

Heinrich Böll Stiftung magazine  
for south-eastern Europe  
N° 3 (spring 2010)

# agenda



# agenda

N° 3 (spring 2010)

## contents

---

- 2 **editorial**  
**political pollution? how to protect the societal environment**  
(sd)
- 4 **politics and environment**  
**preliminary remarks on the nature of 'green' politics**  
Zarko Puhovski
- 5 **ecological materialism**  
Jürgen Trittin
- 8 **law and rights**  
**constitutional changes in Bosnia and Herzegovina – between the necessity and impossibility**  
Nedim Ademovi
- 10 **constitutional changes in Croatia – political games and legal principles**  
Sr an Dvornik
- 11 **who needs human rights?**  
Omer Rak
- 14 **energy development and sustainability**  
**possibilities for including renewable energy sources in SEE energy development**  
Aleksandar Kova evi
- 15 **climate change, construction of thermal power plants and the choices of Bosnia and Herzegovina**  
Martin Tais
- 17 **'a historic day for BiH'**  
Amir Variš i
- 19 **news**  
**Bosnia and Herzegovina**  
20 **Croatia**  
22 **Serbia**  
23 **international and regional news**  
24 **news in brief: Serbia - Bosnia and Herzegovina - Croatia**  
25 **projects**  
**public participation in planning and construction of mini hydro power plants (mHPP)**  
**question of the year - Why vote for a woman? - finally receives an answer!**
- 26 **correction**
- 27 **announcements: Croatia - Serbia - Bosnia and Herzegovina**

## impressum

---

**published by:** Heinrich Böll Stiftung,  
Office for Bosnia and Herzegovina,  
ekaluša 42, Sarajevo  
<http://www.boell.ba/>

**represented by:** Mirela Grünther- e evi

**editor-in-chief:** Sr an Dvornik

**consultants:** Džemila Agi , Igor Matutinovi

**correspondents:** Jelena Mi ovi , Zoran Oštri , Adnan Rondi

**layout:** Senad Mavri

e-mail: [agenda@boell.ba](mailto:agenda@boell.ba)

all articles (except the "Ecological materialism") translated to English by Amira Sadikovi  
cover picture: Green Party

# political pollution? how to protect the societal environment

*Until recently, post-communist countries seemed to be cursed lands off limits to green politics. The intersection of the two sets – those interested in the environment and those ready to act in the political arena – was simply too small.*

The recent success of the Hungarian *Lehet más a politika*, the green party that won 7.43% of the vote and entered the parliament demonstrated that – following a similar success by Strane zelených in the Czech Republic in 2006 – post-communist countries were no longer the cursed lands off limits to green politics. Unlike the standard set of political labels – liberal, liberal-democratic, social-democratic, Christian-democratic, democratic et al. – each of which has found at least one parliamentary party beacon, at least in the Central European circle of post-communist countries, the greens have mainly remained in the outer fringes. Contrary to green civil society organisations, which do take considerable space in civic engagement and have often been the early forms of organised civic action even under the dying communist regimes (primarily in Yugoslavia and Hungary), party politics did not appeal to citizens concerned with the environment and preservation of favourable living conditions.

It seems that green political organisation (in form of parties) suffered from the fact that the intersection of the two sets – those interested in the environment and those ready to act in the political arena – was simply too small. For many of those active in green associations, this engagement was, among other things, an expression of their disgust towards the political and their direct focus on the basic values of life.

However, in such disarrayed societies, other parties could not find socio-economically founded interest bases either – thus, there were no rising business circles behind liberal parties, or strong unions behind social-democrats, since neither were there in the first place – but at least they had the image of well established parties from well established Western European democracies. As



these new, formally pluralist democracies, simply took over institutional and normative provisions, developed in Western Europe a century or two earlier, the parties representing such pluralism had an opportunity to reach for the already legitimate political dominations. This also led to misunderstandings, since the choice of well-known labels was led by their outer appeal (or sometimes the fact that individual ones had not already been taken), rather than the beacons devising or 'revealing' their own political profile. Thus, for example, in Slovenia, and in Portugal before that, though in a considerably different context, the social-democratic label was taken by clearly right-wing parties, and in Croatia, a party of that name (but not the one made up of reformed communists) originally acted as the incubator of personnel of even extremist right-wing groups. On the other hand, there have been populist parties calling themselves liberal, and liberal parties calling themselves people's parties, and so on.

### **green – a political alternative or mainstream**

Although it won its place in the Western European political spectrum during the 1980s, the green label never carried this kind of attraction for the newly-composed post-communist elites, since even if the votes did not put it at the margin, it was certainly not supported by powerful interest groups. On the other hand, those who cared about the values expressed and advocated by green parties did not care about politics, or at least not in the method of fighting for power used in the party-political competition. This is perhaps best expressed by the new green party in Hungary: *Lehet más a politika – 'Politics can be different'*. In a constellation where right-wing liberals are coming back to power, social democrats are badly discredited, and the radical, chauvinistic right wins one sixth of the electorate, room has opened for a green political alternative, established just a year ago from what was previously a civic initiative.

However, a wider perspective shows that the alternative is no longer likely to assume a place as clearly identifiable as the one held, for example, by the Greens in Germany 20 years ago. Deep awareness of the fact that the environment is of limited capacity has turned it into a factor that, at least in words, almost all the political actors inculcate into their political programmes and measures. We do not have to worry about them stealing the show from their green competitors. What matters is if this mainstreaming actually admits the problem effectively or just as a lip service, only to hide it. It is important to realise that environmental protection is yet another field of political battle, rather than an opportunity to escape from politics. It is a matter of accountability of government, and thus of its legal limitation and democratic control.

It was the looming climate change that imposed the realisation that there is no time to wait. Whether those changes stay under control or start to spin in the irreversible 'positive feedback' depends on current, specific and practical, seemingly short-term decisions (in energy, the type of industrial development selected, transport, etc). For humans, environmental protection makes no sense if it is not human protection. Therefore, we will tackle in this issue the topics of human rights, as well as constitutional issues of organisation of political communities called 'states'.

---

*The realisation that the environment is of limited capacity led even the conventional parties to a decision to include 'green' issues in their politics. What is important is whether this kind of mainstreaming acknowledges the problem effectively or merely as a lip service, just to cover it up. Environmental protection is a field of political battle, rather than an opportunity to escape politics.*

---

# politics and environment

## preliminary remarks on the nature of 'green' politics

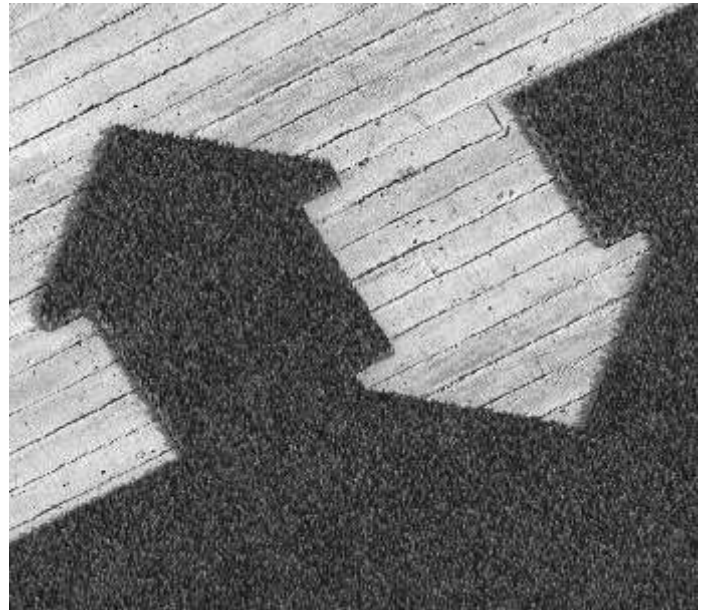
Žarko Puhovski\*

*Within the context of supremacy of party-political tactics reducing the constituent political life of the most advanced democratic systems to a mere chess game with just one move prepared in advance, the first thing that 'green politics' in the making introduces into the democratic public is long-term views.*

1. As it appeared, green politics brought to the democratic public its key differential feature of long-term views. At the time (largely marked by the Cold War), party-political activities of the most advanced communities in the world ignored strategy almost entirely; a four-year election cycle was considered to be the only legitimate horizon. One of the favourite jokes routinely discrediting the 'real-socialist' politics was the Bolshevik 'five-year plan' (which had long lost its original purpose anyway). Supremacy of party-political tactics reduced the constituent political life of the most advanced democratic systems to a mere chess game with just one move prepared in advance.

2. Failure of the basic revolutionary ambition of the 1968 movements led to a radical withdrawal of most of the activists into total privacy in the early 1970's, accompanied by radicalisation of extra-parliamentary options by the minority using violent methods, and those who did not like either of these options were left with a 'long march through institutions'. At that, none of the existing party-shaped principles suited the needs of the 'moderate' successors of the 1968 radicalism. The already growing awareness of the necessary long-term character of the assumed internal change of existing institutions corresponded logically to strategic exclusivism of (then still marginal) 'green' options (the German example provides a paradigm for such developments, but at least somewhat similar situations can be found in Austrian and Dutch politics, as well as in the Scandinavian political context).

3. The 'green' politics inherited from the left-wing social and political movements a conflicting concept of politics (contrary to the mainly harmonising tones of the conservative political practices, but also, at least partly, from the liberal ones). The conflicting character was also given by the strategically conditioned 'view behind the horizon' of green politics in the making (along with disputes with



those who do not care, those who refuse to realise the consequences of their own actions), as well as by the radicalism inherited from the previous generation. Gradual approximation with mainstream politics tamed the original radicalism, at least among the ever-stronger 'realists' leading from external symbolism (for example, the trainers Joschka Fischer wore to his first ministerial oath ceremony, or live plants brought to parliamentary benches), to more evident straying into party tactics. However, the 'fundamentalists' continued to strive to maintain the original tension of activism, but they were incrementally marginalised within the realpolitik surrounding them and were eventually reduced to 'internal opposition'.

### authorised announcers of impending disaster

4. With several electoral successes in European (national and international) parliamentary politics over several years, the 'greens' were turning into victims of their own political success; the original difference from the 'established political tactics' was becoming lost.

---

*The 'green' politics inherited from the left-of-centre social and political movements a conflicting concept of politics, though with multiple election successes it continues to lose its difference in relation to 'established political tactics'. A new turnaround came with the recent international politicisation of the global climate change debate.*

---

\*Profesor of Philosophy of Politics, School of Liberal Arts, Zagreb University

A new turnaround (or rather, a return to its roots in the methodological sense) seems to have happened only with the recent inter-

national politicisation of the (previously mainly professional and activist) debate on global climate change (unexpectedly aided by the ongoing economic crisis). Partly forced to repeat the patterns of early 1970's (though objectively closer to the focus of today's politicised public), the 'greens' are again the political pioneers.

5. Namely, this time they are the authorised announcers of the impending (to be sure: global) disaster. And again – irrespective of the exaggeration, always bound to appear, they are the avant-garde, since – contrary to the logic of the democratic politics – they legitimise themselves through negative statements, unattractive or even depressing to the general public. At that, there is an inevitable ongoing public redefinition of the traditional notion of a natural disaster or, according to certain (erroneous) articulations, a tragedy (for its original meaning is the will of gods, quite independent from human action). History and nature are yet again denounced as two sides of the same process: human action has undoubtedly impacted the natural environment to such an extent that it is no longer possible – or not without detailed analysis – to even speak about 'mere' natural disasters.

6. From the point of view of long-term perspective of humankind, the currently crucial question is the irreversibility of well-established (and almost undoubtedly disastrous) processes. Following activism and (semi)party-political strategising, the 'greens' are – often also in terms of tactics – intimately bound to the scientific community (or an important part of it), and are yet again among the principal relevant players of modern politics. Scientific controversies on the future seem to be concentrating on interpretations of generally accepted data. However, politicisation of such interpretations is no longer just a 'green' problem: liberals and conservatives, and sometimes even social-democrats, appear on the other side of the spectrum of the debate.

## living with compromise

7. Dangers arising from this intellectually and morally enviable position that modern 'green' option has won for itself in a host of highly advanced democratic states in the world were pre-set by the very conditions of its (relative) success:

7a) The 'greens' achieved political success using non-political means (at least from the point of view of the procedures accepted as common at a given time); this is why their tactical manoeuvres is always notable, and even more 'scandalous' than in the political action based on other political concepts, though real political success is basically inconceivable without at least some tactical manoeuvring;

7b) Success attained though mainly non-political means (social movement heritage, scientifically based stratagems, etc.), being so unexpected, led to a tendency to convert certain world-view patterns into dogmatic ones (with a possible tendency to defend the earth even from human existence as the last related consequence).

8. In a world determined by the necessity of co-existence of seven billion persons, any serious politics acting for the future must respect this pre-set material basis of humanity. This number of individuals is probably in and of itself an almost unbearable burden to the environment (surrounding those same individuals). Because of that, however distasteful it may be for anyone publically active on issues of principle, compromise will be the key determinant of the forthcoming stages of political life of all and everywhere (lest a disaster be inevitable). And the irreversible achievement of the 'green' option seems evident: whatever it may be, the said compromise will not be able to ignore the ecological aspect of any problem, without which politics aware of problems of the epoch is simply no longer possible.

# ecological materialism how nature becomes political

Jürgen Trittin\*

*Nature – a value in its own right or a basis for human life? Fundamentalist conservationists and pragmatic ecologists justify their standpoints differently and regularly disagree, but they are mostly fighting for the same thing. However, if environmental politics are to be successful globally, people need to recognize their own interests in the environment.*

Does nature have an intrinsic value? Or does its value lie in its being the basis for human life? Though fundamentalist conservationists and pragmatic ecologists justify their standpoints differently and regularly disagree, they are mostly fighting for the same thing. If environmental politics are to be successful globally, people need to recognize their own interests in the environment.

Nature becomes political when it finds human advocates in the political sphere. Flora, fauna, biosphere, atmosphere – the everyday definition of "nature" – then become subject to the conflict of interests and ideological differences. Why is this? Germany's Nature Conservation Act rules that "nature and countryside" must be protected both because of their "intrinsic value" and because they are the "fundamental basis of human life, for which we have a responsibility to future generations". The priorities here are the "efficiency and functionality of the ecosystem", the "sustainability of natural assets", the "biospheres of the animal and plant world", and the "variety, uniqueness and beauty" of nature and the countryside. This double justification, whereby nature has an intrinsic value and a value as something that can be used by human beings, is also widespread in public discourse on environmental issues. Fundamentally, though, two quite different arguments are in play.

## climate of change?

Since not everybody shares the view that nature is something automatically deserving of protection, conservation is often indirectly justified with reference to the function it plays in preserving the greater ecological context, which is in turn crucial for human life and its ecological niche. Even what at first sight seems to be useless, ugly or even dangerous can be seen as deserving of preservation. One major ecological issue is the global climate, for whose sake vast areas of rainforest, for example, need to be protected from direct human intervention because they indirectly fulfil a function crucial to human survival through their contribution to the climate.

The argument for the intrinsic value of nature, on the other hand, makes no attempt to prove nature's usefulness to human beings. What motivates people to argue for the preservation of nature in non-utilitarian terms? The intrinsic value of nature may become di-

\*Co.chair of the Alliance 90 / Green faction of the German Parliament

rectly apparent to the human observer via the experience of its beauty, variety and splendour. This intrinsic value is not one and the same thing as existing for humans to experience, however. The experience of the natural world leads people to regard nature with respect and reverence. This respect need not be religiously motivated, though it often is. In this case, nature is deemed worthy of preservation because of its divine character, which exists independently of humans.

