

## **Report from CEE Bankwatch, Center for Environment and Ekotim fact-finding mission on Corridor Vc motorway project, Bosnia and Herzegovina, 14-15 September 2009**

### **Introduction**

The two-day fact-finding mission was a follow-up from one carried out on 17-19 March 2009, which had identified five main issues to be followed up:

- The motorway's likely visual impact on the tentative World Heritage site at Pocitelj
- The motorway's likely impacts on Blagaj and its surroundings - agricultural land, housing and spatial issues (the forming of a barrier across the valley) and possible visual impacts on the tentative World Heritage site
- The route to be taken across the planned Prenj-Cvrtnica-Cabulja National Park
- Potential impacts on the Kravica Waterfalls, from a landscape or water protection perspective
- Progress with the Resettlement Action Plan and the consultation of local people.

Following the first mission a report was compiled and its results presented to the EBRD at its Annual General Meeting. Some follow-up questions were also sent to the bank on 01.06.2009 regarding Pocitelj and Kravica Waterfalls and a response was received on 10.07.2009. Communication with the FBiH Roads Directorate also took place regarding the Resettlement Action Plan in early April, as well as responding to some media enquiries about our findings.

In the period since our first visit the issues regarding Blagaj and Pocitelj have gained much greater prominence in Bosnia-Herzegovina and opinions have become highly polarised on the topic.

Draft proposals for including changes to the route at Blagaj and Pocitelj were approved by the Federal Government on 27.08.2009. This sparked a crisis in the government of the Federation of BiH as Croat Ministers Vjekoslav Bevanda (Vice Premier and Minister of Finance), Felix Vidovic (Justice) Nevenko Herceg (Environment and Tourism) and Damir Ljubic (Agriculture, Water Management and Forestry) announced that they would not participate in the work of the Federal Government until further notice.

This was followed by various media scandals in which Dragan Vrankic, the State Minister of Finance, was accused of land speculation by buying a cheap piece of land on the originally planned route, above the petrol station at Trebizat near Capljina, which would then later be sold at a much higher price for the motorway and it was also alleged in the media that the Capljina District Council had also last year taken a decision in which 80 parcels of public land were divided between various people in the Croat HDZ 1990 party.

On 3<sup>rd</sup> September a statement from the Croat Ministers (along with Dr Perica Jelecevic, Minister of Work and Social Welfare) was published, giving their reasons for opposing the proposed routing. A response was sent out the following day by the Federal Ministry of Spatial Planning.<sup>1</sup> A summary of the arguments is laid out in Annex 1.

On 09.09.2009 Federal Minister for Spatial Planning Salko Obhodjas offered his resignation, reportedly because he did not want to participate in something which would harm the protected

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<sup>1</sup> Both are available at: <http://www.fmpu.gov.ba/content/blogcategory/4/34/lang,hr/>

cultural heritage sites at Pocitelj and Blagaj. His resignation was accepted a few days later, after an appearance on TV show 60 Minutes in which he accused the Federal Minister of Finance Vjekoslav Bevanda of trying to bribe him to accept the originally planned route of the motorway.

Considering the dramatic events surrounding the project we considered it necessary to conduct a further fact-finding mission. The mission had the following aims:

- To better understand the current situation with the project, establish what changes are involved in the new proposed routing, and what are the arguments for and against.
- To obtain updated information on the Resettlement Action Plan and learn about progress with consultations and other developments with it.
- To visit Pocitelj, which was not carried out in the first visit, and to meet local people there.
- To re-visit the local group in Blagaj/Mostar
- To identify the next steps of our activities.

We would like to thank all those who took time in their busy schedules to meet with us and particularly to the institutions involved for their commitment to conduct the project in a transparent manner.

This report mainly concentrates on the issues surrounding Blagaj and Pocitelj, as they are the most current controversial issues. However we intend to return later to the issue of the Prenj-Cvrtnica-Cabulja planned National Park and the potential impacts of the motorway on this extremely valuable natural area. The report also concentrates on environmental and social issues, which are naturally the area we are most concerned with: we attempted to better understand other issues such as technical constraints by meeting with the relevant institutions, however we obtained diametrically opposite opinions which we do not have expertise to choose between. We therefore present the arguments made, with analysis only where we feel that we have some basis on which to assess their quality.

