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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

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**Standing Committee**

44<sup>th</sup> meeting  
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**Bureau of the Standing Committee**

10-12 September 2024  
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**Open File: 2017/02**

**Alleged negative impacts to Lake Ohrid and  
Galichica National Park candidate Emerald  
sites due to Infrastructure Developments  
(North Macedonia)**

**- REPORT BY THE COMPLAINANT -**

*Document prepared by  
Front 21/42*

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Skopje, 31.07.2024  
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## **Bern Convention on the Conservation of European Wildlife and Natural Habitats**

File No. 2017/2: Alleged negative impacts to Lake Ohrid and Galichica National Park candidate Emerald sites due to infrastructure developments (North Macedonia)

### **UPDATE REPORT - Implementation of Recommendation 221 (10.02.2024 – 31.07.2024)**

*N.B. Please see Annex I for the visual material*

**1. *Establish the legal basis for the whole Ohrid Region World Heritage site to be declared as a protected area with locations such as the candidate Emerald Network Sites and biodiversity hotspots nested as special protected areas within this wider scope.***

There was no development in regard to this point. To our knowledge, previously reported new Law on Managing the World Natural and Cultural Heritage of Ohrid Region (which doesn't incorporate this point of Recommendation 221) is still in a draft phase. We haven't received any replies to the comments we submitted to the authorities in February 2024, so we don't know if there are any changes in the document.

In the context of new legislation, it's important to note that the country had parliamentary and presidential elections in May 2024 and the new Government (formed by the previous opposition party VMRO DPMNE), as well as the new Assembly, have been recently established (28<sup>th</sup> May the Assembly and 24<sup>th</sup> June the Government).

**2. *Establish a professional management body for the new World Heritage Site protected area, staffed with members of appropriate expertise and accorded in law with the power to make and execute management decisions.***

On 14<sup>th</sup> February 2024 the Government adopted a Decision for new members of the Management Commission of WH Ohrid Region. The new WH Management Commission has 21 members, instead of the previous (and legally binding) 23 – there is no representative from environmental NGOs and from the Biology Institute at the Faculty of Natural Sciences and Mathematics. This is a clear violation of article 10 from the current Law on Managing the WH Ohrid Region (which specifies the mandatory representatives in the WH Management Commission). Previously established expert consultancy body to the WH Management Commission (which, in our view, played a very positive role) doesn't exist anymore.

On 1<sup>st</sup> April 2024 the Ministry of Environment and Physical Planning (MOEPP) took over the presidency of this Commission (from the Ministry of Culture). The first (constitutional) session of the new WH Management Commission took place on 22<sup>nd</sup> May 2024; unlike the practice in the past 2 years (and legal obligation deriving from the Law on Managing WH Ohrid Region), this session was not open for other stakeholders. To our knowledge and according to publically available information so far this has been the only session of the commission.

Regarding the role of this management body – there weren't any changes (it's still the same advisory body); it's important to note that the role is defined in the Law on Managing the WH Ohrid Region, so the same explanation about the new version of this law in the previous point is also valid for this subject.

We want to stress out that we find the recent changes of the WH Management Commission quite worrying.

3. ***Conduct an expert evaluation with a public consultation procedure of both the Management Plan for the Natural and Cultural Heritage of the Ohrid Region 2020-2029 and the Strategic Recovery Plan for Revitalization of Ohrid Region natural/cultural values to identify actual and potential weaknesses in their design and implementation, using the information gathered to upgrade each document.***

No new development in this reporting period. As reported in the previous update report, the Strategic Recovery Plan has been *revised* without public participation, upon UNESCO's request (the revision didn't include any meaningful change in our opinion, including addition of a budget for the activities, requested by UNESCO).

4. ***In conjunction with the evaluation of the Management Plan for the Natural and Cultural Heritage of the Ohrid Region 2020-2029:***

- a) ***complete up-to-date spatial and urban planning documents to ensure that all future constructions in the Ohrid Region are aligned with Outstanding Universal Value, including those for which unmaterialised construction permits and other related permissions have already been issued; and***
- b) ***put in place an effective moratorium on all constructions, except for essential basic needs like wastewater infrastructure and emergency services, until Recommendations 3, 4a and 12 have been adequately completed.***

#### **Implementation in regard to point 4a:**

No spatial and urban planning documents for the sake of aligning all future constructions with OUV have been proposed/completed, on the contrary – there were new steps towards further urbanization with a potential for even greater deterioration of the OUV of the property, as well as for additional negative impact on the Candidate Emerald sites Lake Ohrid and NP Galichica:

