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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

36th meeting
Strasbourg, 15-18 November 2016

Other complaints

**Development of a commercial project in Skadar
Lake National Park and candidate Emerald site
(Montenegro)**

- COMPLAINT FORM -

*Document prepared by
An Informal Citizens Group from Virpazar, Montenegro*

**Convention on the Conservation of
European Wildlife
and Natural Habitats**



COMPLAINT FORM

NB: Complaint forms must be submitted in electronic word format, and not exceed 3 pages, including the first administrative page. A maximum 5-page report can be attached. The Secretariat will request additional information on a case-by-case basis.

Please, fill in this form and send it to the attention of:

Iva OBRETENOVA

Directorate of Democratic Governance, Culture and Diversity

Council of Europe

F-67075 Strasbourg Cedex

E-mail: Iva.OBRETENOVA@coe.int

First name: Milan

Surname : Knezevic

On behalf of (if applicable):

Informal Citizens Group from Virpazar, Montenegro

Address: J.J.Zmaja 21

Town/City: Bar

Postcode:85000

Country:Montenegro

Tel.:00447557650353

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E-mail: milan@skadarlake.eu

Web site: skadarlake.org

Date : 10.06.2016

Electronic Signature,

1. Please state the reason of your complaint (refer also the Contracting Party/es involved and the Articles of the Convention which might be violated).

Destructive effect of current and proposed private developments within NP Skadar Lake

1. Approved development of Porto Skadar Lake Development within zone III of MP Skadar Lake

(<http://portoskadarlake.com/>)

2. Prevention of proposed future developments in Spatial Plan for NP Skadar Lake

Contracting Party: Government of Montenegro, Misnistry for sustainable development and Tourism

Violation of Articles

Article 4

paragraph 1

« Each contracting party shall take all appropriate and necessary legislative and administrative measures to ensure the conservation of the habitats of the wild flora and fauna species, especially those specified in Appendices I and II, and the conservation of endangered natural habitats »

paragraph 2

« The Contracting Parties in their planning and development policies shall have regard to the conservation requirements of the areas protected under the preceding paragraph, so as to avoid or minimise as far as possible any deterioration of such areas »

Article 9

« Each Contracting Party may make exceptions from the provisions of Articles 4, 5, 6, 7 and from the prohibition of the use of the means mentioned in Article 8 provided that there is no other satisfactory solution and that the exception will not be detrimental to the survival of the population concerned »

2. Which are the specific specie/s or habitat/s included in one of the Appendices of the Bern Convention potentially affected? (Please include here information about the geographical area and the population of the species concerned, if applicable)#

Area of the proposed development area HAS NOT been researched from biodiversity aspect. List of Habitats and species is available upon request.

3. What might be the negative effects for the specie/s or habitat/s involved?

1. Extensive destruction within zone III of the NP Skadar Lake by the building Porto Skadar (PSL) commercial development site itself: 60 villas, 50 apartments and hotel accommodation up to 600 people, swimming pools and port for 30 boats

2. Proposed upgrading of the road infrastructure from local to regional road for the purpose of PSL development will bring uncontrolled and illegal urbanization. There are no effective monitoring and control of illegal activities within national park and poor infrastructure was only reason why most of the areas have been saved from devastation.

3. Direct and indirect effects of mass tourism and pollution, unresolved water supply and waste water treatment for the entire site.

4. Do you know if potentially affected species or habitats also fall under the scope of other international Conventions, (for instance: RAMSAR, CMS, ACCOBAMS, Barcelona Convention, etc) or if the area has been identified as a NATURA 2000/Emerald network site?

Entire National Park is:

1.Ramsar site No 784. Report No 56 from 2005 states:

2.IPA/IBA designated site

3.Nominated Candidate EMERALD site and Natura 2000(ME000000C Sasko jezero, rijeka Bojana, Knete, Ada Bojana) December 2015

5. Do you know if there are any pending procedures at the national or international level regarding the object of your complaint?

Not known any other currently pending procedures. Letter of concern has been sent to numerous addresses

6. Any other information (existence of an Environmental Impact Assessment (EIA), size of projects, maps of the area, etc)

State study for location Mihailovici has been completed including EIA (controversial when no biodiversity study been ever completed on the location) and building permit has been granted by Ministry for sustainable development and tourism for Porto Skadar Lake.