## **Report from the mission**

**Meeting with Mr Erdal Trhulj, Director of the Federal Directorate for Construction, Administration and Maintenance of Motorways, and General Manager for the Corridor Vc project**, Sarajevo, 14.09.2009 (attended by Mr Miodrag Dakic of Center for Environment, Mr Rijad Tikves of Ekotim, and Ms Pippa Gallop of CEE Bankwatch Network).

The new proposed changes to the route are at Blagaj and Pocitelj only. Instead of going across the valley where Blagaj is situated, it is proposed to re-direct the route across the karst plateau above the settlement. Unfortunately we have not as yet been able to obtain a copy of the official map showing both the original and the newly proposed routes, however it has been requested.

Regarding Pocitelj, it is proposed to avoid constructing a bridge 650 metres from the old town and art colony and instead to re-route the motorway to the other side of the settlement, where it would not have visual impacts on the old town. (See Annex 2 and 3 for maps of the new proposed routes). Mr Trhulj states that the new variant is more economically feasible, while the state level Ministry of Communications and Transport reportedly states that it is not. We so far have no further information on which to judge the merits of these contrasting opinions.

The proposed changes have been approved by the Federal Government and still need to be approved by the Federal Government.

When asked about what the arguments against changing the route are at Pocitelj, Mr Trhulj stated that if it goes on the other side of the settlement, some think that this would mean that it would or should go to Neum (Bosnia and Herzegovina's only port) instead of the port of Ploce. This question

has been raised repeatedly in the discussions about the motorway, as it would be in many ways more logical for a motorway across Bosnia-Herzegovina to end in Neum. However according to Mr Trhulj Neum is relatively undeveloped as a port and would need several years to build up sufficient capacity.

When asked whether there have also been problems on the rest of the route Mr Trhulj named some issues which appear to have largely been resolved on sections other than the one south of Mostar. There was a problem in Zenica where the preliminary design would have disrupted the landfill, however this has now been solved. In the Vlakovo-Tarcin section a junction was added at Lepenica. In Sarajevo some changes have been made to reduce the number of houses to be demolished. A valley was also avoided, which contained a Catholic graveyard.

Concerning the planned Prenj-Cvrstica-Cabulja National Park, Mr Trhulj stated that between Tarcin and Mostar more than 50 per cent of the route would be in tunnels, which would minimise environmental damage. He also suggested that the motorway would bring benefits in opening up the area for tourism.

On the question of whether a whole new EIA and other documentation would be needed for the project, Mr Trhulj did not expect that this would take very long, as the changes affect a relatively small area.

Concerning the Resettlement Action Plan, there is outstanding unclarity about the EBRD's policy on this point. The project was approved by the EBRD before the Plan was ready, which appears to be contrary to IFC OD 4.30<sup>2</sup> which the EBRD had committed itself to follow at the time the project was approved.<sup>3</sup> While the EBRD states that the loan agreement would not have come into effect without the approval of a satisfactory Resettlement Action Plan<sup>4</sup>, the policy states that even appraisal should not begin without a Resettlement Action Plan.

Mr Trhulj stated that the framework plan had just been finished and had to be approved by the Federal Government as well as the EBRD. It had been delayed because EBRD rules state that illegally constructed buildings must also receive some compensation, which was contrary to BiH law and this had to be changed. Since the meeting it has been put on the Federal Government webpage<sup>5</sup>. Apart from the framework plan, a series of Land Expropriation Action Plans are being drawn up for the project, with more exact information. It is these which are subject to public consultations.

The local district council carries out the expropriation, by sending an offer which can then be accepted or rejected. The one which has been done for the Kakanj section has not resulted in great problems and is around 98 percent completed. Around 85 percent of owners came to the public hearing. There have been problems with only three properties where according to Mr Trhulj the owners attempted to obtain massively inflated compensation. The process is ongoing in Zenica, but has not yet started for the other financed sections due to lack of capacity (the Directorate has only two people for working on this). If it is impossible to agree about the compensation, there are first negotiations and then the case goes to court.