However, respect for the intrinsic worth of nature can also derive from human self-criticism. The destructive history of humans towards themselves and towards nature can lead the human observer towards an ethic of self-restraint. Nature is then held to be more valuable than the human world, and restraint is demanded in relation to it.

Environmentalists might anyway argue that both arguments are correct. But the difference between them has consequences for ecological politics.

---

*Ecological politics does not have to restrict itself to ideologically motivated lifestyle politics; today, it coincides with the politics of production, the economy and the physical flow of energy, materials and resources. A global system of material exchange between human beings, and between human beings and their environment, needs to be designed in such a way that it does not collapse in the medium term. A materialistic vocabulary of resources, food, health and prosperity is sufficient to justify ecological politics.*

---

## what should be preserved: Nature, environment, ecosystem

Going beyond the everyday meaning of "nature" casually employed above, it soon becomes unclear what exactly it is that we should be preserving. The concept of nature is a dazzling one. In its universal sense it is opposed to the supernatural, and includes human beings and their world. By this definition, deforestation, the contamination of rivers, climatic catastrophe and the possibility of the earth becoming uninhabitable would be "natural" processes, and the concept would be of no use in the justification of a specifically ecological politics. We tend also to set "nature" against the artificial or man-made. Here nature comes to mean "untouched" conditions that have come into being over a long period of time without human intervention. Such a definition of nature is again too narrow, because nowadays there is a lot more that needs to be protected than merely "untouched nature", which has in any case become rare.

The concepts of "environment", "ecology" and "sustainability" are used in public debate almost interchangeably with "nature", but introduce a completely different way of looking at things. "Environment" relates the flow of energy and materials to humans and includes the consequences of these processes; "ecology" is the consideration of systems of exchange and the mutual dependency of biotic and abiotic units; and "sustainability" is concerned with such systems' long-term chances of stability. "Nature", in its extreme sense of being "untouched", enters the political debate only indirectly through these political concepts, as environmental or ecological politics. Either that or it takes on a regional or local meaning, as expressed in the case of "nature reserves". In the global environmental debate, the concept of nature does not play a central role. Hence it becomes less important to argue for the protection of "nature" without reference to humans and their needs.

Nor is this surprising, given that nature can only become political through people. Only a minority share a world view in which the protection of nature is justified on the grounds of its intrinsic value. Even where religions recognize something like a duty to "preserve creation", this by no means prevents them also holding that humans should "master" nature. "Untouched nature" is a modern idea, ultimately the flipside of a civilization founded upon nature's ruthless exploitation and destruction. Many indigenous peoples, often idealized by Europeans weary of civilization, live mainly in, with and also against nature. Ecological politics cannot rely on nature-centred ideologies, be they religious or secular. Quite apart from the ethical dubiousness of belittling humanity, this is also impossible for tactical reasons, since such ideologies will always remain the preserve of a minority. These ideologies will never attain the influence that ecological politics needs today. There will always be world views driven by strong human interests for whom the preservation of nature comes second to human cultural and economic achievements. Their demands are voiced in the political sphere with equal legitimacy. For fundamentalist conservationists, the interests of Brazilian agriculture, of the Chinese and Czech energy sectors, or of German chemical companies, their employees and their consumers, are all politically and morally illegitimate. But they are not, as ecologically problematic as they may be.

The argument for the preservation of the human ecological niche, on the other hand, is a powerful motive that can be shared by all. Ecological politics can portray itself today, with overwhelming evidence, as a general interest that goes far beyond the admiration of nature. After all, ecological politics is about the fight for the material preservation of the fundamentals of life for all human beings. This is self-evident to so many people all over the world that ecological politics, or at least its rhetoric, has become mainstream.



## the same aims and conflicts

The growing worldwide support for ecological arguments also plays into the hands of pure conservationists. Defenders of the intrinsic value of nature and advocates of the preservation of the fundamentals of human life march side by side, for the most part, on the way towards an environmentally sustainable global economic order. The saving of the rainforests, nature reserves, the protection of endangered species, ecological agriculture and much more can nowadays be justified through their function in fostering ecological stability and the preservation of the human ecological niche. Different justifications lead to the same results.

But conflicts can also arise between environmentalists and pure conservationists. A more globally oriented ecological politics can, for example, take the view that a high number of wind turbines on the coast is necessary, whereas the locally minded animal and nature conservationist will wish to protect natural cycles and habitats in the region. Yet the time pressure under which we must ecologically stabilize the global economic system has increased dramatically as a result of climate change, population growth, global industrialization and increasing demands on energy and resources, not to mention the global environmental damage that has already been caused. Given the massively powerful interests of hundreds of millions of people who are not the least bit ecologically minded, this forces us to make compromises. Here too a rift emerges between nature fundamentalists and sustainability politicians – because the more radical, "nature-oriented" and naive a demand is, the less likely it is to be realized, the more improbable ecological improvements are, and the more catastrophic the consequences will be.

Especially internationally, the argument based purely on the intrinsic value of nature is falling behind the complex ecological thinking necessary today. Conflicts between conservationists and people in poorer countries over how they make use of their own land will never be resolved by finger-wagging on the part of conservationists or by preaching ecological lifestyles. This is where we have to negotiate and develop regionally and nationally sustainable economic models that combine people's right to use resources with the preservation of nature reserves, the interests of international trade and industry with the fight against poverty in such a way that a sustainable global system develops.

## motivation from the experience of nature

An ecological politics based on a purely scientific approach to sustainability takes a rational, fundamentally sober approach to the problem. Yet often more is needed to motivate people to get politically involved. In practice, many people actively engaged in green parties or organizations are drawn to nature by a powerful emotional, romantic, aesthetic or religious impulse. An emotionally coloured experience of nature can range from sympathy with animals, to being overwhelmed by spectacular landscapes, to the sense of belonging to a higher natural order. Indeed, it is questionable whether one can become an enthusiastic ecologist and be completely devoid of such instincts. This kind of attraction to nature is widespread and is something people experience above all as tourists. Admittedly, tourism is often part of the problem, and all too often the step from experiencing nature as a tourist to putting one's experiences into ecological practice is missing. Nevertheless, the emotional experience of nature is undoubtedly an important motivation for people when they argue for nature to be brought into the political sphere. Being appalled at the sight of contaminated rivers, oil pollution and forest fires, or at breathing polluted air, does seem to be a prerequisite for eco-political engagement.

But such a connection with our natural environment is not self-evident, in no way "natural", and is rather the cultural and historical product of certain eras and traditions. Many people view nature differently, seeing it above all as a resource, and would be incapable of doing otherwise. The sight of smoking chimneys, slash-and-burn agriculture or factory farming does not provoke the same reaction in all people as it does in today's green city-dwellers, who believe that the disgust they feel is quite natural and self-evident. Though the feeling of an emotional relationship with nature is fundamentally important as a motivation for taking part in environmental politics, it is insufficient in providing the necessary thrust for global ecological change. People's material interests need also to be considered and mobilized.



Some parts of the Left frown upon the concept of nature as reactionary. They are right to reject nature as an argumentative anchor. If nature is used in political discourse to denote what is good, to identify what is unnatural with what is bad, and thus to close down the debate, then the concept of nature is indeed reactionary. It becomes the cousin of "human nature", which helps to condemn behaviour that is different, to set the sexes as eternal polar opposites and to brand whole cultures and ways of life "unnatural". In that sense, "nature" is merely a conservative construct.

## ecological materialism versus the false criticism of nature

But occasionally this justified criticism of "naturalism" translates into a rejection of environmental politics. Here it can be countered that the criticism of the concept of nature should not miss the point; a brief glance at the global statistics and reports on climate change, food production, increasing resource shortages, water conflicts, air pollution, mobility and energy, reveals all too clearly the urgent need for ecological reform of the global economy. In such contexts, the ideological critique of "nature" seems immediately and overwhelmingly irrelevant. The concepts of "ecology" and "sustainability" can get by perfectly well without conservative fictions about what is "natural". The rejection of such ideological aspects need not prevent anyone acknowledging the urgency of ecological politics.

Ecological politics does not have to restrict itself to ideologically motivated lifestyle politics; today, it coincides with the politics of production, the economy and the physical flow of energy, materials and resources. A global system of material exchange between human beings, and between human beings and their environment, needs to be designed in such a way that it does not collapse in the medium term. A materialistic vocabulary of resources, food, health and prosperity is sufficient to justify ecological politics. What is at stake today is hard material interests and how to offset their effects. Ecological politics coincides with the original leftwing demand for global material justice.

Eurozine

<http://www.eurozine.com/articles/2009-10-30-trittin-en.html#>

First published in polar 6 (2009)

<http://www.eurozine.com/journals/polar/issue/2009-05-04.html>

# law and rights

## constitutional changes in Bosnia and Herzegovina - between the necessity and impossibility

Nedim Ademovi , LLD\*

*Changes to the Constitution of BiH should continue until the constitutional structure of BiH ceases to be an obstacle to basic state functioning, i.e. until it can be said clearly that the constitutional structure is no longer an obstacle for general living conditions of its citizens to reach the minimum tolerable level.*

With the General Framework Agreement for Peace in BiH (hereinafter: DPA), initialled on 21 November 1995 in Dayton, and signed on 24 December 1995 in Paris, the Republic of Bosnia and Herzegovina, first as a federal unit of SFRY and then as an independent state, continued its existence in international law, under the official name of Bosnia and Herzegovina and with internal structure modified by Annex 4 to the Agreement, i.e. the Constitution of BiH.

There is general consensus that Annex 4 ended the war and established peace. Still, there is a justified question if today, 14 years after coming into force, Annex 4 to DPA can actually satisfy the needs of a contemporary democratic society with the rule of law on one hand, and the standards BiH needs to meet not only to satisfy the expectations of the European Union, but also to become an equal partner of this international, supranational body.

### constitutional changes are needed – but what kind of changes?

Numerous specific pieces of evidence indicate a negative response to this question. Suffice to say that the entire Peace Agreement, including the Constitution, has never been officially translated from English into the official languages of BiH, nor published in the Official Gazette of BiH. Numerous state institutions, including, in fact, the Constitutional Court of BiH, use unofficial translations, like the one prepared by the Office of the High Representative in 1997. These facts appear utterly humiliating and disastrous from the point of view of the principle of sovereignty and standards of the rule of law. It is also humiliating that the December 2009 judgement of the European Court for Human Rights in Strasbourg, in the case of Sejdi and Finci v. Bosnia and Herzegovina, confirmed what the Parliamentary Assembly of the Council of Europe had said clearly in its Resolution

1626 (October 2008): Annex 4 discriminates against particular groups of citizens.

Finally, there is no need to indicate formal evidence of inadequacies of the Constitution of BiH. It is enough to enquire if the citizens of BiH are satisfied with their everyday life, i.e. with their own priorities: social protection, employment opportunities, future outlook, education, freedom of movement, etc. An average citizen would certainly respond in the negative, anywhere in BiH. However, an average citizen will also think that constitutional arrangements in the state have little or no impact on their everyday life, since that is 'high politics' and not something related to them – which is, of course, utterly wrong.

---

*In order to establish a fair balance of civic and ethno-national concept of governance, it is first and foremost necessary to define the areas where the ethnic principle may be legitimately put forth. Those areas that are 'non-national' must function under the liberal principle of 'one man – one vote'.*

---

There is thus no doubt that the constitutional arrangement of BiH based on Annex 4 must change. Civic awareness also needs to change. Many would agree with such conclusions. However, when asked exactly what needs to be done to solve these problems, the public would divide into different interest groups, ranging from those who insist that BiH deserves a new and modern Constitution, based on the constitutional tradition of BiH, to those who believe that the Dayton Constitution requires no more than minor 'cosmetic' changes. Diametrically opposed views would also appear regarding the process of changing the constitutional arrangement.



\*Chief of staff of the President of the Constitutional Court of BiH and Director of the BiH office of the European Academy in Bolzano, Italy



## opening the process

The first idea that comes to mind in the given context is that BiH must open a permanent, systemic process of building a constitutional arrangement on legitimate basis! Those who have been following the constitutional changes thus far may have concluded that amendments or changes to the constitutional system, i.e. attempts to that effect, happened in earnest only through external pressures or through centres of power that do not belong to the state, but rather to individuals or groups outside the system. The state system served as the arena of events only in the very formal sense. In this way, BiH was clearly breaking at the seams called sovereignty, democracy and the rule of law. For as long as this continues to happen, BiH cannot claim to be an equal member of the European family of states. Development of a constitutional system should be a long-term process, rather than ad hoc reactions to the inevitable situations BiH finds itself in from time to time (such as the one arising from the 'Sejdi and Finci v. Bosnia and Herzegovina' judgement). The process should unfold within a democratically and professionally established system, immune to individual or extra-institutional action. Changes to the Constitution of BiH should continue until the constitutional structure of BiH ceases to be an obstacle to basic state functioning, i.e. until it can be said clearly that the constitutional structure is no longer an obstacle for general living conditions of its citizens to reach the minimum tolerable level. Such an approach must be a reflection of the seriousness of the situation on one hand, and the complexity of BiH society as a whole, including all its aspects (political, legal, social...) on the other. However aware we may be that certain individuals or groups have the power to decide and things could be done faster and more easily through them, we should equally be aware of the fact that this way of solving problems hits back like a boomerang – absence of a system and a dysfunctional state.

Furthermore, it should be noted that BiH lacks the critical mass of experts able to provide adequate answers and alternatives in all the relevant areas. For this very reason, cooperation with international advisory groups of experts, such as the Venice Commission, should be incorporated into the reform process as a temporary element.

The first task or the first step of the 'system' to change the constitutional arrangement of BiH is to translate the Constitution of BiH into the official languages of BiH and have it published in all the official publications, thus meeting the requirement of 'availability' and 'accessibility' for all the citizens of BiH.

The second step to amend the constitutional arrangement of BiH would be to establish clearly what the actual 'constitutional reality' is for BiH today. The Constitution of BiH has remained formally unchanged since it came into force. However, since the Constitution itself contains provisions on 'self-change' (Article III/5), the constitutional arrangement has, in fact, changed considerably. There is thus a considerable discrepancy between the formal constitutional arrangement and the constitutional reality. These so-called 'silent' changes to the Constitution of BiH were mainly done through decisions imposed by officials representing the international community, first and foremost the High Representative. They essentially led to changes in the institutional architecture of the constitutional system, as well as the distribution of competences between BiH and lower administrative and territorial units.

Of course, the third step has to do with changes in institutional, procedural and substantive sections of the Constitution of BiH, which is the hardest part. Constitutional functioning of BiH in the past 14 years demonstrated that there were two essential elements of the Constitution of BiH that need to be reformed as a priority.

## areas of change: functionality and the civic-ethnic relationship

The first area has to do with functionality of the state and its organs. Many institutions have never been established, and there is a void currently filled inadequately. A typical example is the fact that there is no supreme court or a ministry of commerce and economy at the level of the state, allowing for, inter alia, harmonisation of standards of legal protection at the level of the Entities, i.e. provision of a 'single market' for all the business entities. Certain institutions do not function because they have insufficient capacities or are subject to blockages, with no mechanisms provided for de-blocking them (such as the Parliamentary Assembly of BiH).