- On 28<sup>th</sup> February Municipality of Ohrid published a Planning Programme for a new urban plan for Lagadin-Peshtani area, part of the National Park Galichica. The area to be urbanized is 4.75ha and for a long time it has been a well-known auto camp - the new urban plan will enable construction of new hotels and/or hotel complexes, weekend houses and small commercial facilities;
- On 12<sup>th</sup> March 2024 Ministry of Environment issued a *Decision for spatial planning conditions (which is the first step in the process for urbanization of a certain area)* for Gorica East urban plan – weekend houses on 12,79ha;
- On 14<sup>th</sup> March Municipality of Ohrid published an Information for the start of procedures for new urban plans for 3 villages, including the village of Ramne in the National Park Galichica;
- Also on 14<sup>th</sup> March Municipality of Ohrid published a Project Programme for a new urban plan for apartment building(s) in the same village of Ramne (NPG). We visited the site on 18<sup>th</sup> July and discovered that the area (of the future urban plan) has already been cleared and digging started– prior to SEA and all other legally binding steps before the actual intervention on the ground should start;
- On 15<sup>th</sup> April Municipality of Struga published a Decision to conduct Strategic Environmental Assessment (SEA) for a new urban plan for weekend houses in Kalishta (wider area with 2 of 9 biodiversity hotspots for Lake Ohrid, already under heavy impact from urbanization). When we visited the site on 19<sup>th</sup> July we discovered that the area has already been cleared (the forest cut down), which makes the upcoming SEA an obvious formality. To make things even worse, according to the latest Cadaster information this area is still a forest – meaning that legally binding procedure for transformation of forest into construction land hasn't been conducted, as well as the forest has been cut down without any legally binding procedures and documents;
- According to the Official Journal of Municipality of Ohrid (published on 25<sup>th</sup> May 2024) urban planning documents and projects which are currently in a process of creation and adoption include new urban plans for the following villages in the NP Galichica: Peshtani, Velestovo (financed by the municipality); Ljubanishta, Trpejca, Elshani, Lagadin, Dolno Konjsko, Gorno Konjsko (financed by the Government); a

local urban plan for a weekend house in the village of Trpejca (financed by private initiative) – this procedure is completed.

We are worried that one of the main reasons for the new urban plans for the villages within NP Galichica is legalization of existing illegal buildings.

The same Official Journal of Municipality of Ohrid lists the following (currently valid) urban plans for Gorica area: Gorica East, part 1 (in a draft plan phase) – financed by private initiative; Gorica East part 2 (in a draft plan phase) – financed by private initiative; Gorica East part 3 (in a planning programme phase) – financed by private initiative; **Gorica North** (as part of the urban plan for Lake Ohrid coast) – financed by private initiative; Complex Gorica part 1 (planning programme approved) – financed by private initiative; Complex Gorica part 2 (as part of the urban plan for Lake Ohrid coast) – financed by private initiative; Touristic locality Gorica- St. Stefan-Metropol with a port in the village of Konjsko – financed by the Government.

There are many more urban plans listed in the Official Journal of Municipality of Ohrid from 25<sup>th</sup> May, but these are the ones we are mostly worried about as they imply further urbanization of National Park Galichica, the surrounding of Studenchishte Marsh and large part of the area bordering Lake Ohrid coast.

#### **Implementation in regard to point 4b:**

No moratorium on any constructions was adopted, on the contrary new constructions continued to emerge, with more to follow (based on the issued building permits).

We are especially worried about a huge new hotel complex in Gorica 3 area. The forest was cut down and construction started in April, just days after UNESCO's Reactive Monitoring Mission. We are currently analyzing the legality of the documents and procedures for this project, so far we discovered: there is no publically available information that EIA was conducted prior to the cutting of the forest and start of construction, nor SEA for the related urban plan; no opinion has been obtained from the WH Management Commission, SEA Report for the WH Management Plan points out that urbanization should not be allowed in this area and specifically lists the envisioned hotels as a threat, etc.

The infamous hotel in Lagadin (addressed in the report of UNESCO's RMM 2020) is almost finished.

During our last visit to the site (18<sup>th</sup>-19<sup>th</sup> July 2024) we detected many new constructions, especially in the villages within NP Galichica, above Struga lake shore and along the entire shore – we don't know how many of these are legal and how many are illegal constructions.

According to the official data from the State Statistical Office in the period January-May 2024 Municipality of Ohrid issued 60 new building permits (41 permits were issued to private persons and 19 to business entities).