## **Meeting with**

- **Mr Namik Kupusovic, Corridor Vc Project Coordinator;**

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<sup>2</sup> IFC OD 4.30 p.9 states: "30. Submission to the Bank of a time-bound resettlement plan and budget that conforms to Bank policy is a condition of initiating appraisal for projects involving resettlement, except for sector investment loans as discussed in para. 26."

<sup>3</sup> See EBRD Environmental Policy July 2003, p. 9 and p. 3, footnote 2.

<sup>4</sup> E-mail from Mr Josip Polic, EBRD, 09.10.2009

<sup>5</sup> English version at <http://www.fbihvlada.gov.ba/english/index.php>. The link for the report is at the bottom left at the time of writing.

- **Ms Zejna Nametak, Expert Associate for Environment Protection in Transport Infrastructure, and**
- **Mr Mehmed Dujso, Head of Department for Infrastructure, Bosnia and Herzegovina Ministry of Communications and Transport,**

Sarajevo, 14.09.2009 (attended by Mr Miodrag Dakic of Center for Environment, Mr Rijad Tikves of Ekotim, and Ms Pippa Gallop of CEE Bankwatch Network).

After gaining an impression from the first meeting that the proposed changes are almost sure to happen and that there are no substantial difficulties with them, this second meeting left the mission team with an almost exactly opposite impression, as the Ministry clearly heavily opposes the changes.

We are not sure about all aspects of the division of tasks between the State Ministry and the Federal Motorways Directorate, however the Ministry has a particular interest in Lots 1 and 7 because these are at either end of the motorway and affect the border crossings with Croatia.

The Ministry is unimpressed with the arguments put forward regarding both the need to change the route at Blagaj and the proposed new route put forward. In particular it was pointed out that the local NGOs' claims that 200 houses would be destroyed are exaggerated. Ms Nametak stated that she had been to Blagaj and found only 7-10 houses to be demolished, with another few which would possibly be demolished. She stated that she had spoken with the owners of the houses to be demolished and that none of them opposed the expropriation.

Concerning the agricultural land the Ministry representatives argued that there are a couple of larger farms owned by businessmen, but that one of them would only be affected on its access road. They further pointed out some of the land in the area is unused. They also argued that the value of the land would be increased as the area near the planned junction could be used as a business zone.

As for the proposed change, they argue that it is 3km longer and therefore more expensive, and that it is worse to go above the source of the River Buna than below. This disagrees with the assessment by the Federal Ministry of Spatial Planning (see Annex 1), which states that the shortening of the Mostar tunnel would be equivalent to saving 8km of normal road, in economic terms. Concerning the geology of the source of the Buna, without additional information it is impossible to assess properly whether the new route would negatively impact on the water supply. However given the large size of the Buna source it seems unlikely that the water comes from an area so nearby and on a cliff above the spring. The Ministry representatives also raised the issue of the connecting road from the valley to the motorway, which would have to climb considerably if the motorway was on the plateau. This should be further considered, however it is not something that we are likely to be in a position to assess.

Asked if the new route had been assessed in the multicriterial analysis, the Ministry representatives answered that it was not that exact route which had been analysed, but a similar one on the plateau above Blagaj and it had shown so many disadvantages that they had decided not to continue with it. A copy of the analysis has been obtained from the Ministry and requires further examination.

Concerning Pocitelj, the Ministry representatives also see no reason to change the route and do not see the new route as an improvement on the old one. According to their arguments, the issue of visual impact is not serious enough to merit expensive changes. An argument was put forward that a bridge could be a positive element in the landscape and that it could help to open Pocitelj up for more tourism, and to be a living settlement rather than a monument.

