

# **REPORT OF THE INTERNATIONAL MISSION TO DURMITOR NATIONAL PARK AND TARA RIVER BASIN, SERBIA AND MONTENEGRO, AND TO BOSNIA AND HERZEGOVINA**

## **ACKNOWLEDGEMENTS**

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## **EXECUTIVE SUMMARY AND KEY RECOMMENDATIONS**

The joint UNESCO-IUCN mission to Serbia and Montenegro and Bosnia and Herzegovina took place from 16 to 21 January 2005. The mission was carried out at the request of the Director-General of UNESCO and at the invitation of the national authorities of both countries. The Programme (Annex 5.1), composition of the mission team (Annex 5.2) and Terms of Reference (Annex 5.3) of the mission are attached.

The mission successfully concluded its technical review of the situation based on an on-site visit and on extensive documentation and meetings with relevant stakeholders. It provides this detailed report to the Director-General of UNESCO, the World Heritage Committee and to the MAB Advisory Committee, including detailed recommendations, which are contained in Section 4. The key recommendations are as follows:

### **Durmitor National Park**

The mission concluded that the proposed hydropower project Buk Bijela would constitute a potential threat to the World Heritage site of Durmitor National Park, (*Operational Guidelines for the Implementation of the World Heritage Convention*, July 2002, Paragraph 83 (ii) b), threatening the values and integrity for which the site was inscribed on the World Heritage List in 1980.

The mission recalled that the World Heritage Committee had discussed previous hydropower projects to be constructed at the same location as early as 1985 in relation to placing the site on the List of World Heritage in Danger.

The mission further noted a number of other issues related to the conservation of the property, which are contained in Section 3.4 of this report.

### **Tara River Basin Biosphere Reserve**

The mission noted that the northern (downstream) part of the Tara River Basin Biosphere Reserve would be flooded by the proposed Hydropower Project Buk Bijela (HPBB) and made a series of recommendations concerning the site within a regional development context. In fact, the main potential of Biosphere Reserves in terms of reconciling protection (mainly concentrated in the core zones) with local development (in the buffer and transition zones) has not been properly explored in this case; the large bioregional frame offered by the extension of the Biosphere Reserve is not reflected in appropriate coordinated management units and concerted integrated resource planning.

### **Other Recommendations**

The mission noted that the proposed HPBB project is to be reviewed in a transboundary context, between both Member States of UNESCO, Bosnia and Herzegovina and Serbia and Montenegro. The mission highlighted in particular that both countries are States Parties to the World Heritage Convention, and that Article 6.3 of this Convention specifically applies to this case: “Each State Party to this Convention undertakes not to take any deliberate measures which might damage directly or indirectly the cultural and natural heritage ... situated on the territory of other States Parties to this Convention”. In addition, other international treaties apply, including the Convention on Co-operation for the Protection and Sustainable Use of the River Danube (Danube River Protection Convention-DRPC).

## **1. BACKGROUND TO THE MISSION**

The site of Durmitor National Park was inscribed on the UNESCO World Heritage List in 1980 under natural criteria N (ii), (iii) and (iv). The threat to the site by a hydropower plant project was already discussed at the World Heritage Committee in 1985:

“Natural properties identified for possible inclusion in the List of World Heritage in Danger, Durmitor National Park, Yugoslavia: This property had been threatened by the construction of a dam on the Tara River, however, due to public pressure from within and without Yugoslavia, this proposal had been cancelled. The Committee noted its satisfaction that this threat had now been removed and congratulated the Yugoslav authorities on making the best use of the Convention to support efforts to protect this property.”

Following further discussions on this and other issues, the Committee requested, in 1992, a mission to review the situation. This mission was carried out in 1996 and its report was presented to the 20th session of the World Heritage Committee in December 1996. The Committee endorsed the recommendations of the mission and the State Party provided only a partial follow-up.

During a meeting at UNESCO Headquarters on 19 November 2004, the Director-General of UNESCO and the President of Serbia and Montenegro, Mr S. Marovic, discussed the proposed construction of a dam to be built on the territory of Bosnia and Herzegovina which may have an impact on the World Heritage site of Durmitor National Park and the Tara River Basin Biosphere Reserve. The Director-General agreed to the request to send an expert mission to review the situation. Furthermore, at a meeting on 10 December 2004 held in Tirana, Albania, the President of Bosnia and Herzegovina, Mr B. Paravac, and the Director-General of UNESCO also discussed the HPBB project and they agreed that the proposed mission to Serbia and Montenegro should also meet with the relevant authorities and organizations of Bosnia and Herzegovina.

The official letter of 16 December 2004 from the State Party of Serbia and Montenegro, formally invited the international expert mission.

## **2. NATIONAL POLICY FOR THE PRESERVATION AND MANAGEMENT OF THE WORLD HERITAGE PROPERTY AND THE BIOSPHERE RESERVE**

Since 1952, the area of the Durmitor region is legally protected as a National Park. In addition, in 1967 the Tara River Canyon was declared a Nature Reserve and Nature Monument (Decree 1/12/1977, Republic Institute of Nature Conservation). This represented the legal basis for both UNESCO designations: the Biosphere Reserve in 1977 and the nomination and inscription of the site to the World Heritage List in 1980.

In its Constitution (Article 1), the Republic of Montenegro has declared itself an “ecological state”, to give high priority to its important number of natural assets. Based on this premise, a comprehensive protected area system was established and reinforced with four existing national parks, namely, the National Parks of Durmitor and Biogradska Gora (nominated to the World Heritage List in 1996), Lovcen and Skadar Lake, as well as numerous nature reserves and other protected areas. New designations are also planned, including in the Durmitor region, such as extensions to Durmitor National Park proposed in the Special Plan of the Area of Durmitor (1997).

Additionally, it should be noted that the entire Tara River Basin is part of the Danube watershed via its tributary system. Both Serbia and Montenegro and Bosnia and Herzegovina are signatories to the Danube Convention<sup>1</sup> and have the obligation to report

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<sup>1</sup> “THE DANUBE RIVER PROTECTION CONVENTION (DRPC): In 1994, eleven of the Danube Riparian States and the European Union signed the Convention on Co-operation for the Protection and Sustainable Use of the River Danube (Danube River Protection Convention-DRPC). The Convention is aimed at achieving sustainable and equitable water management in the Danube Basin. The signatories have agreed: on "conservation, improvement and the rational use of surface and ground waters in the catchment area", "control of the hazards originating from accidents involving substances hazardous to water, floods and ice-hazards", to "contribute to reducing the pollution loads of the Black Sea from sources in the catchment area" (Art. 2.1.); The signatories agreed to co-operate on fundamental water management issues by taking: "all appropriate legal, administrative and technical measures to at least maintain and improve the current environment and water quality conditions of the Danube River and of the waters in its catchment area and to prevent and reduce as far as possible adverse impacts and changes occurring or likely to be caused." (Art. 2.2.) “The Convention on Cooperation for the Protection and Sustainable Use of the Danube River entered into force on 22 October 1998” and “For the Danube River Basin, Austria and Germany were initially concerned, followed by the accession of Hungary, Slovenia and the Czech Republic, and other accession interested states such as Bulgaria, Croatia, Romania and the Slovak Republic. Voluntary coordination further brings in all other Danube States as Bosnia and Herzegovina, Moldova, Ukraine and Yugoslavia” (<http://www.rec.org/DanubePCU/news2/help.html>).

on any developments and use changes, which have to be agreed upon in the framework and according to the regulations of this Convention. Furthermore, within this framework, a specific sub-basin initiative has been launched to deal with the countries of the Sava River Basin<sup>2</sup>. With the support of the Stability Pact for South Eastern Europe, the four Riparian States of the Sava River Basin – Republic of Croatia, Bosnia and Herzegovina, Serbia and Montenegro, and the Republic of Slovenia (referred to as “the Sava countries”) have entered into a process of cooperation for the sustainable management of the water resources of the basin. The Framework Agreement on the Sava River Basin, signed by the Sava countries on 3 December 2002 and currently pending ratification, provides the principles and mechanism for regional cooperation. A central feature is the establishment of a new international body, the International Sava River Basin Commission, to implement the agreement within one year of the framework agreement entering into force. Despite these international obligations of the signatory parties, no information was provided to the mission on the implementation of these Accords with regard to the Tara River.

### **3. IDENTIFICATION AND ASSESSMENT OF ISSUES**

#### **3.1 Proposed Hydropower Project Buk Bijela (HPBB)**

The mission was informed of the HPBB project from different sources and at various meetings with a wide variety of stakeholders, including a round table discussion entitled “Protection and Valorization of the Tara River” organized by the Ministry of Environmental Protection and Physical Planning of the Republic of Montenegro, Public Enterprise “National Parks of Montenegro”, and the Institute for the Protection of Nature, on 17 January 2005.

The mission was able to review the Environmental Study (ES) “Hydro Power Plants Buk Bijela and Srinje”: Analysis of Environmental Impacts of Hydro Power Plants (Belgrade, March 2000) jointly submitted by the Ministry of Environmental Protection and Physical Planning of the Republic of Montenegro and the State Party, Serbia and Montenegro.