All documents are available, mostly in Montenegrin language, and will be supplied upon your request.

Annex 1: Letter of concerns sent by the complainant

Annex 2: Bern Convention habitats and species affected

Annex 3: Protected area gap assessment with comprehensive plan for a representative PAS (Protected Areas System)

Annex 1: Letter of concerns sent by the complainant

Requesting your support in preventing legislation that will allow large scale, uncontrolled, environmentally damaging development on Skadar Lake National Park, Montenegro

To Whom It May Concern,

We would like to draw your attention to events that immediately threaten to undermine the future of the National Park "Skadar Lake", a key biodiversity area in Europe, and globally. We request your support in preventing environmental destruction.

We are writing on behalf of an informal group of citizens from Virpazar, Montenegro (population 17,000). Our members include representatives of civil society, associations of fishermen, and small business entrepreneurs who are against illegal, environmentally damaging development on Skadar Lake National Park (SLNP). We request the support of your organisation to address our chief concerns, which include:

- The prevention of the development of a commercial project known as "Porto Skadar Lake" (currently underway), and the damaging precedent this will set
- Prevention of the Spatial Plan incorporating further tourist developments in Skadar Lake National Park

Actions We Request of IUCN

As the value of Skadar National Park is transnational, we believe that the expertise of international communities and institutions involved in the protection of the environment and of nature is of crucial importance. We would like to invite you to add your contribution, and join us in the process in which the future of the park is decided.

Specifically, actions that could support this cause include:

- That Bern Convention raise these concerns directly with the Government of Montenegro, and in particular the Ministry of Sustainable Development and Tourism, to get more information about the process of developing sustainability plan for the Skadar Lake National Park, and surrounding area
- Your participation in the monitoring process, expert consultation, and decision-making in the development of such a plan
- Any other support you can provide within your institutional remit that would help plan the straightforward and effective sustainable development of the protected area

Our hope is that the Montenegrin government cancel the plan to build the Porto Skadar tourist complex in the Mihailovici area of the National Park. We hope that the international community will exert pressure on the Montenegrin government to honour its commitments regarding the Park's status under all international and national agreements and frameworks.

This letter below provides background on Skadar Lake, the development plans we oppose, and supporting documentation to provide context in understanding the current situation. We thank you in advance for your help in calling attention to this matter, and remain at your disposal for any additional information or coordination we can provide.

Thank You

Yours faithfully,

Milan Knezevic MVDr. MRCVS on behalf of Virpazar Citizens Group

J.J.Zmaja 21

85.000 Bar, Montenegro

e-mail: milan@skadarlake.eu

Skadar Lake Environment and Scientific Heritage

Skadar Lake is the largest in the Balkan Peninsula and a Ramsar Convention of the Wetlands site since 1995. With its surrounding wetlands, the park encompasses one of the most important bird and fish habitats in the Mediterranean region. The lake hosts a large diversity of plants and animals: around 1,900 plant species, 54 freshwater molluscs, 54 species of fish, 282 bird species, 16 amphibians, 28 reptile species, 57 mammals etc. The lake is a nesting, feeding and resting ground for about 150,000 birds a year during their migration, of which 98% are protected by national legislation and international conventions. The area was given the status of an Important Bird Area (IBA) in 1989, and belongs to EMERALD sites (under the Berne Convention) and potentially the Natura 2000 area, of which Montenegro is currently early in the membership process.

Skadar Lake is invaluable not only for Montenegro and the neighbouring Republic of Albania, but is part of a cultural and scientific heritage on the global level. The National Park is a key part of Montenegro's strategic plans to be nominated for the UNESCO 'Man and the Biosphere' program: a committee was established to develop a research program in 2014, and start basic studies.

Current Status: Ineffective Protection and Poor Controls

The current status of the National Park is precarious. This reflects the situation across the entire territory of Montenegro, with uncontrolled urbanization and illegal construction - particularly in the coastal area. There are no effective systems in place to combat and control the illegal activities in Skadar Lake National Park. This inadequate situation worsens each year because of insufficient financial and human resources, a lack of professional skills, and poor application of current legislation. Above all, however, there is a lack of political will to solve these problems. Cases of illegal construction, exploitation of mineral resources, illegal fishing, deforestation, unresolved issues related to solid waste and wastewater are getting worse.

