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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Open File 2017/2

**Alleged negative impacts to Lake Ohrid and
Galichica National Park candidate Emerald
Sites due to infrastructure developments
(North Macedonia)**

**TERMS OF REFERENCE FOR A BERN CONVENTION
ON-THE-SPOT APPRAISAL**

*Document prepared by
the Secretariat of the Bern Convention*

1. BACKGROUND OF THE CASE-FILE

The complaint 2017/2 concerns an alleged breach of the Bern Convention related to urbanisation developments within the territories of Lake Ohrid and Galichica National Park (and their surroundings) in North Macedonia. The development plans include a ski centre and resort, European Corridor VIII railway, A2 Highway, a marina, and several touristic development zones.

In 1979, Lake Ohrid and the City of Ohrid were declared as World Natural and Cultural Heritage sites, protected by UNESCO “Natural and Cultural Heritage of the Ohrid region”. In 2014, Lake Ohrid and Galichica National Park became part of the UNESCO World Network of Biosphere Reserves “Ohrid-Prespa” due to the extraordinary biodiversity and international significance. Both are officially nominated as Emerald Network Sites (MK0000024 and MK0000001) and, since February 2021, Lake Ohrid and Studenchishte Marsh have been added to the [World Ramsar List](#).

A joint Reactive Monitoring Mission of the UNESCO World Heritage Centre (WHC), International Council on Monuments and Sites (ICOMOS) and International Union for Conservation of Nature (IUCN) was carried out in 2017 and reflected that the “increased urbanisation along the coast and in the upper parts of the national park caused fragmentation and destruction of habitat, increased interference with natural resources (particularly water), and pollution (e.g. solid waste, construction debris, wastewaters, air pollution, noise)”. The mission stated that if the suggested recommendations were not followed, the property may soon meet the conditions for inscription on the List of World Heritage in Danger. A further Reactive Monitoring Mission took place in January 2020 ([report](#)), and these concerns were reiterated. In 2021, despite pressure from NGOs, scientists and other stakeholders, the draft decision to include the site on the List of World Heritage in Danger was rejected due to a proposed amendment.

The authorities’ first response to a Bern Convention request for information in March 2018 stated that they are in the process of implementing the recommendations issued by the joint mission of 2017 including the preparation of a Strategic Environmental Assessment (SEA) of the Draft Management Plan for the Natural and Cultural Heritage of the Ohrid region which is still in the initial stage. The SEA provides for a comprehensive assessment of the cumulative impacts of all infrastructure and development plans and other major projects envisaged in the boundaries of the property, the progress in relation to the infrastructure projects such as the construction of the A3 Expressway and the Galichica Ski Centre, as well as the envisaged Pan-European Corridor VIII Railway and the A2 motorway.

The complainant report in 2018 stated that the implementation and enforcement of the Law on Management of the World Natural and Cultural Heritage in Ohrid Region including the mandate of a Management Plan, adopted in 2010, was still lacking and criticised the administrative delays.

In September 2018, the Bureau of the Bern Convention noted with concern the ongoing activities affecting the coastal regions of the Lake and the alleged lack of implementation of the WHC/ICOMOS/IUCN recommendations. In March 2019, the Bureau decided to upgrade the level of the complaint to “stand-by”.

The complainant’s report in August 2019 stated that almost 1,500 illegal constructions were located in Ohrid Municipality and further noted that the inappropriate urban development may impact water pollution, degradation or fragmentation of riparian habitats, and alteration of the lake landscape.

In December 2020, the Standing Committee, in relation to another complaint concerning North Macedonia (Open File 2013/01 on hydropower development within Mavrovo National Park) decided to mandate an on-the-spot appraisal (OSA) which it stressed should also include an assessment of the Lake Ohrid and Galichica NP candidate Emerald Network sites. The mission took place online in May 2021 and the independent experts advised that the latter sites required a further dedicated OSA.

New complainant reports received during 2021 stated among other points that the Bukovo landfill and other illegal dumping sites and illegal constructions within the property had still not been removed, that the authorities had no intention to conduct EIAs for the illegal constructions, that the SEA and cumulative effects for the Ohrid Region Management Plan had not been implemented and

that a comprehensive comparative study of alternative routes for the European Corridor VIII railway had not been initiated.

Further signals were also communicated to the Bureau and Secretariat from other organisations, including concerns about the draft Law on Proclamation of Studenchishte Marsh as a Nature Park (IUCN Category IV), which was allegedly in urgent need of comprehensive revision.

At its 41st meeting in December 2021, the Standing Committee decided to elevate this complaint to an open file and to mandate an OSA to Lake Ohrid and Galichica National Park. The authorities of North Macedonia agreed, and the Committee further advised that other involved organisations such as IUCN, Ramsar, and UNESCO WHC could be invited to take part, in order to build on but not duplicate the recommendations of the previous Reactive Monitoring missions. The newly adopted [Recommendation No. 211 \(2021\)](#) on conservation measures within national parks in North Macedonia, including in relation to Mavrovo National Park and Lake Ohrid and Galichica National Park should also be a reference point.