5. *Harmonise the legislation for urban planning and construction with nature protection laws to ensure that conservation of habitats and biodiversity are prioritised in protected areas and World Heritage sites, by placing stringent controls on definitions such as temporary buildings and urban equipment, by upgrading quality requirements for impact assessments in protected areas, and by eliminating potential weaknesses from overly extensive definitions of state importance that can allow construction of tourism development zones and hydropower facilities in the World Heritage site.*

There was no development in regard to this point. To our knowledge, previously reported new Law on Construction and amendments to the Law on Urban Planning (which didn't incorporate this point of Recommendation 221) are still in a draft phase. We haven't received any replies to the comments we submitted to the authorities in December 2023 and January 2024, so we don't know if there are any changes in the document.

6. *Establish a zero-tolerance policy for any new illegal constructions by streamlining the process for their removal in law, increasing the penalties for transgression of urban planning rules*

*in World Heritage Sites, and reinvigorating the staffing, procedures and professional standards of relevant inspectorates.*

There was no progress regarding the legal provisions for legalization of illegal constructions, instead the problem with these buildings continued to grow.

According to the Official Journals of Municipality of Ohrid (published on 13<sup>th</sup> February and 15<sup>th</sup> March 2024) Municipality of Ohrid legalized a total of 50 illegal constructions (35 in February and 15 in March). Out of these 5 are within National Park Galichica, 2 are in Gorica North area (close to Studenchishte Marsh) and 7 are in Orovnik area, close to Podmolje (the largest reed belt in Lake Ohrid, 1 of 9 biodiversity hotspots, key biodiversity area according to Lake Ohrid Study).

New illegal constructions continued to emerge within the World Heritage site. When we visited the site on 18<sup>th</sup> July we were stunned to see that not only the 2 illegal constructions **within** Studenchishte Marsh haven't been removed despite our report to the inspectorate, but 4 new illegal constructions emerged within the same area, including a 2 story building. The area starts to resemble a small urban complex within the marsh itself.

We are also extremely worried about a huge new illegal hotel in the village of Ramne, within National Park Galichica.

- 7. Revise the proposed zoning concept as well as permitted and prohibited activities in the Valorisation Study for Lake Ohrid prior to the adoption of the Law for re-proclamation of Lake Ohrid as a Monument of Nature, as well as the Draft Management Plan for Lake Ohrid, to effectively address the actual threats, ensure protection and connection with Studenchishte Marsh and comply with international (IUCN) standards for protected areas.***

On 13<sup>th</sup> August 2024 the Assembly started the procedure for adoption of the Law on proclamation of Lake Ohrid as a Monument of Nature, without any prior revision of the proposed zoning and permitted/prohibited activities. We had a meeting with the Ministry of Environment on 15<sup>th</sup> August, during which we explained that such action is in direct opposition to the Bern Convention recommendation (and automatically in conflict with the Constitution), which implies a need for a withdrawal of this law. Since the new administration informed us that they are not familiar with the Bern Convention decision and Recommendation 221 (2023), we sent them these documents right away, as well as the letter from April 2024 with the latest Bureau decision. The next day (16<sup>th</sup> August) MoE published a statement that all procedures have been duly followed for Lake Ohrid and Studenchishte Marsh laws.

In our view this clearly shows that MoE knowingly ignores Recommendation 221 (2023) and that there is no intention for its implementation.

Among the allowed activities on Lake Ohrid shore (buffer zone in the Valorization Study and the new law) are concrete, metal and wood constructions. During our visit to the site (17<sup>th</sup>, 18<sup>th</sup> July 2024) we took a boat trip along the whole lake and counted 82 platforms and constructions within the lake (!). These include several old structures (older than 10 years), re-opened beach bars, many relatively new structures (built in the past 5-6 years) and several completely new ones; about 15 structures in the lake are private interventions, including extensions of (illegal) constructions on the shore.

Despite listing the boat traffic as a high threat, Lake Ohrid Valorization Study proposes boats with a speed limit up to 15 knots to be allowed in all zones of protection, except in the zone of strict protection (which is only 11,9%). During our visit in July 2024 we noticed a significantly larger number of boats than in the previous years, even 2 additional improvised marinas. Unfortunately the exact number of boats in Lake Ohrid is not known because the Port authority (still) doesn't record their locations.

