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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

**Standing Committee**

43<sup>rd</sup> meeting

Strasbourg, 27 November - 1 December 2023

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**Open File: 2017/2**

**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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- October 2023 –

24.10.2023, 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 11.08.2023 – 23.10.2023)**

#### **1. Law on Proclamation of Lake Ohrid as a Monument of Nature formal process**

The process of adoption of this law continued with 2 public hearings that took place in Ohrid and Struga on September 14 and 15. We participated in the hearing in Ohrid, which started with the presentation of Lake Ohrid Valorization Study, by the main creator Mr. Daniel Bognar - we were astounded by his statement during this presentation that “the Bern Convention expert approved the Study”. Since we have a direct experience with the OSA we are very aware that no such thing as “approval or non-approval” of the Study was ever a subject of the mission; also being familiar with the Draft OSA Report we know that there is nothing in the text that can be presented as “an approval of the Study”. Using fabricated information to “prove” the credibility of this problematic document further deteriorates our trust in the whole process of proclamation of Lake Ohrid as a Monument of Nature.

#### **2. WH Ohrid Region not listed as a world heritage in danger**

The Extended 45<sup>th</sup> Session of the World Heritage Committee took place in September (10.09.-25.09.2023) and the Draft Decision for Ohrid Region was adopted without any discussion. According to this Decision (45 COM 7B.104) the possibility for inscription on the List of WH in Danger is still feasible, but what is urgently requested is another reactive monitoring mission in early 2024, immediate emergency measures and broad mobilization for preservation of the OUVs. The emergency measures (to stop new threats and reverse existing ones) are requested until the Strategic Recovery Plan is revised and the following is incorporated in the plan: “implementation timeframe, budget and prioritization for each action; adequately staffed, resourced and mandated national teams to liaise and coordinate with all relevant institutions to guarantee the integration of the actions of the Strategic Recovery Plan into national policies and plans, as well as an inter-institutional effort to halt and reverse the threats and achieve the goals set out in the Strategic Recovery Plan”.

#### **3. 45 Session follow up activities**

Right after the WH Committee Session, on September 26, the government adopted an information stating the need for urgent measures for rehabilitation of the world heritage and several conclusions which imply tasks for the relevant authorities, they include: a task for the Hydrobiological Institute to compile a priority list of key habitats of national and European significance and a list with the status of the species according to IUCN classification of endangered priority species of fish, amphibians and algae in Lake Ohrid; the Ministry of Transport is obliged (and the 3 municipalities are noted) to start demolishing the illegal constructions for which decisions for demolition have been issued and finances for such action have been secured; Ministry of Transport and the municipalities are obliged to submit all urban planning documentation to the WH Management Commission at the earliest stage (*Front 21/42: this is a legal obligation since 2011*); Ministry of Transport, in cooperation with the Port Authority, should form a working group for an analysis of Lake Ohrid

boats and calculation of boats carrying capacity of the lake; Ministry of Culture and Ministry of Environment are obliged to produce a Draft Law on Managing the World Heritage Ohrid Region.

Front 21/42 comment: this could signal a positive development in our authorities' treatment of the world heritage site, but we are skeptical because we've seen exactly the same reaction from the government right after the WH Committee Session in 2019, when the country got 2 more years to implement the recommendations instead of the inscription of Ohrid Region as a world heritage in danger – back then the government obliged the municipalities to urgently adopt Decisions for a Moratorium, there was a decision for a working group which will make the analysis for alternative routes for Corridor 8, etc. In reality the Decisions that were adopted by the municipalities didn't impose any moratorium and didn't stop further urbanization, nor legalization of illegal constructions (the government also enabled further legalization with the law it proposed), the working group for alternative routes was never created, etc., yet both "actions" were reported to UNESCO in the next State of Conservation Report.

This time, about 1 week after these tasks and obligations were issued by the government, on October 4<sup>th</sup> 2023, in one day the Municipality of Ohrid legalized 32 illegal constructions, 5 of them are within the National Park Galichica, 3 in a close vicinity of the shore.

#### **4. New illegal constructions and steps towards further urbanization**

Citizens' initiative Ohrid SOS informed us about two illegal constructions taking place in the coastal village of Radozda (Struga municipality): the first one is taking place in the lake itself; the second is leveling of the coast for a new parking lot and a beach in front of a hotel which is owned by an employee of Municipality of Struga, the land is state owned (public, not private property). According to the information from Ohrid SOS the local citizens complained about both and for the second one both the locals and Ohrid SOS submitted several initiatives to the state and local inspectorates – by the time of writing this report there is no information about any action from any inspectors.