2. OBJECTIVES OF THE MISSION

On the basis of the instructions by the Standing Committee, the information provided by the authorities, complainant NGO and other stakeholders, and using [Recommendation No. 211 \(2021\)](#) and the [recommendations](#) of the Reactive Monitoring Mission of WHC/ICOMOS/IUCN as references, the objectives of the mission are, through research, on-site assessment, and discussions with relevant stakeholders, to:

Concerning Lake Ohrid and its surroundings:

1. Collect information on existing and newly planned urbanisation and energy projects, especially in the surrounding area of the 9 biodiversity hotspots of Lake Ohrid, and in particular the Gorica North project which envisages many commercial developments over 17 hectares, and the small hydropower plants on River Koselska. Consider also the impact the decision for a moratorium¹ on urbanisation may have on Lake Ohrid and its surroundings.
2. Collect information on the Draft Law on proclamation of Studenchishte Marsh as a Park of Nature and consider its feasibility in particular relative to the lack of a proposed buffer zone, taking into account that the Marsh and Lake Ohrid have recently been declared as a Ramsar Site.
3. Collect information on the Valorisation Study for Lake Ohrid and Draft Management Plan for Lake Ohrid.

Concerning Galichica National Park and its surroundings:

4. Collect information on existing and newly planned urbanisation and energy projects such as the Raft Floating Restaurant in the strictly protected area of St. Naum springs.
5. Collect information on the new management plan for Galichica National Park.
6. Collect information on the Draft Management Plan for St. Naum complex.

Concerning other important projects and plans which may have negative impacts on the Emerald Network sites:

7. Collect information on the state of affairs of the European Corridor VIII railway project and A2 Highway project.
8. Collect information on the status of illegal constructions across the protected areas, on the laws for legalisation of illegal constructions and on the draft law on urban planning.
9. Collect information on the implementation of the Management Plan for the Ohrid Region, the Draft Strategy for Tourism Development for the Municipality of Ohrid, and on the

¹ Decision on the methods of implementation of existing urban plans and urban planning documentation, and adoption of new urban plans and projects, as well as methods of managing the procedures for establishing a legal status of illegally constructed objects in the Municipality of Ohrid.

development of the Strategic Recovery Plan for revitalisation of Ohrid Region natural (and cultural) values.

3. MISSION DELIVERABLES

Based on the findings of the mission, the expert shall submit a written report of max. 20 pages, including proposed recommendations to the national authorities on conforming with International Treaties such as the Bern Convention when considering urbanisation/infrastructure projects which may negatively affect the Emerald Network sites Lake Ohrid and Galichica National Park. The recommendations should take into account [Recommendation No. 157 \(2011, revised in 2019\)](#) on the status of candidate Emerald sites and guidelines on the criteria for their nomination, [Recommendation No. 208 \(2019\)](#) on detecting, reporting, assessing and responding to changes in the ecological character of Emerald Network sites, the [Post-2020 Strategic Workplan for the Emerald Network](#) as well as fellow Major Environmental Agreements' recommendations such as the reports of the Reactive Monitoring missions of WHC/ICOMOS/IUCN in 2017 and 2020.

The recommendations shall be accompanied with a monitoring plan for their implementation and shall be examined and possibly adopted by the Standing Committee to the Bern Convention.

4. MISSION TEAM PARTICIPANTS, NATIONAL AUTHORITIES AND OTHER STAKEHOLDERS TO BE INVOLVED

4.1. Mission team

- International independent expert
- Bern Convention Secretariat

4.2. Governmental authorities

- Ministry of Environment and Physical Planning of North Macedonia
- Other relevant ministries/agencies/institutions of North Macedonia
- Regional and local authorities

4.3. Other stakeholders

- CSO "Front 21/42" (complainant)
- Other relevant NGOs, e.g. Macedonian Ecological Society, Ohrid SOS
- Scientific and academic community
- Local community representatives
- Relevant international organisations, e.g., IUCN, Ramsar Convention, UNESCO WHC

5. FUNDING AND ORGANISATION OF THE MISSION

Funding for covering costs of the on-the-spot appraisal will be borne by the Bern Convention and international logistical arrangements will be done and coordinated by the Bern Convention Secretariat. The Ministry of Environment and Physical Planning of North Macedonia is kindly requested to organise and provide local logistics, such as arranging meetings scheduled with all stakeholders, field visits, providing local transportation for the mission team free of charge, providing interpretation and translation of documents if required.

6. TENTATIVE DATES

The mission could take place in Spring 2023 (to be determined).