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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

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Bureau of the Standing Committee

8-10 April 2025
Strasbourg

New Complaint: 2023/01

**Alleged habitat destruction due to the construction of the Skavica
Hydropower Plant on the Drin River (Albania)**

-COMPLAINANT REPORT-

*Document prepared by
Earth Law Center – USA & Earth Thrive - UK, on behalf of Opposition to Skavica Dam - OSD
(Albania), Group of Rural Activists of Dibra-GARD (Albania), North Green Association (Albania), and
GLV Integrimi (Albania)*

Date: January 16, 2025

To: Secretariat of the Bern Convention

From: Earth Law Center – USA & Earth Thrive - UK, on behalf of Opposition to Skavica Dam-OSD (Albania), Group of Rural Activists of Dibra-GARD (Albania), North Green Association (Albania), and GLV Integrimi (Albania)

Re: Report on Complaint No. 2023/1 Re: The Skavica Hydropower Plant on the Drin River (Albania)

Dear Secretariat:

Please take note of the following updates regarding complaint n°2023/1 re: the Skavica Hydropower Plant (HPP) on the Drin River (Albania). Thank you so much for your consideration.

1. Biodiversity Impacts of the Skavica Hydropower Plant and the Environmental and Social Impact Assessment (ESIA) Process

As noted in our previous updates, under the contract between the Albanian Power Corporation (KESH) and Bechtel for the first phase of the Skavica HPP project (signed in July 2021), all studies to determine preliminary **environmental and social impacts of the project as well as the technical studies were completed as of 18.01.2023**. On this date, KESH submitted the Scoping and Technical reports to the National Environmental Agency (NEA) to request permission to continue with the public consultation process to complete the required ESIA report.

From January until 07.07.2023, NEA and KESH engaged in a process to address missing information and documents; however, as also stated in the update provided by the Government of Albania (GoA) in January 2024, the KESH application was rejected based on the following reasons:

- Information about copies of permissions, authorizations, and licenses available to the developer (KESH) is missing in the proposed project;
- KESH must specify the optimal variant of the scenario with precisely defined technical data for which Skavica HPP is built, presenting it with a map and coordinates;
- The contract between KESH and Bechtel Limited–Branch in Albania is not signed and not dated

Environmental impacts: As noted from opinions received by NEA during the review period of the KESH application, and also based on our review of the submitted reports, this application failed to include **detailed information and mitigation on key information**, such as air protection and pollution, forest and pasture areas to be flooded for the dam infrastructure and, most importantly, the reservoir, as well as all the wood, shrubby and herbaceous species in the area proposed for development. Rare, threatened, or endemic plants were briefly covered with no mitigation measures proposed.

The application did not propose any solution for mitigating the obstruction of the biocorridor used by the protected Balkan lynx (more on the lynx below). The field visits conducted from autumn 2021 to winter 2022 were insufficient to fully assess the potential impacts of the Skavica HPP, which is expected to cause extensive and irreversible damage to the immediate area to be flooded, as well as a large zone around the reservoir. This includes the rich valley of the Black Drini River, home to numerous species and plants, many of which are protected, as detailed in our original complaint.

Social Impacts: Based on the project area outlined in the submitted Technical Report, the Skavica HPP project at an elevation of 442 meters above sea level is expected to affect 10 out of 15 administrative units in Dibra (encompassing 35 villages) and three administrative units in Kukes (impacting three

villages). The project will disrupt thousands of people and damage various residential buildings, infrastructure, cultural and natural monuments, graveyards, mosques, sites of potential archaeological interest, roads, schools, clinics, historical landmarks, and traditional buildings.

District	Municipality	Administrative Units	Villages
		Dam and reservoir.	
Kukës	Kukës	Ujmisht Kalis Arrën	Skavice Kalis Arrez
Dibër	Dibër	Zall Reç Zall-Dardhë Sillovë Fushë Çidhën Arras Kastriot Muhurr Luzni Tomin Maqellarë	Zall Reç, Bardhaj Reç, Qafdraj, Draj Reç Zall-Dardhë, Lugje, Shenllesh, Nezhaj Zall Kalis Fushë Çidhën, Bllçe, Lace Arras, Koder Leshaj, Mustafë Kukaj, Kishavec, kandër, Vakuf, Brest I poshtem Muhurr, Fushë Muhurr, Vajmedhej, Rreth Kale Katund I ri, Luzni Tomin, Zdojan, Ushтеленxe, Cetush, Brezhdan, Selane, Gradec, Kovashicë, Bodgorcë, Okshatinë

On the consultation process, while the reports mention that meetings were organized by the sub-contractor with local government and civil society, as stated in the opinion of the Ministry of Tourism and Environment (issued on 13.02.2023) during the review of the rejected KESH application, **the KESH application lacked evidence of the consultation process carried out by Bechtel.**