Restoration of Studenchishte Canal is noted as a key activity for conservation of Lake Ohrid in the Valorization Study, and yet it is not included in the protected area. In our presentation at the 43<sup>rd</sup> meeting of the Bern Convention Standing Committee we reported on (then) recent contract (14.11.2023) signed between the Ministry of Defense and a private company for reconstruction of the Studenchishte Canal (with a value of almost half a million Euro). At that time we only knew that the Management Commission of WH Ohrid Region wasn't notified nor asked for an opinion (legally binding under the WH Management Law). On 09.03.2024 the Minister of Defense gave a statement to the press that the Ministry of Environment, Ministry of Culture, UNESCO, etc. all examined the project documentation and "*concluded that there is no danger for the environment*". We asked for this documentation and the obtained opinions and received: an opinion from the Ministry of Environment that no EIA nor an Elaborate is needed, dated 07.02.2024 (3 months after the contract was signed and contrary to the Law on Environment); a short document presented as an Environmental Elaborate for the project, with general information and very few (almost none) specific or meaningful information about the project and its impact; a very strange email communication that doesn't make much sense (from an expert at UNESCO?) coming from a Gmail account and also from February 2024 or March 2024 (?). The project is now completed and besides the new concrete layer and reconstruction of the walking wooden boards, there is a new opening to/from the canal – the locals' opinion is that the Ministry of Defense needed a new entry to the marina due to the growing number of private boats and also their growing size, because the Ministry rents the parking spots to private boat owners.

In our opinion these few insights from the current state of affairs point out the urgency for implementation of the recommendation and establishment of a proper legal protection of Lake Ohrid.

- 8. *Revise the proposed zoning and list of permitted and prohibited activities in the Valorisation Study for Studenchishte Marsh prior to the adoption of the Law on Proclamation of Studenchishte Marsh as a Nature Park and preparation of the management plan for the Marsh, to allow for the inclusion of a buffer zone covering the Gorica North area where new construction is not to be permitted, as well as to ensure connection with Lake Ohrid and compliance with international (IUCN) standards for protected areas.***

On 13<sup>th</sup> August 2024 the Assembly started the procedures for adoption of the Law on Proclamation of Studenchishte Marsh as a Park of Nature, without any prior revision of the proposed zoning and permitted/prohibited activities.

*During the meeting with MoE noted in point 7 we discussed this law as well; the same outcome (MoE's public statement that all procedures were followed) is valid for this point as well.*

As elaborated above (point 4a) Gorica North urban plan is listed in the Official Journal of Municipality of Ohrid (25.05.2024) as one of the currently valid plans, part of the urban plan for Lake Ohrid coast and financed by private initiatives. Regarding the existing illegal constructions in Gorica North area – as elaborated above, Municipality of Ohrid legalized 2 in this reporting period.

- 9. *Proceed to aligning each protected area in North Macedonia with the IUCN guidelines for 75% to be primarily managed for nature conservation, including by revision of permitted activities in line with the findings of this report, and establish a regular, annual mechanism for the delivery of state funds to protected areas for general management purposes.***

There was no development in regard to this point.

As previously noted there was a change in the Government and its Proposed Programme (2024-2028) notes that the 4 national parks will get a "*systematic financial support*" for their primary goals in protection of environment, but in this context it's important to also note that the current re-balance of the budget, proposed by the new Minister of Finance, has a larger budget for the

Ministry of Environment, but a smaller one specifically for Nature Protection – the debate about the budget is still going on.

In March 2024 there was an article in the media that for the first time the Ministry of Environment will support projects of all 4 national parks, the total budget is about 325 000 Euro and all national parks submitted their projects.

Other relevant points deriving from the new political situation are: for the first time there is a Ministry of Tourism (the Ministry of Culture became Ministry of Culture and Tourism) and tourism development is presented as one of the national priorities in the proposed Government's Programme; Ohrid is singled out as a place that will be promoted on the world map of conference tourism and for that goal “*extensive infrastructure*” will be put in place. Construction of new ports in the 3 lakes (Ohrid, Prespa, Dojran) is also noted in the Programme.

***10. Implement thorough monitoring of key species according to scientific principles throughout the World Heritage site, but particularly at biodiversity hotspots and core habitats, using the information to inform management decisions, national Red List classifications, and action plans for the conservation of endemic species.***

To our knowledge no monitoring system of key species has been established in this reporting period.

There was a report in the media about a new project for protection of the caves in the National Park Galichica, including an assessment of the climate change impact on the caves, but we have no information whether this project envisages establishment of species/habitats monitoring.

***11. Accelerate the procedures for the designation and full adoption of Emerald Network Sites and the establishment of a connected Network in accordance with the provisions of the Bern Convention and in cooperation with neighbouring countries.***

There were no activities towards implementation of this recommendation took place in the reporting period.

