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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

**Standing Committee**

39<sup>th</sup> meeting  
Strasbourg, 3-6 December 2019

**Hydro power development within the territory of  
Mavrovo National Park  
(North Macedonia)**

**- DRAFT TERMS OF REFERENCE FOR A BERN  
CONVENTION ADVISORY MISSION -**

*Document prepared by  
the Directorate of Democratic Participation*

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## 1. BACKGROUND OF THE CASE-FILE

The case concerns the plans for the development of hydro-power projects within the territory of Mavrovo National Park, an Emerald candidate site since 2011. According to the complainant, the Center for environmental research and information 'Eko-svest', the construction of several hydro-power plants and supporting infrastructures (roads, bridges and transmission lines) would result in the direct destruction of forests, severe disturbance of water sources and fragmentation of wildlife habitats – the home of numerous strictly protected species of plants, mammals, birds, amphibians and reptiles listed in Appendix I and II<sup>1</sup> of the Bern Convention. In addition to the provisions of the Convention, Recommendations No. 162 (2012) on the conservation of large carnivore populations in Europe requesting special conservation action and No. 157 (2011) on the status of candidate Emerald sites and guidelines on the criteria for their nomination were pointed out as of relevance to the case.

In December 2014, following a number of reporting request to the authorities and submission of such reports on the state of planning and implementation of two large HPPs, Boshkov Most HPP and Lukovo Pole HPP, the Standing Committee took note of the latest updates on the case, noted the importance of the area as key biodiversity hotspot, its status of National Park and candidate Emerald site, and the concerns expressed by a number of international organisations and delegates over the negative impact of hydropower developments on the biodiversity of the area. The Committee further noted the pending adoption of a Management Plan for the Park, the pending lawsuit on the Environmental Impact Assessment for one of the hydro power plant's projects as well as the expected finalisation of the assessment for the second one.

The Committee decided to open a case file and instructed the Secretariat to seek the agreement of the Party for the organisation of an on-the-spot appraisal to the area in 2015, with the objective of collecting more information and data for the preparation of a draft recommendation to be submitted to the next Standing Committee meeting.

On 4<sup>th</sup> March 2015, the Minister of Environment and Physical Planning sent an official letter to the Secretariat confirming his agreement on the organisation of the on-the-spot appraisal. The visit took place on 24-25 June 2015, led by an independent expert in charge of the mission. The European Union, the IUCN and WCPA participated in the appraisal as Observers. The European Bank for Reconstruction and Development (EBRD), financing one of the projects, also joined the mission. The mission produced a report and a draft recommendation. At its 35<sup>th</sup> meeting in December 2015, the Standing Committee adopted Recommendation No. 184 (2015) on the planned hydropower plants on the territory of the Mavrovo National Park, inviting North Macedonia to suspend the implementation of the hydropower plants foreseen and related infrastructure until a Strategic Environmental Assessment will be completed and to keep the Standing Committee regularly informed about the progress in the implementation of this Recommendation.

A spontaneous report was sent by the complainant in February 2016 informed that the World Bank dropped one of the questioned HPP projects (Lukovo Pole) and that the European Bank for Reconstruction and Development pledged to comply with the recommendation and put the Boskov Most HPP project on stay until the Strategic Environmental Assessment is completed. The Boshkov Most HPP was also abandoned at a later stage, also following a national law suit.

On 21<sup>st</sup> March 2016, the Government informed it was working on the implementation of Recommendation No. 184 (2015), in particular by launching a national programme for monitoring and recovery of the Balkan lynx and promised to keep the Secretariat updated on the progress.

In March 2016, the Bureau took note of this information, stressing that the building of small plants is in line with the recommendation adopted by the Standing Committee and instructed the secretariat to ask by the end of June 2016 for reports to both the authorities and the complainant. The Bureau encouraged the government to fully implement the recommendation of the Standing Committee.

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<sup>1</sup> Since 2018, the *Lynx lynx balcanicus*, present in the area of the National Park, is also included in the Convention's Appendix II.

In 2016 and 2017, the complainant organisation warned that the number of approval or plans to grant concessions to private investors of small hydro power plants in the area of the Park is increasing.

In 2017, the national authorities informed that the management plan of Mavrovo NP will be completed once the Law for the Re-Proclamation of the NP is adopted in Parliament. The outcomes of the recommended SEA will be reflected in the Management Plan. The authorities also reminded at several occasions that the implementation of privately funded small/micro hydro plants in development before December 2015 are not subject to the Recommendation but confirmed concessions for the remaining planned small/micro plants within the territory of the National Park are suspended.

