

Serbia and Republika Srpska are planning to build hydro power plants on the Drina, and no one is consulting Bosnia

Construction is planned in the upper basin of the river Drina – Buk Bijela, Foca and Paunci. On November 13, the statement was signed by the Prime Minister of Serbia Ana Brnabic and the Prime Minister of Bosnia and Herzegovina, entity Republika Srpska (RS) Radovan Viskovic. On the river Drina, the natural border between Serbia and BiH, also in the vicinity of Foca, the construction of three hydro power plants is planned, based on the project Hydropower System (HS) “Upper Drina”.

Dragana Drakul from Foca is an activist for river protection. She has been fighting with his fellow citizens for half a year for the protection of the Bjelava River, which flows in the vicinity of Foca, a town in eastern Bosnia and Herzegovina (BiH) where the construction of mini hydropower plants has begun. Dragana estimates that a feasibility study should be made for large hydropower plants on the Drina. Dragana points out that this project could have been done by Bosnia and Herzegovina itself.

“I would be much happier if our state realized such projects on its own.” The Drina belongs to us and Serbia, but in this part of the flow we do not share it with Serbia, but to give our rivers to someone else, so let it be Serbia as well “, said a citizen of Foca in an interview for Radio Free Europe (RFE).

Drina as ‘internal water of RS’

The statement on the construction of the Hydropower System “Upper Drina”, which was signed by the authorities of the RS entities with the authorities of Serbia, is based on the provisions of the Law on Inland Navigation of the RS, which covers all rivers in BiH. entity, including the Drina, declared “RS internal waters”. By Decision U-9-19, the Constitutional Court of BiH declared this legal solution unconstitutional, explaining that rivers are property that can only be disposed of by the state.

State, not entity law

Constitutional Law Professor Kasim Trnka told Radio Free Europe that it was a “direct violation of the Dayton Peace Agreement by the Republic of Serbia, non-recognition of sovereignty and territorial integrity, as well as Bosnia and Herzegovina’s independence policy.” As Professor Trnka reminded, Serbia, as a signatory of the Peace Agreement, has just committed itself in the first sentence of that agreement to respect it. The Ministry of Energy of Serbia and the Ministry of Energy and Mining of the Republika Srpska did not respond to the inquiry of Radio Free Europe regarding the violation of the decision of the Constitutional Court of BiH and the signing of a joint statement in order to use the hydro potentials of BiH.

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Violation of the Water Convention

Nedim Suljic, a professor at the Department of Hydrotechnics at the Faculty of Mining, Geology and Civil Engineering in Tuzla, told RFE / RL that the signed statement between the Republika Srpska and Serbia entities violates the Convention on the Protection and Use of Transboundary Watercourses and International Lakes signatory states Bosnia and Herzegovina and Serbia. Suljic states that by signing the Water Convention, both countries undertook to resolve most of the concrete decisions through bilateral agreements, because the Drina is a national resource of the state, and not one part, as in this case. This is true regardless of the special relations of the Republic. Srpska and Serbia, because, says Suljic, the consent of the Parliamentary Assembly of BiH would be needed for that. "Legally speaking, this agreement is not valid," says Professor Suljic.

Optimism in Foca

Radislav Masic, the former mayor of Foca, which administratively belongs to the Republika Srpska, believes that everything was done in accordance with the law.

"It is a job that we in Foca have been waiting for for more than 40 years. It is a hydro project that means a lot to us, the non-use of the Drina River for all these years and the opening of employment opportunities, some large investments, it means a lot to us in the local community and we are looking forward to that project," he told RFE / RL.

According to estimates, which Masic stated for RSE, the project will be built for six years. "In the first phase, about 1,500 workers will work, and in the final version, up to 5,000 people would be on the job site. For us, it would be a really big investment and everything that is able to work would be employed", he said, adding that the expropriation was carried out long ago, in the seventies of the last century.

The deadline for the construction of three hydroelectric power plants based on the Hydropower System (HS) "Gornja Drina" project is six years, and the realization, as announced, will begin this construction season.

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