During the OSA we showed to the team 2 new illegal villas being constructed with the Studenchishte Marsh despite the Decision for Temporary Protection, which bans any urban interventions within the site. For these constructions (one of which is on state-owned, public property). As reported in the previous update report, we submitted an initiative to the State Environmental Inspectorate (SEI), which first declared themselves as not responsible for such inspection, but after we reported this to the State Council of Inspection Authorities, an inspection took place and on 29.08.2023 a decision for removal was issued to the owners. The deadline for removal of both villas was 12.09.2023 – we visited the site on 14.09.2023 and not only nothing was removed, but the site was obviously further developed.

Not really new illegal constructions, but another example of ineffective law enforcement are the floating platforms of Ostrovo restaurant in St. Naum – we've submitted an initiative to the local inspectorate for 3 platform which were operating without any permits; the inspector concluded legal breach and ordered their removal and in June 2023 informed us that they've been successfully removed. We visited the site on 14.09.2023 and saw that no platform has been removed from Ostrovo, St. Naum.

For both sites (Studenchishte and St. Naum) we informed the relevant inspectors and still wait on their reply/action.

In August both municipalities (Ohrid and Struga) took administrative steps towards new urban projects: in Ohrid the project is for weekend houses in the coastal village of Peshtani, the plot is

650m<sup>2</sup> and it's about 80m from the lake line; in Struga it's also for weekend houses (new touristic complex) in the area of Kalishta, the plot is 5679,10m<sup>2</sup>

### **5. Corridor 8**

The construction of Corridor 8 A2 highway started on September 12. So called "Bechtel and Enka" law hasn't been changed (as the Strategic Recovery Plan implied, this is one of the "urgent measures" in the Action Plan). This project is accompanied by many scandals, including one regarding the selection of the company to conduct the supervision for which the Public Prosecutor opened a case. The start of the construction showed the actual effect of the law - works on one of the sections started without otherwise legally binding Environmental Impact Assessment (EIA). This part is not within the world heritage, but, according to the experts, the route which was chosen will have a severe negative impact on the Gjonovica Cave, Monument of Nature and future Natura 2000 site. Avoidance of EIA was enabled by the article which implies that any laws can be violated for the sake of construction of Corridor 8 and another article which implies that construction on some parts can start before the actual projects for these sections are produced.

So far, to our knowledge there is no project for the sections which go through the world heritage Ohrid Region, but we see this start as a serious warning sign of what can be expected during the construction of Corridor 8.

### **6. Urban plan for the coast of Lake Ohrid**

The urban plan for constructions of special state significance, or so called urban plan for Lake Ohrid coast, is one of the most important documents with a potential for a significant, long-term impact on the lake. The responsible authority for the plan is Ministry of Transport, the plan development is led by the Agency for Spatial Planning. To our knowledge, a working group has been working on this plan for about 2 years, but it's only recently that we had any communication about this important plan – on October 5<sup>th</sup> 2023 we had a meeting with several members of the team which works on a Feasibility study for this urban plan. The team includes both national and international experts.

We want to point out several points we find worrying in relation to this plan:

- Ministry of Environment already breached the legal provisions for public information by not publishing the Decision for conditions for spatial planning (document issued by MoE at the early stage in the development of the future urban plan) as well as the Elaborate. According to the law, it is binding to publish these two documents on the website, after which the public has 15 days to submit a complaint. By not publishing the documents MoE deprived the public from the information, but also from its right to legal standing.

We asked for the Decision and got the document, which was issued in November 2022 (still don't have the Elaborate). From this document we learned that previously issued Decisions (for spatial planning conditions) for A3 highway going through NP Galichica, tourism development zones Ljubanishta 1 and 2, and many many more – are still valid.

For all these projects the government informed UNESCO that they've been cancelled;

- If the Law on Proclamation of Lake Ohrid as a Monument of Nature is adopted as it is (the crucial parts, like zoning), as well as the Law on Proclamation of Studenichishte Marsh as a Nature Park – then the protection of this vital part for the natural values will be left to an urban plan.

We base this on the fact that Lake Ohrid Law practically doesn't deal with the coast, as a result of the Valorization Study which ignores this part and even allows destructive activities in it,

like concrete, metal and wooden constructions, open fire, etc. Adding to this the Studenchtishte Marsh Law without any buffer zone – the situation is not promising in our view.