The second area has to do with striking a balance between the civic and the ethno-national concept of governance. In order to strike a fair balance between these two concepts, there should first be a definition of areas where the ethnic principle may be legitimately promoted. Those areas that are 'non-national' must function under the liberal principle of 'one man – one vote'. Citizens must become accustomed to the fact that there is simply no alternative to such a system in a democratic society. The areas where national interests may be promoted may be in terms of representational or parity systems, with a right to veto which can be suspending (rather than an absolute one), or without it. The stronger the integrative element, i.e. the more functionality is based on a liberal principle of majority, the greater the need to compensate collective identity through individual, and territorial or cultural autonomy. Otherwise, there is a danger of assimilation or factual exclusion from political power. Still, caution is in place to make sure that the autonomous status, particularly the cultural one, does not turn into institutional segregation. A typical example is the concept of 'two schools under one roof'.

Finally, it should be reiterated that construction of an efficient and functional constitutional system is a great task that lies ahead for Bosnia and Herzegovina. The 'Sejdi and Finci v. Bosnia and Herzegovina' judgement of the European Court of Human Rights merely pointed at the tip of the iceberg, i.e. discrimination as one of the numerous problems of the BiH legal system. An average citizen must be aware of the fact that a constitutional system does reflect directly on his or her everyday life. Only once they have become aware of that, citizens will become active participants in the process of changing the highest legal act of the state. Only then, they will not need a judgement of the European Court of Human Rights in order to exercise their rights, and the process will be accelerated by the fact that they will be the ones to decide whether someone deserves to represent them or not.

# constitutional changes in Croatia – political games and legal principles

*Sr an Dvornik\**

*Greater independence of institutions such as the central bank, the state auditor or the judicial councils from the parliamentary majority are an example of how solutions that contribute to better quality governance can only be reached under pressure from EU conditionality.*

If Croatia was to call a referendum on accession to the European Union pursuant to current legislation, the decision would not be accepted even if most of the nationals were to vote in its favour. In simple terms, the current Article 141 (paragraph 4) of the Constitution provides that '[any] decision concerning the association of the Republic of Croatia shall be made on a referendum by a majority vote of the total number of voters in the State'. According to the prevailing interpretation, this means that an affirmative vote should be cast by more than one half of 4,495,528 voters, which is the number published in the voter register for the latest (presidential) election. This considerable number is in striking contrast to the number of just 3,589,613 Croatian residents of legal age, and even if added to the number of 406,208 voters with no permanent residence in Croatia (the so-called diaspora, although those are mainly people who have not moved from Croatia in this or any previous generation), there is still the inexplicable difference of 499,707 persons who seem to exist only in the voter register.\*\* Leaving aside the current public opinion, which does not favour accession supporters, there is no way that two million and nearly 250,000 persons with the right to vote would do two things at once: turn out at the referendum and vote 'yes'. The percentage of dissenters does not have to be high: added to the huge number of those who simply won't vote at the referendum (because they are part of the standard quota of abstainers, because it is far and difficult for them to do so, or because they literally do not exist), who vote 'no' by not appearing, this predetermines a negative outcome of this expression of popular will.

A change in the Constitution would thus be inevitable even if it weren't necessary to change anything else, since there is considerable consent over EU accession among the Croatian political elite. A change of this particular provision of the Constitution is justified in principle, irrespective of the political conjecture, since (along all the well known reservations regarding the democratic nature of a referendum) it allows even a small minority option, augmented by abstainers, to block the majority. The presence of such a provision in the Constitution is in itself the result of introduction of political positions into constitutional norms.

\* *independent author and consultant, Zagreb*

\*\* *Cf. a text by the same autor, "Voting in a country outside itself" at <http://www.boell.hr/web/index-279.html>*

This is further evident in the wording of the second paragraph of the same Article: 'It is prohibited to initiate any procedure for the association of the Republic of Croatia into alliances with other states if such association leads, or might lead, to a renewal of a South Slav state community or to any Balkan state form of any kind'.

## political basis for consent in law

Therefore, if introduction of short-term political and ideological positions and even paranoid obsessions into the text of the Constitution rendered such freakish results, isn't there a danger that the forthcoming changes, also happening under political pressure, may deliver new distortions? Of course there is: some things may be adopted hastily and uncritically, there may be significant difference over others, but the debate may be suppressed due to short deadlines. In some cases it also happens that one side pushes for something that it is particularly interested in by reaching a settlement with the opposing side for a price of any kind of counter-favour, but there is insufficient space and ability to uncover it in public debate. However, there should be no illusions that such a debate would see the triumph of solutions that would be acceptable to all and provide optimum satisfaction for all the particular interests. A constitution is always a political document, although it should, as the highest norm of any state, be able to sustain the test of maximum generality and ability to find institutional solutions where differences, even conflicts, may be transformed into legal disputes with clearly defined competences to resolve them.

---

*Founding in 'national identity of the Croatian nation and the continuity of its statehood' (first sentence of the Preamble) linked the state to the principle of ethnic identity and created the problem of voting for those who are nationals, but are not citizens.*

---

The situation under which changes to the Constitution of the Republic of Croatia are being prepared is not just another political game, but rather a game with an authoritative external participant – the European Union itself. That is why – unlike the public debates over an important issue with considerable internal differences – the 'process' of generating the political will for change is marked by two lines which, in essence, exclude any debate. On one hand, the ruling group (practically reduced to HDZ) preferred to appoint a working group in early 2009, rather than to conduct a debate in the parliamentary committee for constitutional matters, since it presented the issue as a matter of professional elaboration of changes appearing inevitable for the conditions set by the EU. This approach leaves virtually no room for political debate, as everything can and should be defined by experts in constitutional and EU law. On the other hand, since constitutional changes are to be adopted eventually by a two-third parliamentary majority, this is an opportunity for the opposition to impose a debate, even on issues that HDZ would never agree to as disputed. And since any debate requires a minimum of two, issues such as 'diaspora' voting have never been considered.

And thus, last October, the Parliament had to consider two proposals to change the Constitution, the Government one and the opposition one (formally, a proposal by a group of MPs satisfying

the numerical condition for an authorised proponent). The two were largely identical. This was primarily in relation to the changes necessary to meet the requirements for EU accession (presented in the accession negotiations) and for functioning within the EU. That is why there was no dispute over issues such as excluding nationals from non-extradition provisions (Article 9), in order to be able to enforce European arrest warrants, or the right of EU nationals residing in Croatia to vote at local elections as well as elections for the European Parliament. Greater independence of institutions such as the central bank or the state auditor from the parliamentary majority are an example of how solutions that contribute to better quality governance can only be reached under pressure from the EU. The same applies to two bodies instrumental for the actual independence of the judiciary: State Judicial and Prosecutorial Councils, which win the right to elect judges and prosecutors independently from the legislature and the executive, although it remains to be seen what the actual election of the councils themselves will look like, which is to be regulated by law.

The Constitution will – and there is no dispute about that – have an entirely new chapter with four articles (from 141(a) to 141(d)), which will come into force if and when Croatia becomes a member state of the EU, and which are related to the legal basis of membership and the transfer of constitutional powers, participation in EU institutions, adoption of EU legislation as directly applicable and equal source of law, as well as the rights of EU nationals (Croatian nationals in other EU member states, as well as nationals of other member states in Croatia).

### **differences with no public debate**

The differences between the two sets of proposed changes – allegedly reduced to no more than 5% of the text, but related to some of the most important issues – can hardly be said to be the basis for instigating a public debate. They were negotiated within a parliamentary working group and the public received no more than fragmented information. Judging by that, the HDZ, or rather its principal authority, Vladimir Šeks, Deputy Speaker of the Parliament, tried to respond to the condition, or 'blackmail' by the opposition, to secure the necessary majority only if at least their key requests were met, by presenting a counter-condition: he said that those who link the adoption of the changes already agreed upon and necessary for EU accession to some other changes – are, in fact, the ones obstructing Croatia's accession. There are differences in relation to decision-making on matters related to deployment of the Croatian Armed Forces outside the state borders (where the HDZ wants to use NATO membership to reduce the required two-third majority for parliamentary decision), qualified majority for adoption of the budget (requested by the opposition), an additional right of vote for electing representatives of national minorities, etc. Although there is no public document on the actual results of negotiations thus far, it seems that a compromise may be anticipated on all these issues – but the issue of 'diaspora' voting is likely to remain among the insurmountable ones.

This is the price paid for one of the key constitutional elements never challenged in the process: the meaning of the 'national' character of the state itself. Founded in 'national identity of the Croatian nation and the continuity of its statehood' (first sentence of the Preamble) linked the state to the principle of ethnic identity instead of the principle of (civic) nationality. The fact that this link is not merely symbolic is evident in yet another legislative detail: the law on nationality grants this right to members of the 'Croatian people' (with no other conditions), thus inflating the electorate and creating the problem of voting for those who are nationals but not citizens. Who will give in by June (which is when the absence of constitutional changes is to start affecting directly the EU accession process) and what will the compromise be like?

# who needs human rights?

Omer Rak\*

*Strangely, the pragmatic Western politicians and the authoritarian Eastern cultural relativists agree that human rights are the result of Western political development and that their universal proliferation is related to Western imperialism.*

More or less simultaneously with the conference in Interlaken, Switzerland (18-19 February 2010), on the future of the European Court of Human Rights (ECHR), faced with serious difficulties in its work, speaking on TV5, the international francophone TV channel, Hubert Védrine, the French foreign minister under Jospin, from 1997 to 2002, spoke, according to Le Monde, about a 'clear and unambiguous idea about a strong need to change the course and the method of foreign policy of the Western countries'. Védrine thought it was necessary to terminate the clearly inefficient foreign policy of the Western countries – the idea of defence and respect for human rights. Not that he is against human rights; he is simply trying to argue that they can no longer be the key factor in relations between the US and the EU and the rest of the world. For the former minister of a socialist government, the idea of respect for human rights arises from the 'secular vision against which everything else is measured in relation to the West', and he callously pushes it into the 'graveyard of illusions born after the Cold War'.



\* writer and publicist, Zagreb

## imperial universalism...

With diplomatic ingenuity, Védrine hit on Western universalism, or rather, the cultural, economic and political imperialism whose liberal segment engendered human rights. And no matter how hard we, the Westerners, insist that human rights are inherent to all human beings irrespective of nationality, residence, sex, colour, religion and language, and that they are interlinked, interdependent and non-divisible, things are quite different on other longitudes and latitudes. Let us just recall a statement by Said Khorasani, the Iranian ambassador to the UN, who said that the Universal Declaration on Human Rights (UDHR) was nothing but a 'secular understanding engendered by the Jewish-Christian tradition', which cannot be implemented in the Muslim world without breaking Islamic law. Khorasani's statement was amply supported by statements by prime ministers of Singapore and Malaysia, Lee Kuan Yew and Mahathir bin Mohammad, that Asian values differ considerably from Western ones, that they include a sense of loyalty and circumvent personal freedoms for the sake of stability and prosperity of the society, and that strict authoritarian rule was therefore more appropriate for Asia than democracy.

Upon hearing this, is it not reasonable to wonder why would the way one community or culture understands human rights be applicable to others, i.e. why would it be universally acceptable since according to the philosopher Richard Rorty, moral conditions of human life are not discovered, but rather invented, i.e. they are not immutable metaphysical facts or necessary conclusions about human nature.

In his interview, Védrine did not rely on philosophical interpretations of human rights as much as he tried to aim at something far more mundane – the fact that for the sake of its own economic interests, Western foreign policy is willing to turn a blind eye when it comes to disrespect for human rights in countries such as China and India, currently developing a fundamental concept of national sovereignty, pursuant to which no one has the right to interfere with their internal affairs. No one does, in fact, except from afar, tamely and declaratively; without any major terminological interventions, this new course of foreign policy may simply be called 'cultural relativism'.

## ... or commercial relativism?

Védrine essentially said nothing new, but even a repetition of the old truth that economic balance is indeed the most important criterion in international relations can bring to a halt any enthusiast who enshrines human rights as if they were a drop of pure humanity. His question to non-governmental organisations and the media: 'What kind of balance of foreign policy can one present after quarter of a century of proselytism?' has a particular weight, arising from a deliberate attempt to quantify something that is normally difficult to weigh and measure, though indices do exist. Still, to refer as 'proselytism' to all the efforts and struggles to promote and advocate human rights over the past two decades makes sense only in the so-called official state policies. However, this term can certainly not be attributed to civil society organisations and indivi-



duals, at least not to those who entered the 'story' as philanthropists and altruists. The latter terms can only be used to describe the care and selfless work of all in the civil and NGO arena who ventured into this area wholeheartedly and relentlessly, raising their voice against all the misdeeds and injustices against human existence and human dignity, conceptually often incorporated in the very structures of governance, and did so in the first half of 1990s, almost the most dangerous and the most brutal times of human existence. In terms of pure definitions – if altruism is the type of conduct often described as 'selfless', since interests of others come before one's own interests and with no reward expected, then this type of 'ism', rarely seen today, is the best reflection of the character of a generation of human rights fighters who came to maturity in these (tempestuous) times.

## human rights are not just part of interest games

Due to acceleration (time is money) or simply the impossibility to implant certain original foreign experiences into existing structures 'in the field', whose character and tradition differed from the ideals conceived by programmes by many governmental organisations, the effects were ambivalent. The way an average domestic mind understands human rights is still compressed by the framework of the first generation of human rights, probably because that is where the existential threat is the most evident, and the results of all kinds of additional projects did not correspond with what the donor expected in return. They rarely showed any interest in a deeper or more systematic engagement, and they usually stayed at the level of lukewarm and inconsistent scratches on the surface, though never failing to evaluate such projects in flamboyant terms and then push it aside, considering the whole thing (successfully) over and done with.

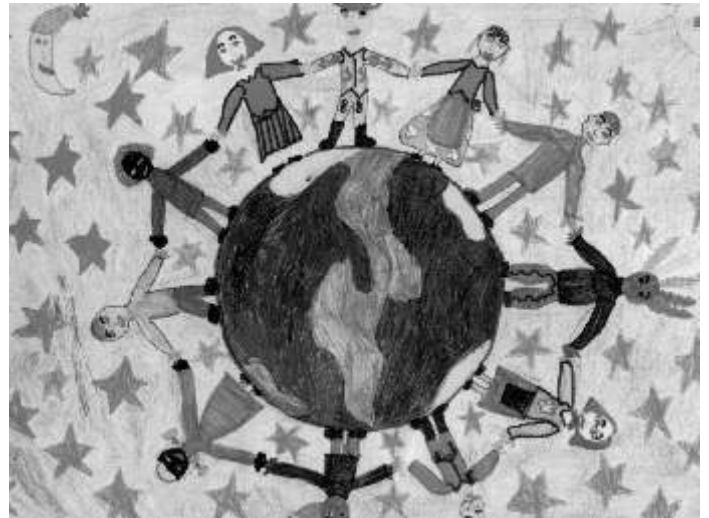
However, despite all the shortcomings brought by the hidden agendas of foreign sources of programmes and money, their lack of preparation to act in pre-political multi-ethnic communities, on the basis of one-dimensional virtual experiences, their quick withdrawal from projects that could have been important for the future of a local community, etc., even this kind of human rights practice stimulated the development of domestic human rights activism, but also of the civil scene in general. This is, of course, not to be disregarded.