The mission noted the complex history of the project, starting in 1957 with a project proposal submitted by the Belgrade-based company “Energo projekt”. Despite the designations of the Tara River Basin Biosphere Reserve (1977) and the Durmitor National Park World Heritage site (1980) and the decisions of the World Heritage Committee (1985 and following sessions), activities began again in 1988 with the Elektoprivreda companies of Montenegro and Bosnia for the Buk Bijela construction. However, there was a break phase from 1990 to 1998. In 1998, a Memorandum was signed with the Montenegro authorities and their counterparts, and in 1999 a financial

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<sup>2</sup> On the occasion of its last meeting (Vienna, Austria, 13-14 December, 2004) the ICPDR sub-basin initiative for the Sava River Basin adopted the following actions and proposed resolutions which are of key relevance for the Tara River Basin too, namely: acknowledges and appreciates the efforts of the Sava and Tisza Basin countries to develop sub-basin management plans linked to and integrated with the work of the ICPDR on the Danube Basin level; welcomes the entry into force of the Framework Agreement on the Sava River Basin (FASRB) as of 29 December 2004, and gives its full support to the activities of the Interim Commission of the Sava River Basin (ICSRB) aimed at the establishment of the Sava Commission within the following six-month period; recognizes the FASRB as a significant basis for achieving progress on the sub-regional level to enhance development and achieve integrated water management; expresses its willingness to provide professional and technical support needed for the implementation of the FASRB, as well as for ensuring progress of the Sava Commission.

study was completed. From 2000 to 2002 discussions for a public tender took place and the process was completed on 30 April 2004 following two phases (20 December 2002 to 17 March 2003, and 17 March 2003 to 30 April 2004 respectively). There are three bids, but no decision has been taken. The Minister for Energy of Montenegro provided the mission with a copy of the Agreement for Cooperation between the Republic of Srpska and the Republic of Montenegro for the construction and use of the common hydro energy system of Buk Bijela (Buk Bijela and Srinje), which was signed by the Republic of Srpska and approved by the Government of Montenegro but not signed. However, the incomplete ratification process by both sides (ratification by both the Parliaments of Montenegro and Bosnia-Herzegovina) means that this Agreement has no legal status.

The mission was informed that on the basis of the above-mentioned Agreement, Montenegro and the Republic of Srpska would own respectively, 26% and the 74 % of all energy produced. Consequently, it is expected that Montenegro would be inclined not to divert the waters from the Tara away from the Drina River to Moraca. However, the mission noted that approximately 80% of the catchment area and the water flow is within the Montenegro territory, and only 20% in Bosnia and Herzegovina.

The mission was also informed that Government authorities of the Republic of Montenegro were invited by the Republic of Srpska counterparts to form a joint commission (comprising 10 members from each side) to review the Environmental Study (ES, version 2000). Composed of independent experts, governmental bodies and NGOs (one from Montenegro and one from the Republic of Srpska), this Commission would report on its final findings and recommendations by February 2005.

Parallel to this institutional development, an active campaign, promoted by NGOs, and with the support of a wide public (both local populations and outsiders) led to the collection of more than 10,000 signatures in support of the presentation of the “Tara Declaration” to the Montenegro authorities; the Declaration was discussed and approved by the Parliament of Montenegro on 14 December 2004 (see Annex 5.6). In addition, the National MAB Committee prepared a Declaration on the Tara River issues, which was submitted to UNESCO-ROSTE on 9 November 2004 (see Annex 5.7). As stressed by the various NGOs met during the mission, these campaigns still continue, as there is no clear response provided by the Government of Montenegro as to whether permission for the construction of the dam, with the consequent flooding of the Tara and Piva Rivers, would be granted. In this regard, the Minister for Environment of Montenegro stated at the Zabljak Round Table that the Government “would not undertake any steps which would affect the social and environmental conditions in the region prior to all studies being carried out and public consultations, including the UNESCO findings”.

With regard to the assessment of the HPBB project, the mission furthermore recalled the European Directives 97/11/EC on the environmental evaluation of public and private projects, and the EU Directive which regulates public participation in drafting programmes and plans (EC 85/337/EEC) on the protection of the environment; additional references were also made to the Aarhus Convention (1998)<sup>3</sup> even though Serbia and Montenegro and Bosnia and Herzegovina were not yet signatories.

Furthermore, a new legal frame for Environmental Impact and Tender Procedures is in the process of being approved at the Bosnia and Herzegovina level, attempting to

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<sup>3</sup> Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, adopted on 25 June 1998 in Aarhus, Denmark.

harmonise the existing procedures with international standards; in particular, a draft protocol regarding the Sava countries is to be implemented to foster joint transboundary activities.

The ES – in the form officially presented to the mission - cannot be accepted as a proper Environmental Impact Assessment (EIA) or even as an Environmental Impact Study (EIS). The mission remarked that the document gave the appearance of a “cut and paste” exercise, where information from assessments carried out for earlier hydropower plan projects (in the 1970s and 1980s) were reported; both these earlier projects, at the same location, were halted following strong public protest and other considerations. The document seems to include the same errors as earlier versions, demonstrating a lack of sound scientific background. As pointed out by the Chairperson of the MAB National Committee on the occasion of the Zabljak Round Table, even the name ‘Tara River Basin’ was confused with the ‘Tara Mountain’ and the ‘Tara National Park’; therefore any impacts on flora and fauna mentioned in this part of the document do not concern the area proposed to be flooded by the HPBB project.

Data concerning the length of the Tara River and the area to be flooded varied and the figures presented ranged from 12 km to 18 km of the Tara Canyon (from the dam location) and concerns that it could be even more were expressed. In reviewing the maps, the mission noted that the Tara River Nature Monument area would be flooded as it is located close to the northeastern border of Durmitor National Park. Moreover, the part of the Tara River Basin Biosphere Reserve (corresponding to part of the ‘transition zone’) from that point to the border with Piva River southwards would be flooded.

The mission noted that, through the adoption of various legal acts, the Republic of Montenegro has protected the entire Tara River Canyon up to the junction with the Piva River (see Section 2 of this report); it is noted that the Piva Valley is also a nature reserve, containing several cultural monuments. Furthermore, the catchment area of the HPBB project extends over the entire World Heritage and Biosphere Reserve areas. Despite these facts, the Republic of Montenegro in its current Physical Plan (adopted in 1997) “specified the possibility of the construction of a Power Plant in the middle of the Tara River and a joint Power Plant of Buk Bijela”. This indicates that in accordance with this Plan, the construction of several hydropower plants could be permitted.

Before considering any further dam development, the Montenegro and the Bosnia and Herzegovina authorities are encouraged to take into account the report of the World Commission on Dams (November 2000) and the IUCN Dams Strategy, and carefully consider any impacts on biodiversity and livelihoods of local peoples, and ultimately to evaluate the lessons learned from previous experiences (such as the Pluzine case), to prevent substantive problems in the future.

The main issues and concerns, as raised by various stakeholders after evaluating the project and its potential effects, are summarized below:

**(a) Environmental impacts**

The environmental impacts of the HPBB project directly affect the geological, hydrological, climatic, flora and fauna assets of the area concerned. The ES states that the disturbance of natural landscapes would be minimized (page 77), that the agricultural and forest lands involved are of poor quality and that existing flora and fauna would not be endangered by the humidity, and low intensity fog and the

accumulation hazards could be minimized through anti-erosion works. The mission was informed of the existence of different studies, that indicated a possible climatic change of up to 2.5 degrees, of threats to the endemic species of the Tara Canyon and the complete disappearance of the main characteristics of the wild river with its cascades and impressive scenery (with a depth of 1,300m, it is considered to be one of the deepest canyons in the world). The Buk Bijela dam will cut the natural water flow and the migratory routes of the autochthonous fish species of the Tara River. In this respect, the ES proposed that the salmonides would be preserved in a special water reservoir to prevent their extinction. The mission was shown the specially constructed fish ponds to artificially support the reproduction of endemic species for transfer to the water reservoir behind the dam. The ES indicated that in this way sports fishing and food resources for the population would also be catered for.

The mission questioned these facts, based on the experience of the Piva Dam, where fishing is forbidden due to high oscillation (planned 5 m, in reality 80 m, and in extreme cases up to 100 m, as stated by the Municipality authorities). On the other hand, the riverbed downstream from the Piva Dam is often completely dry and no fish population survives, nor any other form of biological activity.

The mission regretted the loss of human and animal life in the Republic of Srpska due to high oscillation and interruptions in the water flow, with flash flooding when electricity is produced during a few hours each day.

During the Zabljak Round Table discussion questions were raised concerning the functioning of the dam, in particular, the expected annual production of 1350 MWh is in contradiction to data on the reservoir behind the existing Piva Dam in Montenegro, which is extremely low despite normal rainfall in the past several years. Taking this into account, it is unlikely that the new dam could operate at much more than 50% of its full capacity, similar to the Piva Dam. The mission was not made aware of any detailed feasibility study, financial and cost analyses for the highway, village and other infrastructure relocation. However, the mission was officially informed that adjacent to the proposed location of the Buk Bijela dam in the Republic of Srpska, construction work for the relocation of the main Sarajevo–Podgorica road had already begun.