Given that all the aforementioned studies addressing the environmental and social impacts were finalized and paid for as of January 2023, it is unlikely that the noted shortcomings and missing information, as described above and highlighted by the Bureau of the Bern Convention, will be adequately addressed in new studies, including those related to:

- Impacts noted in our original complaint of June 2023 and in our subsequent updates (Feb/Jul 2024)
- Impacts noted by the Bureau in their decisions of 10 Apr 2024 and 11 Oct 2024, including:
 - Impacts on the Black Drin River and its effects upon protected species listed within the Convention's annexes and resolutions,
 - Impacts of the Skavica HPP project and a perceived decline in the Balkan Lynx Recovery Programme,
 - Previously stated wider concerns over the status and welfare of the region,
 - The impact of the Skavica HPP project on candidate Emerald Network sites, and
 - Other western Balkan lakes (two in Albania, namely Ohrid and Shkodra) and large carnivores.

KESH has not re-applied for a full ESIA process with NEA as of 08 January 2025, according to information from NEA. Further updates will be provided, following any new KESH application.

2. Bern Convention Bureau Urges GoA to Adhere to the Precautionary Principle

Despite the BERN Convention Bureau calling on Albania to **observe the precautionary principle and consider alternatives** (in the two issued Bureau decisions regarding this complaint on the Skavica HPP in Apr and Oct 2024), there is no information that the government via KESH is considering alternatives. Based on latest information obtained from KESH by the Opposition to Skavica Dam NGO (OSD), one of the dam options ranging from 442m to 432m elevation above sea levels may be selected, whereas options with lower impacts are no longer considered, according to information obtained as at the time of this update (namely at 420m, 400m, and 385m elevations). In addition, KESH has [engaged a financial](#)

[consultant](#) to provide assessments and recommendations on the project's feasibility and KESH bankability, laying out to potential investors a cost estimate for the project at over one billion at the highest elevation, that of 442m above sea level.

3. Studies on the Skavica HPP project design and planned infrastructure

As outlined in the submitted technical report on the Skavica HPP (included in the application rejected by NEA), the project details the interventions required to construct the dam, reservoirs, power generation and transmission infrastructure, as well as access roads.

To review these studies carried out by Bechtel via different contractors during the first phase, a Cooperation Agreement was signed between KESH and the Polytechnic University of Tirana (UP) in February 2023 focusing on the above components in order to provide recommendations for improvements.

According to our information, the university has relied on the Technical Report contained in the KESH rejected application, as well as in a series of other studies and project designs submitted to KESH.

As the UP report has already been finalized and accepted by the relevant parties, we provide this update to highlight the studies conducted by contractors. These studies, much like the environmental and social impact assessments completed for the Skavica HPP, **reveal significant shortcomings and weaknesses in technical, geological, seismological, and power generation infrastructure assessments, as identified by the UP, with recommendations for improvement.** These are described in turn.

Regarding technical designs (powerhouse, intake structure, switchyard control building), UP recommends to **select concrete and steel classes set forth for seismic resistant buildings** and choose materials to ensure long term structure integrity (avoiding minimum class materials susceptible to shrinkage and other risks over time). On the loads, the UP highlights that designs have not considered snow and accidental loads.

On the **temporary and permanent roads** to be built, the UP notes that no information is given on the type of roads to be built, also opposing the chosen method of opening and depositing excavations on the side of the roads as there would be pollution in the roads, greatly impacting the environment.

On the **hydropower studies** completed for the Skavica HPP, UP recommends to re-evaluate the dam design and for the dam axis regarding the geological formation, UP notes that additional work is needed to determine the geological formation in the dam axes especially in the riverbed.

UP notes that the project still needs to confirm the methodology used for determining the operation mode and energy production for the Skavica HPP, also noting that designs for the transmission lines and switchyard must meet technical and environmental requirements.

In the detailed **geological** study carried out, UP recommends to describe the geotechnical units, soil and rock formations based on international classification and standards. **UP urges laboratory tests to determine geotechnical parameters, instead of relying on literature.**

On the **seismological** study completed by KESH via the contractors, UP recommends conducting detailed seismic hazard analysis and ongoing monitoring of project impacts and to complete recommended site-specific seismic hazard studies to address uncertainties. It notes that there is a need to further characterize the Kukes fault line (site where the dam will be located) and obtain detailed fault parameters before the project is finalized. UP requests to incorporate additional local seismic hazard studies and updated computations.

More detailed information on the main findings of the UP report can be found [here](#).