---

*Foreign policy led by dominant economic motives may render even more disastrous results. The world would become the hunting ground for ruthless predators of all kinds, and man would become wolf to a fellow man. To remove the notion of 'human rights' from the lexicon of political practice would mean to give up on direct assistance to man... and to start howling like a wolf.*

---

On the other hand, proselyte enthusiasm was abound in statements by American and European spokespersons, envoys and commissioners, special representatives and rapporteurs, all kinds of people who, figuratively speaking, perused the pagan plains of Southeast Europe and elsewhere, bringing blessed word about man and his inalienable rights to the silly masses of ignorant individuals, squeezed from inhumane presses of the failed socialist experiment. Partly as a product of narrow political pragmatism aimed solely at political instrumentalisation, the emission of human rights to this region was largely insincere, as it sought to expand the zone of influence of key international players, aiming at the top peaks of their economic balance curves – all, of course, packaged as human rights.



In his summary, *Le Monde's* columnist Alain Frachon concludes that contemporary practice does, in fact, confirm the validity of Védérine's ideas about the failures of Western foreign policy. The facts are striking. But Frachon is equally aware of the fact that a new course in foreign policy, led by dominant economic motives, could bring results even more disastrous than the earlier ones. The world would become the hunting ground for ruthless predators of all kinds, and man would become wolf to a fellow man. Not that we are lambs to each other today, as detected by the Greek historian Thucydides two and a half millennia ago: 'Right, as the world goes, is only in question between equals in power, while the strong do what they can and the weak suffer what they must'. However, to remove the notion of 'human rights' from the lexicon of political practice would mean to give up on direct assistance to man... and to start howling like a wolf. And that must not be permitted to happen.



# energy development and sustainability

## possibilities for including renewable energy sources in SEE energy development

Aleksandar Kovačević \*

*Energy statistics provides insufficient information on the actual quality of energy utilisation and the link between utilisation and domestic product formation. The current situation is not a good measure of resources available, since the land available may offer a much larger volume of renewable energy than the current one.*

Resistance of economic systems of countries of the Western Balkans to investments in general, and investments into renewable sources of energy in particular, is indeed considerable. There is a host of reasons – economic, political and other – why these countries do not allow anything near an adequate level of investments, including investments in renewable energy. Leaving aside the general economic conditions related to investments, we could focus on specific circumstances leading to a small volume of investments directed towards renewable sources of energy.

Investments require opportunities and people.

Little is known about opportunities for investments in renewable energy. There is inadequate knowledge about sources of renewable energy, resources available and opportunities for using them. Public statistics on the matter is inadequate. Where it exists, energy balance is incomplete, often disregarding utilisation of heating wood and other forms of renewable energy. Moreover, energy statistics fails to provide sufficient information about the real quality of energy used and the link between energy consumption and domestic product formation. Additionally, the statistics available remain insufficient for investment decisions.

Analyses of renewable energy sources available are based on the current situation. They fail to take into account the fact that public enterprises in the field of forestry generate yield per hectare as much as 15 times lower than the one recommended by the International Energy Agency. There is no pig farm in the region with a minimum economy of scale. Average yield level in agriculture is

three times lower than the one generated in 1980's. In short, the current situation, including the existing analyses, is not a good measure of resources available. The land available can, in fact, offer much more in terms of renewable energy than what the current situation indicates.

### dependence on wood as heating fuel

Some of the resources are used inefficiently.

A good example is the use of wood as heating fuel – a typical renewable resource. In most of the countries in the region, with the exception of Croatia, more than half of the population uses wood as the primary heating source.<sup>1</sup> Firewood is used in low energy efficiency devices. High temperature generated by these heat sources allows for relatively low energy efficiency in buildings where such heating is used. This leads to uncommonly high consumption of firewood. This, in turn, leads to devastation of forests and relatively high prices of firewood in the free market.

Large-scale use of firewood leads to pollution of housing areas and increased health care costs. There is also a relationship between the use of firewood and fluctuating prices of alternative energy sources. As the price of electricity or gas increases – so does the price of firewood. When electricity tariff includes greater consumption, the marginal price of firewood is formed on the basis of such a price – the highest one. The poor are not particularly affected by prices of electricity or remote heating (as it is rarely available to them), but they are affected by the price of firewood.

The consumer is supposed to pay a higher price for larger quantities of firewood and for greater health care and other costs. This affects negatively the possibility of the population to improve the energy efficiency of buildings they live in, or the heating systems they use, or to invest in other forms of renewable energy. Energy efficiency policies, financial institutions and poverty reduction policies pay little attention to the use of firewood. The 2008 Energy Report for Kosovo says that the average firewood consumption was 9.7 m<sup>3</sup> per household. This is far more than the previous estimate of 2.6 m<sup>3</sup>. In some other areas, the actual consumption is as much as 5 to 6 times higher than the official statistics.

---

*The fact that economies of Western Balkan countries are resistant to investments in renewable energy sources is impacted by the fact that large parts of the population use wood as heating fuel. They are caught in a vicious circle of low efficiency, high consumption and relatively high prices.*

---

This huge and inefficient firewood consumption implies that electricity is used as an additional heat source in particularly cold periods. Consumption of firewood may increase during cold periods, risking depletion of supplies before the end of winter. Alternatively, electricity may be used. The latter option is less risky and has a lower marginal cost.

\* independent expert and consultant, Belgrade

<sup>1</sup>“Energy in the Western Balkans”, IEA, 2008.

This implies utilisation of expensive energy infrastructure, such as high-voltage networks and hydropower plants, to cover consumption of low economic value. This hinders regular electricity supply to industrial consumers during the cold winter months, decreases employment and investment yield, and usually leads to dramatic de-industrialisation of the region. Consequences include greater costs and lesser opportunities to use wind energy in the electric power system. If it were not for this, the Western Balkans could become the source of peak electricity of European relevance, which may boost wind energy investments across the continent.

## responsibilities of professionals

Investments come from people. Professionals are expected to exercise their profession for public interest, and not for the interest of the investor they work for.

In light of the fact that investments into renewable energy sources are always an interaction of private investors and public good, professionals who plan and execute investments are of great importance. If a professional is willing to ignore professional ethics in order to amass additional profit for the investor, or simply to secure the investment, he or she may deny the public the necessary information or apply a less efficient technical solution. The public should insist that professionals provide full information and comparative analyses of at least two technical solutions for any energy investment that touches upon a public good.

Investors, public utility enterprises, even public authorities, often have no more than a single solution for an investment or a concession. In such cases, public participation in decision-making often boils down to a yes-or-no vote, which is insufficient.

Professionals are unable to express and defend positions as required by their professional ethics, or to request the kind of resources needed to explore fully all the possibilities available to them (or to refuse the engagement when they are unable to do so) without the support of an appropriate professional association.

Professional associations in the region should work on dissemination of knowledge, good practices and professional ethics. However, the resources of such associations are insufficient to perform such a task. They have not been in the focus of international donors, nor are they generally accepted as part of civil society. Very little international assistance has been made available to them. Finally, domestic experts, members of such associations, are usually paid inadequately and unable to support the work of their associations with their own funds. One of the aspects of inadequate engagement of professional associations is the process of supporting the associations themselves or their activities: state-run or state-sponsored institutions assume the work of professional associations.

An illustration of this is the work of national energy efficiency agencies. They are the ones that disseminate knowledge and good practices. In some cases, these agencies also manage the relevant funds for energy efficiency incentives and utilisation of renewable energy sources. They provide educational and engineering services. This pushes professional associations and engineering companies out of the picture. Energy efficiency agencies need to become the centres of coordination of national policies in the fields of taxation, urban and spatial planning, technical standards, education and other activities aimed at improving energy efficiency and utilisation of renewable energy sources.

# promjene klime, izgradnja termoelektrana i opredjeljenja Bosne i Hercegovine

Martin Tais\*

*The planned construction of new thermal power plants in the Federation BiH and Republika Srpska presents a host of questions to be considered on the way towards the EU. Some analyses indicate that CO<sub>2</sub> emission could increase significantly.*

It has been proved beyond any doubt that grater climate variability is a direct consequence of human activity. One of the most striking effects is the greenhouse effect, which has become ever so evident during the last century. Industrial development and rapid population growth, as well as the resulting increase in human activity, are believed to impact this effect significantly.

It is also true that increased greenhouse gas levels mainly come from burning fossil fuels, eliminating forests and turning them into arable land for human use. Of all the human activities that contribute to the greenhouse effect, the most important ones are production and consumption of energy and transportation. Moreover, they bear direct impact on the global balance of temperature. This is exactly what the Third Assessment Report, prepared by the Intergovernmental Panel on Climate Change (IPCC) said. This document indicated the following discoveries:

- New systemic observation over the past fifty years confirm that human activity impacted climate change, but it also says that there is no definite confirmation of the percentage of such an impact.
- During the 20<sup>th</sup> century, the average surface temperature of our planet had an overall increase of 0.6 degrees centigrade.
- In the 21<sup>st</sup> century, human impact on atmosphere change will continue; on the basis of all the IPCC scenarios, average global sea temperature and level will increase – the average global temperature increase anticipated until 2100 is likely to be between 1.4 and 5.8 degrees centigrade, whereas the sea level would increase by anything between 9 and 88 cm.

All these projections, particularly those later confirmed by data, indicate a direct impact of climate change on human health and ecosystems, agriculture, water resources, as well as general economic and social aspects of mankind. All these factors led the international community to launch in 1992 the UN Framework Convention on Climate Change.

\* Federal Hydrometeorological Institute of Bosnia and Herzegovina

Pursuant to the principle of shared yet differentiated responsibility, and particularly the responsibility of developed countries for the global warming of the atmosphere thus far, provisions of the Convention delineate clearly the obligations of developing countries, of countries in transition and of industrially developed countries (Art. 4, 5, 6, 12 of the Convention). Developing countries, Bosnia and Herzegovina included, have undertaken the following general obligations:

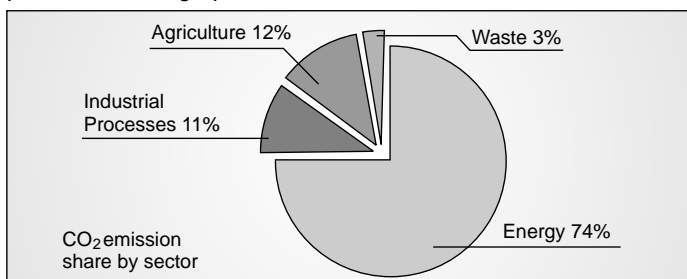
- Preparation and periodic submission of a national register of greenhouse gas (GHG) emission to the Convention bodies;
- Implementation of programmes to mitigate the consequences;
- Collaboration in technology transfers, research, systemic observation and data exchange;
- Rational use of GHG absorbers and reservoirs;
- Collaboration on preparation of adaptation measures and protection of areas exposed to droughts or floods, as well as protection of water resources;
- Inclusion of estimated consequences of the climate change in the relevant national strategies;
- Collaboration in areas of education, training and public awareness development;
- Financial obligations on the basis of contributions.

## greenhouse gas emission in Bosnia and Herzegovina

Estimates of greenhouse gas emissions are among the first steps in systemic consideration of problems related to climate change and their solutions. Even before the first National UNFCCC Report prepared by Bosnia and Herzegovina, there were estimates of air pollutants as well as some greenhouse gases and other pollutants. Although there had been occasional assessments, regular annual reports on emission of pollutants into the air fall within the competence of entity ministries.

The emission estimates included in this Report used in parallel the methodology of the Intergovernmental Panel on Climate Change (IPCC) as set by the Convention, on the basis of the 1996 Revised IPCC Guidelines for National GHG Inventories and Good Practice Guidance and Uncertainty Management for national GHG inventories, along with CORINAIR methodology and the IPCC recommended emission factors, except for the energy sector, which used local emission factors.

The total CO<sub>2</sub> equivalent emission in BiH in 1990 amounted to 34.043,49 Gg of CO<sub>2</sub> equivalent. The highest percentage was in the energy sector emission (74%), followed by agriculture at 12%, industrial processes at 11%, and 3% in the waste sector, as presented in the graph below.



Two of the most energy intense sub-sectors are energy transformation (thermal power plants, traffic...) and industrial fuel burning. Industrial fuel burning is the greatest in the coal and steel industry, in coloured metal industry, cellulose and paper production

food, beverage and tobacco production, etc. This sub-sector also includes on-site electricity and heat generation.

Most of the energy transformation-generated CO<sub>2</sub> emission comes from fuel burning in thermal power plants.

The structure of CO<sub>2</sub> emission from fuels used in the burning process is presented below.

The largest share (77%) goes to solid fuels – such as coal, followed by liquid fuels at 17% and gas at 6%. Uncontrolled (fugitive) greenhouse gas emission from exploitation of coalmines, with coal taking such a huge share of the energy sector, is also not negligible in BiH. The estimated emission is 6.8% of the total emission in the energy sector.

## development plan in the electric energy sector in BiH

The planned construction of new thermal power plants in the Federation BiH and Republika Srpska presents a host of questions to be considered on the way towards the EU.

Some analyses indicate that CO<sub>2</sub> emission could increase significantly.

- It is true that BiH needs to build new sources in the eclectic energy sector.
- It is also true that BiH is a developing country and that it must not yet undertake to reduce its CO<sub>2</sub> emissions.
- It is also true that BiH declared to be on the road towards European integration and EU accession.
- It is also true that candidate countries and EU member states must observe the Kyoto Protocol and reduce their CO<sub>2</sub> emissions by an average of 5.2 % in the period specified (from 2008 until 2012). EU member states are already agreeing on reducing emissions by 15 to 20% in the forthcoming period.
- It is also true that if BiH does build all the thermal power plants currently planned, the CO<sub>2</sub> emission will increase considerably in comparison with the starting year of 1990.
- It is also true that such construction would create new jobs and improve the GDP in the country.
- It is equally true that all the FBiH and BiH development strategies must be harmonised (development strategies in tourism, agriculture, health, food, water resource management, energy, environment...), with observance of all the legal obligations and accepted international obligations.
- It is true, it is true...

There is a question here: what should BiH do in a timely fashion to harmonise all its development needs and potentials with sustainable development.

It is clear that no one has the right to stand in the way of a developing country, but it is also true that strategic decisions must be made on scientific and professional basis, and must be harmonised with current and future obligations related to EU accession.

First and foremost, we lack a strategic document on energy development, as well as a strategic document on environmental protection at the level of BiH.

The Constitution of BiH does not refer specifically to the right to environment and access to environment-related information; there is no relevant ministry or law on environmental protection at the level of BiH.

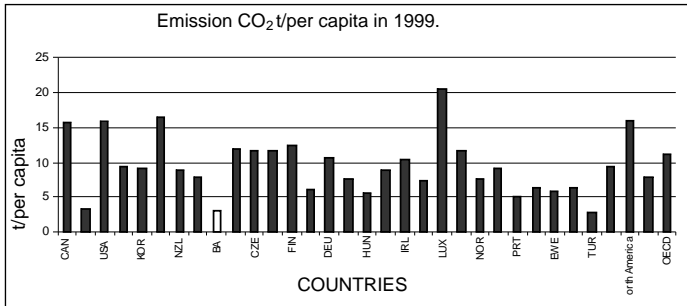
All these issues fall within the competence of ministries of the entities and of the Brcko District.

There should also be the question of entity arrangements on these matters, since obligations from the Kyoto Protocol and the UNFCCC oblige Bosnia and Herzegovina, and not its entities.