***12. Urgently upgrade and expand the system for the collection, treatment and maintenance of wastewater in the whole of the Lake Ohrid watershed with a priority for action at the vicinity of biodiversity hotspots such as Saint Naum Springs.***

According to the press statement of the director of the PE Collector Systems, “*the danger of fecal waste water spilling into Lake Ohrid has been completely removed*” thanks to the dedicated work of the enterprise and the complete rehabilitation of the collector; he also pointed out that thanks to the received grant from the Spanish Government, technical documentation has been completed for wastewater treatment stations in several villages.

According to the latest report from the Institute for Public Health (08.07.2024) Lake Ohrid water is in almost all locations with an excellent quality; however the same report notes the tributary rivers as highly polluted and also points out Ostrovo platforms restaurant in St. Naum Springs area as one of the direct polluters of Lake Ohrid.

***13. Ensure that provisions allowing for construction and agriculture in the Studenchishte Marsh are removed from the final version of the Law on Proclamation of Studenchishte Marsh as a Nature Park, spatial/urban planning documents, and management plans, with narrow exceptions for traditional mowing and small livestock populations for habitat maintenance and restoration purposes.***

Please see the report for point 8s

Construction already takes place within the marsh – elaborated in point 6.

**14. Relocate and reimagine current and planned visitor facilities and restaurants at Saint Naum Springs, in particular facilities at the proximity of the Strict Protection Zone (especially the Ostrovo restaurant) and put in place improved mechanisms to control visitor volumes and flow, including appropriate paid entry.**

There were no activities towards implementation of this recommendation took place in the reporting period.

**15. Design and implement, together with the interested public and NGOs, a comprehensive awareness raising campaign on the importance, standards and methods of protecting the natural and cultural heritage throughout the Ohrid Region which should be recognised as a national treasure.**

To our knowledge there was no progress towards this point.

There were few small campaigns and activities (e.g. for the international biodiversity day), but in our opinion none of them can be considered a comprehensive awareness raising campaign for the importance of the values of Ohrid Region.

**Additional information:** the 46<sup>th</sup> Session of the World Heritage Committee ended on 31<sup>st</sup> July 2024; the report from the 2024 Reactive Monitoring mission will be available after the 46th session and its conclusions and recommendations will be presented at the 47th session.

Link to the Draft Decision for WH Ohrid Region (which was adopted as it is): <https://whc.unesco.org/en/sessions/46COM/documents/> (document WHC/24/46.COM/7B.Add4)

Respectfully,  
Iskra Stojkovska  
Executive Director, Front 21/42

ANNEX:

[UPDATE REPORT 31.07.2024 ANNEX I \(visual material\)](#)



9 February 2024, Skopje

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

File No. 2017/2: Alleged negative impacts to Lake Ohrid and Galichica National Park candidate Emerald sites due to infrastructure developments (North Macedonia)

### **UPDATE REPORT (28.11.2023 – 09.02.2024)**

#### **16. Key new legislation proposed**

This reporting period was marked by key legislation affecting the candidate Emerald sites Lake Ohrid and NP Galichica and directly related to Bern Convention recommendation 221 (2023), adopted on the 43 meeting of the Standing Committee. Specifically, amendments to the Law on Urban Planning were initiated, new Law on Construction and new Law on Managing the World Natural and Cultural Heritage of Ohrid Region were proposed.

All three laws are still in a process of adoption.

Initially, instead of the defined period of at least 30 days, for all three proposed laws only 20 days were given for public commenting (during New Year and Christmas holidays) and legally binding public hearing wasn't foreseen for any of them. Following our written requests for proper implementation of the public participation provisions, the Ministry of Transport and the Ministry of Culture organized public hearings for the Law on Construction and the Law on Managing the World Natural and Cultural Heritage of Ohrid Region, and also prolonged the commenting period.

#### **Amendments to the Law on Urban Planning**

In December 2023 few amendments to the existing law were proposed by the Ministry of Transport and Communications, all related to the planning of energy projects.

Our greatest concern is that the amendments will enable "strategic interest constructions" on all categories of agricultural land. Having in mind the current legal definition of "constructions of a strategic interest" (*Law on Construction* : "*Constructions of a strategic interest are state roads, railways, gas pipelines and other constructions of public interest*"); also considering the fact that there is agricultural land within the World Heritage site, national parks and other protected areas - we are afraid that this change will further ease construction of a variety of projects within the Ohrid Region, including roads, small hydropower plants and tourism development zones (which are defined as "public interest" in other laws). In our view, this is contrary to the Standing Committee Recommendation 221 (2023):

5. Harmonize the legislation for urban planning and construction with nature protection laws to ensure that conservation of habitats and biodiversity are prioritized in protected areas and World Heritage sites, by placing stringent controls on definitions such as temporary buildings and urban equipment, by upgrading quality requirements for impact assessments in protected areas, and by eliminating potential weaknesses from overly extensive definitions of state importance that can allow construction of tourism development zones and hydropower facilities in the World Heritage site.