The goal of an urban plan is not to establish nature protection and even a great feasibility study might not make a difference – there is no legal obligation to implement a feasibility study, while there is an obligation to follow the laws for the lake and the marsh;

- Like so many times before, we see the same practice of producing documents without any logical order and the practice so far proved many times that the result is keeping the door for destructive activities wide open.

In this case, the urban plan is in a process of development, while: the main spatial plan for the country expired in 2020 and some relevant actions implied by this plan haven't been implemented, like establishing special protection zones around Biljanini Springs, the village of Radozda, etc.; the urban plan is developed prior to the spatial plan for the world heritage site, which according to the WH Management Plan should have been finalized by February 2023; the work on the new Law on Managing the WH is about to start and after its adoption very important bylaw for the allowed activities in each zone is envisaged; etc.

These are some of the crucial documents (there are many more, all highly relevant) which can and should impose specific protection on all parts, including the coast, and if the WH Management Plan was implemented they would have been adopted by now.

Without all these higher spatial plans and legislation, as well as with the crucial laws for the lake and marsh in their current versions, there is a lot of space for the urban plan to dictate the protection of the coast.

**Important note:** since the work on this plan was completely behind closed doors until now (including a legal breach for public information) we could never report anything about it, hence it was not part of the OSA ToR and there is nothing about it in the Report, nor there is a related recommendation. However, given the importance of this urban plan and its possible significant impact on the preservation of both Lake Ohrid and NP Galichica, we think that it is very important to include it in the case and the recommendations for the country.

## 7. Water treatment facilities

In our previous report we informed about scheduled public hearing for SEA Report for a water treatment facility in the coastal village of Trpejca (also part of NP Galichica). Since we have no technical knowledge about installations of this kind, we pass on the statement of the director of the Public Enterprise “Collectors’ System” from Ohrid, Mr. Vladimir Aleksijoski. According to Mr. Aleksijoski this project needs to be revised because it proposes the sewage to be on the beach, which might result with fecal water being discharged on the beach and in Lake Ohrid waters (in case of litter being thrown in the sewage, which is a very usual practice). This is only one of several problems of this project, he pointed out in an interview which was published on September 10th 2023. In this interview he also talked about various problems he detected in other similar projects (which are still at the earlier stage of planning, so no public information is available), including the water treatment system planned for part of Struga coast (Radozda – Elen Kamen) and the one for the village of Ljubanishta (close to St. Naum, in NP Galichica).

Respectfully,  
Iskra Stojkovska  
Executive Director, Front 21/42

[Annex to visual materials](#)

- August 2023 -

11.08.2023, 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 - POST-OSA DEVELOPMENT (01.05.2023 – 10.08.2023)**

#### **8. Law on Proclamation of Lake Ohrid as a Monument of Nature formal process**

The Ministry of Environment continued the process of adoption of the key Law on Proclamation of Lake Ohrid as a Monument of Nature – on 10.07.2023 the draft Law was published for public consultations on the national electronic register of regulation; 2 public hearings have been scheduled for September 14 and 15, the same dates when WH Ohrid Region (and its possible inscription as a WH in danger) will be on the agenda of 2023 WH Committee Session.

The formal draft version is almost the same as the informal one, which was subject to consultations with stakeholders (noted in our previous update report from February 2023). The zoning within the lake and the buffer zone (lake's shore) are the same (as they were proposed in the Valorization Study), the list of activities allowed/banned is also the same. If nothing substantial is amended as a result of the formal public consultations, the sum up of the situation is as following:

- The law will be adopted prior to the revision (if any) of its base document - Lake Ohrid Valorization Study;
- For the foreseeable future there will be one managing body for Lake Ohrid and another one for Studenchishte Marsh (despite both being 1 Ramsar site);
- The buffer zone (lake's shore) will remain to be 50m., which is already protected by the Law on Water and regardless of the WH Managing Plan, which implies revision of this zone;
- Crucial part of the Ramsar site (the Studenchishte Canal, which connects the marsh and the lake) will be out of both protected areas (the lake and the marsh);
- Interventions on the shore (including construction) will be allowed if they are in compliance with an urban plan that has received an agreement from MoE.

#### **9. Further urbanization of NP Galichica**

Steps towards further urbanization of the National Park Galichica again took place, despite the Standing Committee's last Decision for this case, which urged the Macedonian authorities "to halt any activities for further urbanization and/or other constructions (including administrative procedures for these) and legalization of illegal constructions, on or near the Emerald Network sites Lake Ohrid and Galichica, until the OSA takes place and its recommendations are adopted".