**facts and concluding considerations**

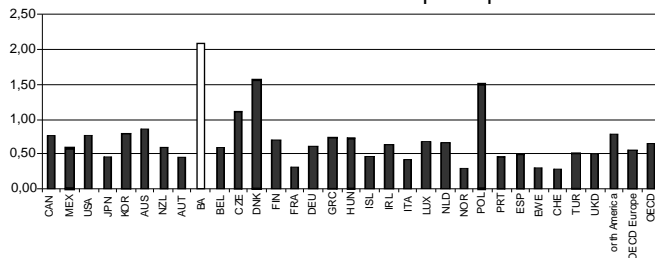
Of course, all these analyses of two OECD indicators, CO<sub>2</sub> emission per capita and by GDP, derived from the latest estimates, indicate that BiH demonstrates all the problems of lagging behind other European countries, as well as the necessity to develop industrially and in terms of energy.



The white column shows carbon dioxide emission per capita, expressed in tons, for BiH. Industrially underdeveloped countries have lower emission while, for example, countries like Luxembourg, the US, Canada... have indicator values up to seven times higher than BiH.

Numerous conclusions on the level of development can be drawn from this indicator, but they are in no way favourable for BiH. The level of delay of post-war BiH compared to the pre-war one is equally disastrous, particularly if we compare this indicator for 1990 (approx 6 t of CO<sub>2</sub> per capita) and 1999 (3.8 CO<sub>2</sub> per capita). Estimates for 2008 demonstrate that the value of this indicator was around 4.

However, another indicator shows that in terms of development and quality of life, BiH remains at a very high level of poverty. This is based on CO<sub>2</sub> emission in relation to GDP per capita.



Again, BiH is the white column.

This indicator leads to a conclusion that GDP per capita is very low, and that energy consumption BiH is low and irrational. It also shows that fuel consumption increase did not improve GDP or reduce poverty in any significant way. Although we emit small quantities of CO<sub>2</sub> into the atmosphere, we also have a very low GDP, as shown by the red column, so that we should be worried by the current situation and try to plan for improvements.

Of course, we must build new power plants as soon as possible, since many of the existing ones will have to be closed as outdated. However, construction of thermal power plants needs to be accompanied by development of the industrial sector to use that power, i.e. BiH needs to develop and implement appropriate development strategies.

If we build thermal power plants and use our natural resources – coal reserves for exporting power, we will not improve the OECD indicators significantly and we will continue to lag behind other developing countries with low GDP.

Increased industrialisation and processing industry in the country promises greater employment. Kilowatts used for this purpose will certainly increase greater incomes in BiH.

Electric power production for the purpose of direct export is similar to export of unprocessed logged timber, and that, we must admit, should not be our strategic choice.

These facts should certainly not hinder or slow down the planned construction of thermal power plants. It must, however, initiate and oblige the Government to adopt and stimulate strategic development and employment programmes.

**'a historic day for BiH' (Energy Forum – construction of electric energy facilities in FBiH)**

*Amir Variš i \**

*A commentary on the recent Energy Forum (Sarajevo, 18 March 2010), where the FBiH Government presented several dozen electric energy facilities of total installed power of 3,434 MW, which it intends to build in the forthcoming period, as a priority and through public-private partnerships.*

It was these very words that the Chairman of the Presidency of BiH used in his address at the Energy Forum. There were other 'big' words uttered by the participants and the media covering the event. 'BiH is the largest construction site for power plants in Europe' or 'The energy boom' were just some of the headlines opening euphoric comments on this event. The objections which follow are not intended as an expression of a radical ecology; they accept development, though on sustainable basis.

**is there an economic justification?**

The Forum announcement and the event itself referred to BiH as the regional leader in power generation and almost the only exporter of electricity today, and the great opportunity to implement these projects and advance its export leadership. In light of the fact that no major power generation facility has been built in BiH in the past twenty years, and that the two power distribution companies exported some 30% of total electricity generated in 2009, the logical question is: is this praiseworthy or disappointing? It is important to note that the problem is in consumption, since in terms of electricity consumption per capita, BiH occupies the penultimate place on the list of European countries. Instead of focusing on export, it is clear that the current surplus should focus on domestic machines and production of finalised products. It sounds horrifically unfounded to claim that there will be more and more electricity deficits in our region, securing for us a permanent market for our current and future surplus. We have never seen any analyses of the regional market to support this statement, made fairly lightly. And the key precondition for construction of even the smallest production facility for any marketable good anywhere in the world is a detailed analysis of market needs for a considerable period of time.

*\* Green Neretva Association for Environmental Protection, Konjic*

When referring to a resource, a natural resource (water, coal, wind, sun) is said to be just one of the necessary elements to build an electricity generation capacity. Financial and market resources are among the most important. Without them, there is no project. The Forum was simply bursting with the 'favourable climate', as if investors – those with the deepest pockets – were just waiting for this promotion to happen to start accepting or conditions for strategic partnership, i.e. 'without selling the national treasure', and simply race to get the job. The government's magic formula whereby (foreign) investors cover all the construction costs and we maintain ownership over the facilities is, to put it mildly, irresponsible and unfounded in business practice. It is natural that our fallen companies, which used to design and build major dams all across the world, see this operation as their rescue. Politicians are promising priorities today, but should there be a tender procedure, a foreign investor may insist on the condition presented by the financial bank, i.e. that the 'strategic partner' should be the most favourable contractor. It is interesting that representatives of the two power distribution companies in FBiH as presenters of the project referred to 'green certificates' also known as 'carbon credits', without offering any explanation to the public about how the Kyoto Protocol treats the 2000 MW we intend to build using fossil fuels and producing new tons of greenhouse gases.

---

*The energy sector clearly continued with its old habit, that any other intended use of water resources (or any other natural resources) simply must be subordinated to energy plans. Unfortunately, it seems that ministries of spatial planning and environment have no objections to such plans.*

---

## electric energy projects, space and environment

Let us focus on several factors of importance for these projects that were partly or entirely disregarded in the presentations and which fall exactly within the scope of environment protection.

### 1. projects and the space

We do not know if the participants know that ten years after the expiry of the SRBiH Spatial Development Plan (1981-2000), the Federation has not yet adopted a new one, but rather extended the validity of the old plan (a new one was adopted in the RS). The energy projects presented at the Forum impact the purpose of the space, since it should always be multi-purpose and versatile. Large reservoirs, dams, etc. must figure in spatial plans of the state or the entities, but prior to that there have to be plans for particular areas. Some of the projects presented do not exist even in the old plan, and some are in total collision with the envisaged purpose of an area. Energy projects destroy the land and devastate the environment, but this does not seem to bother the proponents to place four major dams within declared or planned national parks. The energy sector clearly continued with its old habit, that any other intended use of water resources (or any other natural resources) simply must be subordinated to energy plans. Unfortunately, if this plan is the work of the FBiH Government, as it probably is, it seems that those ministries of spatial planning and environment have no objections to such plans.

### 2. projects and the environment

The projects presented (or most of them) impact the environment – the water, the air and the land – significantly. Statements by potential investors, that 'the projects were designed according to the highest European environmental standards' are just feeble statements with no coverage. Still, the major negative environmental impact of most of the projects does not mean that some of them will not be executed because of that. On the contrary, in this case, the Government and the potential investors do not invoke European standards.

We believe that environmental impact studies must not be 'fudged'. Instead, they should present nothing but the bare facts and then decide how much of the negative impact could be eliminated, how much could be mitigated, and how much cannot be eliminated through any measures, and then use that to decide whether to implement the project at all or not. Of course, a dramatic case of a project that must not be executed, as far as we, the environmentalists, are concerned, is the plan to execute a project in an area of extraordinary value (protected areas and areas planned for protection). Mutually exclusive projects simply cannot exist in such areas. However, energy experts do not think along those lines. That is why it is no surprise that Mr. A. Jerlagi, the EPBiH General Manager, promotes the construction of the Unac power plant with a confession that the facility is actually inside a national park, and he goes on to suggest that the national park should be reduced so that the site of the power plant is excluded from the park – that would be the simple solution. However, the Una National Park has not yet started to function and it has already been reduced (the gypsum mine near Kulen Vakuf). Unfortunately, even this 'brilliant' proposal by Mr. Jerlagi on how to eliminate the conflict of interest provoked no response whatsoever from the Ministry of Tourism and the Environment.



### 3. projects and the local community

Any project, particularly a major energy project, brings good and bad things to any local community. Designers and the energy lobby emphasize and exaggerate only the good things: economic development of the area, employment, minimum impact on the environment, on human health, on the climate, etc. The exaggeration goes so far to say that rapid development of tourism is expected after dams and reservoirs have been built even on rivers of extraordinary natural value. We believe that local communities should be presented with the whole truth and that this is the only way for any amicable acceptance of the project. Of course, those affected by the project should be compensated in full, and in addition to empty words, the local communities should be offered fair compensation for their permanent loss. Finally, the local community should be left to decide on its own, taking all the aspects into account.

At the end and with no desire to spread pessimism, let us mention that in December 2008, in the very same building (Energoinvest), the FBiH Government presented 11 major eclectic energy facilities (4 thermal and 7 hydro power plants), which it had also established to be of 'public interest'. And we all know how those ended up. It thus remains to be seen what the fate of this 'historic project' turns out to be.

# news

## Bosnia and Herzegovina

### an appeal by Sarajevo students: preserve the natural beauties of Bosnia and Herzegovina

Third year students of Ecology at the Faculty of Natural Sciences and Mathematics of the University of Sarajevo launched a public appeal to indicate the events in the environment that the citizens are insufficiently aware of. Students ask the following:

Do you even know that the Government of the Federation BiH adopted unanimously the information on preparation of construction of thirty new power generation facilities over the next few years?

These include 6 thermal power plants, 14 hydro power plants, 6 wind power plants and a considerable number of mini-power plants, mainly to be built by the two Federation power distribution companies. This year alone, Elektroprivreda BiH will launch independently the construction of the Vranduk hydro power plant (the first mayor energy generation facility in 20 years), a wind power plant in the Podvezleje plateau and 12 mini hydro power plants on the Neretvica river.

We simply do not want this to be just another in a host of decisions that went by unnoticed.

What are the gains and what are the losses for the citizens of BiH?

In some countries, one litre of water costs more than one litre of oil. In many countries, children have no access to drinking water.

Bosnia and Herzegovina is one of the few countries still rich in water.

When have we decided that we do not care whether we have healthy and clean water, healthy and clean air, and green forests, or not?

We live in an environment which is already damaging our health.

(Sarajevo, 5 March 2010, source: [www.ekoakcija.com](http://www.ekoakcija.com))

### BiH and the ECHR judgement: will there be less discrimination?

In its judgement delivered on 22 December 2009, the European Court of Human rights found that the constitutional restriction on the right to run for the House of Peoples and the Presidency of BiH was a violation of the principle of equality pursuant to the European Convention for the Protection of Human Rights and Fundamental Freedoms.

According to warnings from the EU and the Council of Europe, BiH is obliged to execute the judgement of the Court in Strasbourg, if it wishes to avoid facing serious consequences. As for the local politicians, the judgement was welcomed, but different interpretations ensued on how it should be implemented, particularly in relation to deadlines to incorporate it into election legislation, to be applicable for the October parliamentary elections. Representatives of the international community as well as most of the civil society have underscored the importance of enforcement of the Strasbourg judgement.

Responding to the ECHR judgement, Party for BiH (SBiH) offered amendments to the Constitution that provide for election of the fourth member of the Presidency, to represent 'Others', a change in the entity voting system, and appointment of three additional MPS representing 'Others' in the House of Peoples of the BiH Parliament. Other parliamentary parties rejected this proposal by SBiH, finding it unrealistic.

Following several weeks of debates, certain implementation activities have finally been launched. They are to be prepared by a Working Group comprising seven representatives of the House of Representatives of the BiH Parliament – one from each caucus, and three representatives each from the House of Peoples and the Council of Ministers of BiH. The Working Group should prepare draft amendments to the Constitution of BiH and submit it to the Council of Ministers by 1 April, for their consideration and submission to the Parliament.

According to their Action Plan, by 15 April, the Working Group should prepare draft changes to the Election Law, harmonised with the proposed amendments to the Constitution. Immediately after the adoption of constitutional amendments by the Parliamentary Assembly

Assembly, the Working Group or the BiH Ministry of Justice should submit the draft law to the Council of Ministers, for their consideration and submission to the Parliament for adoption. However, one can never be too cautious, particularly knowing that numerous laws, already agreed upon by the Council of Ministers, 'collapsed' in the BiH Parliament, usually using the mechanism of entity voting.

### Franziska Brantner and Cem Özdemir in Sarajevo: supporting the EU perspective for BiH

Co-chair of the German Green Party, Cem Özdemir, and Franziska Brantner from the European Parliament, visited BiH through the BiH office of the Heinrich Böll Foundation. During their visit to Sarajevo, they met representatives of public and political life, including state MPs, member of the Presidency of BiH Željko Komšić, leadership of the city of Sarajevo, representatives of the academia and civil society organisations. They also participated in a meeting organised by the newly established Policy and Management Centre in Sarajevo, which discussed current problems of Bosnia and Herzegovina's path towards the EU.

In an interview for Hayat TV, Brantner and Özdemir emphasized their undivided support for abolishment of visas for BiH citizens as of mid-this year:

*It is clear that there are conditions to be met, but conditions have been met here just like in the neighbouring countries. There should be no double standards and that is why we believe that the visa policy should be liberalised as soon as possible, including both BiH and Albania. Otherwise, it is not justified to grant visa liberalisation to Serbia and other countries and exclude BiH. This needs to happen as soon as possible, and I hope it will be in the next few months, said Mr. Özdemir, and Ms Brantner added:*

*I believe that the issue of visa liberalisation is generally very important, so that people can travel and visit any EU country they want. In order to get there, there are conditions to be met. As we understand, the criteria have been met. It is now up to the EU to conduct a rapid process, and I am in favour of such a process: to avoid politicization again, and simply say that the criteria have been met, meaning the visas are available.*

When asked about the current position of Brussels in relation to BiH and how much of a common European voice is there when it comes to plans for BiH, Mr. Özdemir says:

*I know that politicians in Brussels have plans and some of them are from my own party. I'm afraid that I can't say that Brussels itself has a position regarding BiH, which is a pity, since we all saw what it means when nationalism takes hold. Hundreds of thousands of people lost their lives or had to leave their country. Europe knows what it's like to have no guidance. It is necessary for Europe to send a clear message that it does not support nationalists, that it does not support those who want secession, that it does support those who want to live together and find solutions. That should be the message, but let us not forget that we shouldn't put all the blame on Brussels. We would also blame the centres of power that make up the EU. Unfortunately, that includes my capital, Berlin. My party, the Greens, does support enlargement, we are in favour of sending a clear message that we support non-nationalism, and my party has a clear message regarding visa abolishment, since we believe that it is in our interest that the future BiH elite can grow up travelling to Europe and coming back to BiH with EU ideas.*

The issue of enlargement is neither easy nor simple. Key features of the EU enlargement process today are different positions and the absence of a clear strategy, says Ms Brantner:

*There is a lack of enthusiasm in the EU regarding future enlargement. The economic crisis certainly does not help in that. But there are forces like us, the Greens, advocating enlargement and saying that the entire region does wish to become part of the EU. But it won't be an easy battle. In order to win the support of the majority of EU citizens, the process must be clear and credible and there has to be good support from regional states and European politicians. I have to be frank – it won't be easy.*

## the 'green parliamentary group' established in the BiH Parliament

Signing of accession documents in the Parliamentary Assembly of BiH today marked the establishment of the 'Green Parliamentary Group'. The group comprises MPs who will work on promotion and implementation of sustainable development and environmental protection in the region. The signing was organised as part of the public promotion of the Group and a meeting organised by the Ecology and Energy Centre from Tuzla, as the coordinating agency of the BELLS movement in BiH. Sabina Jukan, the coordinator of the BELLS movement, said that this signing made BiH part of a regional parliamentary group that should act towards European integration, along with other regional members and acting through environmental protection programmes.

