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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

35th meeting
Strasbourg, 1-4 December 2015

File open

**Hydro power development within the territory of
Mavrovo National Park
("The former Yugoslav Republic of Macedonia")**

**- OPINION OF THE COMPLAINANT ON THE REPORT OF THE
ON-THE-SPOT APPRAISAL AND ON THE DRAFT
RECOMMENDATION -**

*Document prepared by
The Center for Environmental Research and Information "Eko-svest"*

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OPINION AND RECOMMENDATIONS BY THE COMPLAINANT
RELATING TO THE 2015 ON-THE-SPOT APPRAISAL IN NATIONAL PARK
MAVROVO FOLLOWING THE BERN CONVENTION OPEN CASE FILE 2013/1:
HYDRO POWER DEVELOPMENT WITHIN THE TERRITORY OF THE
MAVROVO NATIONAL PARK (“THE FORMER YUGOSLAV REPUBLIC OF
MACEDONIA”)

OPINION OF THE COMPLAINANT ON THE CONCLUSION OF THE REPORT

The complainant agrees with the overall conclusion that “...*there is an important contradiction between the general intention regarding the protection of the Mavrovo NP as expressed in the Law and some provisions in the management regime and their application.*” We also agree with the conclusion that if the Government of Macedonia decides to pursue its original plan of constructing the hydro power plants in Mavrovo NP, it will never be in a position to fulfill its requirements towards the Bern Convention and EU (implementation of the Birds and Habitat as well as Water Framework Directive).

We would also like to support the general conclusion put forward in the report “*For these reasons, the general conclusion from the mission is that the proposed hydropower construction planned in the Park is not compatible with the status of protection of the Park, its high value ecosystems and species; the projects, as currently planned, should be abandoned*”.

PROPOSAL FOR RECOMMENDATIONS BY THE COMPLAINANT

The recommendations stated for the Government of Macedonia cover several points: 1. The preparation of an integrated strategic social and environmental impact assessment study before any HPP construction, 2. Weighing the level of impacts against the benefits provided by a well-preserved large protected area, 3. Applying the precautionary principle and suspending all construction projects within the Park as long as the overall impact has not been fully assessed; 4. Re-evaluating the management plan, and 5. Ensuring long-term financing for the basic operations of the National Park administration from the state budget.

Even though a strategic social and environmental impact assessment would be a logical step before a plan for large infrastructure projects to be adopted, it seems as an inadequate measure in the case of the hydro power plants in Mavrovo national park. This is primarily because hydro power plant developments are contradictive to the IUCN category II areas. Consequently, the HPP development is contradictive to any of the other requirements stemming from the implementation of the Bird and Habitat Directive as well as the Water Framework Directive, as previously discussed by the expert report. However, we do find the relevance for preparation of such documents before any decision-making takes place. Therefore, we propose an amendment to the recommendation (see final text of the proposed recommendation below).

The recommendations towards the European Bank for Reconstruction and Development and other relevant financial institutions, primarily the World Bank asks to apply the precautionary principle and suspend the financing of the project accordingly. The European Bank for Reconstruction and Development has granted the funds for the construction of Boshkov Most but has suspended the financing on the precondition that all biodiversity assessments are finalized and amend the ESIA study fully in compliance with their policy. One of the reasons why the Bank has suspended the funds was the fact that the incomplete biodiversity assessment was in contradiction to the Bank’s policy. But the Bank has not yet withdrawn from the project. The same situation applies with the World Bank who has not yet withdrawn from the “Lukovo Pole” project which is still in their pipeline. Therefore, we propose a new recommendation to be adopted ((see final text of the proposed recommendation below).

PROPOSAL FOR THE RECOMMENDATIONS TEXT (AMENDMENTS AND CHANGES TO THE TEXT DISPLAYED IN RED)

Draft Recommendation No. ... (2015) of the Standing Committee to the Bern Convention, adopted on, on the planned hydropower plants on the territory of the Mavrovo National Park (“the former Yugoslav Republic of Macedonia”)

The Standing Committee to the Convention on the Conservation of European Wildlife and Natural Habitats, acting under Article 14 of the Convention,

Having regard to the objectives of this Convention, which aims to conserve wild fauna and flora and their natural habitats, by giving particular attention to vulnerable species, including migratory species threatened by extinction;

Noting that the Mavrovo National Park in “the former Yugoslav Republic of Macedonia” is one of the biodiversity hotspots in Europe, hosting a very high number of species and natural habitats protected by the Bern Convention and the EU Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (Habitats Directive);