4. The Impact of the Skavica HPP on the Black Drin as a Potential Emerald Network Site, the Balkan Lynx, Other Large Carnivores, and Aquatic Species and Habitats

In December 2024, the Bern Convention Standing Committee [set a new target and agreed on a roadmap for the expansion of the Emerald Network](#). Albania until 2030 should achieve a 35% sufficiency index. Having in mind the results of the 2011 biogeographical seminar, the latest studies about large carnivores in the area and the continuing threats to aquatic species and habitats in the country, the upper Black Drin valley is a top priority for a new Emerald site in the Alpine biogeographical region. This Emerald site should include at the very least:

- The Balkan lynx biocorridor, the only left between the populations in Albania and North Macedonia, close to the Skavica village;
- The main river and its tributaries, the only free-flowing stretch of the Drin basin after the dam construction in the previous century in Albania and North Macedonia;
- The extensive riparian forests of alder, willow and poplar - priority habitat 91E0 in the EU;
- Seminatural meadows and pasture conserved for more than a thousand years by the traditional use of people from the Dibra valley; and
- Thermophilic oak forests, habitat many species of birds and the Hermann's tortoise.

Regarding the lynx, while the previously rejected KESH application marked option 1B of the Skavica HPP as intersecting with the natural monument Karsti i Arnit and being located in the protected area of Munellë, amendments to the law on protected areas could remove such barriers if KESH includes this option in a new application, thereby further endangering the status of the lynx in this area.

Research conducted by the Protection and Preservation of Natural Environment in Albania (PPNEA) in 2023 confirmed that Munella Mountain is a crucial habitat for the critically endangered Balkan lynx. In the Munella region, 59 camera traps were deployed between December 2022 and February 2023, covering 59 grids (2.5 x 2.5 km²), including 15 within the Protected Area. The monitoring season resulted in photographs of two Balkan lynx individuals in Munella Mountain and its northern area, while no lynx were photographed in the Thirra and Zeba mountains. These two individuals were the same as those identified in the previous extensive survey conducted in 2021. Other carnivores, such as the brown bear (*Ursus arctos*), wolf (*Canis lupus*), and jackal (*Canis aureus*), were also recorded using the lynx bio-corridors. This analysis, along with additional research, underscores the critical importance of the Skavica corridor between Munella and Mavrovo National Park.

In Winter/Spring 2024, PPNEA, in collaboration with Elbasan RAPA staff, conducted an intensive camera trapping survey in the Polis–Gur i Zi–Valamara region. The monitoring season resulted in the photographing of two Balkan lynx individuals, with a total of 30 photos taken at four locations.

As a conclusion, the number of lynx identified in both study areas is, unfortunately, lower compared to the results obtained in 2017 in Munella and 2020 in the Polis-Valamara ecosystem, pointing to the risks posed to the existing Lynx by the Skavica HPP.

Regarding the fish species present in Black Drin and its tributaries, 6 species of European importance (many of which endemic to the Balkans or even the Drin basin) have been identified during the Emerald Green webinar in 2022. These include *Eudontomyzon spp.*, *Cobitis ohridana*, *Barbus rebeli*, *Rutilus ohridanus*, *Pelagus ohridana*, *Salmo farioides*. All these species are insufficiently protected in Emerald sites from the Alpine region of Albania (and in the Western Balkans in general). The Black Drin was included by fish experts and CSOs to the [shadow list of rivers to be added to the network](#).

5. Violations of Environmental Protection Laws and Mandatory Consultation Processes

In the Constitutional Court Decision no 3/2024 on the Skavica HPP case brought for review by three NGOs, including the OSD, co-complainant here, it was stipulated that this law violated article 56 of the Constitution on the right to information about the environment, and in this view, it is deemed unconstitutional. **However, the Court decided that the stated violations can be repaired during the**

first, current phase of the project, refraining from declaring the law no. 38/2021 on the Skavica HPP as unconstitutional.

Following the court decision in January 2024 regarding the violation of Article 56 of the Constitution, and therefore of law no. 146/2014 on public consultation, the OSD lodged a request in July 2024 with the Prosecution Office to investigate whether the violations stated in this court decision could lead to criminal proceedings. This law requires all legal government acts, such as draft laws, to be published in the online electronic register for public consultation. In the request for investigation, the OSD referred to the Ministry of Environment and Energy (MIE) as the competent authority responsible under the law for publishing the draft law on Skavica HPP (later named law no. 38/2021, which underwent Constitutional Court review) in the register. This is because the MIE drafted and proposed the draft law on Skavica HPP, and the Minister reported on the draft law during reviews in parliamentary commissions and discussions before its approval in March 2021. Although

the Constitutional Court determined that the draft law on the Skavica HPP had not been published in the online electronic register for public consultation, thereby violating law no. 146/2014 (as cited in Constitutional Court Decision no. 3/2024), the prosecution decided not to open an investigation, concluding that these violations did not constitute a criminal act. The prosecution, similar to the Constitutional Court, adopted the view that these violations could be repaired, following the precedent set by the Constitutional Court's decision on law no. 38/2021. This view was upheld by the courts when the decision was appealed by the OSD.

The failure to pursue robust investigations into potential crimes against the environment and violations of the public's right to prior, timely, and detailed consultation on projects with suspected irreversible impacts risks leading to future breaches of consultation rights for draft laws and other projects. The rights of local people and nature are likely to be deprioritized when considering whether public consultation should be carried out for such projects, despite their potential impacts.