The Ministry representatives argued that the motorway studies would have to be done again from Mostar to the southern Croatian border, which would take around two years and incur high costs due to the need for a new tender procedure etc. They expressed their frustration that the Roads

Directorate has changed its position, as it had previously agreed with the original route, as well as questioning how representative the opposition to the original route in Pocitelj and Blagaj is. It is understandable that changes relatively late in the process are quite frustrating, however we consider that if they are important then they must be made. The Ministry representatives also stated that changes are possible, but they must be well-founded. Considering whether the opposition is representative, it is very difficult to tell without being a resident of the affected areas, however we consider that it is most important to look at the quality of the arguments being put forward. In addition it was argued at a later meeting with Blagaj NGOs in Mostar that it is defined by the law that the 'local community' is represented by the district council, and that in the case of Blagaj, the agreement of this body has not been obtained.

Concerning financing, it was mentioned that the IFC, the World Bank's private sector arm was interested in financing consultancy for a public-private partnership on some stretches of the route, and that the EBRD and EIB had also expressed interest in financing a PPP for certain sections. It had already been established that the Sarajevo-Mostar section would not be viable for such an approach due to the need for several long tunnels across mountainous terrain. In Republika Srpska a concession agreement with Strabag has already been signed for the short section of the motorway there.

**Meeting with Mr Emir Custo and Mr Nihad Jasarevic, representatives of local Blagaj NGOs,** Mostar, attended by Mr Miodrag Dakic and Ms Pippa Gallop, followed by field visit to Blagaj, 15.09.2009.

It was originally not intended to visit Blagaj during the second mission as this had already been done during the first one. However it was deemed necessary to look further into the state Ministry's assertions. The question of the exact number of houses and land parcels to be expropriated had not been raised during the previous mission, so it was decided to look at this issue. The question was raised of why the number 200 had been used for the number of houses to be destroyed, rather than a smaller number. It was explained that this is not the number to be physically demolished but the number that would be seriously affected.

Other concerns emphasised during the meeting include the fact that Blagaj is already closed in from three sides and that the motorway would close it in from the fourth and inhibit its development and the movement of people back and forth. In addition, its established strategy for development depends on agriculture and tourism, both of which would be partially threatened by the motorway.

During the field visit with Mr Emir Custo, we met the following people, some of whom were already known to Mr Custo, and some of whom were selected at random using the map provided by the state Ministry representatives. It was not possible to locate all the affected houses due to time constraints.

Edin Torlo: He built his house around 10 years ago, with all the necessary permits. The motorway would cross his land just a few metres away from the house. He stated that some people from the Ministry (unclear which one) had been on his land but that they had just looked around and made marks, not asking any questions. He is absolutely against having his land expropriated.

Mr Badzak of Jaffa-Komerc fruit and vegetable farm: he is furious with the plan to build the motorway through the farmland. He started the enterprise with a concession from the government for 20 years and subsidies from the government, and understandably considers it bizarre that a motorway would now be built through the land. The enterprise employs 15 people full time and 70-80 seasonal workers, and the number is growing as the farm develops. He stated that he has not been contacted by anyone from the federal or national authorities regarding his opinion.

Mr Ahmed Dzibur, Dean of the faculty of agriculture (which has a test field on the route): He was contacted by phone and confirmed that he is absolutely against the routing through the valley at



Blagaj. He stated that there had been a plan for him to meet with the federal and national authorities regarding the issue but that it had never happened.

Mr Vide Jarak: He stated that people from the Federal Roads Directorate had been there around two months previously, and mentioned that his house would be expropriated, but had not asked anything or named any price. His opinion was that it would be better to route the motorway on the plateau but if it had to go through the valley he would not have anything against expropriation if the price was satisfactory.

The above discussions show that while not everyone is resolutely opposed to the routing through the valley, it is not true to say there is no opposition from those whose land would be expropriated.

### **Field visit to Pocitelj** by Mr Miodrag Dakic and Ms Pippa Gallop, 15.09.2009.

An informal meeting was held with Mr Dzevad Ibrulj, President of the Citizens' Association of Pocitelj, who also administers the art colony in the old town. He said that around 30 people live in the old town itself, with around 700 in the wider area outside the walls. He pointed to the current road as an existing problem for Pocitelj (it runs between the old town and the River Neretva), and indeed one positive point of the new motorway would be that it may relieve the noise from the existing road, however he believes that the original routing with the bridge would have harmful visual impacts on Pocitelj. Similar sentiments were echoed by Gina Landor, a British-American who lives part-time in Pocitelj and is involved in developing art activities there.

