



RiverWatch

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Open Letter to the Embassy of Belgium for Bosnia and Herzegovina, the European Union Office in Bosnia and Herzegovina, and other relevant international organizations

Mrs. Caroline Vermeulen, Ambassador in Vienna,
Mr. Benjamin Sturtewagen, Head of the Diplomatic Bureau in Sarajevo,
Mr. Johann Sattler, Ambassador and Head of the Delegation of the European Union to Bosnia and Herzegovina, and other relevant representatives

Your excellencies,

We are writing to express our concern and disappointment with the activities of the Belgian-based company Green Invest¹, which is the sole owner of the company BUK d.o.o. with headquarters in Istočno Sarajevo, Bosnia and Herzegovina (BiH). Green Invest/BUK d.o.o. operate the small hydropower plant Podivič on the Kasindolska river in Istočno Sarajevo, and the investor has plans to build two more small hydropower plants Samar and Slapi. As you might be aware, BUK d.o.o. has recently filed three defamation lawsuits and threatened further legal action against two young Bosnian activists (students of law, age 25), who have publicly spoken out against the potential and visible environmental impact of the project. These baseless lawsuits have all the characteristics of Strategic Lawsuits against Public Participation (SLAPP), which are increasingly used in the region by politicians and big businesses to intimidate activists and silence critical voices. As a diplomatic representative of the country where Green Invest is registered, we urge you to use your good offices to encourage the company and its subsidiary BUK d.o.o. to immediately drop the lawsuits and, instead, constructively engage with the activists and the affected community who are concerned about the potentially irreparable damage being done to the Kasindolska river by the construction of hydropower plants. Since the start of construction, the local activists were voicing concern about the potentially negative impact of the hydropower on the Kasindolska river and its surrounding environment including cutting down forests of high conservation value and soil erosion due to the construction of access roads.



¹ Green Invest is registered at Rue Natalis 2, 4020 Liege, Belgium, <https://www.green-invest.be/>



In August 2020, the activists and local community took legal action and, as a result, from July to September 2021, the District Court in Banja Luka revoked the environmental permit for Samar hydropower plant, which is under construction, and Slapi hydropower plant, whose construction is in the planning stage, but also for Podivič, which is currently operating. Additionally, in December 2021, the same court cancelled the construction permit for Samar. Despite the loss of environmental permits, the investor continued to operate the Podivič small hydropower plant. The environmental permit for Podivič has been reinstated in June 2022 by the Republika Srpska's Supreme court, but the activists appealed the decision before the Constitutional Court of BiH, and they are waiting for the final ruling.

This means that Green Invest/BUK d.o.o. had worked for some time without the necessary permits, while all along making a significant profit at the expense of the river and the communities living next to it. This goes against the national environmental legislation of BiH but also against EU environmental law.

In addition, the activists and the local community are concerned that two of the hydropower plants (Samar and Slapi) are being constructed or planned in a forest of very high protective value and in an area envisioned as a protected area by the Spatial Plan of Republika Srpska (RS).

The informal group of activists gathered in a group called Stop building small hydropower plants on Kasindolska river started engaging on this issue in 2020. They organized protests, press conferences, a civil initiative that gained more than 2,000 signatures against the construction of the small hydropower plants, and a photo exhibition showcasing the river and the risks of further hydropower construction. Their activities gained support from the mayors of all three affected municipalities objecting to the construction of small hydropower plants on the Kasindolska river.

In response, Green Invest/BUK d.o.o. has filed three defamation lawsuits and threatened further legal action against two local young female activists from the aforementioned citizens' group. The activists have been under extreme pressure because of these lawsuits and the threat of further action. In addition to financial expenses associated with the proceedings and the risk of having to pay unreasonable and disproportionately high financial damages in case of a negative court outcome, these unfounded lawsuits have also put tremendous pressure on the two young activists.

As you know, SLAPP suits are designed to misuse the legal system to intimidate and silence critical voices and can have a strong chilling effect on community involvement and discussion on issues of strong public interest, such as the protection of the environment. Across BiH, but also in the broader region, SLAPP suits are becoming increasingly popular as means of discouraging activism on environmental issues.

Belgium is one of the leaders in the EU and Europe in the field of environmental policy and human rights protection, and your current government's mandate is a testament to the country's commitment to these important causes. We, therefore, expect that Belgian legal entities operating in our country should be held to the same standard and behave in a manner that respects the local laws, including allowing genuine and meaningful public discussion and community involvement on the issues of significant public interest, such as the exploitation of natural resources. We, therefore, ask you to use your good offices to engage with the management of Green Invest and encourage them to withdraw the unfounded lawsuits against the two activists who voiced concern about the potential environmental degradation resulting from the construction and operation of small hydropower plants.