On May 9<sup>th</sup> 2023 Municipality of Ohrid published on their website an information about a second public presentation of the Detailed Urban Plan (DUP) for the village Velestovo (within NP Galichica), which is an important administrative step towards its realization. The plan envisages urbanization of 8.74ha (houses and accompanying infrastructure); large part of the area is currently still natural (*please see the visual Annex to this report*).

#### **10. Legalization of illegal constructions from the last update report (01.03.2023 – 07.08.2023)**

In this period the Municipality of Ohrid adopted decisions for legalization of 57 illegal constructions, 9 of these are within the National Park Galichica, 3 are in the 50m. coastal belt. Municipality of Struga discussed 15 requests for legalization, including 2 that are very close to the lake, but we have no information if these requests were approved.

#### **11. Re-opening of the bars at the beaches**

For almost 3 years the beaches on the part of the shore that's in the Municipality of Ohrid were without concessionaires, the bars were closed, some even removed (presented as an implementation of UNESCO's recommendations) – this has changed this year. On May 4<sup>th</sup> 2023 Ohrid Municipality published a call for urban equipment “covered and open bars” on 14 locations on the shore, for the period 2023-2026; and on May 23<sup>rd</sup> public auction was organized, for several beaches the previous concessionaires won the bid.

#### **12. Coastal village of Trpejca closer to a water treatment facility**

Municipality of Ohrid published an information about public presentation and hearing for SEA Report for a water treatment facility for the coastal village of Trpejca (also part of NP Galichica), the public hearing is scheduled for August 15<sup>th</sup> 2023.

#### **13. Non-implementation of the Joint Strategic Recovery Plan for World Heritage Ohrid Region**

This plan was adopted in late December 2022 and it contains an Action Plan with a timeline for the implementation of the envisaged activities – 39 of them are marked as “urgent”, meaning they will be implemented in the first year (by the end of December 2023). We conducted an analysis of this planned implementation in the first 7 months and the results are: 29 (of the envisaged 39) haven't been started yet, for most of the remaining 10 we don't have sufficient reliable information to assess (any) progress. It's highly unlikely that over 75% of the activities that should have been realized in 12 months, but haven't been started yet, will be finalized by the end of the remaining 4 months. In other words, nothing has changed – the same practice continues (as with the WH Management Plan, etc.) of adopting plans for the sake of presenting a concern and dedication to the preservation (to the international community, primarily UNESCO), with almost zero implementation and actual improvement on the ground.

Also in this period we received a reply from the State Audit Office (listed in the Strategic Recovery Plan as a body which will conduct regular monitoring on the implementation of the plan) that they were never asked nor informed about such duty.

#### **Additional information - our overview on the OSA**

The OSA took place in the period April 25-27 and we are grateful for the organization and happy that the Bern Convention team, as well as the representatives of the World Heritage Center and the Ramsar Convention had a chance to evaluate the situation on the ground and talk to many relevant stakeholders. Having said that, for us there were also several worrying aspects. The most significant one relates to the visit of the site with small hydropower plants: the reason we proposed this visit was because we've been to the site several times, including just a week prior to the OSA and we always found a devastating state of the river as an obvious result of (especially one of) the small HPPs. We were also contacted by the local community who's been fighting to get their river back, but all their efforts (including the reports to the environmental inspector) were in vain.

The state we found when we visited the place with the OSA was shocking to say the least – instead of almost dry riverbed that we witnessed before, this time there was an abundant river full of water! This didn't seem right at all, so we checked the situation 2 weeks after the OSA – it was the same, hardly visible stream in an almost dry bed. For us, it was obvious that the owner was previously informed about the mission's visit and he made sure that the representatives of the 3 conventions will find a favorable condition, just to get back to the business as usual right after the OSA.

Respectfully,  
Iskra Stojkovska  
Executive Director, Front 21/42

[Annex to visual materials](#)

- March 2023 -

01.03.2023, 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 (01.12. 2022 – 01.03. 2023)**

#### **14. Documents initiated and/or adopted in this reporting period**

##### **14.1. Draft Law on proclamation of Lake Ohrid as a Monument of Nature shared with stakeholders - In**

February 2023, the Ministry of environment organized informal consultations with selected stakeholders for the Draft Law on proclamation of Lake Ohrid as a Monument of Nature. Early consultations with NGOs and other stakeholders (prior to the official public consultations) is relatively new practice of our authorities, which we appreciate and value.