We pointed this out in our comments and also noted that implementation of the Bern Convention recommendation will require a much more comprehensive amending of the law. The final version of the amendments was sent to the Assembly for adoption, but it's not publically available, so we don't know yet if any of our comments was accepted.

#### **New Law on Urban Planning**

Also in December 2023, the Ministry of Transport and Communications published a completely new draft Law on Urban Planning. This law contains the definitions of temporary buildings and

urban equipment, including the processes for their approval, as well as definitions of constructions of state importance - hence it's one of the most important pieces of legislation for implementation of the above quoted point 5 of the Recommendation 221 (2023).

A short summary of the proposed law would be: it doesn't implement any element of the Standing Committee recommendation.

Provisions we find most worrisome:

1. An article stipulates that "provisions from other laws and regulations adopted on the basis of other laws which are not harmonized with this law, and which refer to or impact the procedures for construction of buildings regulated in this law, are not to be applied in its implementation"

This is the exact opposite of the BC recommendation – not only the Law on Construction won't be harmonized with nature protection laws (or any other laws), but it explicitly cancels their implementation if they are not harmonized with this law. Our position is that this article might have a potentially devastating impact on nature protection in general and specifically on the Candidate Emerald sites Lake Ohrid and NP Galichica; we also think that it undermines the rule of law in the country.

2. The new definitions of "urban equipment", "temporary buildings" and "constructions of state importance" still allow basically any projects to be labeled as such, because all three definitions contain the phrase "*and other (constructions)*". In addition to this, "urban equipment" is defined in an even vaguer and open way than in the existing law.
3. Just like in the existing law, procedures for approval of urban equipment and temporary buildings are conducted by the local authorities and don't involve the public nor protected areas authorities, in any way.
4. Unlike the existing provisions, the new law doesn't include the possibility for an inspection (on constructions) to be initiated by any citizen. We've submitted many initiatives for inspections on illegal constructions within the world heritage site in the past, just like our colleagues from Citizens' Initiative Ohrid SOS and many other citizens – our position is that taking away this possibility would create even more friendly environment for illegal buildings everywhere in the country, including in Ohrid Region and other protected areas. We also find this to be contrary to point 6 of the BC recommendation: "*6. Establish a zero-tolerance policy for any new illegal constructions by streamlining the process for their removal in law, increasing the penalties for transgression of urban planning rules in World Heritage Sites, and reinvigorating the staffing, procedures and professional standards of relevant inspectorates.*"

In the comments we submitted to the Ministry of Transport and Communications we pointed out the discrepancies between the BC recommendation and the proposed provisions and also proposed new articles and/or amendments which, in our view, would enable proper implementation of the recommendation. We have yet to receive a reply which of our comments will be accepted.

### **New Law on Managing the Natural and Cultural World Heritage of Ohrid Region**

This is the main law that regulates management of the world heritage, which directly affects the protection of candidate Emerald sites Lake Ohrid and NP Galichica; this law is related to several points in the BC recommendation.

We recognize some improvements in this law compared to the current version, but also note that none of the points in the BC recommendation are incorporated. We also understand that it's not an easy task to establish a legal base for effective management of a large and very complex area

that contains several protected areas, is both natural and cultural world heritage and a trans-boundary one at the same time. While it was clear during the public hearing (07.02.2024) that the Ministry of Culture is aware of the need for an innovative approach in the management of the site and open for other solutions, the Ministry of Environment expressed quite rigid views and some worrying positions too.

Brief analysis of the draft law in comparison to the Bern Convention recommendation:

*BC Recommendation: 1. Establish the legal basis for the whole Ohrid Region World Heritage site to be declared as a protected area with locations such as the candidate Emerald Network Sites and biodiversity hotspots nested as special protected areas within this wider scope.*

The proposed draft law doesn't incorporate any element of this point. During the public hearing the representative of the Ministry of Culture replied to one of our comments that there is a newer version, which states that the whole world heritage site is a protected area. By the time of writing this report we haven't received this version, so we don't know the exact article, but consider the step a valuable improvement. However, the main part of the recommendation is still missing – candidate Emerald sites and nine biodiversity hot spots are not even mentioned (unlike the current law, which at least points towards the “list of natural heritage”, which is a list with the nine biodiversity hotspots).

The protection of the whole site and special areas within the wider scope directly relates to the establishment of protection zones and in this manner article 7 of the proposed law has a potential for more complications in already complicated situation – it states that within the boundaries of the natural and cultural heritage a regime of management and protection zones are established in accordance with the nature protection legislation, culture protection legislation and the Management Plan for WH Ohrid Region.