The owner of the first cafe inside the entrance of the old town is concerned about the lack of effort being put into maintaining and developing Pocitelj's potential. He was scornful of the suggestion that the motorway would help Pocitelj to develop, pointing out that having a viewpoint on the motorway will not result in any benefits for Pocitelj itself. He emphasised the high level support that has been shown for changing the route by people from all over the country, and that any attempt to push through the original route would meet stiff resistance. While he obviously has a commercial interest in people visiting Pocitelj itself, he stated that he is not against the motorway if it takes the newly proposed northern route.

### **Conclusions and follow-up:**

As yet we are not in a position to give a proper assessment of the new routes put forward, however from the point of view of the local people we have not encountered any opposition to them. Information which may assist us with further analysis has been obtained from the state Ministry of Communications and Transport.

We therefore concentrated on considering the arguments put forward about **whether there is a need** to propose new routings and whether it would cause problems, considering that the preparations regarding the original route are quite well advanced. Our conclusions are as follows:

**Blagaj:** We consider that the original routing of the motorway **would** have significant negative impacts on the Blagaj area for the following reasons:

- It would form a physical barrier to Blagaj's further development and a barrier between people and their agricultural land.

- It would require the expropriation of at least some houses and agricultural land, especially that of Jaffa-Komerc, which seems to be an important developing local business. We do not agree with the suggestions of the state Ministry that agricultural land is not particularly important, particularly in an area like Herzegovina where there is not much of it. While it is true that some is not used effectively, this does not mean that it will not be used in the future. If there was really no alternative perhaps this would not be a deciding factor, however the option on the plateau, without the benefit of expert studies, initially looks much more suitable and would avoid this problem.
- There would not be visual impacts on the Buna spring and Dervish House itself, however the motorway would have visual impacts from other parts of the protected zone in Blagaj.

Other issues such as effects on air and water, and noise, are difficult to assess without more expert information, however if found suitable, the route on the plateau would avoid potential issues with noise and emissions.

**Pocitelj:** We consider that the original routing of the motorway **would** have significant negative impacts on Pocitelj. These would be mainly visual, however the importance of this should not be underestimated at a tentative World Heritage Site.

We consider that overall the motorway may have a benefit for the ambience in Pocitelj in making the existing road less busy, however it may also have a negative impact on tourism and passing trade as people would have to make a particular effort to leave the motorway and visit, which defeats the object of motorways as means to reach one's destination as quickly as possible. We do not consider that constructing a viewpoint on the motorway would bring substantial benefits to the local community.

**We therefore confirm our earlier opinion that for both Blagaj and Pocitelj alternative routes need to be chosen.**

#### **Follow up:**

- 1) One of the main issues that seems to influence stakeholders' opinions is the perceived need to carry out several years of extra studies for the proposed changes. It is necessary to ascertain to what extent these concerns are justified and exactly what would really be required and how long it would take. Opinions on this issue during the mission were heavily polarised, from Mr Trhulj's opinion that it would be fairly simple to the state Ministry representatives' opinion that it would take at least 2 years.
- 2) A second issue is about whether there are additional costs related to the loans from the International Financial Institutions if the use of the loans is delayed. Attempts will be made to clarify this.
- 3) Efforts need to be made to analyse all information available related to the new proposed routes and their suitability.

## Annex 1:

Summary of arguments by Federal Ministers Bevanda, Vidovic, Herceg, Ljubic and Jelecevic in their 3rd September 2009 statement and the Federal Ministry of Spatial Planning in its 4th September 2009 statement.