The crisis in the public company that is responsible for the care of the Skadar Lake National Park is obvious on the ground. This allows construction and other interest groups to build inappropriate illegal facilities that permanently undermine the environment, and culture of the area. The problem has been recognized in the Ramsar Wetlands Convention report from 2005, where in paragraph 13 it is noted:

"National Park authorities can promote and implement a coherent land use policy according to the agreed Physical Plan for the area and the Park's conservation and development program 2005-2010. The important tourist development of Motel Plavnica currently under construction, with a marina and special boat access to the lake, established with the Ministry of Environment's approval inside the core area of the National Park, should not be allowed to become a precedent for further unregulated developments (eventually to be legalized after their establishment inside the Park). Further such developments could seriously jeopardize the recognition of the National Park and Ramsar Site status at international level. "

New Spatial Development Plan for Skadar Lake (PPPNSJ) - local citizens are not aware of this plan

Currently, the most important document detailing regional development planning, and which drives decisions about the future direction of development for the whole territory of the National Park is the Draft Spatial Plan of Special Purpose Skadar Lake (shortened to 'PPPNSJ') by 2025. This Draft Spatial Plan has suggested a number of tourist development alternatives for the National Park. Most of these provide for some form of legal construction including mega structures in the park and around the lake, as well as the creation of new (and the expansion of existing) nautical, travel and tourism facilities and infrastructure and the like.

Neither the local population nor international stakeholders (Ramsar Wetlands Convention, UNESCO, IUCN, EC) have anything more than the smallest information about the intentions of this plan - they have not been properly informed or consulted.

CAU is the company administering the Spatial Plan - locals not properly consulted because of survey failings

The private company administering the plan, on behalf of the Government of Montenegro, is called CAU (Center for Architecture and Urban Planning). CAU has used an inadequately publicised and administered online survey to solicit opinions from locals about the Spatial Development Plan (PPPNSJ). However, some 90% of the population directly affected by the content of the plan may not be aware of why the poll was conducted, nor understood the content of the questions, and - most importantly - may be unable to access the survey, as they have no internet access. For example, in the biggest central community in the Skadar Lake National Park, Virpazar, not one of the local tourism entrepreneurs was aware of the PPPNSJ plan. The survey was carried out explicitly in a manner and approach which meant it was unavailable to the majority of affected citizens. Our fear is that the survey was only carried out in such a way to unfairly justify different business interest lobbies.

Conflict of interest managed by CAU: A New Commercial Development called “Porto Skadar Lake”

Unfortunately, in reality, a precedent has already been set for damaging development on Skadar Lake National Park. The Ministry of Sustainable Development and Tourism has already issued a building permit for a development called Porto Skadar Lake. This large, unprecedented development is proposed for the Mihailovici area of the Skadar Lake National Park, in zone III of the park, and in the area part of the Ramsar Wetlands Convention. The Porto Skadar Lake Development incorporates a whole complex of 30 villas, 50 apartments and 600 tourist accommodation units and 30 berth for ships, which would represent the biggest tourist infrastructure ever built on the lake.

In a grossly apparent conflict of interest, this Porto Skadar Lake Development project is being carried out by the CAU, the same company that administers the wider Spatial Development Plan for Skadar Lake (PPPNSJ). Although the project states that the area has IPA and IBA designation, and high biodiversity value, the study finds that there are no data on the biodiversity of flora and fauna, and (unbelievably) maintains that any development will not significantly affect the ecosystem and the health of the entire park.

“Porto Skadar Lake” Investment poorly planned, environmentally threatening

No effort has been made by the investor to explore the biodiversity at the site in the aim of reducing environmental impact. The investor is exploiting the benefits of a pristine site for his personal commercial gain, while simultaneously degrading it. Quoting directly from his web site, designed to attract potential customers to the project:

"Owning your own villa in this unparalleled location, actively protected from mass tourism, is a special privilege: just 2 years from now, the park will come under UNESCO's protection. This means that these 30 villas are the first and last to be built and offered for sale within Skadar Lake park. "

To support this project getting off the ground, it will be necessary to build the entire supporting infrastructure that includes new road, water, power and communications infrastructure from Virpazar and Rijeka Crnojevića. Relative underdevelopment of the existing infrastructure is the only reason why this part of the territory of Montenegro, although under the protection of the park, has remained relatively undisturbed by illegal building and bad planning.