The problem is that the WH Management Plan states that the proposed zones are only a preventive temporary measure and they'll be defined in the Law on Managing the WH Ohrid Region (this very law). Furthermore, WH Management Plan should be revised (BC recommendation: 3. *Conduct an expert evaluation with a public consultation procedure of both the Management Plan for the Natural and Cultural Heritage of the Ohrid Region 2020-2029 and the Strategic Recovery Plan for Revitalization of Ohrid Region natural/cultural values to identify actual and potential weaknesses in their design and implementation, using the information gathered to upgrade each document.*).

The Ministry of Culture expressed openness to receive our suggestions on how to implement this point of BC recommendation and establish an effective protection on the whole site and its separate parts, but the Ministry of Environment stated that the only protected areas in the region are National Park Galichica and Lake Ohrid, soon to be Studenchishte Marsh as well. During the discussion on this subject we were also worried by MoE's position that it's only our (Front's) opinion that the proposed laws for Lake Ohrid and Studenchishte Marsh must be revised, completely dismissing several points in the Bern Convention recommendation:

*7. Revise the proposed zoning concept as well as permitted and prohibited activities in the Valorization Study for Lake Ohrid prior to the adoption of the Law for re-proclamation of Lake Ohrid as a Monument of Nature, as well as the Draft Management Plan for Lake Ohrid, to effectively address the actual threats, ensure protection and connection with Studenchishte Marsh and comply with international (IUCN) standards for protected areas.*

*8. Revise the proposed zoning and list of permitted and prohibited activities in the Valorization Study for Studenchishte Marsh prior to the adoption of the Law on Proclamation of Studenchishte Marsh as a Nature Park and preparation of the management plan for the Marsh, to allow for the inclusion of a buffer zone covering the Gorica North area where new construction is not to be permitted, as well as to ensure connection with Lake Ohrid and compliance with international (IUCN) standards for protected areas.*

*13. Ensure that provisions allowing for construction and agriculture in the Studenchtishte Marsh are removed from the final version of the Law on Proclamation of Studenchtishte Marsh as a Nature Park, spatial/urban planning documents, and management plans, with narrow exceptions for traditional mowing and small livestock populations for habitat maintenance and restoration purposes.*

During the debate MoE representative stated that they had many objections to the BC report and proposed recommendation, but the Bern Convention didn't take them into account, and that the country is independent and has a right to adopt laws upon its own decision (which completely dismisses the Bern Convention, as well as the Constitution of North Macedonia, that clearly states that the international agreements are part of the legal system and can't be changed by any law). We find this position extremely worrying.

*BC Recommendation: 2. Establish a professional management body for the new World Heritage Site protected area, staffed with members of appropriate expertise and accorded in law with the power to make and execute management decisions.*

Instead of the current Commission for management of the World Heritage Ohrid Region, the draft law proposes a Council for Coordinated Management of the WH and reduces the number of its members (from 23 to 11). Our greatest concern is that the role of this body remains the same – it's an advisory body, not a professional management body with the power to make and execute management decisions. We are also worried about the very low budget proposed for the work of the management body – 13.654 Eur/year; we don't think that this can be considered as a step towards implementation of the Bern Convention recommendation (9. *Proceed to aligning each protected area in North Macedonia with the IUCN guidelines for 75% to be primarily managed for nature conservation, including by revision of permitted activities in line with the findings of this report, and establish a regular, annual mechanism for the delivery of state funds to protected areas for general management purposes.*)

Without going into too much details about the management body, even though there are some improvements compared to the current situation (e.g. the task for annual reports on the state of the WH), the management structure this law proposes is very far from the Bern Convention recommendation and, in our view, doesn't promise any meaningful change.

Other points:

- In our view, one of the biggest gaps in the proposed law is that it doesn't incorporate the restoration/rehabilitation of the values of the site – considering the highly vulnerable state and the fact that UNESCO specifically requested the Strategic Recovery Plan to be incorporated in all relevant policy and decisions, we see this as a significant oversight;
- Lake Ohrid protected shore is defined as 50m belt – this is the buffer zone of Lake Ohrid and revision of the zoning of the lake, as well as the zoning of the marsh (as specified in the BC recommendation) imply also a possibility for a wider protected shore of the lake;
- As of now, the work of the WH Management Commission is open to the public and anyone can attend their sessions (without a voting right of course), the new law states the sessions of the Ohrid Region Council can be open to the public upon previously adopted decision – this is a step backward when it comes to the transparency of the management body of the world heritage;
- There is a positive development in the SEA procedures for the plans and strategies within the WH – a special article defines that they have to be conducted in accordance with the Law on Environment, but also with the Operational Guidelines of UNESCO. The Ministry of Environment representative commented that SEA procedure is already defined in the Law on Environment. We see the proposal to include UNESCO's OG as a very positive step towards the much needed improvement of the SEA reports' quality;
- A very positive news is that this draft law includes the construction inspectors too, not only the environmental ones.