Sead Jamakosmanovi , member of the BiH Parliament, said that lower levels of governance, i.e. the entities, the cantons and the municipalities, hold the competence over issues of ecology and the environment. He emphasized the need for this sector to be placed at a higher level, i.e. the level of the state. 'BiH lacks a state environmental agency. We will work towards its establishment, so that the state can have a legally founded functional system in this area,' said Jamakosmanovi .

(Sarajevo, 18 March - H.A.B., ONASA)

## Croatia

### European court condemns Croatia for discriminating the Roma

In March this year, the Grand Chamber of the European Court of Human Rights (ECHR) issued a judgement against the Republic of Croatia for discrimination and violation of the right to education (Articles 2 and 14 of Protocol 1 to the European Convention on Human Rights), on the basis of an application by fifteen Roma schoolchildren. The judgement was passed by a slim majority: 8 out of 17 judges agreed that this was not a matter of discrimination against a minority but rather a justified measure. Reports by the Croatian News Agency (HINA) focuses more on these opinions rather than the lawfully delivered judgement. The Republic of Croatia must pay damages to each applicant, amounting to 4,500 per person.

Roma children often start primary school with insufficient preparatory education. It is not just a matter of insufficient knowledge of the Croatian language: they often come from families where both parents are illiterate and they have never seen a pencil before, only to go to school with their peers who play computer games. That is why they lag behind, repeat grades and have a drop-out rate of 84 percent. There are often conflicts, cases of peer violence, expressions of prejudice and demands for segregation.

Starting from 1996, the authorities in Me imurje tried to solve this problem by placing all the Roma children into separate classrooms. Human rights organisations indicated the unacceptability of such a measure. The Roma children who have satisfactory, or even above-average results, are being punished. The entire system is geared towards permanent segregation and marginalisation of the Roma children, instead of integration. The reason offered was the lack of knowledge of the language; however, if these children still have problems with the language after years of education, is it not a matter of a wrong approach? The courts in Croatia, including the Constitutional Court, were not of that opinion. Although some schools in Me imurje abolished segregated classes, their overall number has increased and there are as many as 67 today.

A fair model tested in numerous schools and by several associations is extra-curricular (for example, in the Zagreb suburb of Kozari Putevi): preparatory classes, where Roma children have an opportunity to make up for the delay.

### links:

Hina report on the judgement:

<http://zaklada.civilnodrustvo.hr/category/106/subcategory/146/2239>

Radio Free Europe report on the applicants' press conference: [http://www.slobodnaevropa.org/content/romi\\_europski\\_sud\\_za\\_ljudska\\_prava/1986688.html](http://www.slobodnaevropa.org/content/romi_europski_sud_za_ljudska_prava/1986688.html)

Roma - Croatia 1:0 (commentary on the h-alter portal): <http://www.h-alter.org/vijesti/ljudska-prava/romi-hrvatska-1-0>

Neven Hrva i : 'The Roma in Croatia: from migrations to intercultural relations' (research paper, 2004):

[http://hrcak.srce.hr/index.php?show=clanak&id\\_clanak\\_jezik=10686](http://hrcak.srce.hr/index.php?show=clanak&id_clanak_jezik=10686)

### the first criminal case against an employer for non-payment of salaries

In January, the Varaždin police filed criminal charges against a business owner for failing to pay two consecutive monthly salaries to an employee, and for failing to pay medical and pension insurance benefits for six months. This could cost the 26-year old business owner up to a year in prison. He was charged with an offence provided for in Article 114 of the Criminal Code of the Republic of Croatia, which also defines labour rights, such as the right to work, job availability, the right to a salary as regulated by the Labour Law as well as collective agreements of individual companies.

Croatia is shaken by the economic crisis. Gross domestic product is plummeting; unemployment is growing. The growing dissatisfaction of ordinary people has not had any clear political articulation or social action expression. There are frequent protests by workers and farmers, but with almost no expression of public solidarity. The government and the employers are managing to 'hose down' the situation with urgent measures and promises.

The HDZ government led by Jadranka Kosor, as well as the newly elected President, Ivo Josipovic of SDP, continue to search for an economic recovery strategy and turn primarily towards capital representatives from the Croatian Employers' Association. They, of course, insist on further reduction of workers' rights.

On the other hand, the trade unions seem tepid, they do not work on solidarity, and several small left-of-centre parties are in disarray. A new party, 'Croatian Labour – Workers' Party' was established recently, led by the popular independent MP Dragutin Lesar. Their rhetoric is reformist (they will represent those who live off their own work, but they have nothing against 'honest' capitalists), but we are yet to see if they have the potential to take more than a marginal number of votes away from SDP. Revolutionary rhetoric also comes from small leftist and anarchist organisations, mainly bringing together students and young workers.

Contrary to capitalists' lamentation over excessive workers' rights, trade unions indicate that there are currently 70,000 persons working without having received a salary for several months. The Socialist-Democratic Party (SDP) proposed to the Parliament in February this year to change the Criminal Code and define clearly that non-payment of a salary is a criminal offence. The parliamentary majority (HDZ) rejected the proposal.

### links

Police charges employer for non-payment of salaries (Novi list, 14 January 2010) <http://www.seebiz.eu/hr/politika/policija-prijavilaposlodavca-zbog-neisplate-placa,65866.html>

Non-payment of salaries is an offence (SDP caucus): <http://www.sdp.hr/klub-zastupnika/vijesti/neisplata-place-je-kazneno-djelo>

## citizens fight profiteers in the Varšavska street, Zagreb

Precious spaces in city centres are subject to offensives by private interests all across the world. The so-called developers buy land and build, in order to develop commercial facilities and earn massive amounts by reselling: this includes frequent speculations about altered purpose of the land. Dozens of examples in the city of Zagreb demonstrate that public authorities have been totally subordinated to private interests.

For the past four years, social struggle over the right to space in Zagreb has focused on the case of a block of buildings bordering with the Preradovic square (that the residents of Zagreb have always referred to as the 'Flower Square') and the Varšavska street. The 2003 Urban Development Plan stipulated that no major structural changes could be introduced to the 17 blocks of the older part of Zagreb (originally designed under Austria-Hungary, when the idea of 'urban planning' was taken very seriously), that no new underground garages would be built in the city centre (since the congestion at entry and exit points and the effect of greater presence of cars in the city centre annul the effect of reducing parking problems), and that existing green areas and pedestrian zones must be preserved.



The developer Tomo Horvatin i , head of the 'HOTO Group', devised in 2006 a plan to remodel the disputed block by demolishing several existing buildings and building the so-called Flower Passage, with a shopping mall, luxurious condominiums and an underground garage. His plan caused resistance among the professional community and the general public. 54,000 individuals signed a petition against the project. Despite that, Milan Bandi , the mayor of Zagreb, gave his undivided support to Horvatin i . In late 2007, after eliminating the resistance even within SDP, which held the majority in the city assembly, he managed to change the Urban Development Plan. The Plan has been changed many times since then, each time to suit the interests of the speculators.

The outcome of this fight is important for the future: there are plans for drastic interventions in other blocks. Unfortunately, two buildings at the Flower Square have already been demolished. The battle is going on in the nearby Varšavska street, where the entrance to the underground garage is supposed to be, since that would diminish significantly the current pedestrian area.

Green Action and the alliance of cultural associations 'Right to A City' are fighting a systemic battle to preserve public interests. The conflict escalated in February. The protesters placed two large containers and thus blocked the attempt to start construction ahead of time. On 10 February, in a snowstorm, a protest rally brought together 4,000 protesters. Special police forces intervened that very night, removing the containers and arresting the protesters who offered nothing but passive resistance.

The petty offences court acquitted four defendants of all charges of disturbing public order and resisting the police, ruling that it was a legitimate protest and that the police had no right to intervene in the first place.

The political situation changed dramatically in the meantime. Milan Bandi left SDP, which still holds the majority in the city assembly. The SDP caucus in the City Assembly issued an apology to the citizens for all the mistakes they had committed previously. The mayor is still trying to implement the project. Protesters are on stand-by, ready for acts of civil disobedience, supported by thousands of volunteers who have registered for a 'Live Shield for Varšavska'. A recent public opinion poll showed that 86 percent of the citizens supported the actions and the methods of the protesters.

It should also be noted that Horvatin i is backed by capital of dubious origin. The Austrian Hypo Alpe-Adria Bank, currently under investigation for money laundering and other offences, probably plays a major role. Involvement in speculations related to this bank was allegedly the reason why Prime Minister Ivo Sanader resigned unexpectedly last year.

### links

We won't give up Varsavska! <http://www.nedamovarsavsku.net/>

Green Action <http://zelena-akcija.hr/>

Right to A City <http://pravonagrad.org/>

Violence is not just international news, it happens in my street (Ve ernji list, 11 February 2010)

<http://www.vecernji.hr/kolumne/nasilje-vise-nije-vijest-svijeta-to-se-dogodilo-mojoj-ulici-kolumna-95185>

Key incidents of urban devastation in Zagreb

<http://globus.jutarnji.hr/hrvatska/presucene-devastacije/part/1>

## Serbia

### special recycling containers 'expensive' for Serbia

Oliver Duli , Minister for Environmental Protection and Spatial Planning, said today that placement of separate recycling containers would be too expensive for Serbia 'at this stage'. 'We are planning to finance recycling yards and placement of recycling containers. This year we want to educate people on the importance of recycling. We will not be placing separate containers for different recycling materials, but rather the single ones for all the recyclable waste. Placement of separate recycling containers would be too expensive for Serbia at this stage', said Duli in Subotica, as he visited the recycling yard of the public utility company in Subotica, part of the Green Caravan of Serbia project. He also emphasised that in this year, the 'Let's Clean Up Serbia' campaign would focus on projects such as recycling yards.

Duli explained that the public utility company in the city intends to separate packaging and electronic waste to be recycled. The Minister also said that waste collection and separation included three stages, with the first one including waste collection and separation of paper, cardboard, plastic, electric and electronic waste. According to him, 140 mesh containers for plastic and paper and 40 plastic ones for aluminium and tins have already been secured, with the total capacity of 400 tons of waste per month. He also said that Serbia is planning to open 20 recycling centres and that a good recycling system needs to be established, which would also provide new employment for the numerous unemployed in Serbia.

(Subotica, 17 March 2010 – Beta/B92)

<http://www.ekoplan.gov.rs/src/Zeleni-karavan-Srbije-u-Subotici-721-c28-content.htm>

## 'forests glow, forests sing', a campaign to reforestate the Tara mountain

The campaign entitled 'Forests Glow, Forests Sing', aimed at reforestation of parts of Mt. Tara, started with the opening of a photo exhibit by Nebojsa Babic at the Ozone Gallery in Belgrade. Babic's photos depict public personalities who have provided their contribution to educating the public about the importance of the environment through various activities including attractive slogans. Sr a Popovi , president of the Ectopia Fund, one of the initiators of the project, explained that the aim was to mobilise as many citizens as possible to buy deeds for two fir and spruce trees on Mt. Tara and look after them for the next few years. 'The campaign can be described with three words: responsibility – of each individual for what goes on on this planet; life – for if we plant a tree and look after it, it has a chance to outlive us; and love which is the basis of all that', said Popovi . He added that Mt. Tara was 'the last line of defence' and emphasized that we must not allow one of the most famous and versatile nature parks in Europe 'start to resemble Kopaonik or Zlatiobor', whose nature has been almost entirely destroyed by uncontrolled construction of tourist facilities and accompanying infrastructure. Boban Tomi , Director of the Tara National Park, reminded that Tara was the home to 95 percent of all the types of plants known in Serbia, as well as 17 endemic species, the Picea spruce being the most famous one. He added that more than 80 percent of Mt. Tara was forested, and that there were some 200,000 hectares of forest in Serbia producing some eight million tons of oxygen per day, and that 'just one spruce clears more than 50 million cubic metres of carbon dioxide (CO2)'. (Belgrade, 17 March 2010 – Ecotopia)

[http://www.ecotopia.rs/active/sr-](http://www.ecotopia.rs/active/sr-latin/home/projects/suma_blista_suma_peva.html)

[latin/home/projects/suma\\_blista\\_suma\\_peva.html](http://www.ecotopia.rs/active/sr-latin/home/projects/suma_blista_suma_peva.html)



## taxes should not be used to increase profit margins!

Ministry for Environmental Protection and Spatial Planning appealed today to manufacturers and traders in electronic and electric devices not to use the introduction of eco-tax to increase profit margins for their products. Following media announcements that the introduction of eco-tax for electronic and electric devices would lead to an increase in their prices by 20 percent, the Ministry for Environmental Protection and Spatial Planning said that the amount of tax would not exceed 5 percent of the price of the item and that the tax introduced in Serbia was the lowest in the EU and in the region. The Ministry also published a table listing the actual prices of different products after the introduction of eco-tax. 'The reason to introduce the tax arose from our obligation to adapt to EU legislation, to observe the principle that 'the polluter pays', and to raise the level of recycling from the current 6 percent to the level envisaged by the EU', said the Ministry.

All the funds collected in this way will be spent to develop the 'collection' and recycling industry.

(Belgrade, 15 March 2010 - Beta)

<http://www.ekoplan.gov.rs/srl/index.php>

## UN conference on endangered species

As the UN conference on endangered species opened in Doha, Qatar, on 13 March 2010, the Young Researchers of Serbia appealed to the citizens not to buy endangered plants or animals, or products made from them, since they thus contribute to their extermination. According to Interpol, the annual value of illegal trade in wild species amounts to anything between 7 and 10 billion US dollars per year, ranking it second in the profitability level of criminal activities, right after illicit drug trade. For years now, Young Researchers of Serbia have been trying to raise the level of environmental consciousness of the population, aided by foreign government agencies, such as the USAID. The UN General Assembly declared 2010 the year of biodiversity and appealed to all its member states to reduce significantly the level of its destruction. By organising an exhibit entitled 'Extermination, the Real Price for Endangered Species', the Young Researchers of Serbia tried to indicate to the citizens that if they buy endangered species of plants and animals or products made from them, they become responsible for the possible extermination of those species and a serious destruction of the eco-system, said Tanja Petrovi from this organisation.

(Belgrade, 14 March 2010. – Ekoforum)

<http://www.ekoforum.org/index/vest.asp?vID=4213>

## recycling becomes interesting

The 'Sphere No' civic association built robots – recycling containers, which not only collect waste, but also help raise public awareness. Industrial countries in the world recycle as much as 80 percent of their packaging waste, while in Serbia recycling remains at a very low level. The 'Arteco' robots swallow up tins, paper and plastic. They were designed by the association's artists and scientists, and they will soon be placed in front of several primary schools in Belgrade as a part of the city's recycling campaign entitled 'Octopus 2'. Nikola Rajovi , an electronics engineer at the University Innovations Centre, said: 'Robot-containers were primarily designed to collect recyclable waste, to be used by both children and adults. Honestly, no one has been able to ignore them', he said. 'Since we have containers for all types of waste, such as paper, plastic, and metal, each of the containers respond with a voice message. One says "thanks for recycling", the other says "it's no shame to recycle", etc.' Their designers managed to persuade the authorities to join them, with the intention of teaching as many children as possible about the benefits of recycling. However, although responsible waste treatment depends in part on the environmental consciousness of the population, on the other hand it is necessary for the state to adopt good laws in this area. 80 percent of the world aluminium industry is based on recycling, which decreases significantly the pressure on natural resources, since aluminium is a material that can be recycled countless times. Although a ton of tins costs 470 Euros, this resource is still just thrown away in Serbia.