In regard to the draft law, our greatest concerns are:

- The base for the law is the Valorization Study for Lake Ohrid, which in our opinion is an incomplete document that lacks even basic and legally binding data (e.g. key species and their current state); it disregards the importance of the shore (buffer zone) for the protection of the lake; proposes incompetent managing body (public enterprise with a board of 5, 3 of which are the municipalities' representatives – this is also not in compliance with the relevant legislation); allows continuation of activities identified as threats, etc. All these shortcomings in the Study are reflected in the Draft Law. The Strategic Recovery Plan for the World Heritage envisages supplementing of the Valorization Study with key species and habitats, as well as with forbidden activities. In other words, the law which derives from the Study was compiled before the Study is supplemented with crucial information. To add to this chaotic situation – Draft Management Plan for Lake Ohrid (which, according to the Law on Nature Protection should be prepared by the managing body of the protected area, after the adoption of the law on proclamation) has also been compiled, long before the Law on Proclamation has been initiated (and even longer before the Study is actually completed).

Lake Ohrid Valorization Study was compiled in haste in 2020 (it took only about 6 months, without any field studies/research, without relevant experts in the team) with a justification that the lake needs immediate protection and no time can be wasted any more. Back in 2020 we warned that this approach has a potential to create additional chaos with a long term negative impact on the preservation of Lake Ohrid, because the Study (in which scientific and accurate assessment of the current state of the species/habitats and the analysis of the threats are crucial parts) is the base for the law and then for the 10 year Management Plan. As a solution for the need for immediate protection of the lake we proposed a Decision for Temporary Protection – useful mechanism for similar situations, specified in the Law on Nature Protection. All these concerns and proposals were dismissed. Over 3 years were used for a rushed document “in order to immediately protect the lake”, a period which could have been used for experts' field research. And now we are in a process of adoption of a law based on a Study which needs yet to be completed, and there is already drafted management plan.

We see this as a continuation of the practice of creation/adoption of crucial documents without logical order, which contributes to the inconsistent and ineffective management - one of the identified threats for the preservation of the site;

- Besides the problems which are a direct result of the Valorization Study we are also quite worried by the Article 15 of the Draft Law, which (among other things) stipulates that “construction... (*and other activities*) on the



shore of the lake can be conducted based on an urban plan or urban planning documentation...” This article clearly leaves the door for further transformation/urbanization of the shore legally open.

**Important note:** one of the activities in the Strategic Recovery Plan for WH Ohrid Region is integration of the Bern Convention OSA recommendations into this law and during the informal meeting for the draft law the Deputy Minister of Environment confirmed that they have in mind the scheduled mission and the fact that this law, as well as the other 2 documents directly related to the law (Lake Ohrid Valorization Study and Management Plan) are included in the ToR. The Strategic Recovery Plan stipulates: *“Incorporation of the recommendations of the missions of the international conventions in order to establish a protection belt that will ensure the physical connection and continuity of the protection regimes of the two protected areas (Lake Ohrid and Studenchishte Marsh), (if the missions are carried out before its re-proclamation, the recommendations will be incorporated before the re-proclamation).”*

**14.2. Joint Strategic Recovery Plan for World Heritage Ohrid Region was adopted** - In February 2023 Joint Macedonian/Albanian Strategic Recovery Plan for the World Heritage has been adopted by the Government and submitted to the WH Centre, as part of the State of Conservation Report. The adopted version is notably improved, particularly the Action Plan and mainly thanks to the integrated comments from various stakeholders (especially Citizens’ Initiative Ohrid SOS; we also identified many of our comments in the final text, as well as the comments from the Hydro Biological Institute, some comments from the Hydro meteorological Service of N. Macedonia, etc.). However, the plan still lacks crucial elements, in particular for the natural heritage:

- There aren’t any expert analysis of the threats, instead there is a general overview taken from existing documents;
- There is no monitoring plan for the effects of the proposed activities on the actual natural values, nor for the implementation of the plan. Instead, there is a description about the importance and role of the monitoring of the effects on the values; for the monitoring of the implementation several institutions are pointed out as responsible, almost the same ones as in the WH Management Plan (which has very poor implementation and no monitoring since its adoption in January 2020). The good news is that specific web site for the implementation of the plan is envisaged as part of the Government’s website, which in theory promises transparency and public insight (this is one of our comments/proposals that has been incorporated in the final version);
- There is no budget for the envisaged activities, instead the Strategic Recovery Plan (SRP) states: *“the financing/budgeting of the implementation of the measures (activities) for the recovery of the site will be assessed at the time of their implementation and according to the current financial situation by the competent institutions with a determined budget implementation framework and/or opportunities for co-financing by international donors. The fiscal implications that are needed for the implementation of the measures will be provided by each of the competent entities in charge of implementing the measure. After the adoption of the Strategic Plan by the Government of the Republic of North Macedonia, the Government will oblige all competent entities to submit an assessment of the fiscal implications and the sources of financing. This data will be the basis for programming the budget funds for the years in which the specific activity should be implemented”*. The Action Plan has the following Activity (marked as urgent – to be completed by January 2024): *1.C.1.1 Introduction of a special program in the Budget of the RNM and the Budget of the municipalities (Ohrid, Struga and Debrca) for financing the measures and activities for the protection and management of the world natural and cultural heritage of the Ohrid region.*