<b>Federal Ministers' statement:</b>	<b>Federal Ministry of Spatial Planning statement</b>
<p>That the new decision ignored the spatial plans that had already been made for Bosnia-Herzegovina and Mostar, as well as the traffic and spatial road network study of Herzegovina-Neretva County/Canton 2006-2020.</p>	<p>The argument that there is no basis for changing the route is untrue. In the analysis of the current state of the route the EIA points out that much of the data and projections in the existing documents are not relevant because they were made before the war and the administrative set-up and its priorities are no longer the same.</p> <p>All the relevant documents were delivered to the consultant as required by law, including the Spatial Plan of the Republic of Bosnia and Herzegovina. The consultant took them all into consideration, however the law requires that the plans for smaller areas are harmonized with the plans for larger areas, and not the opposite.</p>
<p>The proposed material violates Decision of the Parliament of the Federation of BiH, Official Gazette, no.56, 08.09.2008, articles I and II. The conditions for changing the route of the motorway were laid down and this decision does not meet any of them. There is no expert and planning documentation for the new proposed route.</p> <p>The decision of the Parliament also included the co-ordinates in the Gauss-Kruger projection based on the previously done required studies. These studies can be questioned, but only if there is a new and better quality study done before thinking about changing the route or corridor.</p> <p>In order to think about changing it, the route should be developed at least as much as the one that was in the preliminary design.</p> <p>The signed contract between the EBRD and Bosnia-Herzegovina, Article 3, has a provision that all sections will be treated in the same manner, which was not the case with the proposed changes.</p>	<p>This is untrue. The consultant was working with the corridor laid out in Article II, however, after expert analysis and the results of public consultations, the consultant offered corrections of the route at 9 micro-locations in accordance with Article 3 where it is defined that route changes can be made as a result of decreasing impacts on the environmental, cultural heritage, solving property issues, hydrological impact or improvement of the actual route. It is also stated in the same Article of the Decision that the final borders of the width of the Corridor will be confirmed in the Spatial Plan after further analysis.</p> <p>Field work was undertaken in the wider area of Blagaj and the main issues that came up were the issue of the motorway as a barrier, environmental impact and impact on agriculture, and an increase in property prices.</p> <p>The last part of the section until the 26<sup>th</sup> kilometre would in the original version have a 5% incline and would therefore need an extra lane for slower vehicles. Steep inclines also raise the pollution levels from heavy vehicles.</p> <p>On the basis of the above there were changes at the microlocations Gnojice, Dracevice, Buna and Bunica in order to neutralise the negative impacts. By avoiding a descent immediately after exiting the Mostar tunnel into the Blagaj area, the optimisation of the route has been achieved in the following ways:</p> <ul style="list-style-type: none"> <li>- the need for a third lane is avoided by not exceeding the gradient for which one is needed</li> <li>- shortening of the Mostar tunnel by 1km, which is economically equivalent to 8km of road.</li> <li>- avoiding slowing down heavy vehicles which</li> </ul>



	<p>produces higher concentrations of air pollution</p> <ul style="list-style-type: none"> <li>- putting the route on a brow of a hill where the air pollution would be dispersed more easily</li> <li>- avoidance of expensive and long expropriation process by putting the route on un-used land.</li> <li>- avoidance of destruction of quality agricultural land and the basic means of income for the local population.</li> <li>- avoidance of a several-metre-high dyke across a settled area, which would form a physical and psychological barrier</li> <li>- avoidance of the need for new infrastructure and other spatial re-organisation of both sides of the corridor.</li> </ul> <p>As far as Pocitelj is concerned, the Commission for the Protection of National Monuments in BiH has directly requested measures to protect it. The route has therefore been optimised around the area of Pocitelj, and shortens the route by about 2km.</p> <p>These arguments are based on expert analysis by spatial planners, which also exist for other microlocations from Svilaj to the Mostar North junction.</p>
<p>It is not only a new route but a new corridor, which is unlawful and may bring into question the signed financing contracts.</p> <p>There are already funds available from the signed contract with the EBRD and soon to be finalised one with the EIB. Beside that there are also negotiations in progress with other international financial institutions: Kuwait Fund, Saudi Arabia Fund, etc. Special treatment of individual sections could bring the whole project into question. There would be also material costs: penalties for not using credits, plus extra funding for new studies, and it is possible that the loans would be cancelled.</p>	<p>The interpretation that the route may move left or right by 250 metres (width 500m) is unfounded considering that Article III, para. 2 defines the method of changing the boundaries of the corridor. It would be senseless if changes outside of a 500m corridor could not be made on the basis of research and public consultations.</p> <p>The process of building the motorway can only legally begin if a spatial approval is issued, in which the spatial-technical conditions are defined, if the final design is carried out in accordance with these conditions, and if a construction permit is issued. According to the Law on Spatial Planning and Land Use on the level of the Federation of BiH, spatial approval can only be given on the basis of the "Spatial plan for the Corridor Vc Motorway area of special properties of importance for the Federation of BiH". Spatial planning is confirmed in the constitution of the Federation of BiH as an exclusively Entity-level competence and in the Law on Federal Ministries and Other Bodies of the Federal Administration as the responsibility of the Federal Ministry for Spatial Planning.</p> <p>In order to establish the necessary basis for issuing the spatial approval, this Ministry drew up the spatial plan for the Corridor Vc after the Parliament of the Federation of BiH approved a Decision to confirm the Corridor Vc as an 'area of special qualities of importance to the Federation of BiH' and a Decision to commence work on the spatial plan. With these accelerated activities to work on the spatial plan the Ministry is speeding up the project by achieving the</p>