SLAPP suits, and the unfounded and disproportionate claims for damages, have become a clear barrier for the work of human rights defenders and civil society organizations in BiH and

the Western Balkans, and the national authorities and foreign delegations must take a clear stance and unequivocal measures to ensure a safe and enabling environment in which activists can voice opinions without fear of reprisals. The Government of Belgium should make it clear that it does not support or stand behind the companies, who undermine the rule of law in BiH and misuse courts to intimidate the local activists and discourage public debate about the potentially harmful effects of their projects on the environment.

Despite the lawsuits, the two activists remain committed to protecting the river and will continue to pursue democratic and legal avenues to ensure that the investor has all the necessary permits for the work and seek accountability for any mismanagement by the responsible public institutions.

As you may be aware, in July 2022, the Parliament of Federation of BiH passed a new law banning construction of new hydropower plants in this part of the country (Law on electricity FBiH) citing their devastating impact on the environment and insignificant energy production. In February 2021, the RS National Assembly adopted the Declaration for River Protection, which urged all levels of authority to take measures and protect rivers from devastation also created by small hydropower plants. In February 2022, new Law on Renewable Energy Sources in RS was adopted, which abolished incentives for small hydropower plants with a capacity of 150 kW to 10 MW and limited incentives for micro hydropower plants up to 150 kW. Over the years, as the authorities enthusiastically embraced foreign and domestic investments, small hydropower plants have been operating in dubious legal circumstances, including in protected areas. There are plans for the construction of more than 600 dams and small hydropower plants with concrete pipes across the country. The dams and concrete pipes bring with them the construction of access roads, tunnels, and bridges, with an influx of human activities that require clearing of the forests around the rivers, threatening the wildlife and entire surrounding ecosystems.

This unchecked usurpation of public lands has mobilized local communities and ordinary people who want to stand up for their rivers and streams. They are not interested in profit or fame but fight for properly regulated and responsible use of natural resources and the greater public say in these matters, often at huge personal expense. In many cases, such as the Kasindolska case, these are women-led and youth-led movements facing corrupt systems of power and government entangled with private interests. They often face serious threats from investors, interested politicians, and at times even police violence (Brave Women of Kruščica, 2017). The activists are connected through the country-wide Coalition for River Protection of BiH, local organizations fighting corruption like CCI and the international river coalition Save the Blue Heart of Europe backed personally by public figures such as Leonardo DiCaprio, leading global environmental organizations like WWF, Riverwatch, EuroNatur etc and companies like Patagonia Inc.

We are planning a broad-based campaign to highlight the intimidation of environmental activists by foreign investors and raise public awareness. We will be using all resources, including traditional and social media, in a tightly coordinated action, as we did earlier this year to pressure the politicians to pass the law banning further construction of small hydropower plants in the Federation of BiH. We will continue to also urge Green Invest/BUK d.o.o. to immediately withdraw their vexatious lawsuits against the activists. We hope that you will join us in this effort.

Should you have any questions or would be interested in hearing our concerns about the environmental impact of Green Invest activities in BiH, we would be happy to discuss this in person (contacts below).

Thank you for your attention!

Please find below the list of signatories of this letter from BiH, region, Europe and USA:

- 1 AirCare, North Macedonia
- 2 Animal and Environment Protection Association (EDEN), North Macedonia
- 3 Arnika, Czech Republic
- 4 Bankwatch, Czech Republic
- 5 Bavarian Association of Individual Canoeists, Germany
- 6 Bavarian Canoe Association, Germany
- 7 Canoa club Trento, Italy
- 8 CEEweb for Biodiversity, Hungary
- 9 Centar za demokratiju i tranziciju pravdu (CDTP), Bosnia and Herzegovina
- 10 Centar za ekologiju i energiju, Bosnia and Herzegovina
- 11 Centar za izgradnju mira Sanski Most, Bosnia and Herzegovina
- 12 Centar za krš i speleologiju, Bosnia and Herzegovina
- 13 Centar za marinsku i slatkovodnu biologiju "Sharklab ADRIA", Bosnia and Herzegovina
- 14 Centar za održivi razvoj, Bosnia and Herzegovina
- 15 Centar za promociju civilnog društva (CPCD), Bosnia and Herzegovina
- 16 Centar za sigurnost u saobraćaju i mobilnost, Bosnia and Herzegovina
- 17 Centra za održivi razvoj Srbije, Serbia
- 18 Civil Rights Defenders, Sweden
- 19 Coalition Clean Baltic (CCB), Sweden
- 20 Collective Aid, France
- 21 Comitato no tube Piacenza, Italy
- 22 Comitato Salvaguardia Fiume Noce, Italy
- 23 Democracy in Europe Organisation (DEO), Denmark
- 24 Društvo za zaštitu prirodnog naslijeđa – Arbor Magna, Bosnia and Herzegovina
- 25 Earth Law Center, United States
- 26 EcoTour, Bosnia and Herzegovina
- 27 Eko akcija, Bosnia and Herzegovina
- 28 Eko forum Jelah, Bosnia and Herzegovina
- 29 Eko forum Zenica, Bosnia and Herzegovina
- 30 EKOLO, Bosnia and Herzegovina
- 31 Ekološka udruga "Majski cvijet", Bosnia and Herzegovina
- 32 Ekološko društvo "Bistro – Hrabre žene Kruščice", Bosnia and Herzegovina
- 33 Ekološko udruženje "Rzav", Serbia
- 34 Ekološko udruženje "Eko Put", Bosnia and Herzegovina
- 35 Ekološko-humanitarna udruga "Gotuša", Bosnia and Herzegovina
- 36 EuroNatur, Germany
- 37 Feminist Magazine "Shota", Albania
- 38 Fondacija Atelje za društvene promjene – ACT, Bosnia and Herzegovina
- 39 Fondacija CURE, Bosnia and Herzegovina
- 40 Fondacija lokalne demokratije, Bosnia and Herzegovina
- 41 Free Rivers - Coordinamento nazionale tutela fiumi, Italy
- 42 Fundacja Greenmind, Poland
- 43 Fundacja Zielone Światło, Poland
- 44 Geopa, Bosnia and Herzegovina
- 45 Global Youth Biodiversity Network (GYBN), Canada
- 46 Građanska inicijativa "Jer nas se tiče", Bosnia and Herzegovina
- 47 Građanske inicijative Sačuvajmo Sinjajevinu, Montenegro
- 48 Greek Rivers Without Barriers, Greece
- 49 Green Humane City Citizens' Initiative, Macedonia
- 50 Green team, Bosnia and Herzegovina
- 51 Heinrich Böll Stiftung, Bosnia and Herzegovina
- 52 Helsinški Parlament Građana Banja Luka, Bosnia and Herzegovina

- 53 Henk Zingstra, EU independent advisor on water and ecosystems
- 54 Iberian Centre for River Restoration (CIREF), Greece
- 55 Inicijativa Hastahana park, Bosnia and Herzegovina
- 56 Inicijativa mladih za ljudska prava u BiH (YIHR BiH), Bosnia and Herzegovina
- 57 Institute for Critique and Social Emancipation, Albania
- 58 International Europe, Belgium
- 59 International Rivers, United States
- 60 Italian Centre for River Restoration (CIRF), Italy
- 61 Kajak kanu klub "Vrbas – M:tel", Bosnia and Herzegovina
- 62 Klub sportskih ribolovaca, Bosnia and Herzegovina
- 63 Koalicija bez krzna, Bosnia and Herzegovina
- 64 Legambiente Friuli Venezia Giulia, Italy
- 65 Legambiente Val d'Aosta, Italy
- 66 Lejla Huremović, Bh. Povorka ponosa, Bosnia and Herzegovina
- 67 Lena Hommes (Wageningen University), Netherlands
- 68 LIR Evolucija, Bosnia and Herzegovina
- 69 Marilia Pavlidi Palla- MSc Geologist, "Greek Rivers Without Barriers", Greece
- 70 Mediterranean Institute for Nature and Anthropos (MedINA), Greece
- 71 Mikološko društvo "Mycobh", Bosnia and Herzegovina
- 72 Mjesto za priče o događajima, ljudima i pojavama Doku.ba, Bosnia and Herzegovina
- 73 Naučno-umjetničko udruženje "Laboratorium", Bosnia and Herzegovina
- 74 Neformalna grupa građana "Zgrada", Bosnia and Herzegovina
- 75 NGG Park Prirode Trstionica i Boriva, Bosnia and Herzegovina
- 76 Obojena klapa/Manifesto, Bosnia and Herzegovina
- 77 Odbranimi reke Stare planine, Serbia
- 78 Odbranimi šume Fruške gore/Udruženja za zaštitu šuma iz Novog Sada, Serbia
- 79 OKC "Bosna Art", Bosnia and Herzegovina
- 80 Omladinski resursni centar (ORC) Tuzla, Bosnia and Herzegovina
- 81 Opposition to Skavica Dam, Albania
- 82 Patagonia, United States
- 83 PD Glasinac, Bosnia and Herzegovina
- 84 Planinarsko društvo "Čičak", Bosnia and Herzegovina
- 85 Planinarsko društvo "Kozara", Bosnia and Herzegovina
- 86 Planinarsko društvo "Mehanizam", Bosnia and Herzegovina
- 87 Polekol/Inicijativa "Pravo na vodu", Serbia
- 88 Prijatelji prirode "Eko Element", Bosnia and Herzegovina
- 89 PSD "Treskavica", Bosnia and Herzegovina
- 90 River Savers' Association / Älvräddarnas Samorganisation, Sweden
- 91 RiverWatch, Austria
- 92 Sačuvajmo planinske reke Kraljeva, Serbia
- 93 Salviamo il paesaggio Valdossola, Italy
- 94 Save the Colorado, United States
- 95 Savez udruženja paraplegičara i oboljelih od dječije paralize Unsko-sanskog kantona, BiH
- 96 SED "Orlovača", Bosnia and Herzegovina
- 97 Seoski turizam "Brkić", Bosnia and Herzegovina
- 98 Sharawatch, Serbia
- 99 Sportsko ribolovno udruženje "Bistro", Bosnia and Herzegovina
- 100 Sportsko-ribolovno društvo "Smuđ", Bosnia and Herzegovina
- 101 Stowarzyszenie Ekologiczne EKO-UNIA, Poland
- 102 The association of Friends of the Rivers of Ina and Gowienica (TPRliG), Poland
- 103 The European Water Movement
- 104 The Norwegian Biodiversity Network (Sabima), Norway
- 105 The Norwegian Society for the Conservation of Nature (Naturvernforbundet), Norway
- 106 Towarzystwo na rzecz Ziemi, Poland