## **(b) Socio-economic impacts**

The Tara Canyon is one of the major income sources, especially for the poorer local communities of Zabljak, and Pluzine (Republic of Montenegro), as well as Foca (Bosnia and Herzegovina). The Canyon is an attraction for many national and international visitors, and river rafting, canoeing and other water related and hiking activities (operated by local tour operators who contribute through relatively high taxes of 20 to 55 Euro/person towards the management of the National Park). These operations are in line with the management objectives of the Park. The tourism revenues represent a major source of income for the whole region, generating additional benefits (e.g. accommodation, restaurants and other services). All these activities would be seriously threatened by the flooding and changed water flow, preventing this type of adventure tourism<sup>4</sup>.

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<sup>4</sup> Currently there are no adequate regulations for the river-based activities, except in the National Park; clearly, this needs to be further implemented within a specific transboundary cooperation, especially considering that the Tara River itself marks the border between the Republic of Montenegro (Serbia and Montenegro) and Bosnia and Herzegovina for a relevant part of its course, extending beyond the National Park boundaries.

The mission was concerned with substantive problems encountered in the Municipality of Foca, as the local population of the potentially affected areas had already been relocated in the 1970s, and no activities were allowed in this area as the land was expropriated and the agricultural land was left to succession. No development activities could be planned, including infrastructure, and also affecting the main road between Sarajevo and Podgorica, which is badly degraded. People called this period the “30 years of agony”.

**(c) Long-term economic viability**

Although the ES claims that the dam construction and operation of the Buk Bijela and Srbinje project would provide additional employment, such operations can be managed by a limited number of staff due to high mechanization and automatic management and control equipment. Therefore, no positive effects to compensate the loss of tourism-related jobs and agriculture/forestry are expected.

**(d) Threats to the values and integrity of the World Heritage site and relevance for the UNESCO Biosphere Reserve**

Durmitor National Park was inscribed under natural criteria specifically for its geomorphological and geological processes, its scenic beauty and its biodiversity. Any change in the entire Tara River system would have an impact on upstream areas of the proposed location for the Buk Bijela dam, and would affect the values for which the site has been inscribed on the World Heritage List. The Tara River is the key element for the designation as the deepest canyon in Europe, and one of the deepest and most spectacular on earth (criterion (iii)). It illustrates the geological evolution and on-going geomorphological processes (criterion (ii)). Along the Tara River Canyon, the dense conifer forests harbour a wide range of endemic flora and fauna (criterion (iv)).

Furthermore, concerning the integrity of the World Heritage site (para. 44 b of the Operational Guidelines), the flooding would affect a downstream section of the Tara River, which is, with its upstream section, an integral part of the World Heritage nomination. The conditions of integrity (para. 44 b (iii)) also clearly refer to the “adjacent catchment and downstream areas that are integrally linked to the maintenance of the aesthetic qualities of the site”.

Concerning the boundaries, the conditions of integrity clearly state (under para. 44 b (vi)) that the sites “should include sufficient areas adjacent to the area of outstanding universal value”. Therefore, the mission recommended that an extension to the existing area should be envisaged.

According to the proposal contained in the spatial plan of the Durmitor National Park region, the extension of the protected area adjacent to the existing national park is already recommended. To this end, the mission recommended enhancing collaboration with Bosnia and Herzegovina on a number of issues, including coordination of activities on both banks of the Tara River Canyon; joint protection activities in the Tara River Basin, which becomes transboundary in the lower part of the Tara River; cooperation for a potential future World Heritage extension adjacent to the National Parks of Sutjeska National Park (Bosnia and Herzegovina) and Biogradska Gora for a transboundary (serial) World Heritage site; initiatives are being promoted by the Republic of Srpska’s public authorities for the extension of the Sutjeska National Park up to the boundary of

the Biosphere Reserve, and the protection of the mountain range along the border of the River Tara, forming a large transboundary protected area with as core areas, the two National Parks and a large buffer zone of the World Heritage site.

**(e) Impacts on the tangible and intangible cultural heritage and population relocation**

Flooding a part of the Tara River (mainly located in the area of the Pluzine Municipality), would affect existing settlements, cultural heritage objects and local traditions related to natural heritage and agriculture. The ES mentioned 14 minor settlements and 120 households, numbering 550 persons, to be relocated, in addition to 15 households with estates that would be directly affected. The mission noted that some population relocation had been carried out 30 years ago in the Foca Municipality, and therefore the figures given in the ES are incorrect. Also, local infrastructure, including roads, would be submerged.

As concerns the cultural heritage, the Scepanica Church, two Necropolis and settlement remains in Scepan Polje would be flooded. Moreover, population relocation would be disruptive as regards the cultural identity and traditional knowledge of the people affected.

The mission members met with local populations and the Mayors of the concerned Municipalities, who indicated that this would mean “sacrificing a more important value for a lower one”. These issues were reviewed in light of the experience gained by the flooding of the Piva Valley, west of Durmitor National Park, where the old city of Pluzine was submerged in 1974, and where the long-term negative impacts can now be evaluated in detail.

The mission concluded that the current ES does not comply with some basic requirements, particularly in terms of considering possible project alternatives, properly assessing the entire range of impacts (e.g. ecological, economical and socio-cultural), and facilitating public participation throughout the whole decision-making process. In the event that the Governments of the Republic of Srpska and Montenegro intend to proceed with an adequate EIA, this should be accomplished in accordance with accepted international standards and scientific procedures, taking into account the EU Directives for the preparation of EIAs, in particular for large hydropower (accumulation more than 10 Mil. m<sup>3</sup>) constructions in a transboundary context. All legal aspects should be in line with the legislation in force in both countries, as well as the most relevant international agreements.

**(f) Risk preparedness**

The mission noted the serious situation of the Piva River downstream of the Piva dam within the Tara River Basin. Substantive problems are encountered due to the water level fluctuation. No fish population can survive with high levels of water for short periods (4 hours) and a dry riverbed the remainder of the time, causing total degradation of all life in this part of the Piva River. The sudden water flow also constitutes a permanent threat to people and livestock, with constant loss of life. Urgent consideration should be given to address this issue, including risk preparedness plans and lessons learned from this experience prior to proceeding with any dam projects.

**(g) Spatial plan for the Durmitor National Park Region and its relation to the hydropower project**

According to the Physical Plan of the Republic of Montenegro (which entered into force in 1984), the Tara River is considered as part of the natural protected areas. Specific reference to its international protection regime is given as follows: The Tara River Basin is included in the World Network of Biosphere Reserves, in UNESCO's 'Man and Biosphere' Programme, since 1977, and the National Park of "Durmitor" (with part of the Tara River Canyon) is inscribed on the UNESCO World Heritage List since 1980. However, despite these premises, the Physical Plan of the Republic of Montenegro specifically includes the possibility to build power plants in the middle of the Tara River, and a particular mention is given to the joint Buk-Bijela power plant. Referring to this, the Spatial Plan for the Durmitor National Park Region (Sl. List RCG br 20 / 1997) considered that the Physical Plan of Montenegro was applicable to the whole area (Part I, item 7.4 – Electroenergy Infrastructure); this could be interpreted as permitting the planning and construction of power plants in the regional of the Durmitor National Park. It is noted that the Spatial Plan for the Durmitor National Park Region is a legally binding document for the management of the protected area.

**3.2 Public participation and management issues**

In decision-making processes concerning major constructions, stakeholder participation has to be guaranteed. In the case of the hydropower plant Buk Bijela, accepted procedures need to be observed, despite the fact that neither Serbia and Montenegro nor Bosnia and Herzegovina signed the *Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters* (hereinafter referred as *Aarhus Convention*). The mission was informed that since the conceptualisation of the project, no proper public participation in decision-making procedures have been followed. This has been one of the main concerns of the NGOs and public protest campaigns, leading to the presentation of the citizens' signatures in support of the 'Tara Declaration', presented in the Montenegro Parliament. Three major public events have been organised since autumn 2004, namely: the Round Table '3 E for Tara' (jointly organised by the Ministry of Environmental Protection and Physical Planning of Montenegro and the NGO 'Greens of Montenegro' on 13 October 2004 in Podgorica),<sup>5</sup> the Public Meeting on 15 December 2004 (jointly organised by the Ministry of Environmental Protection and Physical Planning of Montenegro and the NGO 'Greens of Montenegro', in Podgorica),<sup>6</sup> and the Round Table of 17 January 2004 'Protection and Valorisation of the Tara River' (jointly organised by the Ministry of Environmental Protection and Physical Planning of Montenegro, the Institute for Nature Protection and Public Enterprise 'National Parks of Montenegro' and held in the Conference Hall of the Zabljak Municipality).

Despite the remarkable organisational efforts of the above-mentioned public administration bodies, these round tables cannot be considered as comprehensive public

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<sup>5</sup> The Round Table was widely publicised and more than a hundred persons participated, including representation of three Ministries of the Republic of Montenegro (Environmental Protection and Physical Planning, Energy and Tourism), international agencies (UNDP and UNESCO-ROSTE), scientists, and various NGOs, both national and international.