One gets the distinct impression that the whole project was made to meet the short-term intentions of private investors, to profit from the beautiful backdrop of the national park. Further, it seems that sustainable development and long-term prospects for the broader community are put at a major disadvantage.

Credibility of Porto Skadar Lake investor

In addition, we express particular concern when it comes to the credibility of the investor for an investment to exploit the natural resources of the National Park Skadar Lake and the high risks of devastation. Montenegro Resort Company Ltd, from Podgorica was formed by investor Mr. Lionel Sonigo, with the express purpose of purchasing land, and constructing on the site of Mihailovici (a

locality on the Skadar Lake). This project was presented in the Montenegrin media as being environmentally friendly, drawing comparisons to similar developments, suggested as a model, in French National Parks. Mr. Sonigo presents himself as a serious investor with extensive experience in the world of exclusive hospitality business, including, for example, the Cristal Resort in Zanzibar, Tanzania. This same resort has been the subject of controversy over illegal construction and ownership disputes. These are currently before local courts in Zanzibar, including disputes with Mr Deva Mehrez, and the resort has been the subject of several armed robberies and a place where a total of six people were shot.

Investor's lack of environmental credentials and expertise

Mr. Sonigo has been, up until now, owner of several businesses in Poland, Serbia and Florida, which have now since closed. These businesses have been supermarkets and retail-focused. He does not have expertise in running environmentally sustainable eco-hotels within the grounds of national parks. Furthermore, Mr. Sonigo's claim that the development is Green Globe certified (indicating sustainable tourism and development practices) has been refuted by the Green Globe certification body themselves. The Porto Skadar Lake development is not certified, nor are there plans pending to grant it certification.

It has taken only several hours research online to uncover these issues. Naturally, this leads to concerns and worries as to what the future holds for Skadar Lake National Park if its doors are opened to these types of projects in the upcoming Spatial Development Plan (PPPNSJ).

Concerns about unsustainable development

We believe that this is the beginning of the end of the National Park and if the project Porto Skadar Lake is realized, it will seriously disrupt the very biodiversity and natural features for which the National Park was established to protect. If the whole process of the PPPNSJ plan is allowed to progress as is, favouring private investment in mega tourist infrastructure and inadequate cultural facilities, the National Park is threatened with real failure. The PPPNSJ plan must be adjusted so it does not allow legalization of illegal buildings or uncontrolled planning in the current environment without means of combating illegal activities.

This development is contrary to the commitment given by enrolling Skadar Lake National Park in the Ramsar framework areas. It is contrary to the commitments undertaken in the accession process to the EU, to protect habitats and species of importance to the European community as part of the future Natura 2000 ecological network, and contrary to the birds directive, and the habitats directive.

Conclusion: our requests for help from you

Since the Special Purpose Spatial Plan (PPPNSJ) has to-date been highly non-transparent, and brings great risks of permanent devastation of one of the key freshwater areas of the Balkans, we reiterate our requests to your organisation, specifically:

- That Bern Convention raises these concerns directly with the Government of Montenegro, and in particular the Ministry of Sustainable Development and Tourism, to get more information about the process of developing sustainability plan for the Skadar Lake National Park, and surrounding area
- Your participation in the monitoring process, expert consultation, and decision-making in the development of such a plan
- Any other support you can provide within your institutional remit that would help plan the straightforward and effective sustainable development of the protected area

Annex 2: Bern Convention habitats and species affected

Status:

- National Park Skadar Lake class II
- RAMSAR site No 784
- EMERALD site
- IBA A1, A3, A4i, A4iii, B1i, B2
- IPA
- candidate Natura 2000 site
- candidate UNESCO for programme of Man and Biosphere

Habitats:

Directly affected by planned building

3130 Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or of the Isoëto-Nanojuncetea;

3140 Hard oligo-mesotrophic waters with benthic vegetation of Chara spp.;

3150 Natural eutrophic lakes with Magnopotamion and Hydrocharition type vegetation;

Species:

Specific area planned for construction has never been explored in detail, so its largely unknown what species are going to be directly affected. Based on the Protected area GAP Assessment from Faculty of Sciences and Mathematics, University of Montenegro(2012), National park Skadar Lake has the highest aggregate score of 35 from all protected key biodiversity areas (KBAs) in Montenegro.(page 62 of the report).NP Skadar lake is home of following known species:

Invertebrates species

Papilio machaon; *Iphioides podalirius*; *Saga natolie*; *Vinodolia scutarica*; *Orientalina lacustris*; *Tandonia reuleaxi*; *Limax wohlberedti*; *Microcondylaea bonellii*; *Lindenia tetraxilla*

Fish species /ENDEMIC

Pachychilon pictum,
Barbatula zetensis ENDEMIC,
Rutilus albus ENDEMIC
Anguilla anguilla,
Pelagius minutus,
Telestes montenigrinus ENDEMIC
Scardinius knezevici,
Alburnoides ohridanus,
Acipenser naccarii,
Acipenser sturio,
Salmo marmoratus,
Salmothymus zetensis ENDEMIC
Gombio scadarensis ENDEMIC
Salmo farioides,
Pomatoschistus montenegrens ENDEMIC
Alburnus alborella,
Barbus rebeli

Amphibian and Reptile species

Bufo Bufo; *Hyla arborea*; *Triturus carnifex*; *Lissotriton vulgaris*; *Adriolacerta oxycephala*; *Podarcis melisellensis*; *Lacerta trilineata*; *Hyla arborea* ; *Algiroides nigropunctatus* , *Natrix tessellate*, *Emys orbicularis*; *Platycephalus najadum*; *Elaphe situla*, *Elaphe quatuorlineata*

Bird species

Sterna hirundo;
Rallus aquaticus;
Plegadis fallacinelus;
Larus ridibundus;
Larus michahelis;
Larus minutes;
Haliaeetus albicilla;
Chlidonias hybrida;
Chlidonias hibrida;
Buteo buteo;
Aythya fuligula;
Ans penelope;
Aythya nyroca;
Anas querquedula;
Alcedo atthis;
Phalacrocorax p pygmeus;
Phalacrocorax carbo;
Pelecanus crispus;
Bubulcus ibis

Mammal species

Miniopterus schreibersii;
Myotis capaccinii;
Nictalus lasiopterus;
Rhinolophus blasii;
Rhinolophus euryale;
Lutra lutra

IUCN RED LIST OF PLANT SPECIES LIVING IN NP SKADAR LAKE

Adiantum capillus-veneris LINNAEUS 1753, **IUCN status: VU A1b**
Marsilea quadrifolia LINNAEUS 1753; **IUCN status: EN A1c**
Nuphar lutea (L.) SMITH 1809; **IUCN status: VU A1b**
Nymphaea alba LINNAEUS 1753; **IUCN status: VU A1b**
Ranunculus lingua LINNAEUS 1822; **IUCN status: VU A1b**
Caltha palustris; **IUCN status: VU A1b**
Nymphoides peltata(S.GMELIN) O.KUNTZE 1891; **IUCN status: VU A1b**
Hydrocotyle vulgaris LINNAEUS 1753, **IUCN status VU A2b**
Oenanthe tenuifolia BOISSIER ET ORPHANIDES 1859; **IUCN status: VU A1b**
Hippuris vulgaris LINNAEUS 1753; **IUCN status: VU A1b**
Trapa natans LINNAEUS 1753; **IUCN status : EN A1b**
Quercus robur (scutariensis) LINNAEUS 1753, **IUCN status: VU A1b**
Laurus nobilis LINNAEUS 1753 Lauraceae, **IUCN status: EN A1b**
Salix triandra LINNAEUS 1753, **IUCN status: VU A1b**
Prunus webbii (SPACH) VIERH. 1915; **IUCN status: VU A1b**
Petteria ramentacea (SIEBER) C. PRESLE 1845; **IUCN Status:**
Butomus umbelatus LINNAEUS 1753; **IUCN status: VU A1b**
Caldesia parnassifolia (BASSI) PARLATORE 1860; **IUCN status: VU A1b**
Sagittaria sagittifolia L. 1753, **IUCN status: VU A1b**,
Hydrocharis morsus-ranae LINNAEUS 1753, **IUCN Status: VU A1b**
Gladiolus palustris GAUDIN 1828; **IUCN status: LR n**
Anacamptis palustris (JACQUIN) R.M.BATEMAN 1997; **IUCN status: EN A1b***
Cladium mariscus (L.) POHL 1809, **IUCN status: VU A1b**

Annex 3: Protected are gap assessment with comprehensive plan for a representative PAS (Protected Areas System)



First-draft-version-of
-GAP-analysis-report.
