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**To:** Elisabeth Losasso,  
Environmental Affairs Officer  
(Espoo) Convention on Environmental Impact Assessment in a Transboundary Context and  
the Protocol on Strategic Environmental Assessment  
Environment Division  
United Nations Economic Commission for Europe  
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**Subject: Meeting of the Parties to the Espoo Convention, 9th session,  
12-15 December 2023 - Bosnia and Herzegovina (EIA/IC/S/8–SEA/IC/S/1)**

Dear Ms Losasso,

In advance of the Meeting of the Parties to the Espoo Convention, 9th session, on 12-15 December, we are writing to **support** draft [Decision IX/4c–V/4c on compliance by Bosnia and Herzegovina with its obligations under the Convention and the Protocol in respect of the construction of Buk Bijela hydropower plant on the Drina River](#).

We are relieved to see that the Implementation Committee, at its Fifty-seventh session from 29 August–1 September 2023, [found](#) that Bosnia and Herzegovina was after all in breach of the Convention in 2019 when it issued a new environmental permit for Buk Bijela without undertaking a new environmental impact assessment.

Such a finding is a crucial precondition to ensuring that a high-quality environmental impact assessment is finally carried out for this project, and that adequate public participation in decision-making finally takes place in both Bosnia and Herzegovina and Montenegro.

It is also in line with the UNESCO World Heritage Committee's [Decision 45 COM 7B.93](#) of 25 September 2023, which among others,

*'Notes the multiple proposed hydroelectric power plant (HPP) projects downstream of the property and further requests the States Parties of Montenegro, Bosnia and Herzegovina, and Serbia to ensure the integrity of the property by maintaining the continuity of the river ecosystem and the continued presence of the Danube Salmon through an unimpeded river flow, and requests furthermore the States Parties to ensure that the potential impacts of proposed projects on the OUV of the property are assessed in line with the Guidance and Toolkit for Impact Assessments in a World Heritage Context, prior to taking any decision that would be difficult to reverse, as follows:*

1. *the State Party of Bosnia and Herzegovina to confirm the status of the Buk Bijela HPP project and to ensure that potential impacts of the project on the OUV are*

- assessed through an updated Environmental Impact Assessment (EIA), in close consultation with the State Party of Montenegro,*
2. *the States Parties of Bosnia and Herzegovina and Serbia to ensure that the potential impacts of all planned HPP projects in the upper Drina catchment on the OUV are assessed, including cumulative impacts, through a Strategic Environmental Assessment, in collaboration with the State Party of Montenegro (...)'.*

The importance of ensuring that Bosnia and Herzegovina carries out a new environmental impact assessment on Buk Bijela, based on updated and quality data, including the plant's cumulative impacts together with other planned plants on the Drina, is also underlined in a [statement by Professor Paul Stanton Kibel, Professor Emeritus in Water Law](#) at the Golden Gate University Law School which we would like to draw your attention to.

For the reasons above, we very much encourage the Parties to the Espoo Convention to adopt draft Decision IX/4c–V/4c.

Nevertheless, we must draw your attention to a technical mistake in the draft text, which needs to be corrected in order to ensure its effectiveness (see bold text below):

*'4. Request Bosnia and Herzegovina to conduct a transboundary environmental impact assessment procedure involving Montenegro and, as needed, other affected Parties, including, by:*

*(a) Concluding consultations with authorities and the public of the affected Parties based on the environmental impact assessment documentation, as set out in articles 3 (8), 4 (2) and 5 of the Convention;*

*(b) Revising the final decision on the **lifetime extension** of the Buk Bijela hydropower plant, taking due account of the outcomes of the environmental impact assessment procedure, including the environmental impact assessment documentation and comments received from the affected Parties, further to article 6 of the Convention;*

*(c) Providing the affected Parties with the revised final decision;'*

The phrase 'lifetime extension' needs to be replaced with 'construction' in order to help ensure that Bosnia and Herzegovina acts in accordance with the Decision.

We thank you for your time and hope this correction can be made without causing undue delays in the adoption of the Decision.

Kind regards,

Mr Redzib Skomorac, Center for Environment, Bosnia and Herzegovina

On behalf of:

OZON, Montenegro,

The Aarhus Centre in Bosnia and Herzegovina

Green Home, Montenegro