<sup>6</sup> This event was less comprehensive than the previous one, with about 30 participants; nevertheless, it was the first time that both the UNESCO National Commission for Serbia and Montenegro and its MAB Committee were represented in the public debates on the Tara River issues in Montenegro.

participation process related to the construction of the HPBB and its socio-economic and environmental impacts. These events offered a limited opportunity for participants to present different viewpoints and further documentation. Moreover, public participation in the Committee reviewing the ES comprising 10 members, equally representing both Republics of Montenegro and Srpska, was limited to representatives of three NGOs (the Greens of Montenegro and two others from the Republic of Srpska), and was therefore not fully reflecting a wider public opinion.

### **3.3 Management and management plan**

In December 2004, the Management Plan for Durmitor National Park for the years 2005-2020 was adopted. The Plan is based on the legal document ‘Special Plan for the Durmitor Area’ (Sl. List RCG br 20 / 1997), as well as other official acts, including the Law on National Parks (see Section 2 of this report); it defines the zoning system and contains all data on natural conditions (geomorphology, hydrology, geology, climate, as well as cultural assets and human influence). This document additionally provides specific management goals for biodiversity conservation, on the basis of which annual plans are developed, to offer concrete planning guidelines to deal with conservation areas, including regulations for wild species, forestry (e.g. specific limits for wood exploitation by local populations), visitor infrastructure, education etc. Park management is subject to an overall coordination provided by the public enterprise “National Parks of Montenegro” (established for all four Montenegro protected areas), and it is specifically implemented by the National Park Headquarters, located in Zabljak (comprising 1 Director and 40 staff members, including 22 rangers).

According to the current Management Plan, logging and hunting activities are completely forbidden in the core zones of the National Park (the only exceptions being so-called ‘sanitary cuts’ and fuel wood logging by local populations, as well as some game population control). Nevertheless, the mission was informed (with photographic documentation) that some logging activities are being carried out in the core zones of the National Park. The Director of the Durmitor National Park assured the mission that this logging activity had gradually been reduced over recent years and is now halted. For the same reason, the saw mill owned by the Park enterprise is no longer functioning and is expected to be dismantled very shortly. Park managers regularly patrol the protected areas, however, some cases of illegal hunting and logging are still reported and legal action is instigated. The mission noted that the management body has minimal power to prevent negative impacts caused by intensified illegal construction activities (urban sprawl) in the National Park and its transition zone. Evidently, legal enforcement is not properly guaranteed. It would appear that the main source of income to support the National Park management derives from logging and tourism (taxes from service and sports activities, specifically rafting, fishing). One of the reasons for this ‘forced’ self-financing process is the lack of resources available for educational activities and staff training, as well as the need to upgrade technical equipment. Finally, the above-mentioned Management Plan has also foreseen the possibility of an extension of the National Park boundaries.

### **3.4 Ski development and exclusion of the city of Zabljak**

The 1996 UNESCO mission had noted the construction of major sports facilities and residential development, placing additional inadequately planned growth pressure on the

area. Consequently, it was recommended to exclude the town of Zabljak from the Park. No follow-up map was provided to the World Heritage Centre and no decision was taken by the Committee. However, the mission was informed that this was taken into account in the Special Plan and in the currently valid zoning plan. The direct result is that the core zone of the National Park was reduced, affecting the overall nature conservation objectives.

While providing the appropriate documentation showing the exact boundaries of the current National Park to the World Heritage Centre, further exclusion of areas should be halted and adverse impacts of urban development addressed both by the Park and the Municipality. Illegal constructions without any urban plan are threatening the integrity of the site from both the environmental (waste disposal, waste water, etc.) and landscape (scenery) points of view. These activities evidently reduce the value of the entire area and should be prohibited. Urgent development and rapid adoption of an urban plan is necessary, including the demolition of illegal constructions and the rehabilitation of the entire areas in the vicinity of the ski facilities. No further expansion of the ski facilities should be allowed. The exclusion of the Zabljak area from the core zone should be compensated by an extension of the National Park boundaries, according to the proposal contained in the 1997 Special Plan.

### **3.5 Other factors affecting the World Heritage property**

The mission noted additional factors affecting the World Heritage site, including logging, hunting, illegal constructions, mine tailings. Future urban development in municipalities within the Park, in particular in Zabljak, should be urgently regulated through adequate plans, considering the rehabilitation of the entire area, in particular, such infrastructures as sewage and waste disposal systems should comply to international environmental standards.

The Management Plan addresses issues such as illegal hunting, fishing and logging. However, the mission suggested that an improved legal sanction system be enforced to mitigate these existing threats.

The lead mine tailings and toxic waste disposal, located 32 km upstream of the National Park borders, already noted by the 1996 mission, are part of a new cooperation project with a Czech Company aiming at cleaning up the mine tailings and rehabilitating the degraded areas. The lead and zinc mine in Mojkovac, was in operation from 1976 to 1991. The floatation of ore was part of the technological whole. The waste which was stocked in an area of 19 hectares (altogether around 2 million m<sup>3</sup>) was purified, but after closure of the company, the floatation and other waste devices are no longer functioning, therefore the situation today is far more dangerous for the environment and in particular for the Tara River, in comparison to the time when the mine was in operation. Today the waste storage includes: 20% lead, 30-40% zinc, 10% copper, 4-5% pig iron and 10-12% sulphur, with traces of cadmium, antimony and mercury. The sewage system of Mojkovac terminates in this waste storage, as well as the waters from the main road and the petrol station; the area is now used as an open waste disposal area. Referring to the project: "Improvement and amelioration of the waste dump of the lead and zinc mine of Mojkovac" (30.12.2004), sanitation could be completed in 23 months, but because of the climatic conditions, four calendar years (two phases) are currently required. The cost of the entire project is estimated at about 7.5 million EUR and exceeds the possibilities of the Republic of Montenegro and therefore requires international co-funding.

### **3.6 Issues concerning the Biosphere Reserve**

The Tara River Basin Biosphere Reserve (TRB BR) covers an area of 1820 km<sup>2</sup> and includes the territories of the Durmitor and Biogradska Gora National Parks as well as both core and buffer areas, while the transitional area extends up to the border of Bosnia and Herzegovina. The mission was informed that there is no specific management body designated for the entire Biosphere Reserve and that the planning activities are covered by the two above-mentioned protected areas and the relevant municipalities. Despite the fact that various planning documents are mentioning the Biosphere Reserve, ranging from the national (e.g. the Physical Plan of Montenegro, the Directives for the Development of Montenegro as an Ecological State) to the very local ones (e.g. the physical plans of concerned municipalities, the development plans of the two protected areas), there is no evidence of the specific implementation activities related to the main Biosphere Reserve functions (monitoring, research, environmental education).

The mission was informed that the northern part of the Biosphere Reserve transitional area is designated on a national level as the Natural Monument in 1967. Part of this area would be flooded by the water basin of the Buk Bijela hydropower plant. In this respect, in the concluding chapter of the Periodic Review of the TRB BR (“Report on the State of Tara River Basin as a Biosphere Reserve”, 1997), the Government already mentioned the proposal for the construction of hydropower on the Tara River, and noted that the “effects on the environment will be considered with the EIA Act”.

The potential of the Biosphere Reserve’s main functions (protection, logistic support and local sustainable development) are currently not sufficiently well explored. In particular, the absence of any form of management coordination for the entire Biosphere Reserve neglects the adoption of integrated territorial planning procedures that would be beneficial for the entire Tara River Basin bioregion.

### **3.7 Sustainable Development of the Durmitor Region**

The Durmitor Region has been largely recognised for its natural and cultural features. Nevertheless, apart from the designated protected areas, there is no extensive implementation of specific measures to support the sustainable development policies. The data made available to the mission showed the constant negative trends in terms of depopulation, local job placement offers, infrastructures and facilities, as well as social services for local populations. The little potential for regional development that has been explored is mostly focused on sports activities (e.g. rafting, skiing and hiking), however, initiatives to valorise other aspects that could contribute towards the amelioration of the living conditions should be examined. Ecological tourism and sustainable agriculture have been identified as niche activities, which could greatly benefit from the rich natural and cultural assets of the region.

Local authorities informed the mission of concerns related to the role of the Durmitor region as a complementary territory to the coastal tourist development; better infrastructures (road systems, accommodation facilities, services provided) would generate an increased attractiveness of the Central and Northern part of the country, to compensate the current huge impact concentrated along the coastline. Despite these premises, little has been done so far to foster this development potential, and the traditional activities of the inland areas – agriculture, forestry, pastoral – are still declining; the growing demand for local products expressed by the tourist is not fully

catered for, and the opportunity to generate small scale sustainable business activities is being neglected.

All five municipalities in the Durmitor region should ensure the highest environmental standards possible, in particular for waste water treatment, waste disposal, transportation, etc. and also benefit from the revenues of the natural resources of the region.