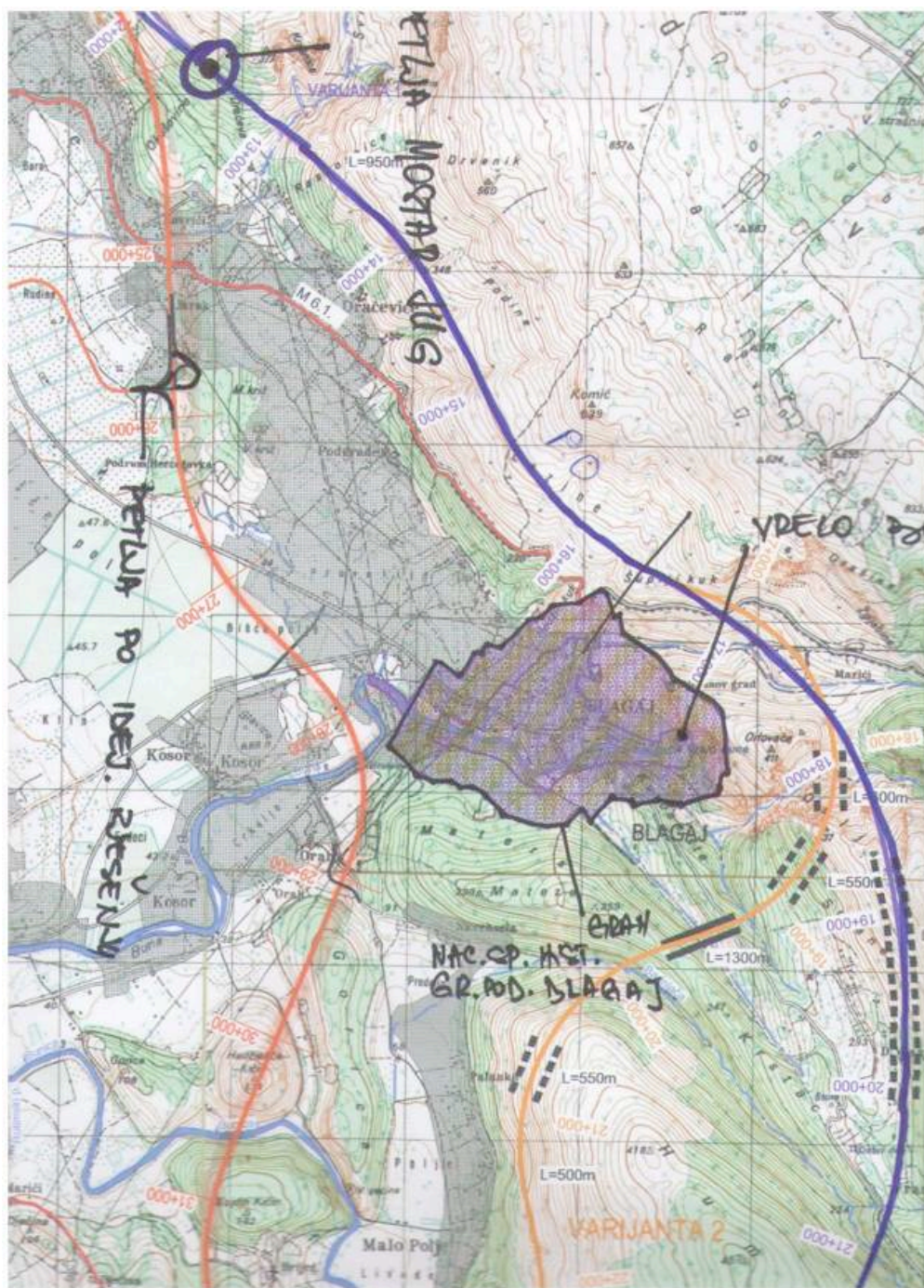
	<p>prerequisites to commence with the final design of the project, in compliance with the law.</p> <p>With regard to the fact that the contract for drawing up the final design is already signed, the question arises of how and on what legal basis the Ministry of Communication and Transport of BiH intended to start the drawing up of the final project without spatial consent? The Federal Ministry has not given spatial consent, but according to Article 40 of the Law on Spatial Planning and Land Use on the level of the Federation of Bosnia and Herzegovina, is the only responsible body.</p> <p>Credibility and trust in the institutions of the Federation of BiH is first and foremost achieved by carrying out projects in accordance with the law, and considering that spatial approval is a necessary precondition for drawing up the final design, it is not possible that financial institutions would finance a project which does not have a location permit, unresolved property questions, and strong resistance from the local people.</p>
The materials given for the session of the Federal Govt. of BiH were insufficient. There was a draft decision containing two articles and a document with opinions, but there was no summary of the spatial basis of the spatial plan so they could assess it beforehand.	On 17.07.2009 the Ministry delivered to the government of the Federation a draft Spatial basis for the Spatial Plan of Corridor Vc. All the materials were therefore available more than one month ahead. There was no sign of any dissent until the beginning of the 115 <sup>th</sup> sitting of the government.
It is unacceptable that the corridor proposed has not been analysed by experts. Out of 91 km from Jablanica to the southern border, 78 per cent or 71 km would be a new route. 3-4 years would be needed to conduct all the necessary studies (construction-technical study, EIA, water impact study, cultural protection, feasibility study, traffic study etc.) without counting the time needed for drawing up the preliminary design and final design.	This is untrue. It is clearly visible that the route south of Mostar has changed only around Blagaj and Pocitelj.