In 2018, at its 38th meeting, the Standing Committee noted again that the development of both large HPPs subject of the initial complaint are stopped, while the Government ceased further promotion of concessions of small and micro HPPs in the area. The Standing Committee further welcomed the letter sent by the national authorities to the Secretariat, requesting advice and support in the implementation of the Recommendation and in particular the finalisation of the Law for the re-proclamation of the National Park, which is a prerequisite for the development of the SEA.

The Standing Committee decided to keep the file open and to mandate the Secretariat to seek the best possible avenues, including entrusting the task to an expert, to provide advice and guidance to the national authorities which will efficiently facilitate and accelerate the implementation of Recommendation No. 184 (2015).

In summer 2019, the national authorities of North Macedonia contacted the Secretariat with a request for clarifications regarding the possible terms of reference of the advisory mission which the Convention proposed.

The Bureau to the Convention, at its second annual meeting in September 2019, instructed the Secretariat to respond to the authorities and to seek the organisation of the mission in 2020. It advised that the issue of the management and conservation of the Balkan Lynx is also included in the Terms of reference of the mission.

In addition, due to the complaint stand-by before the Bern Convention *No. 2017/2: North Macedonia: Alleged negative impacts to Lake Ohrid and Galichica National Park candidate Emerald Sites due to infrastructure developments*, which also concerns North Macedonia, the Bureau requested the Secretariat to consider broadening the scope of the mission and allowing to also collect information from both the authorities and the Complainant and NGO community on this other specific case.

The Bureau further proposed that the Terms of Reference of the mission could also include discussions on the protection and status of all other candidate Emerald network sites in the country.

## **2. OBJECTIVES OF THE MISSION**

On the basis of the instructions by both the Standing Committee and its Bureau, the information provided by the authorities and the NGO, the objectives of the mission are to:

- 1) review the progress made so far by the Government of North Macedonia in response to Recommendation No. 184 (2015) of the Bern Convention;
- 2) collect information on the state of development of the Law for the Re-Proclamation of the Mavrovo National Park, examine the SEA standards in North Macedonia and clarify procedures, relevant actors and responsibilities in the development of SEAs;
- 3) collect information on the state of protection of the Mavrovo National Park in the field, including possible threats from energy production installations;
- 4) collect information on the state of conservation of the *Lynx lynx balcanicus* and on the measures put in place by the national authorities for ensuring the species' long-term conservation;
- 5) collect information on the state of protection of Lake Ohrid and Galichica National Park candidate Emerald Sites, as well as other candidate Emerald areas in the country;

- 6) discuss with relevant competent authorities at national and local levels, including the NGOs, local stakeholders and citizen groups;
- 7) prepare recommendations to the North Macedonian authorities on actions to undertake to develop the SEA recommended for Mavrovo NP, to ensure the successful conservation of *Lynx lynx balcanicus* and to ensure the necessary safeguards are in place to avoid clashing with biodiversity priorities when developing hydro power or other energy production installations;
- 8) draft recommendations for the overall setting-up of the Emerald Network at national level, for the protection and implementation of management measures for the candidate Emerald sites in the country.

### **3. MISSION DELIVERABLE**

Based on its findings and discussions with national and other relevant authorities and stakeholders, the mission shall submit a written report of max. 20 pages, including proposed recommendations to assist national authorities in implementing Recommendation No. 185 (2015), in enhancing the conservation of Emerald network sites on its territory, in ensuring the conservation of the *Lynx lynx balcanicus* and in planning and developing projects on the territory of nationally designated protected areas and Emerald network sites, in conformity with the Bern Convention. The Recommendations could be accompanied with a monitoring plan for their implementation and should include proposals for further support by the Bern Convention in their realisation.

### **4. TENTATIVE DATES**

The mission could last 2.5 to 3 days and take place in late spring 2020 (exact dates to be confirmed).

### **5. MISSION TEAM PARTICIPANTS, NATIONAL AUTHORITIES AND OTHER STAKEHOLDERS TO BE INVOLVED**

#### **5.1. Mission team**

- International expert on protected areas' management
- International expert on large carnivores (*lynx lynx*)
- Bern Convention Secretariat
- Other relevant international organisations (to be confirmed)

#### **5.2. National authorities**

- Ministry of Environment and Physical Planning
- Other Ministries/agencies/institutions (to be determined)

#### **5.3. Other stakeholders**

- Regional and local authorities, when relevant
- Center for environmental research and information 'Eko-svest'
- CSO "Front 21/42"
- Macedonian Ecological Society

**6. FUNDING AND ORGANISATION OF THE MISSION**

The costs of the on-the-spot assessment mission will be borne by the Bern Convention and international logistical arrangements will be coordinated by the Bern Convention Secretariat. These include the hiring of experts, travel and subsistence.

The Ministry of Environment and Physical Planning of North Macedonian will be kindly asked to organize and provide local logistics, such as arranging meetings scheduled with all stakeholders, including meeting rooms as well as local transportation for the mission team.

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