Furthermore, the Government of Montenegro (Serbia and Montenegro) and the Republic of Srpska (Bosnia and Herzegovina) should carefully review their energy strategies, including energy consumption (energy loss), renewable energies and revenues.

### **3.8 Transboundary context**

The original idea behind the proposed designation of the Tara River Basin Biosphere Reserve was to have the entire bioregion reflected in a single operational frame. In its downstream part, the Tara River marks the external border of the Biosphere Reserve, representing also the natural boundary between Serbia and Montenegro and Bosnia and Herzegovina. The mission learned that the Montenegro authorities and their Bosnian counterparts are exploring the potentials of the Biosphere Reserve concept in terms of facilitating transboundary cooperation. In particular, the possible development of an ecological corridor between the Durmitor and Sutjeska National Parks, by extending the existing boundaries of these protected areas is being examined.

The relevant authorities of Serbia and Montenegro and Bosnia and Herzegovina are encouraged to further explore the potential for transboundary cooperation by extending the existing protected areas within a larger Transboundary Biosphere Reserve. The mission highlighted the possible facilitating role by UNESCO and the IUCN Regional Office in Belgrade. This could also lead to consideration of a potential extension of Durmitor National Park World Heritage site with a potential nomination of Sutjeska National Park for World Heritage listing and to ensure an ecological corridor between these areas.

The mission also noted that the Biosphere Reserve functions are not fully implemented in the transition zone. Consequently, a proper coordinating body should be designated, and sustainable land use practices should be extended to the entire Biosphere Reserve.

#### **4. CONCLUSIONS AND RECOMMENDATIONS**

##### **General recommendations addressed to Serbia and Montenegro, Bosnia and Herzegovina, the relevant authorities of the Republic of Montenegro and the site management respectively**

The mission strongly recommended enhancing collaboration between the Republic of Montenegro, Serbia and Montenegro and Bosnia and Herzegovina on a number of issues, including coordination of activities on both banks of the Tara River Canyon; joint protection activities in the Tara River Basin; cooperation for a potential future World Heritage extension adjacent to the National Parks of Sutjeska (Bosnia and Herzegovina) and Biogradska Gora for a potential transnational (serial) World Heritage site; and the protection of the mountain range along the border of the River Tara, forming a large transboundary protected area with as core areas, the two National Parks and a large buffer zone of the World Heritage site.

##### **Recommendations concerning the Hydropower Project**

In the event that the authorities proceed with the planned hydropower project and do not take the necessary actions prior to the 29th session of the World Heritage Committee (July 2005), the mission indicated that Durmitor National Park would meet the conditions defined in the Operational Guidelines, paragraph 83 (ii): planned development project and infrastructure which would affect the values and the integrity of the site, as the Buk Bijela project located downstream at the Tara River would cause impacts threatening the property.

The mission concluded that this constituted a “Potential Danger” to the World Heritage values as defined in the nomination under criteria (ii), (iii), and (iv), and appropriate action is necessary by the World Heritage Committee through placing the site on the List of World Heritage in Danger.

The mission furthermore recommended that the Government of Montenegro and the Republic of Surpska carefully review their energy strategies, including energy consumption (energy loss), renewable energies and revenues.

##### **Recommendations concerning World Heritage area, zoning and buffer zones**

The mission recommended the implementation of all the elements of the 1996 mission including the provision of all official maps for the revision of the boundaries of the National Park to exclude the area of Zabljak.

With respect to the possible extension of the World Heritage site, the selection of additional areas requires careful evaluation, as any extension to the actual National Park boundaries may include areas which may not be appropriate for World Heritage status. However, the mission strongly recommended that consideration be given to identifying potential areas for an ecological corridor with Bosnia and Herzegovina.

The mission recommended that the authorities harmonise different physical and spatial plans with the objectives of the Durmitor National Park and the World Heritage site.

The mission recommended that the State Party be encouraged to provide an extension of the World Heritage site to include the whole Tara River Canyon up to the Piva section and to clearly designate the Biosphere as a buffer zone of the World Heritage site.

The mission recommended that authorities update the World Conservation Monitoring Centre (UNEP-WCMC) datasheet on the Park, as the latest version dates from 1992, and encouraged the site manager to complete the first World Heritage Periodic Report in a timely fashion, by October 2005.

### **Recommendations concerning Biosphere Reserves and transboundary cooperation**

The mission recommended taking into consideration the extension of the existing protected area boundaries within a larger territorial frame, including a Transboundary Biosphere Reserve, and to include a larger area in the same management unit and to foster local and regional sustainable development using the protected area values and resources;

The mission findings also reflected that the Biosphere Reserve functions are not fully implemented in the transition zone; the mission consequently recommended, that a proper coordinating body should be designated, and sustainable land use practices should be extended to the entire Biosphere Reserve.

The mission recommended to transmit its findings to the Man and the Biosphere (MAB) Advisory Committee.

### **Recommendations concerning management and state of conservation of the site**

The mission recommended that the authorities be urged to resolve a wide spectrum of management issues to avoid the potential loss of integrity as well as the effective implementation of the different management and development plans in a coordinated fashion.

While providing the appropriate documentation showing the exact boundaries of the current National Park to the World Heritage Centre by the deadline of 1 February 2005, further exclusion of areas should be halted and adverse impacts of urban development addressed both by the Park and the Municipality. The mission noted that illegal constructions and the lack of any urban plan evidently reduce the value of the entire area and should be prohibited. These activities are threatening the integrity of the site from both the environmental (waste disposal, waste water, etc.) and landscape (scenery) points of view. The mission urged the development and rapid adoption of an urban plan, including the demolition of illegal constructions and the rehabilitation of the entire areas in the vicinity of the ski facilities. No further expansion of the ski facilities should be allowed. The exclusion of the Zabljak area from the core zone should be compensated by an extension of the National Park boundaries, according to the proposal contained in the 1997 Special Plan.

Any urban development in municipalities within the Park, in particular in Zabljak, should be urgently regulated through adequate plans, considering the rehabilitation of the entire area, in particular, such infrastructures as sewage and waste disposal systems should comply to international environmental standards.

Furthermore, the mission suggested that an improved legal sanction system be enforced to mitigate the existing threats of illegal logging, hunting etc.

The mission recommended the Republic of Montenegro to seek international co-funding for the cost of the entire mine tailings rehabilitation project, estimated at about 7.5 million Euros.

The mission recommended that all five municipalities in the Durmitor region ensure the highest environmental standards, in particular for waste water treatment, waste disposal, transportation, etc. and also benefit from the revenues of the natural resources of the region.

### **Recommendations concerning public participation**

The mission strongly recommended extending public participation for a wider assessment perspective as regards all the hydropower plant Buk Bijela project; in particular, public debate should involve proactively as wide a range of stakeholders as possible, to discuss alternative scenarios. Access to all the public administration documents related to the possible impacts of this project have to be guaranteed for both States Parties. The tender processes related to this project as well to any alternatives should be submitted to a transparent and internationally monitored procedure.

**Taking into account the above recommendations and the detailed technical results of the mission, the following Draft Decision should be transmitted to the World Heritage Committee at its 29<sup>th</sup> session (Durban, South Africa, July 2005):**

### **Durmitor National Park (Serbia and Montenegro)**

*Document : WHC-05/29 COM*

#### **29 COM**

The World Heritage Committee,

1. Recalling its previous discussions and the decision at its 9<sup>th</sup> session (Paris, 1985), under the item “Natural properties identified for possible inclusion in the List of World Heritage in Danger”, “Durmitor National Park, Yugoslavia: This property had been threatened by the construction of a dam on the Tara River, however, due to public pressure from within and without Yugoslavia, this proposal had been cancelled. The Committee noted its satisfaction that this threat had now been removed and congratulated the Yugoslav authorities on making the best use of the Convention to support efforts to protect this property”, as well as further discussions at subsequent sessions (11<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup> and 16<sup>th</sup>),
2. Thanking the Director-General for immediately dispatching an international expert team to both Bosnia and Herzegovina and Serbia and Montenegro to review the proposed Buk Bijela dam project,
3. Notes with concern the results of the UNESCO-IUCN mission to the property and the States Parties concerned and the detailed report by the mission team;

4. Requests the authorities of Bosnia and Herzegovina to fully respect the World Heritage Convention, in particular Article 6.3 and not to take any action to threaten the values and integrity of a property located on the territory of another State Party to this Convention;
5. Urges both States Parties to fully implement the recommendations of the international expert mission and requests the Government of Montenegro (Serbia and Montenegro) to take measures to minimize and, preferably to eliminate all direct and indirect threats to the World Heritage property;
6. Notes that the Environmental Study (ES) presented does not comply with international standards;
7. Encourages both States Parties to ratify other relevant international agreements, including the Aarhus Convention and the Danube Convention;
8. Requests both States Parties to provide to the World Heritage Centre an updated report, including any decisions related to the dam project or other development projects and issues, and transboundary collaboration, by 1 February 2006;
9. Decides to include the property in the List of World Heritage in Danger in accordance with paragraph 83 (ii) b, as the Buk Bijela dam project constitutes a potential threat to the outstanding universal value of the property, inscribed under natural criteria (ii), (iii) and (iv), as well as to its integrity, in particular as the National Natural Monument of the Tara River and the UNESCO Biosphere Reserve of the Tara River Basin, buffering the World Heritage site, would be flooded by such a dam project;
10. Urges both States Parties to collaborate in seeking alternative energy solutions and to fully comply with the provisions of the World Heritage Convention and its Operational Guidelines in protecting the World Heritage site of Durmitor National Park and other protected areas in the region.