The Ministry did not use the planning advisory board (Savjet plana) properly but used it to rubber stamp a decision that had already been made.	<p>This is unfounded. The board considered the issue on its 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> sittings. The consultant produced the spatial basis with the route on the basis of individual written expert opinions by the members of the board, and the results of the public consultation and its own presentations.</p> <p>Along with this, before the spatial basis was delivered to the Government of the Federation of BiH, there was a period for public comments and a series of public presentations in Odzak, Zenica, Hadzici (Sarajevo), Mostar and Ljubuski, advertised in print and electronic media. The objections and suggestions received were considered and those which were based on expertise and the interests of the development of the local community were accepted. For those which were not accepted an answer was delivered in written form.</p>
This decision was unilateral and has not been integrated with the city of Mostar and the Districts of Capljina and Ljubuski, which have also given their written complaints. A written opinion has also been	The Law on Federal Ministries and Other Bodies of the Federal Administration defines that it is the Federal Directorate for Construction, Administration and Maintenance of motorways which is responsible for

given by the President of the Herzegovina - Neretva County/Canton authorities. Such a manner of decision-making without the involvement of the legally-stipulated institutions will have consequences for the functioning not only of the Federation of BiH but also more widely.

the preparation of studies, procurement of the relevant permits etc. so it makes no sense to say it is a unilateral decision by the Ministry of Spatial Planning.

## Annex 2 - Proposed new route at Blagaj

The proposed new route is in blue, with the shaded zone the protected cultural heritage area





### Annex 3 - Proposed new route at Pocitelj

The new proposal is in blue, with the shaded zone the protected cultural heritage area

