGO tells RSE that when preparing the documentation for the construction of the Buk Bijela HPP, the RS authorities did not provide enough information on the basis of which it would be possible to say exactly how severe the river and Tara canyon would suffer. But, as Kovacevic points out, if the entire Buk Bijela project comes to fruition, the negative impact on the area’s flora and fauna would be enormous.

“There will be a drastic change in the micro climate and conditions in which ecosystems are located, and these are river ecosystems. We are talking about the entire food and reproductive chain for different species, many of which are relict and rare, endangered and endemic in the Tara canyon. That is why the canyon itself has been declared a UNESCO protected area. There are 120 species of birds living in the area, many of which are annexed to the Birds Directive. We are talking about 1400 species of rare, endangered flora and fauna, “emphasizes Kovacevic.

Interestingly, the Republic of Srpska signed a Memorandum on the construction of the 93-megawatt Buk Bijela HPP in July 2017 with the Chinese State Aero-Technology International Engineering Corporation (AVIC-ENG), expecting funding to be provided by the Chinese state banks. The Chinese are also the builders of the largest infrastructure facility in Montenegro - priority sections of the future Bar-Boljare highway, partly passing through the basin of the Tara River near Mateshevo.

Green Home’s Natasa Kovacevic says this experience was the best example of how Chinese companies relate to environmental and environmental issues.

“How devastating it looks like we can see on the 8 kilometers of road that lies inside the river bed of Tara, with 20 or more pillars with unrecognized and diverted river bed. They certainly did not respect the environmental standards in Montenegro,” Kovacevic said. The European Commission also points to the urgency of protecting the Tara River in its latest 2019 progress report on Montenegro. In the document, Brussels asks the competent state authorities to “accurately assess and prevent possible negative environmental impacts on the Tara River in the context of the construction of the Bar-Boljare highway”. Brussels is demanding that “urgent measures be taken” to preserve and improve the ecological value of protected areas and potential Natura 2000 habitats.

Recall that in 2004, following the public pressure of the opposition and the Social Democratic Party (SDP), which was then in the ruling coalition with the Democratic Party of

Socialists (DPS), the Parliament of Montenegro adopted a decision banning the construction of Buk Bijela HPP, which was announced as joint project of Montenegro and Republika Srpska.

Deputies adopted a Declaration on the Protection of the Tara River that permanently prohibits any interventions or works in the UNESCO-protected canyon.

The declaration was submitted to the Parliament by non-governmental organizations, and was previously signed by about 11,000 citizens.

There were 29 members of the ruling Democratic Party of Socialists opposed to the adoption of the Declaration.

Source: slobodnaevropa.org