## 5 ANNEXES

### 5.1 Itinerary and programme

#### ***Sunday 16 January***

Arrival in Podgorica of the expert mission

**20:30** Reception by Mr. Boro Vucinic, Minister of Environmental Protection and Physical Planning (*Hotel 'Crna Gora'*)

#### ***Monday 17 January***

**07:00** Departure of the mission members to Zabljak, Durmitor National Park

**11:00 – 17:00** Round Table “Protection and Valorisation of the Tara River”  
(*Conference room of the Municipality of Zabljak*)

#### ***Tuesday 18 January***

10:00-10:30 Meeting with Mr. Isailo Slijivancanin, Mayor of the Municipality of Zabljak,  
(*Zabljak Municipality building*)

10:30-12:00 Meeting with: Mr. Tomo Pajovic, Director of the Durmitor National Park  
Mr. Zlatko Bulic, Director of the Republic Institute for Nature Protection  
Mr. Luka Mitrovic, Director of the Hydrometeorological Institute  
Mr. Novak Darmanovic, Hydrometeorological Institute  
(*Conference room of the Durmitor National Park*)

12:30 -14:00 Lunch break

14:00 -17:00 Meeting with NGO representatives (*venue: Conference room of Durmitor National Park*)

#### ***Wednesday 19 January***

09:00 - 12:00 Internal mission briefing and draft report preparation

12:30 - 13:00 Visit to the ski resort in the Durmitor National Park  
Meeting with: Mr Boro Nikolic, Vice Director of the Ski Resort “Zabljak”  
(*the visit was accompanied by Mr. Pajovic*)

13:30 -14:30 Lunch break

15:00-18:00 Meeting with: Mr. Tomo Pajovic, Director of the Durmitor National Park  
Mr. Zlatko Bulic, Director of the Republic Institute for Nature Protection  
(*Conference room of the Durmitor National Park*)

#### ***Thursday 20 January***

08:00 – 13:00 Trip to Republic of Srpska by car, via

13:00 Meeting with: Mr Zeljko Ratkovic, Elektroprivreda RS  
Mr Mirko Ostojic, Elektroprivreda RS  
Mr. Sinisa Sesum, UNESCO Sarajevo  
Representatives of the Office of the High Representative  
(*at the border area, along the Tara River*)

15:00 Trip along the Montenegro side of the Tara River, from the junction with Piva River upstream to the expected final point of the dam basin

16:00 - 18:00 Round Table organised by the Mayor of Foca Municipality, City Hall

19:00 Dinner  
 20:00 Start of the trip back to Podgorica  
 21:00 Meeting with Mr Radenko Damjanovic, Deputy Mayor of Pluzine  
 Mr. Tomo Pajovic, Director of Durmitor National Park  
 Mr. Zlatko Bulic, Director of the Republic Institute for Nature  
 Protection  
 Mr Danilo Bajovic, Representative of NGO "Bilo"  
 22:00 – 23:30 Return to Podgorica

### ***Friday 21 January***

10:00-10:30 Press conference at the Government Press Bureau  
 11:00-12:30 Meeting at the Ministry of Environment and Physical Planning  
 13.00 Departure from Podgorica

## **5.2 Composition of the mission team**

Dr Mechtild Rössler, Chief Europe & North America UNESCO World Heritage Centre; Head of mission;

Ms Marija Zupancic Vicar; Representative of IUCN International and former Environmental Minister of Slovenia

Dr Giorgio Andrian, Environmental Programmes Consultant, UNESCO Regional Office for Science and Technology (ROSTE, Venice); Representative of the Man and the Biosphere Programme (MAB);

Ms Maja Zitkovic, Programme Officer, IUCN Programme Office for South-Eastern Europe, Belgrade

## **5.3 Terms of reference**

### **Terms of Reference of the international expert mission to Serbia and Montenegro / Bosnia and Herzegovina and to Durmitor National Park/Tara River Basin (Serbia and Montenegro)**

#### **Background:**

The site of Durmitor National Park (Serbia and Montenegro) was inscribed on the World Heritage List in 1980 and the UNESCO Biosphere Reserve of the Tara River Basin (Serbia and Montenegro) was designated in 1976. The World Heritage Committee at its 15<sup>th</sup> session already reviewed a dam project and expressed concerns "about proposals for the construction of a hydro-electric dam on the Tara River which would flood the Tara Canyon and affect water quality of the River." These concerns were reiterated at subsequent sessions, including 1998.

The Director-General of UNESCO and the President of Serbia and Montenegro, Mr S. Marovic, addressed, during a meeting at UNESCO Headquarters on 19 November 2004, the situation concerning the potential construction of a dam by Bosnia and Herzegovina which may have an impact on the World Heritage site of Durmitor National Park (inscribed on the World Heritage List in 1980) and the UNESCO Biosphere Reserve of the Tara River Basin (designated in 1976). The Director-General agreed to the request to send an expert mission to review the situation. Furthermore, at a meeting on 10 December 2004 (Tirana, Albania), the President of Bosnia and Herzegovina, Mr B. Paravac, and the Director-General of UNESCO also discussed the hydroelectric project Buk Bijelka and they agreed that the proposed mission to Serbia and Montenegro also meets with the relevant authorities and organizations from Bosnia and Herzegovina.

The official letter from the State Party of Serbia and Montenegro dated 16 December 2004 invited an international expert mission.

#### **Goals and objectives of the mission:**

- (a) Obtain a balanced evaluation of the proposed dam project Buk Bijelka, by reviewing all relevant documents, based on available information (including the Environmental Impact Assessment), scientific evidence, and consultation with relevant organizations and stakeholders at national and local levels;
- (b) Based on the review of the information on the project, and the field visit, determine and describe any actual and potential threat to the World Heritage values of Durmitor National Park, taking into account the *World Heritage Convention* (1972) and the *Operational Guidelines for the Implementation of the World Heritage Convention* (version July 2002);
- (c) Review any actual and potential impacts on the UNESCO Biosphere Reserve of the Tara River Basin based on the *Seville Strategy* (1995) and the *Statutory Framework of the World Network of Biosphere Reserves* (1996);
- (d) Prepare practical recommendations based on a synthesis of results from (a) and (c), to be presented to the Governments concerned, and invite the MAB National Committees concerned to submit a report to the MAB Advisory Committee for Biosphere Reserves on the situation of the Tara River Basin Biosphere Reserve;
- (e) Present the results of the mission and its recommendations to the Director-General of UNESCO and to the World Heritage Committee at its 29<sup>th</sup> session (Durban, South Africa, July 2005).

#### **5.4 Selected documentation submitted to the mission team**

##### **Republic of Montenegro (Serbia and Montenegro)**

- Prostorni plan područja posebne namjene za nacionalni park "Durmitor" (Sl. list SRCG, br. 20/97 (in Serbian) - Spatial plan of the area National Park Durmitor;
- Zakon o zaštiti prirode (Sl. list SRCG, br. 36/77, 27/94) - Nature Conservation Law;
- Projekat "Sanacija i rekultivacija jalovista rudnika olova i cinka u Mojkovcu (no date) - Project on the Improvement and recultivation of the waste dump of the lead and zinc mine of Mojkovac;
- Sporazum o saradnji Republike Srpske i Republike Crne gore na realizaciji izgradnje i koristenja zajednickog Hidroenergetskog sistema Buk Bijela koji se sastoji od Hidroelektrane Buk Bijela i Hidroelektrane Srbinje (not signed, no date) - agreement (contract) on cooperation between Republic of Srpska and Republic of Montenegro on the construction and use (usage) of the joint hydroenergetic system Buk Bijela, which consists of the HE Buk Bijela and HE Srbinje;
- Pismo, br. 03-2053/05 od 25.10.2004 - the procedure of the revision of the Environmental Study, including the joint Commission and possibility to engage international experts and the public hearing;
- Strateski okvir za razvoj održivog turizma u centralnoj i sjevernoj Crnoj gori - (Publication, UNDP, Beograd, 2004) - Strategic frame for the sustainable development of the Central and North Montenegro;
- 3E za Taru - ekoloski, energetski i ekonomski aspekti najavljene hidroelektrane Buk-Bijela (Zeleni Crne gore/ Green of Montenegro, Podgorica, novembar 2004) - The report and the presentations at the Round table "3E for Tara";
- Solarna energija u Crnoj gori - mogućnosti za njeno koriscenje (Zeleni Crne gore/ Green of Montenegro, Podgorica, novembar 2004) - The report and presentations at the Round table on solar energy and their feasibility for use in Montenegro
- Tara River Basin resources in function of tourism development (excerpt)
- Treatment of the river Tara in the water management foundations of the Republic of Montenegro
- Treatment of the river Tara in the Physical Plan of Montenegro