Recalling that the Mavrovo National Park has been officially nominated as candidate Emerald site in 2011 and - as such - it is subject to Recommendation No. 157 (2011) on the status of candidate Emerald sites and guidelines on the criteria for their nomination, requiring national authorities to “take the necessary protection and conservation measures in order to maintain the ecological characteristics of the candidate Emerald sites” until their full inclusion in the Emerald Network;

Recalling that the Mavrovo National Park is also a potential Natura 2000 site since “the former Yugoslav Republic of Macedonia” is a candidate country for accession to the EU;

Noting that “the former Yugoslav Republic of Macedonia” is currently in an alignment process with the EU “*acquis communautaire*” and that the EU Water Framework Directive 2000/60/EC is of particular relevance for the changes the planned projects would bring to the water regimes of the rivers and their tributaries;

Noting that the Park is classified as an IUCN Category II protected area;

Noting that the Mavrovo National Park and its immediate surroundings are among the core reproduction areas of the critically endangered Balkan lynx, subpopulation of the European lynx, a species listed in Appendix III to the Convention;

Noting that the general conclusion from the mission is that the proposed hydropower construction planned in the Park is not compatible with the status of protection of the Park, its high value ecosystems and species; the projects, as currently planned, should be abandoned;

Worrying that the Management Plan of the National Park is still awaiting an official adoption, and that the financial resources of the Park’s administration for its basic functioning are insufficient,

Recommends “the former Yugoslav Republic of Macedonia” to urgently:

1. Use the precautionary approach and **abandon** the implementation of the hydropower plants foreseen within the territory of the Mavrovo National Park, as their implementation would pose compliance concerns with the Bern Convention and the candidate Emerald site status granted to the area; ~~until an additional assessment is carried out in conformity with points 2 to 8 of this Recommendation~~
2. Prepare an integrated and strategic environmental impact assessment, including social aspects and taking into account (1) all development activities planned on the territory of the Mavrovo National Park and (2) ~~the~~ their global long-term effects, namely on the water regimes of the Drina and Vardar rivers, including, where appropriate, by supplementing this study with the provisions of the EU Water Framework Directive;
3. Identify those species of fauna and flora for the conservation of which the Mavrovo National Park bears special responsibility, including the species and habitats for which this site was

nominated as candidate Emerald site, using the site Emerald Standard Data Form. The following Bern Convention recommendations should be taken into account: Recommendation No. 162 (2012) on the conservation of large carnivore populations in Europe requesting special conservation action; Recommendation No. 157 (2011) on the status of candidate Emerald sites and Resolution No. 8 (2012) on the national designation of adopted Emerald sites and the implementation of management, monitoring and reporting measures;

4. Evaluate the global consequences that the implementation of the **twenty two hydropower plants'** projects would have on the functioning of the Emerald Network on the country territory, taking into account the results of the analysis recommended under point 3 above;
5. Re-evaluate the draft Management Plan of the area, taking into account the results of the analysis recommended under points 2, 3 and 4 above and including the following aspects:
 - a. the zoning and protection regimes of the Park, in order to make it fully compatible with both the requirements of the Bern Convention (article 4) and the IUCN Category II classification,
 - b. the promotion of pastoralism in the upper parts of the Park, in order to maintain higher level of biodiversity,
 - c. the necessity to strengthen the information and education activities targeting the local community, about the ecological value of national park and in view of involving them in the sustainable management and use of its resources,
 - d. the necessity to integrate tourism and recreation in the management plan, fully in line with the requirements of the Emerald Network and the conservation principle of an IUCN Category II protected area;
6. Enforce the implementation, once it is adopted, of the draft national Law on proclaiming the Mavrovo protected area in the category National Park, **in respect to the expert mission conclusion that proposed hydropower construction planned in the Park is not compatible with the status of protection of the Park - Category II protected area (National park)** and the provisions regarding the financing that the Mavrovo National Park's Administration shall receive from the state budget for its basic functioning;
7. Ensure that adequate financial and human resources (minimum 2 full-time permanent positions) are allocated to the biological monitoring of the Park. For instance, this may be achieved through devoting part of the income generated by the development projects implemented within the territory of the Park to its scientific monitoring and management;
8. Keep the Standing Committee regularly informed about the progress in the implementation of this Recommendation;

Invites the European Bank for Reconstruction and Development and the World Bank to:

1. **Apply the precautionary principle and cancel the financing of the HPP projects in accordance with the recommendations to "the former Yugoslav Republic of Macedonia" above;**
2. **Apply the findings of the Bern Convention in their environmental policies in order to safeguard protected areas with IUCN category II status.**

Opinion and recommendation by complainant submitted by

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« The former yugoslav Republic of Macedonia »

Skopje, 28.10.2015