The 2023 State Budget envisages around 656.000 Euros for “Collector System Ohrid/Struga” (with no further details) and this is the only amount in the Budget that has any relation to the world heritage site. However, the conclusion of our analysis of the relevant documents exchanged by various authorities – is that it’s not clear

what type of activities will be funded with this amount (the Government adopted Programme mentions “subsidies for public enterprises and NGOs; Ministry of Environment proposes that the full amount is given to Municipality of Struga to cover previously spent finances for the public enterprise Proakva; and the Ministry of Finance gives negative opinion for both documents). This is not the first time that the State Budget envisages financing activities for the waste water collector in the world heritage – so far only symbolic actions took place in real life.

It’s also worth mentioning that the Agency for promotion and support of tourism informed the Strategic Recovery Plan team that the Agency already submitted a budget for some of the activities envisaged in the plan, but these finances haven’t been approved in the 2023 State Budget.

Our concern that the Strategic Recovery Plan lacks relevant experts’ analysis and proposals for the natural heritage are also shared by Ohrid SOS and the Hydro biological Institute (scientific institution that has Lake Ohrid in the focus of their work since 1935), as is the absence of a financial plan and commitment. We also think that the lack of expert analysis of the state of species and habitats in previously mentioned Lake Ohrid Valorization Study had a negative impact on the Strategic Recovery Plan for the WH – this study is noted as one of the documents which were considered during the drafting of the plan. In reality we now have 2 crucial documents for Lake Ohrid and World Heritage conservation, with no scientific analysis of the current state of the natural values, from relevant experts.

Another concern is that, according to our analysis, the plan doesn’t incorporate the comments and proposals from the Hydro meteorological Service (HMS) regarding the project for re-directing of river Sateska (one of the largest polluters of Lake Ohrid) into its old riverbed – specifically, according to the experts from the HMS, if the old dam on the original riverbed is not removed, this project (which already started) will be beneficial only for the electricity producers.

In late December 2022, Front 21/42 and Ohrid SOS, together with 6 NGOS from Albania, submitted a Request for temporary postponement of the adoption of the Strategic Recovery Plan for WH Ohrid Region, to both governments – this was obviously rejected and the plan was adopted and submitted to the World Heritage Centre.

**14.3. New “Decision for a moratorium” – Municipality of Ohrid; with continuation of urbanization and legalization of illegal constructions** - On 22.12.2022 the Municipality of Ohrid adopted a “Decision for implementation of existing urban plans and urban planning documentation, adoption for new urban plans and urban projects, and procedures for legalization of illegal constructions”. Basically, the previous (expired) decision, evaluated by 2020 UNESCO Reactive Monitoring Mission as “can’t be considered as an implementation of 2017 RMM recommendation for a moratorium on urban and coastal transformation” - was renewed.

Despite being complete opposite of the 2020 RMM recommendation for an urgent moratorium on any construction, and already labeled as “not an implementation of 2017 RMM recommendation” by 2020 RMM, in the official report sent to UNESCO our authorities reported this Decision as “*implementation of Recommendation 6 of RMM 2017 and Recommendation 1.g from RMM 2020*”.

According to this Decision, all urban plans must be in compliance with the WH Management Plan – practice has shown that so far the SEA reports for all urban plans concluded that they are “in compliance with the Management Plan” and they were all approved by MOEPP, including plans for urbanization outside of the urban areas (despite the fact that the MP states that “*no urbanization outside*

*of existing urban areas is envisaged with this plan”*) and in close vicinity of vital biodiversity hotspots (e.g. Studenchishte Marsh).

Another article stipulates that the Decision does not apply to infrastructure objects, national and local public interest projects, etc. (with a very wide specification of public interest projects, including railways, roads, excavation of minerals, construction of sport venues, garages, etc.) – in other words, the Management Plan is labeled as not valid for all these projects.

As for the legalization of illegal constructions, the Decision puts a temporary halt on the legalization of illegal constructions in the 50m shoreline.