##### **Republic of Srpska (Bosnia and Herzegovina)**

- Presentation: With and Without HPS Buk Bijela (Trebinje, 2004);

- Presentation: HPS Buk Bijela: Energetics and Environment Protection (January 2005) ;
- Dokumentacija - Strucni savjet za reviziju ekoloske studije za HES Buk Bijela (Odbor za tender za koncesiju za HES Buk Bijela, Decembar 2004) (tender documentation for the HPS Buk Bijela)

## **5.5 List of Participants of different meetings with the mission team**

### **17 January 2005, Municipality of Zabljak Hall, Round Table “Protection and Valorization of the Tara River”**

Isailo Šljivančanin, Mayor of Žabljak  
 Boro Vučinić, Minister of environmental protection and physical planning  
 Milena Živković, Secretary of Ministry of environmental protection and physical planning  
 Nada Mugoša, Assistant of minister of environmental protection and physical planning  
 Ilija Radović, Ministry of environmental protection and physical planning  
 Viktor Subotić, Ministry of environmental protection and physical planning  
 Dragana Bjelobrković, Ministry of environmental protection and physical planning  
 Dragutin Grgur, Ministry of environmental protection and physical planning  
 Darko Uskoković, Minister of economy  
 Nebojša Popović, Assistant of minister of tourism  
 Miodrag Radulović, Ministry of agriculture, forestry and water management  
 Tomo Pajović, director of National park «Durmitor»  
 Zlatko Bulić, director of Institute for nature conservation  
 Nikola Jablan, Electric power company of Montenegro  
 Rade Gregović, director of «National parks of Montenegro» enterprise  
 Aleksandar Drljević, NGO «Greens of Montenegro»  
 Siniša Stevović, NGO “Most”  
 Vukić Pulević, Doclean academy of sciences and arts  
 Ana Mišurović, Director of Ecotoxicological laboratory of Montenegro  
 Luka Mitrović, Director of Hydrometeorological institute  
 Ondrej Vizi, Director of Museum of natural history of Montenegro  
 Vladan Dubljević, director of Institute for geological researches of Montenegro  
 Zoran Mrdak, Director of “Skadar Lake” National Park  
 Mileta Bulatović, Mayor of Kolašin  
 Milisav Ćorić, Mayor of Mojkovac  
 Zdravko Krsmanović, Mayor of Foča (BIH),  
 Jovan Ćirilov, President of Commission of SCG for UNESCO  
 Božidar Ćurčić, President of MAB Committee of SCG.  
 Garret Tankosić-Kelly, Head of UNDP Office in Montenegro  
 Ljiljana Žižić, MAB Committee member  
 Nenad Vuković, member of Commission of SCG for UNESCO  
 Danilo Mrdak, NGO “Greenhome”  
 Milorad Mitrović, NGO “Breznica”,  
 Darko Stijepović, NGO Center for development of Durmitor  
 Dr Branko Radojičić  
 Aleksandra Šegec, UNDP  
 Pavle Dimitrijević, NGO "Most"  
 Jelena Nikčević, Institute for nature conservation  
 Predrag Malbaša, Assistant of minister of culture and media  
 Tomo Milić, Ministry of culture and media  
 Milica Martić, Ministry of culture and media  
 Batrić Krsmanović, NGO Most  
 Željko Ratković, Electric power company of Republic of Srpska  
 Budimir Tanjević, Municipality of Pljevlja  
 Darko Brajušković, Director of National park «Biogradska gora»  
 Gordana Kasom, Institute for nature conservation  
 Nataša Stanišić, Institute for nature conservation

### **18 January 2005**

#### **Meeting with NGOs at Durmitor National Park Offices**

Name	Institution
Krsmanovic Batric	Most
Ljubisa Stevovic	Most
Pavle Dimitrijevic	Most
Sinisa Stevovic	Most
Milica Dajovic	The Society for the Protection of Durmitor, Most, The Centre for Development of Durmitor
Sreten Lazarevic	The Society for the Protection of Durmitor
Darko Stijepovic	The Centre for Development of Durmitor
Milorad Mitrovic	Crisis Group for Defense of Tara
Goran Lekovic	Triftar society of rafters
Predrag Popovic	Tara, Pluzine
Gordana Popovic	Ferial society of Montenegro
Ljubomir Kljajevic	The Society of Friends of Tara

**21 January 2005**

**Debriefing Meeting at the Ministry of Environmental Protection and Physical Planning**

Name	Institution
Predrag Nenezic	Ministry of Tourism, Minister
Darko Uskokovic	Ministry of Economy, Minister
Miodrag Canovic	Ministry of Economy
Milutin Simovic	Ministry of Agriculture, Forestry and Water, Minister
Milena Zivkovic	Ministry of Environment and Physical Planning
Boro Vucinic	Ministry of Environment and Physical Planning, Minister
Marina Markovic	Independent consultant
Rade Gregovic	Public institution "National Parks of Montenegro"
Zlatko Bulic	Institute for Nature Protection of Montenegro
Jovan Cirilov	National Commission UNESCO

**5.6 Tara Declaration (adopted by the Parliament of the Republic of Montenegro)**

THE DECLARATION ON THE PROTECTION OF THE RIVER TARA

- The development of Montenegro must be made conditional upon ecology.
- The construction of the hydro power plant or any other activity in the whole flow of the Tara, would be considered as a disturbing factor, not only in the part of the canyon planned for drowning but also in the entire region which development depends on the canyon.
- The solution for the future is seen in the sources of electric energy which would not affect the natural equilibrium, together with the drastic reduction of the commercial losses.

The Parliament of the Republic of Montenegro, with the full respect of the above-mentioned principles, rejects any activities in the canyon of the river Tara. As citizens, we are aware that the Tara is our future and our trademark. Any intention to make any changes to the Tara should be subject to a referendum in which all citizens of Montenegro would give their opinion. We believe this is the only just solution not only for today but for the future, as well. Therefore, we appeal to the Government of the Republic of Montenegro, the Government of Bosnia and Herzegovina, the Government of the Republic of Srpska and the High Representative for Bosnia and Herzegovina to do everything in their power to prevent the devastation of the Tara.

**EXPLANATION**

- **Constitutional Basis for Issuing the Declaration on the Protection of the River**

It is in the authority of the Parliament of the Republic of Montenegro to pass laws, other regulations and general acts (Article 81, paragraph 2), as well as to conduct a referendum (Article 81, paragraph 6). Furthermore, the Constitution states that all activities in Montenegro are allowed, except for those prohibited by the Constitution (Article 13).

The Constitution of Montenegro states that the citizens should exercise authority directly and through freely elected representatives (Article 2). The citizens are also guaranteed the right to propose new laws, other regulations and general acts under the condition that they submit a petition with 6000 valid voters' signatures (Article 85).

- **The Reasons for Issuing the Declaration on the Protection of the River**

The Issuing of the Declaration has been motivated by the need to achieve the rights to a healthy environment and full information on its status, as well as by the obligation of the State to protect and improve the environment. All these rights are guaranteed by the Constitution (Article 19). In addition, we want to remind of the State's responsibility to protect the environment by limiting the freedoms in the industrial and economic sector, as per the Constitution (Article 65). One of our aims is also to ensure that the Declaration on Montenegro as an ecological state is respected, especially the provisions directly referring to the protection of the environment (Articles 4; 7.4; 7.5 and 9.4 of the Law on the Environment).

The Issuing of the Declaration on the Protection of the River Tara was initiated by a group of non-governmental organizations and the individuals directly interested in the protection of the river. The action exceeded the local level and drew attention of all citizens of Montenegro and many people from abroad. What gives it a special merit is the fact that, for the first time, the citizens have reached a consensus on a predominantly development issue and showed an interest to take part in supporting the action.

Given the specifics of Montenegro and its decision to become "an ecological state", ensuring an important role of the public in the decision-making process, particularly when it comes to the environment issues, is of special importance. Our arguments are further supported by the regulations and practices in the developed countries (as well as in the countries moving towards the regional, economic and political integrations), which enable and encourage civil initiatives through the concept "of the public participation in the decision-making". The Convention on the availability of the information, the public participation in the decision-making and legal responsibility related to the environment issues (The Aarhus Convention, 1998) is of special importance for the protection of the environment. In addition, the basic regulations of the international treaty have become part of the EU legal system, through the:

- Directive of the Council 97/11/EC on the evaluation of the impact of some public and private projects on the environment.
- Directive of the European Union and the European Council 2003/35/EC which provides public participation in drafting certain environment related plans and programs. This Directive serves as an amendment to the EC Directives 85/337/EEC and 96/61/EC, which further define public participation and protection of the environment.
- Directive of the European Union and the European Council 2003/4/EC on the availability of information related to the environment issues. This directive also revokes the EC Directive 90/313/EEC.

These Directives contain the provisions on public participation in all phases of the impact evaluation. They also state that a country planning a certain project is obliged to inform and consult another country in case when the planned project may have an impact on the environment outside its borders.