There are other issues with the draft law, but as stated at the beginning, the process is still on-going and the Ministry of Culture demonstrated openness to NGOs suggestions during the public hearing.

### **17. State of Conservation Report and revised Strategic Recovery plan adopted by the government**

On 06.02.2024 the government adopted the State of Conservation Report, with a revised strategic Recovery plan for the WH – both to be submitted to the World Heritage Centre. None of the 2 documents are publically available at the moment of writing this report. No public consultations were organized for the revision of the Strategic Recovery Plan, contrary to the Bern Convention recommendation: *3. Conduct an expert evaluation with a public consultation procedure of both the Management Plan for the Natural and Cultural Heritage of the Ohrid Region 2020-2029 and the Strategic Recovery Plan for Revitalization of Ohrid Region natural/cultural values to identify actual and potential weaknesses in their design and implementation, using the information gathered to upgrade each document.*

### **18. New attempts to expand the legalization of illegal constructions**

In this short period of time the same MP submitted 2 initiatives related to legalization of illegal constructions: the first one was in December 2023 – the MP submitted amendments to the Law on legalization of illegal constructions which would extend the eligibility for legalization of the illegal constructions built until 31.12.2022, which luckily were rejected by the Assembly; then in early February 2024 he proposed amendments to the Law on Construction, which would enable legalization of illegal constructions that have installed up to 1KW PV panels (all types of buildings, in all parts of the country). We still don't have an information about the second attempt.

### **19. Some good news from National Park Galichica**

The first data base on the caves in the national park was compiled with the financial support from PONT, within the project "Protection of cave ecosystems and endangered plant and animal species in NP Galichica from negative impact of climate change". This is symbolic, but never the less positive step towards implementation of the BC recommendation: *10. Implement thorough monitoring of key species according to scientific principles throughout the World Heritage site, but particularly at biodiversity hotspots and core habitats, using the information to inform management decisions, national Red List classifications, and action plans for the conservation of endemic species.*

#### **Important additional information (15.02.2024):**

On February 14th the Government adopted the text of the Law on proclamation of Lake Ohrid as a Monument of Nature. No revision of the Valorization Study was conducted. This is contrary to the BC Recommendation: *"7. Revise the proposed zoning concept as well as permitted and prohibited activities in the Valorization Study for Lake Ohrid prior to the adoption of the Law for re-proclamation of Lake Ohrid as a Monument of Nature, as well as the Draft Management Plan for Lake Ohrid, to effectively address the actual threats, ensure protection and connection with Studenchishte Marsh and comply with international (IUCN) standards for protected areas."*

To make things even worse, the appointed management body of Lake Ohrid is Public Enterprise "Collectors' System, Ohrid" - the same one that's been responsible for the inadequate waste water treatment, defined as one of the most significant threats for the lake in the OSA Report and by both UNESCO missions.

Excerpt from the OSA Report: "Existing structures and their operations are contributing to loss of habitat, increases in disturbance, decreased nutrient buffering capacity, modified riverine flow, and disconnection between habitats, including from Lake Ohrid to its terrestrial context. These frequently

bring additional general pressures due to the proliferation of activities and facilities for mass tourism and the inadequate collection and treatment of wastewater, which become acute at locations where visitor attractions and biodiversity hotspots converge, visibly at Saint Naum, Mazija and Studenchishte Marsh, but presumably at other locations, too. Without remediation, impacts are predicted to significantly worsen due to the incremental expansion of legal and illegal objects and the several planned infrastructure and urbanization projects such as the Gorica North development."

We also found out that in February 2024 the Government approved the State of Conservation Report with revised Strategic Recovery Plan for WH Ohrid Region – no prior public consultations for revision of this plan took place, this is also contrary to the Recommendation 221 (2023):

3. Conduct an expert evaluation with a public consultation procedure of both the *Management Plan for the Natural and Cultural Heritage of the Ohrid Region 2020-2029* and the *Strategic Recovery Plan for Revitalization of Ohrid Region natural/cultural values* to identify actual and potential weaknesses in their design and implementation, using the information gathered to upgrade each document.

Respectfully,  
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