(Belgrade, 4 March 2010 – Ekoforum/B92)

## programme of the month of activism of Roma women

'Month of Activism of Roma Women' started on 8 March, the International Women's Day, and will continue until 8 April, the Day of Roma Men and Women. The Serbian Network of Roma Women marks this month with a host of different events: exhibits, plays, film screenings, debates and public discussions about current issues. The program is implemented across Serbia, with active participa-

tion of all the members of the Network. Thus far, the 'Women's Space' organised a workshop on 'Roma Women and the Media' in Niš, and the position of Roma women has been discussed in Belgrade, Ljubovija and Novi Be ej. Issues and problems facing Roma women in Serbia, as well as actions by the activists to reduce them, will be presented in street campaigns to distribute promotion materials in several cities. Numerous media presentations are planned, as well as arts events and debates, with a common aim: to indicate the factors leading to marginalisation of Roma women, as well as perspectives and possibilities for changing this position. A detailed calendar of events in the 'Month of Activism of Roma Women' is available at: <http://www.gradjanske.org/page/news/sr.html?view=story&id=1191&sectionId=1>

it may buy the missing share from Germany, which had reported a surplus, and that Rome could help Croatia in plant construction and then import the electricity from there.

'These estimates show that member states take energy from renewable sources very seriously and that they are willing to support domestic production. This is a very positive signal for the environment, but it will also help us reduce carbon dioxide emission and improve the stability of energy supply. This is an incentive to invest in green technologies and power generation from renewable sources. Our task is not only to help member states reach the target but also to exceed it,' said the Energy Commissioner, Günter Oettinger. As renewable sources the EU cites bio-fuels, biomass, solar energy, wind and hydro energy. In 2007, renewable sources covered 9% of all the energy consumed.

## partnership action for protection of biodiversity in western Balkans

Young Researchers of Serbia, the WWF Mediterranean Programme, the Green Home NGO from Podgorica and the Sun NGO from Croatia are launching the implementation of a programme entitled 'Partnership action for protection of biodiversity in Western Balkans'. The aim of the project is to intensify the protection of biodiversity in Serbia and Montenegro, through promotion and support for implementation of key EU environmental protection policies, including the Natura 2000 network, and support for regional initiatives to raise public awareness related to climate change (such as 'Earth Hour'). Target groups include NGOs working on environmental issues, and activities in Serbia will include primarily members of the Natura 2000 Resource Centre. The project will continue until January 2012 and will be funded by the European Commission, DG Enlargement, as part of the IPA Civil Society Facility (Regional Projects).

<http://www.mis.org.yu/index.php/sr/eko-vesti/195-poetak-novog-projekta-partnerske-akcije-za-zatitu-biodiverzitetu-u-regionu-zapadnog-balkana>

## Earth Hour 2010

On 27 March 2010, at 20:30 (CET), people across the world turned their lights out as part of 'Earth Hour', in order to demonstrate that by working together we can move forward in combating climate change. 'Earth Hour' started in Sydney, Australia, in 2007, when 2.2 million households and businesses turned their lights off for one hour. Only one year later, this event became a world movement, with some 100 million participants in 35 countries. World landmarks, such as the Golden Gate bridge in San Francisco, the Colosseum in Rome or the Coca-Cola ad at Times Square in New York, went totally dark to send a message about the necessity to take concrete action to mitigate climate change as the problem that is becoming more urgent by the hour. Last year, the event included more than a billion people in 4,000 cities in 88 countries. As a global call to each individual, each company and each community to take responsibility and join in the work to preserve our common future, this year's 'Earth Hour' brought together as many as 126 countries and territories and more than 4,000 cities. Lights first went out at Chattam Islands and 25 hours and 45 minutes later the global action ended in the town of Apia on Samoa. This was the most comprehensive action with a clear message to world leaders to act urgently to prevent and mitigate the threat of climate change. In our region, several dozens of cities and municipalities in Bosnia and Herzegovina, Montenegro, Croatia and Serbia joined 'Earth Hour'.

More at <http://www.earthhour.org/Media.aspx>

## international and regional news

### IMF starts an endowment for climate protection valued at 100 billion dollars

Washington – The International Monetary Fund (IMF) Is working on establishing a green endowment that would dispose with 100 billion dollars in order to help developing countries in combating climate change, said a statement by the institution.

Dominique Strauss-Kahn, the IMF Director, said at the recent meeting of the World Economic Forum (WEF) in Davos, Switzerland, that 'creativity' should be demonstrated in relation to this issue, since developing countries are unable to adopt the necessary measures.

Developed countries also have limited capacities, due to their own budget constraints caused by the economic crisis, says Kahn, adding that 'we must find new ways to finance' our response to global warming and its consequences.

<http://www.seebiz.eu/hr/makroekonomija/svijet/mmf-osniva-zakladu-za-zastitu-klime-vrijednu-100-milijarda-dolara,67287.html>

### EU: 20.3 percent of renewable energy by 2020

The European Union will exceed its goal to ensure that 20 percent of its energy comes from renewable sources by 2020, said the European Commission, citing estimates by member states. According to these estimates, the EU should have 20.3% of all its energy coming from renewable sources by 2020. As part of combating climate change, the EU articulated three goals, the so-called '3 x 20 by 2020'. In addition to increasing the share of renewable sources to 20 percent, the same percentage is planned for energy savings and reduction of greenhouse gas emission, also by 20 percent compared with the 1990 levels. These aims refer to all of the EU, whereas they may vary at the level of individual member states. As for renewable sources, some countries will exceed the target of 20 percent, whereas others may not be able to reach it and will have to compensate by importing energy from renewable sources from other countries, to the amount they need to reach the target. According to data submitted by member states to the European Commission, 10 out of 27 will exceed the target of 20%, 12 will reach it, and only five will not – Italy, Belgium, Luxembourg, Malta and Denmark. The Commission spokesperson for energy, Marlene Holzner, said that Italy indicated

# news in brief

## Serbia

**most of the Fund money goes to recycling:** Oliver Duli , Minister for The Environment and Spatial Planning, said that by mid-this year, the Environmental Protection Fund would receive 10 million dinars through decrees on taxation of special waste flows, 90% of which would be spent for the recycling industry. (Sevojno, 3 March 2010 - Beta)

**a proposal to merge 'South Flow' and 'Nabucco':** Paolo Scaroni, CEO of the Italian energy company 'Eco', proposed to merge certain sections of two European gas pipelines, the 'South Flow' and 'Nabucco', in sections where they intersect, with an opinion that this would be beneficial for both project. Scaroni believes that this merger would reduce the investment and the running costs, with a parallel increase in the profit from both pipelines. He emphasized that each has its own advantages and shortcomings, said the online edition of the Norwegian magazine Upstreamonline. (Tanjug, 10 March 2010)

**consumer protection finally considered:** Consume Protection Centre was opened on the 19th floor of the 'Beogra anka' tower, as part of the Consumer Protection Division of the Ministry of Trade. Minister Milosavljevi said that this would be the place where consumers would be able to obtain information, education, advice and assistance, and said that the Centre was the announcement of a new Consumer Protection Law, expected by the end of the second quarter of this year. (Belgrade, 18 March 2010 - Tanjug)

**the 'Supernatural Eco-pavilion' in Belgrade:** On Friday, 19 February, at the Grad Cultural Centre, the Supernatural Movement organised a public presentation by twelve authors shortlisted for the 'Supernatural Eco-pavilion'. Twenty groups of young architects and designers attended workshops organised by the Supernatural Movement. The workshops were aimed at sensitising students to the idea of green architecture.

## Bosnia and Herzegovina

### incentive to increased share of renewable energy sources:

Decree on the use of renewable sources of energy and co-generation was considered in Sarajevo as a working document, at a round table organised by the Federation Ministry of Energy, Mining and Industry. The purpose of the Decree is to stimulate greater production and consumption of energy from renewable sources in the domestic market, and development of regulatory and technical infrastructure in this area.

According to the president of the working group, Mustafa Gagula, aims of the Decree include elimination obstacles for grater use of renewable sources of energy, including administrative ones, as well as reduction the environmental impact of utilisation of fossil fuels, coming closer to the Kyoto goals, to stimulate introduction, application and development of new equipment and technologies, and stimulation of domestic economy on the whole, job creation and promote job creation and entrepreneurship in energy, long term energy provision, etc. (Sarajevo, 1 February – FENA)

**new power plants:** At a session held in Mostar, the FBiH Government decided to launch preparations for construction of the Vranduk hydro power plant of 23 megawatts, the Kongora mine and thermal power plant of 2 J 275 megawatts, and Tuzla thermal power plant, Block 7, of 450 megawatts.

They also supported the construction of a combined gas-steam power plant in Zenica. The power plant would be located in the industrial zone, and the construction will be executed by a joint-

stock company owned by the Zenica Municipality and the Swiss investor KTGA.G., which would receive a 75% share of ownership. The investor will be responsible for the construction within the projected amount of 200 million Euros. (Mostar, 8 March – HAYAT TV)

**analysis of tree health:** The Ministry of Spatial Planning and Environmental Protection of the Sarajevo Canton and the Cantonal Public Enterprise for Protected Natural Reserves presented a project entitled 'Analysis of Tree Health at the Ilidza – Bosna Spring Avenue with Repairs'. Starting from the fact that the Ilidza – Bosna Spring Avenue is a historical monument and an important tourist site in Sarajevo, it would be important to preserve every tree and introduce repair measures to extend their lifetime,' said Mirza Dautbaši , project coordinator.

He added that activities related to maintenance and upgrade of the avenue should be introduced in stages, focusing on repairing damaged and diseased trees, and on cleaning and maintenance of treetops, in order to improve the conditions for further growth of the chestnut and poplar trees.

The Ministry of Spatial Planning and Environmental Protection of the Sarajevo Canton supported the first stage of the project with 50,000 BAM. (Sarajevo, 10 March – www.sarajevo.co.ba)

## Croatia

### january

The Green Action Association marked its 20th anniversary. It was founded in the last few months of the communist rule, registered as an autonomous organisation, along with the first political parties.

<http://www.h-alter.org/vijesti/pritisak-odozdo/dvadeset-godina-zelene-akcije>

Protests by sports and recreational fishermen against the new law on sea fishing were organised in Split, Rijeka and Zagreb. They insist that the law privatises the sea and prohibits sports and recreational fishing, which is less than 1% of total fishing. They believe that the real reason is to remove them from the sea, as they witness excessive commercial fishing.

<http://hrvatskijadran.blog.hr>

An explosion and a fire happened at the Sisak Refinery on 16 January. The Sisak association of cancer patients issued a warning: INA speaks about millions of Euros spent to modernise the facilities, but the citizens have not noticed any improvement in the quality of air.

<http://www.sisak.info/?p=10022620>

<http://www.sisak.info/?p=10024628#more-10024628>

Committee for protection of the Adriatic Sea from uncontrolled urbanisation and the 'Blue Forum' network of environmental and local associations issued an 'Open letter to the Croatian public about the imminent disaster at the Adriatic'. They believe that the government is supporting relentless new construction and inadequate exploitation of the Adriatic region. They insist on the adoption of a decree on controlled utilisation of Croatian land.

[http://www.ekooptimist.hr/cms\\_view.asp?articleID=34](http://www.ekooptimist.hr/cms_view.asp?articleID=34)

### february

Croatia's EU accession process has just opened the chapter on 'Environment' . Croatia is requesting a transitional period in areas that require major investments to adapt to European standards.

<http://www.mzopu.hr/default.aspx?ID=8851>

Protests against the 'Rockwool' factory in Potpi an, Istria, continue (see Agenda no. 1/09). Petty offence proceedings are underway against five activists of the 'Our Land' association, for an unregistered public protest and disturbance of public law and order. In opposition to that, 250 citizens have announced class



action for reduced quality of life and reduced value of their property.  
<http://nasazemlja.blogger.hr/>  
<http://www.labin.com/web/vijest.asp?id=9982>  
<http://www.labin.com/web/vijest.asp?id=10029>

The 'Krkk' construction company presented their project for a 5 mW solar power plant. Although Croatia has committed to increase the level of generation of energy from renewable sources, there are still no zoning plans for such a facility. The plant would cover ten hectares, it would cost in excess of 20 million Euros and it would satisfy the power needs of the town of Krk throughout the year. (Novi list, 17 February 2010.)  
<http://www.skyscrapercity.com/archive/index.php/t-871528.html>

#### march

After Croatia entered discussions regarding the construction of the 'South Flow' gas pipeline, as part of better relations between Croatia and Russia, it has been said that there may be a possibility to renew the Družba-Adria oil pipeline project. The project was rejected several years ago as potentially environmentally dangerous for the Adriatic Sea, after a strong campaign by environmental associations.  
<http://www.h-alter.org/vijesti/ekologija/lazna-ruka-spasa>

The Government is preparing changes to the Law on Golf Courses, which we covered in the last edition of Agenda. Some media have published panicking commentaries on losses of valuable investments if the current privileges are to be abolished. Green Action, GONG and Transparency International continue to campaign for its abolishment. It does not serve golf at all, but rather the possibility of speculations with land and excessive construction.  
<http://www.zelena-akcija.hr/content/view/1036/1/lang,hr>

The Geneva Auto-Salon presented a Croatian battery-operated car, made by DOK-ING.  
<http://www.zelenaenergija.org/na-automobilskom-sajmu-u-zenevi-predstavljen-prvi-hrvatski-elektricni-automobil/>  
<http://zoranostriczelenalista.blog.hr/2009/07/1626472167/hrvatska-uskace-u-elektromobil.html>

The city of Zagreb has sent the Green Action association invoices for using the warehouse space in the basement of a building it has been using for the past 22 months, amounting to 150,000 Kuna. The Green Action refurbished the dilapidated basement and the request is contrary to their current contract with the city. This is just pressure on Green Action for having participated in the protests in the Varšavska street (see the text in this edition of Agenda).  
<http://www.novilist.hr/Vijesti/bandic-krenuo-u-unistenje-zelene.aspx>

On 25 March 2010, a well-attended discussion on 'What next with the climate? The end of fossil fuels, time for renewable sources of energy' was organised as part of 'Green Thursday' public debates, organised by the Heinrich Böll Foundation – Croatia. Introductory presentations that led to a lively and versatile discussion, organised in collaboration with the WWF Earth Hour campaign, were delivered by Davor Štern (independent consultant), Ljubomir Majdandžić (Croatian Association of Solar Energy Professionals), Robert Faber (analyst) and Vedran Horvat (Heinrich Böll Stiftung).

A round table entitled 'The Constitution – an opportunist change or an opportunity to change?' was held in Zagreb, organised by the Heinrich Böll Foundation. It brought together legal experts, politicians and civic activists. Presentations warned about the fact that although conditioned by EU accession, changes to the Constitution of the Republic of Croatia would be of far-reaching consequences. Although there was no agreement on whether to discuss the changes necessary for EU accession or use the opportunity to resolve all the important problems, the debate showed that there were some disputed issues that could not be avoided. This was, first and foremost, the issue of voting at elections by those who are Croatian nationals but also nationals of other states where they hold permanent residence. Content of the presentations made at the round table will be available at [www.boell.hr](http://www.boell.hr).