The State Union of Serbia and Montenegro has signed neither the Aarhus Convention nor the United Nations Convention on Evaluation of the Impact to the Environment Outside the State Borders. However, Serbia and Montenegro participates in these processes and at the republic level the state members perform the following activities: 1) work on the regulations in order to adjust them to the international standards; 2) effect institutional and system reforms; 3) make preparations for signing bi-lateral and multi-lateral agreements and create the conditions for their implementation.

Following the world trend of sustainable development and the struggle of the whole world to save the nature as an invaluable treasure of any country in the world and the whole planet, the citizens of Montenegro have signed the petition in which they request from the Parliament to adopt the Declaration for the Protection of the River Tara. They expect that their representatives in the Parliament will listen to the voice of the public and adopt the Declaration for the sake of our future.

Placing their confidence in the State and Parliament as a part of the European democracy, by putting their signature on the petition, the citizens of Montenegro have expressed their trust in the parliament as an institution which takes care of the people whom it represents.

## **5.7 MAB Declaration on the Tara River Canyon**

### DECLARATION

#### On the Need for Unpostponed Protection of the Tara River Canyon and Its Wider Surroundings

For far too long, in establishing a protected area and sealing and delivering certain portions of land to the generations to come, the entire surrounding countryside was exploited and defaced, often irreversibly. In this third millennium, mankind no longer thinks this way. Preserving means managing, enjoying, and restoring, not shoving into the attic the faded memory of how the world once was, but fully and constructively exercising the incredible ability—typical of our species—to influence the environment.

There are still unspoiled natural areas around the world. For example, in the canyon of the river Tara and the adjoining Durmitor Massif (Montenegro, Serbia and Montenegro), it is still possible to get lost in a forest, wander through a karstic "sea of rocks", climb the highest mountains (which are still untouched), and swim in glacial lakes. Not because he has been unable to colonize every corner of the planet, but because man has realized that the irreplaceable must be preserved has he dedicated certain areas of the world for that purpose in the form of national parks, nature reserves, and protected areas with various levels of importance. It is equally true that often a national park is created with the main objective of safeguarding a particular aspect, phenomenon, endangered animal species, or even just an exceptionally beautiful landscape. But because these unique aspects cannot be considered apart from all the rest, the importance of a protected area generally goes beyond what is found within its borders, which are often narrow. What national parks have in common is the fact that those who created them recognized from the very beginning the biodiversity and uniqueness of that specific place on Earth. That diversity must be preserved in interaction with mankind.

Other elements that are by no means secondary can add value to a protected area. First of all are features of importance from the viewpoint of tourism: an efficient park typically has structures designed to welcome visitors and give them information. It will also have accommodations ranging from hotels to stark and simple refuges, trails or other ways of getting about in order to see the major points of interest, lookout points for fauna, botanical gardens, museums, and personnel in charge of surveillance and accompanying tourists. In many countries with strong traditions of environment protection, the yearly number of visitors to national parks often exceeds the total population of the country.

Considering the fact that the importance of natural and cultural heritage transcends the borders of individual countries, 150 member states of UNESCO in 1972 adopted a Convention for Protection of the World Cultural and Natural Heritage, better known as the World Heritage Convention. Thus, there not only is a definite need for both governmental authorities and local communities to implement measures for total protection of these priceless treasures: it is also their inescapable responsibility to do so.

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Rising from the slopes of the Komovi Mountains is a water source that has patiently been wearing down the ancient rocks of Montenegro for the past million years. This is the Tara River, flowing 142 kilometers from its source to the hamlet of Scepan-Polje to meet the Piva River, thus forming the trans-Balkan river Drina. The Tara River has carved numerous dolines along its course,

but its true masterpiece can be seen in the great Tara Canyon, whose maximum difference in height (measured from the rim to the river below) is 1300 meters.

There are deep caves and ravines that look like the ruins of a prison, castles with merlons and fortified walls, and churches with their bell towers, spires, niches, and recesses, all of which offer the wildest and most amazing scenery that human eye has ever seen. The Tara Canyon is, in fact, one of the greatest natural wonders of the world.

This area is the cradle of countless civilizations, past and present, each characterized by a specific vision of the world and nature. Traces of Paleolithic human populations are intermingled with tombs of the Bronze Age. The attitude of the Romans, Illyrians, and proto-Slovenes who lived here was quite different from that of modern man, for their religion required perfect harmony with the forces of nature. At the present time, a detailed program of environmental management in the Tara Canyon and its surroundings must be developed and specific measures applied to ensure the total protection of this most priceless of treasures.

In 1977, the Tara Canyon was added by UNESCO to the World Heritage List under the auspices of the "Man and Biosphere" Program. Both the entire drainage area of the Tara River and the Durmitor National Park were proclaimed part of the World Cultural and Natural Heritage in 1980. About 24,000 people live in this protected region today. With more than a hundred waterfalls and more than a hundred springs, the Tara River itself represents a treasure above treasures on the global scale. The whole region is characterized by very highly expressed biodiversity, which testifies to the unique and autochthonous development of a gene fund of inestimable value.

In 2004, the government of Montenegro reached an official agreement with the government of BiH-Republika Srpska concerning construction of the Buk-Bijela and Srbinje-Foca Hydroelectric Power Plants. The project calls for flooding of 12 kilometers of the most beautiful part of the Tara Canyon, the entire canyon of the Piva River, and the Sutjeska National Park, which would dramatically disturb geomorphological, geological, climatological, pedological, hydrological, and ecological conditions. In other words, the Tara Canyon and surrounding regions would be mostly destroyed. The irreversible disturbance of natural equilibrium in the indicated region would bring about a whole series of retrogressive changes in the system of the Southern Dinarids in Montenegro, especially since in the opinion of prominent experts it is irrational and dangerous to build large hydroenergy projects in regions of holokarst like that of the Tara Canyon and its surroundings.

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According to the plan for construction of the Buk-Bijela Plant, it would be located 9 km from the town of Foca, while the Foca-Srbinje Plant would be about 900 m from Foca. The unified system of the two plants would have a power potential of 505 MW and average annual production of about 1400 GW·h. According to the agreement between Montenegro and BiH-Republika Srpska, only a third of the energy and power would belong to Montenegro, in spite of the fact that all of the energy on the Buk-Bijela profile would be generated on the territory of Montenegro.

Ecologically speaking, eventual construction of the given hydroenergy system (with a highest elevation of 500 m above sea level) would result in devastation of the whole protected region with its wider surroundings. This would threaten the safety of the entire region downstream from the Buk-Bijela Plant, especially the drainage areas of the Drina, Sava, and Danube Rivers.

On the basis of all of the foregoing considerations and in consultation with many competent world-renowned experts, the National Commission of Serbia and Montenegro for Cooperation with UNESCO and its "Man and Biosphere" Committee at this time would like to stress the following points in particular:

— Construction of the Buk-Bijela hydroenergy system is inadvisable because such activity would lead to unforeseeable ecological devastation of the Tara Canyon and Durmitor National Park (and territory gravitating toward the protected region) and to dramatic deterioration of safety in the zone downstream from the system (the watersheds of the Piva, Drina, Sava, and Danube Rivers). The Tara Canyon must be fully protected from any uncivilized behavior that disregards internationally recognized norms and standards.

The National Commission of Serbia and Montenegro and its "Man and Biosphere" Committee hold that all possible efforts must be made to foster broad education about the sustainable development and protection of the given region. The strictest ecological criteria must be followed in order to ensure utilization of land and natural resources for their highest purpose. In connection with this, it is essential to develop a Strategy for Sustainable Development of the Tara Canyon and Surrounding Areas.

— In view of the fact that the Piva Hydroelectric Power Plant (also in Montenegro) was built for the energy system of the former Yugoslavia (the energy generated by it being worth 3-10 times

more within the system than outside it), we propose that the states succeeding the Socialist Federal Republic of Yugoslavia attempt by diplomatic means to reach an agreement calling for incorporation of the Piva Plant into the combined energy system of the successor states. All the electrical energy needs of Montenegro would thereby be satisfied with energy to spare, and solely through energy facilities of the Piva Plant. If this agreement were also to include states of the entire region of Southeast Europe, it would be that much easier to resolve the energy problems of Montenegro.

For this goal to be realized, facilities and a transmission network need to be prepared for transmission of energy to the European synchronous zone, since this is the main prerequisite for satisfying the electrical energy needs of Montenegro.

We highly value the interest and assistance of UNESCO and UNESCO-ROSTE in the problem of preserving the world heritage on the territory of Serbia and Montenegro.

The "Man and Biosphere" Committee of the National Commission of Serbia and Montenegro for cooperation with UNESCO once more expresses the wholehearted desire and readiness of its members to put their professional, scientific, and educational potentials at the disposal of all interested institutions, non-government organizations, and local communities in attempting to resolve the problem at hand in full conformity with the recommendations and opinions of UNESCO.

Belgrade, 9 November 2004

Chairman of the "Man and Biosphere Committee"  
National Commission of Serbia and Montenegro for Cooperation with UNESCO  
Prof. Dr. Bozidar Curcic