There is no mention of illegal constructions within the National Park Galichica (2017 RMM report specifically addresses the illegal constructions within the park).

In the period 25.10.2022 (our last update report) – 22.02.2023, the Municipality of Ohrid legalized 66 illegal constructions, 19 within NP Galichica, 2 legalized objects are located on parcels which partially fall within the 50m shoreline. According to the State Statistical Office, in the period 01.11.2022 – 22.02.2023 Municipality of Ohrid issued 9 construction permissions (for 29 new apartments).

On 23.11.2022 Municipality of Ohrid adopted a Planning Programme for a new Detail Urban Plan for part of the village of Velestovo (within National Park Galichica).

On 15.12.2022 Municipality of Struga discussed an initiative for new urban projects, one of which is for weekend houses in the area of the biodiversity hotspot Kalishta.

The official report submitted by our country to UNESCO states that *“Based on the Annual Work Program in the Construction Land Development Program, the Department for Utility Activities of the Municipality of Ohrid took specific activities by posting a public announcement for hiring a company to remove the illegally built structures on the territory of the Municipality of Ohrid. The decision was adopted to select the economic operator for this purpose and the construction activities for the removal of the illegally built structures are planned to be implemented within the upcoming period, in close correlation with the competent municipal and state institutions, according to a predetermined plan and dynamics”* (as implementation of Recommendation 9 of RMM 2017; Recommendation 2.c of RMM 2020).

We monitor the website of Municipality of Ohrid on daily basis, as well as thoroughly read their Official Journals (where it is mandatory to publish all adopted decisions). We also conducted additional review of all information published on the website in the past 2 years, as well as decisions adopted by the Municipality in this period – didn’t find such call published anywhere, nor an information that such Decision was adopted. We suspect that the information in the report to UNESCO has no base in reality (completely false information have been included in previous reports).

**1.4. Draft Fishing Base for Lake Ohrid and its watershed presented; public call for concession on Lake Ohrid fishing published before the adoption of the Fishing Base** - In November 2022 a Draft Fishing Base for Lake Ohrid and its watershed for the next 6 years was published (legal document that defines rules for fishing, like fishing seasons for specific species, bans, etc.). There is no ban on fishing the endemic and endangered Ohrid trout (*Salmo letnica*), Belvica trout (*Salmo ohridanus*) and Ohrid eel (*Angulia angulia*) – fishing of these species is forbidden only in spawning seasons.

The provisions in this document are in conflict with the following activities in the Strategic Recovery Plan: (1) *“complete ban on fishing of the priority species, with a special focus on Salmo letnica and Salmo ohridanus”*, and the indicator for this activity is *“adopted Fishing Base for Lake Ohrid with a*

*ban on fishing the priority species”; (2) “... marking of the zones in the lake where sailing and fishing is allowed...”; (3) “establishment of joint Macedonian/Albanian expert groups for fishery...; Trans boundary plan for protection and management of Lake Ohrid fishing fund; Changing the minimum allowed size for fishing of *Salmo ohridanus* (in conflict with the activity 1 of the same plan!)...; established joint MK/ALB fishing quotas for Lake Ohrid;”*

The adoption of the Fishing Base also takes place prior to the adoption of Lake Ohrid Law, which will define various protection zones and allowed activities in each of them (including fishing).

On the top of this (legal) chaos, on 20.01.2023, the Ministry of Agriculture published a public call for a commercial fishing concession of Lake Ohrid, and on the same date public call for recreational fishing concession of Lake Ohrid was also published – before the fishing Base for Lake Ohrid is adopted. According to the Law on Fisheries and Aquaculture, the concessions must be based on the Fishing Base.

All this was presented in the official report to UNESCO as “implementation of the recommendation 12 of RMM 2017”, with the following text: “...*The fishing base, pursuant to the Law on Fisheries and Aquaculture, was prepared by an authorized institution, and represents an expert study on the manner of using the fish, and it regulates, among other things, the protection of biodiversity and the manner of stocking fishing waters*”.

**1.5. State of Conservation Report adopted and submitted to UNESCO** - This report was adopted by the Government and submitted to the WH Centre in February 2023, with the joint Strategic Recovery Plan as one of the annexes. In addition to our previous analysis of the discrepancies between the reality and the country’s report on the implementation of some of UNESCO’s recommendations, we’ll also mention the report on Corridor 8 railway and highway.

