

Shortly after Minister Zorana Mihajlovic said that Serbia had about \$ 200 billion in mineral wealth, the Coalition for Sustainable Mining and the Center for Ecology and Sustainable Development (CEKOR) submitted initiatives to the Serbian Constitutional Court to assess the constitutionality of the mining and expropriation law.

“We have submitted a proposal to the Constitutional Court to consider the constitutionality of the Law on Mining and the Law on Expropriation in those points where it enables expropriation, ie proclamation of public interest on anyone’s property on the entire territory of Serbia,” said CEKOR and Coalition for Sustainable Mining Zvezdan Kalmar at a press conference.

Kalmar added that Serbia presents itself as a “mining Eldorado”, but that the environmental and social consequences that would be the result of the mining “boom”, which is increasingly speculated in the media, are not taken into account. He stated that the negative consequences of certain projects are already being felt, citing the business of the Chinese company Zi Jin in Bor as an example. Kalmar emphasized that mining companies, according to the proposal of the new Mining Law, can conduct field research in an unlimited way, even without prior notice to local communities.

“People will turn into serfs, practically on their territory, we see this law as a kind of colonial or even feudal law where we will have one central, authoritarian ruler over the country, who will be able to issue mining permits,” says Kalmar.

Lawyer from Nis, Goran Djordjevic, assessed that the Law on Mining represents a true precedent that our legislative practice has not known until now.

“Article 8 of the Law on Mining directly enables economic entities with private capital to appear as beneficiaries of expropriation, (violating) all the provisions of the Law on Expropriation as one umbrella law,” says Goran Djordjevic.

According to Djordjevic, the current Law on Mining, but also the Draft of the new Law on Mining, absolutely deviate from all norms and principles that have been recognized for centuries.

Belgrade lawyer Predrag Savic believes that a third initiative should be submitted to assess the constitutionality of the article of the Law on Planning and Construction, given that the provision “equalizes the defense system of Serbia and mining companies.” He explains that the provision states that the provision of the Law on Planning and Construction cannot be applied to the removal or construction of buildings, plants and other systems used for mining.

“So, they can build without respecting the provisions of the Law on Planning and Construction, completely on the basis of the Law on Mining. So the mining inspector has

taken on the role of God and beating here,” Savic estimates.

He emphasizes that according to that provision, mining companies could build in the way that suits them, and that this is an example of “the blackest positive discrimination in favor of mining companies”, whether it is private or state-owned companies. He especially points out the shortcoming of that provision in the event of a mining catastrophe or natural disaster. Wanting to illustrate the consequences of the new laws for the citizens themselves, Savić cited the example of a family from Vreoc, which has six children and lives on the edge of a coal mine, an abyss several hundred meters deep. At that time, when the relevant provision of the Law on Planning and Construction was in force, the competent court assessed the property located near the mine and it was determined that it was worth between 60 and 80 thousand euros. Savic explains that with the application of the new law, the value of the same property is now reduced to the value of agricultural land, so it is significantly less than the previous one and amounts to only 16 thousand euros.

Source: novaekonomija.rs