#### online news

'How the water lobby robs Croatia' is a presentation currently circling the Internet. One of the key points in the accusation is related to facilitation of illegal gravel extraction, which is a problem that citizens, journalists and associations have been pointing out for decades.  
<http://www.megaupload.com/?d=PNGRDTT6>  
 SLAP – association for preservation of Croatian waters and sea  
[www.slap-cro.org](http://www.slap-cro.org)

'Ecooptimist' association for sustainable development  
<http://www.ekooptimist.hr/default.asp>

'Green Energy' portal brings plenty of interesting information:  
<http://www.zelenaenergija.org/>

biology.com – popular science portal with particularly interesting and rich content:  
<http://biologija.com.hr/>

## projects

### public participation in planning and construction of mini hydro power plants (mHPP)

Mini hydro power plants (mHPP) are defined by EU standards as renewable sources of energy, environmentally acceptable and sustainable, though with observance of the basic preconditions. There is no general definition, but they are usually defined as hydro energy sources of lower strength. They are usually, and in compliance with European norms, hydro power plants not exceeding 5 MW, which has also been accepted in BiH. The key feature of these plants is that there are no reservoirs of water usually present in large plants, mostly for that reason excluded from a list of renewable sources. Thanks to its favourable hydrology and geo-morphology, BiH has a considerable potential for mHPP. According to the data available, as many as 500 mHPPs are currently being planned, designed or built all across BiH. However, very few have actually been completed and actually work. For example, in the Konjic municipality, 40 mHPPs were planned on five different tributaries of the Neretva river and most of the concessions have been assigned, but so far only one has become operational.

Unfortunately, this area (construction of mHPPs) is still largely unregulated both in terms of energy and in terms of environmental and social aspects. There is no common approach or common methodology, or criteria and procedures to regulate at least approximately: sites, concession assignment, design, construction, environmental conditions, public participation, rights of the local population and minimum environmental damage, access to water and fair compensation of damages. The key problem in defining the design and construction parameters (strength and generation) arises from the fact that most of the small flows (relevant for mHPPs) include no statistics on the flow volume over time. The result is exaggeration of generation, including the key environmental condition: an acceptable flow (the biological mi-

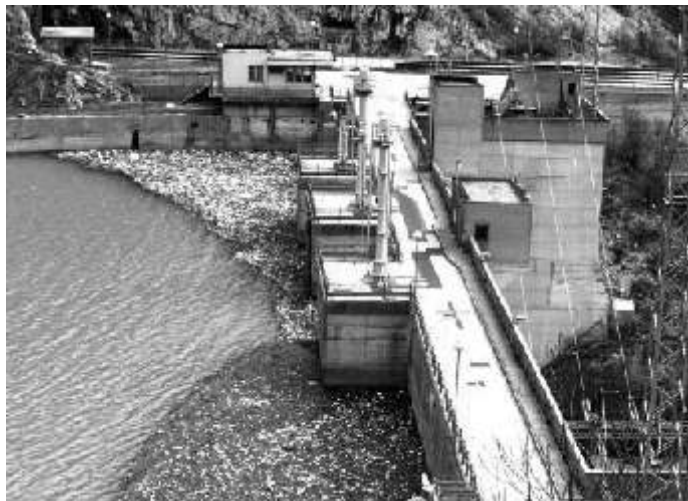


Photo: Amir Variši

nimum) in the original riverbed. Also, construction often entails enormous damage to the site and blockage of the flow. Public participation is minimal, only to observe the legally prescribed procedure, and the local population is advised about the project only in its advanced stages, once the environmental permit is already being granted. Concession agreements and even environmental permits offer no protection of the local residents' access to water, thus reducing the environmentally acceptable flow even further. Although the concessionary (municipality, canton, entity) issues the basic project conditions on the basis of a study, the tendering companies are allowed to deviate from it, thus arriving at exaggerated volumes. There have also been cases of alterations after the approvals (environmental and construction permits) have been issued. A direct consequence of that is further reduction of the biological minimum and further damage to the environment. There is no entity or state level list of protected water flows, and it is thus no surprise that mHPPs are often planned in areas of highly valuable phenomena protected as natural rarities. Because of all this, there is a real danger that mHPPs in BiH will not be built in compliance with the principles of renewable energy sources. That is why the Green Neretva environmental protection association from Konjic, in collaboration with the BiH Office of the Heinrich Böll Foundation, launched in early 2010 a project on 'Public participation in planning and construction of mHPPs'. The principal aim of the project is to allow for a transparent process of planning, construction and utilisation of mini hydro power plants (mHPPs) as renewable energy sources, with more active and more efficient public participation, thus minimising the negative environmental and human consequences, and increasing at the same time the benefit of these renewable and sustainable sources of energy. The project includes publication of information (print and web), organisation of educational workshops and radio shows, as well as organisation of round tables, all aimed at providing information and education for the local communities about their rights and the possibilities for participation in planning and construction of mHPPs. The project also includes active participation of associations in environmental impact studies and the procedures for issuance of environmental permits for the current mHPPs in the Konjic municipality, as well as motoring of application of the existing environmental permits. We hope that the dialogue between the public (local communities), the authorities and the investors will result in the possibility to overcome the current 'childhood ailments', to reach agreements and stimulate the adoption of adequate legislation to regulate future planning and construction of mHPPs.

*Amir Varišić,*  
The Green Neretva environmental protection Association, Konjic



Fotografija: Denis elmo

## question of the year – Why vote for a woman? – finally receives an answer!

From late April until the end of October 2010, thanks to donors, the Heinrich Böll Foundation and the Swiss Cooperation Office in BiH (the Swiss Embassy), as many as 14 organisations in 36 towns and 105 rural communities in BiH will have an opportunity to demonstrate to the BiH public what advantages there are of involving women in political life, but also what the consequences for the society and for women themselves may be of excluding them from the decision-making process.

Preparations for the project entitled 101 Reasons to Vote for a Woman started in mid-March. The project will draw in a unique way the attention of the general public to the unequal position of women in BiH have in the political life of the country.

The year of general elections is ideal for media and public insistence on the fact that although the Constitution of BiH and all the relevant laws grant equal rights to men and women in terms of participation in political and public life, this is not so in reality.

Women have become very passive in the democratic problems of this country. Very few citizens know that women make up as much as 52% of the electorate. It is even less known that the number of women in dozens and hundreds of committees, ministries, and various political bodies that BiH has an abundance of is even smaller than the legally prescribed ratio. There is no more than a trace of presence of female candidates on election lists, and media reports and stories about them are almost nonexistent.

That is why 14 BiH NGOs, led by the TPO Foundation, the INFOHOUSE Association and the CURE Foundation, intend to spend the next seven and a half months implementing through education programmes and the media the largest campaign ever, in order to raise public awareness of the importance of voting for women and the imperative that women themselves start voting for women.

Thanks to our partners, Medica Zenica, Women's Forum Bratunac, Vesta Tuzla, Youth Association Br ko, Lara Bijeljina, Banja Luka Women's Association, Voice of Women Biha, Grahovo Civic Association Bosansko Grahovo, Li-Woman Livno, and BiH Woman Mostar, the campaign will cover more than 20,000 km<sup>2</sup> of the country, dozens of media outlets and some 20,000 beneficiaries.

As many as 101 public personalities will give their opinion to a single question that has been waiting for an answer since the very first democratic election: WHY VOTE FOR A WOMAN?

April will be devoted to collecting statements from 101 public figures, finalisation of promotion materials and launching a statewide media campaign. In May and June, in addition to numerous education workshops for 3,000 women beneficiaries from more than 130 local communities, the media campaign will continue (TV and radio jingles, appearances in the media, media debates on campaign issues, production and presentation of the first video...), and the culmination of activities will be a public event – selection of the best out of 101 reasons to vote, provided by well-known individuals in BiH.

More information coming to [www.101razlog.ba](http://www.101razlog.ba)

### correction

In *Agenda* vol. 2/09, pp. 14-15, news about a concession for the Ulog power plant on the Neretva river erroneously ended with the following link: [http://www.zeleni-neretva.ba/index.php?option=com\\_content&task=view&id=164&Itemid=1](http://www.zeleni-neretva.ba/index.php?option=com_content&task=view&id=164&Itemid=1). This created the impression that this was the source. A note explaining that this page contained a different opinion, i.e. reactions of the Green Neretva Association to the concession announcement, presenting serious environmental objections, was omitted by mistake. With this correction we apologise to the Green Neretva Association and our readers.

# announcements

## Croatia

A benefit concert for Recycled Estate will be held on Thursday, 15 April, starting 21.00 o'clock, at the 'Mo vara' club in Zagreb. In the village of Vukomeri, 25 km outside Zagreb, a group of enthusiasts is building an education centre for permaculture and sustainable development. Proceeds from the concert will be used to complete the education centre and the permaculture booklet. Entrance fee: 30 Kuna.

[http://www.zmag.hr/modules/mastop\\_publish/?tac=Reciklirano\\_imanje](http://www.zmag.hr/modules/mastop_publish/?tac=Reciklirano_imanje)  
On 17 April, from 10:00 to 19:00, the 'Parents in Action' (Roda) association will organise a 'Green Day – Roda's Eco Fair for Children' at Bundeck in Zagreb. The fair brings together child-friendly and Earth-friendly manufacturers and activities. It offers particular support to manufacturers of cotton diapers and products promoting bonding parenthood, made from natural or recycled materials, as well as associations active in social entrepreneurship and those manufacturers whose products, services or activities contribute to better communication with children and teach children about sustainable environmental management. <http://roda.hr/zelendan/index>

The 'Kneja' association from akovec invites participants to attend a series of seminars on 'Sustainable development in rural areas – What can we do?' to be held in May and June in the village of Sveti Tomaž, Slovenia, not far from akovec. The tree seminars will be held on weekends, with no entrance fee and with organised transportation from akovec. Applications may be submitted by 7 May. Applicants from Croatia and abroad welcome.

<http://pikajpriatelj.com/site/modules/news/article.php?storyid=62>

### activities of the Heinrich Böll Stiftung

9 April 2010, from 10:00 to 14:00

professional round table: **Constitution – an opportunistic change or an opportunity to change?**  
Press Hall, main room, Zagreb

23 April 2010, from 10:00 to 17:00

professional round table: **What's climate got to do with that?**  
Climate change and new migration flows: impact of climate migration on EU migration and asylum policy  
Goethe Institute, Vukovarska avenija 64, Zagreb

3-7 May 2010

international conference: **Socialism: collapse of neo-liberalism and the idea of socialism today**  
in collaboration with the Subversive Film Festival  
Europa Cinema, Zagreb

17 May 2010

discussion meeting: **'Sustainable future of the city'** with presentation by Saša Poljanec Bori  
Press Hall (the club), Zagreb

24 May 2010

public debate: **Agricultural reform in light of energy consumption and adaptation to climate change**  
Press Hall (the club), Zagreb

## Serbia

30 March – 2 April Short and documentary film festival

<http://www.kratkimetar.rs/2010/#>

30 March 2010 Belgrade: CSR Forum – international conference on socially responsible business

<http://www.smartkolektiv.org/cms/item/news/sr/article.html?articleId=140>

30 March 2010 Belgrade: second non-profit initiatives fair

<http://www.youth.rs/seminari/poziv-za-uee-na-2-sajmu-neprofitnih-inicijativa>

8 March – 8 April Roman women's activism month – download the calendar from:

<http://www.gradjanske.org/page/news/sr.html?view=story&id=1191&sectionId=1>

7 April 2010 World Health Day – professional conference, '1000 cities – 1000 lives', issues of urban health

<http://www.beograd.rs/cms/view.php?id=1385182>

14 April 2010 Belgrade: Promotion of the Dictionary of Gender Equality at the ARTGET gallery at Trg Republike

6-7 May 2010 MIKRO festival of amateur film – a small festival of great films

<http://www.mikrofestival.blogspot.com/>

15 May 2010 Museum night <http://www.nocmuzeja.rs/>

19 May 2010 Fourth annual energy conference: possibilities for energy business in the region

<http://www.emg.rs/>

24-27 May 2010 A visit by Green MPs from Hessen, Germany

25 May 2010 Belgrade: conference on 'Green Economy' – the road to energy independence

Details and applications:

[http://www.danas.rs/konf2010/zelena\\_ekonomija.813.html](http://www.danas.rs/konf2010/zelena_ekonomija.813.html)

22-26 June 2010 Zlatibor: second regional conference on 'Industrial Energy and Environmental Protection in SEE Countries'

<http://www.drustvo-termicara.com/dogadjaji/2-regionalna-konferencija-industrijska-energetika-i-zastita-zivotne-sredine-u-z>

## Bosnia and Herzegovina

### april

7 April 2010: a round table on 'Causes for Voter Abstention among Youth and Women in BiH Elections' will be organised in Tuzla by the Serb Civic Council – Movement for Equality in BiH (SGV PR BiH), in collaboration with the Heinrich Böll Foundation

22 April 2010: from 10:00 to 22:00, a panel discussion on 'EU and BiH: a changed policy or denial of reality?' Heinrich-Böll-Stiftung, Schumannstr. 8, 10117 Berlin, <http://www.boell.de/calendar/VA-viewevt-de.aspx?evtid=7780> Organised by: Heinrich-Böll-Stiftung Berlin in collaboration with the Democratization Policy Council (DPC)

22 April 2010: from 18:00 to 19:30, a panel discussion on 'Art as an Archive', part of the project entitled 'INVENT | TURA. Mapping Territory and History, BiH'. Youth Centre, ure Dani i a 1, Banja Luka. Organised by: Protok – Centre for Visual Communications and the Mostar Youth Theatre, in collaboration with the Bosch Foundation, the Goethe-Institute in BiH, the city of Banja Luka and the Heinrich Böll foundation

The 'Friends of Srebrenica' association and the Heinrich Böll foundation are organising a TV programme on 'Ecology and Local Development' in Srebrenica. The programme will be aired on 30 April at 17:15 on RTV TK (Radio and TV of the Tuzla Canton), on 29 April at 22:00 on TV Vogoš a, on 1 May at 16:30 on RTV Prima, and on TV Hayat Sat as feasible ([www.hayat.ba](http://www.hayat.ba))

### may

During the month of May, as part of the 'Human Rights and the Environment' project, the Helsinki Human Rights Committee in BiH will, in collaboration with the Heinrich Böll Foundation, conduct visits to the towns of Livno and Travnik, to observe the state of human rights related to the environment

The Human Rights Centre of the University of Sarajevo and the Heinrich Böll Foundation announce the publication of 'Ethnonationalism and Justice', the new book by Professor Asim Mujki, Ph.D., from the Faculty of Political Science of the University of Sarajevo

The 'Friends of Srebrenica' association and the Heinrich Böll foundation are organising a TV programme on 'Tourism and Local Development' in Srebrenica. The programme will be aired on 28 May April at 17:15 on RTV TK (Radio and TV of the Tuzla Canton), on 27 May 22:00 on TV Vogoš a, on 29 May at 16:30 on RTV Prima, and on TV Hayat Sat as feasible ([www.hayat.ba](http://www.hayat.ba))

### june

The Human Rights Centre of the University of Sarajevo will present the first report on economic and social rights in Bosnia and Herzegovina for 2009. The project is implemented in collaboration with the Heinrich Böll Foundation.

The 'Friends of Srebrenica' association and the Heinrich Böll foundation are organising a TV programme on 'Agriculture and Local Development' in Srebrenica. The programme will be aired on 24 June at 17:15 on RTV TK (Radio and TV of the Tuzla Canton), on 23 June at 22:00 on TV Vogoš a, on 26 June at 16:30 on RTV Prima, and on TV Hayat Sat as feasible ([www.hayat.ba](http://www.hayat.ba))