For the railway the State of Conservation Report writes: “...*the EIB (European Investment Bank) and the EBRD (European Bank for Reconstruction and Development) expressed their interest in funding the construction of this section with a remark that a new Feasibility Study is to be prepared for the section Struga – border with the Republic of Albania, including an alternative route, in order to comply with the recommendations given by the UNESCO Reactive Monitoring Mission to the Republic North Macedonia and the Republic of Albania. This study is tentatively expected to begin in the course of 2024, but under the precondition of approval of the Technical Assistance Grant, which approval is expected to be given by the end of 2023 (Recommendation 1 of RMM 2017; Recommendation 1.f of RMM 2020)*”.

The Strategic Recovery Plan (also adopted by the Government) lists the urgent activity “comparative study for the Corridor 8 railway and an option for paring the railway and highway in one tunnel near Struga” (no conditions are mentioned and as an urgent activity it should be completed by the end of January 2024).

For the highway the Report to UNESCO states: “*Regarding the section of the state road A2, Trebenishta – Struga – Border Crossing Qafasan, please be informed that, pursuant to the Law on determining public interest and nomination of a strategic partner for implementation of the project for the construction of the infrastructural Corridor VIII (Official Gazette of RNM no. 163/21), the design and construction has been awarded to the Strategic Partner Bechtel and Enka JV. In compliance with this Law, the Public Enterprise for State Roads has shared with the Strategic Partner all the previous projects, as well as the Decisions of the UNESCO World Heritage Committee, so that the future project would be in compliance with the recommendation of the Action plan from the Management Plan – “Planning the route of highway A2 and measures to mitigate the impacts on the environment and cultural heritage, in synergy with the selection of the railway route Kichevo – Lin” (Recommendations 2 and 3 of RMM 2017).*” Important facts to be considered in the context of this statement:

- We already noted in one of our previous reports that the mentioned “Law on determining public interest and nomination of a strategic partner...” (so called Bechtel and Enka Law) has an article which clearly states that for this project other laws can be partially or fully excluded;
- According to the Strategic Recovery Plan the article stipulating exclusion of other laws should be erased as an urgent action (by January 2024) – this is not mentioned in the State of conservation report;
- The mentioned Action Plan of the WH Management Plan stipulates adoption of routes with minimal cumulative impact on the environment, cultural heritage and landscape (for both the railway and the highway) by October 2021 – so far there were zero activities towards the implementation of this activity;
- The Decision of the Municipality of Ohrid stipulates that the provisions of the WH Management Plan won’t be applied to the infrastructure projects of public interest, and specifically lists railways and highways as such projects;
- In November 2022 the Government of North Macedonia and the Council of ministers of the Republic of Albania signed a Memorandum of understanding for the development of road connection between the two countries, which states the following: *“Recognizing that their cooperation in the field of transport does not affect the obligations of both Parties arising from their participation in international, regional organizations and integration in the European Union, and that they will be implemented in accordance with the respective national legislations of each of the Parties...”* – the current project(s) do affect the international obligations of both parties and Macedonian legislation (Bechtel and Enka Law) is not a base for fulfillment of these obligations;
- In February 2023 the Management Commission discussed a request for an opinion about a land-use change of parcels near Corridor 8 route – from agricultural to construction land;
- Also in February 2023 the Government signed a Contract for monitoring of the construction of Corridor 8 highway with a consortium led by the Italian consultancy firm IRD. Recently the media reported that one of the companies from the consortium (Eptisa) was involved in a corruption scandal in Armenia and was labeled as “not appropriate” by our Government just few months before signing the contract; the media also reported that some of the conditions in the public tender for this contract were changed in the last moment.

About 250 million Euros are allocated in the 2023 State Budget for the construction of Corridor 8 highway and the Minister of Transport announced that the construction will start this spring.

**Additional information:** the Vice Prime Minister announced re-location of the current border with Albania, with a new section of the road – we are not sure if and how this relates to the Corridor 8 highway which connects N. Macedonia and Albania

**2. Other information:** in February 2023 Municipality of Ohrid published a call for creation of a Management Plan for Studenchtishte Marsh (expected start date is April 2023), the allocated budget is around 14.000 Euros – Studenchtishte Marsh Law is not adopted yet, it’s still at the Assembly procedure, which means that there is no legal base for this call (Municipality of Ohrid is not yet appointed as a managing body for the marsh). The Strategic Recovery Plan envisages incorporation of the OSA’s recommendations in the Studenchtishte Marsh Law and Management Plan, which doesn’t make sense if the law and the Management Plan are adopted/created right before the OSA takes place.

Respectfully,

Iskra Stojkovska

Front 21/42