- 107 Udruženje "Tajna Prirode", Bosnia and Herzegovina
- 108 Udruženje "Eko heroj", Serbia
- 109 Udruženje "Aarhus centar u BiH", Bosnia and Herzegovina
- 110 Udruženje "Centar Dr. Stjepan Bolkay", Bosnia and Herzegovina
- 111 Udruženje "Centar za životnu sredinu", Bosnia and Herzegovina
- 112 Udruženje "Eko Habitat", Bosnia and Herzegovina
- 113 Udruženje građana "Alternative" Kakanj, Bosnia and Herzegovina
- 114 Udruženje građana "Srce na dlanu", Bosnia and Herzegovina
- 115 Udruženje građana "Zaboravljena djeca rata", Bosnia nad Herzegovina
- 116 Udruženje građana "Bjelava", Bosnia and Herzegovina
- 117 Udruženje građana "Eko Centar", Bosnia and Herzegovina
- 118 Udruženje građana "Korijeni", Bosnia and Herzegovina
- 119 Udruženje građana "Neretvica – Pusti me da tečem", Bosnia and Herzegovina
- 120 Udruženje građana "Planina", Bosnia and Herzegovina
- 121 Udruženje građana za etički tretman čovjeka i životinja "Mi smo dio rješenja", BiH
- 122 Udruženje mladih "Labud", Bosnia and Herzegovina
- 123 Udruženje mladih za promociju eko i alternativne kulture "Priroda i društvo", BiH
- 124 Udruženje osoba sa invaliditetom i borbe protiv ovisnosti "Ruka Ruci", Bosnia and Herzegovina
- 125 Udruženje Prijedorčanki "Izvor", Bosnia and Herzegovina
- 126 Udruženje studenata biologije u Bosni i Hercegovini, Bosnia and Herzegovina
- 127 Udruženje za istraživanje i društvene inovacije "Analiza, Dizajn, Transformacija" (ADT), BiH
- 128 Udruženje za kulturu i umjetnost "Crvena", Bosnia and Herzegovina
- 129 Udruženje za podsticanje i istraživanje izvedbenih umjetnosti u BiH, Bosnia and Herzegovina
- 130 Udruženje za promociju i ekološki marketing prirodnih vrednosti "Ekomar", Serbia
- 131 Udruženje za zaštitu i unapređenje okoliša, priorode i zdravlja – Ekotim, Bosnia and Herzegovina
- 132 Udruženje za zaštitu okoline "Zeleni Neretva", Bosnia and Herzegovina
- 133 Udruženje za zaštitu prirode i biodiverziteta "Via naturae", Bosnia and Herzegovina
- 134 Udruženje žena "Priroda" Bratunac, Bosnia and Herzegovina
- 135 Urgent Action Fund for Women's Human Rights
- 136 Water Justice Alliance/Justicia Hídrica, Netherlands
- 137 WWF - European Policy Office, Belgium
- 138 WWF Adria, Croatia
- 139 WWF, Belgium
- 140 Ženska mreža BiH, Bosnia and Herzegovina

Contact persons:

Lejla Kusturica, ACT | lejla@actbih.org | +387 62 761 833

Arnel Mahmutović, ACT | stopmhenakasindolskojrijeci@gmail.com | + 387 62 641 272

Cornelia Wieser, Riverwatch | cornelia.wieser@riverwatch.eu | +43 650 4544784

Anja Arning, EuroNatur | anja.arning@euronatur.org | +49 7732 927213