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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

41st meeting
Strasbourg, 29 November – 3 December 2021

**DRAFT RECOMMENDATION ON
HYDROPOWER DEVELOPMENT WITHIN THE
TERRITORY OF MAVROVO NATIONAL PARK
(NORTH MACEDONIA)**

*Document prepared by
the Directorate of Democratic Participation*



Convention on the Conservation
of European Wildlife and Natural Habitats

Standing Committee

Recommendation No. ... (2021) of the Standing Committee, adopted on 3rd December 2021, on hydropower development within the territory of Mavrovo National Park.

The Standing Committee to the Convention on the Conservation of European Wildlife and Natural Habitats, acting under the terms of Article 14 of the Convention,

Having regard to the aims of the Convention to conserve wild flora and fauna and their natural habitats;

Recalling that Article 1, paragraph 2 of the Convention calls on Parties to give particular emphasis to endangered and vulnerable species, including endangered and vulnerable migratory species;

Recalling that Article 3 of the Convention provides that each Contracting Party shall take steps to promote national policies for the conservation of the habitats of wild flora, wild fauna and natural habitats, with particular attention to endangered and vulnerable species, especially endemic ones, and endangered habitats;

Recalling that Article 4, paragraph 1 of the Convention provides that each Contracting Party shall take appropriate and necessary legislative and administrative measures to ensure the conservation of the habitats of the wild fauna species, especially those listed in Appendix II to the Convention

Recalling that Article 4, paragraph 2 of the Convention stipulates that Contracting Parties, in their planning and development policies, shall have regard to the conservation requirements of the areas protected under the preceding paragraph, so as to avoid or minimise as far as possible any deterioration of such areas;

Recalling that Article 4, paragraph 4 of the Convention states that Contracting Parties undertake to coordinate as appropriate their efforts for the protection of the natural habitats referred to in this article when these are situated in frontier areas;

Recalling its Recommendation No. 184 (2015) on the planned hydropower plants on the territory of the Mavrovo National Park ("the former Yugoslav Republic of Macedonia")

Noting that Mavrovo National Park is one of the key biodiversity hotspots in Europe, hosting a very high number of species and natural habitats protected by the Bern Convention;

Recalling that Mavrovo National Park has been officially nominated as a candidate Emerald Network site in 2011, in accordance with national legislation, and as such, it is subject to Recommendation No. 157 (2011, revised in 2019) on the status of candidate Emerald sites and guidelines on the criteria for their nomination, requiring national authorities to "take the necessary protection and conservation

measures in order to maintain the ecological characteristics of the candidate Emerald sites” until their full inclusion in the Emerald Network;

Recalling also its Recommendation No. 20 (1991) on the protection of the European lynx (*Lynx lynx*) and Recommendation No. 204 (2019) on the Conservation of the Eurasian lynx (*Lynx lynx*) in Continental Europe;

Noting that Mavrovo National Park and its immediate surroundings are among the core reproduction areas of the critically endangered Balkan lynx (*Lynx lynx balcanicus*);

Stressing that the Balkan Lynx is a critically endangered species protected under Appendix II of the Convention, and that urgent coordinated and cross-border action is needed to improve its population status;

Noting the parallel processes and statuses of other major environmental agreements operating in North Macedonia including IUCN, the Ramsar Convention and UNESCO;

Highlighting the ban on hydropower development in World Heritage Sites and the new due diligence requirements for other protected areas announced at the World Conservation Congress in Marseille in September 2021 by the International Hydropower Association in cooperation with IUCN and UNESCO as an effort to protect the most valuable natural sites; and noting that Mavrovo National Park is one of the components of the serial World Heritage Site Ancient and Primeval Beech Forests of the Carpathians and Other Regions of Europe.

Taking note of the report of the online advisory mission (document T-PVS/Files(2021)76) carried out by independent experts on 25 & 28 May 2021;

Noting that said mission also took into account another complaint of the Bern Convention concerning Lake Ohrid and Galichica National Park;

Agreeing that the current Recommendation supersedes and replaces Recommendation No. 184 (2015),

Recommends to the Government of North Macedonia to:

1. Suspend and cancel approved concessions and those planned for construction and implement a ban on hydropower plants (large, medium and small) both a) in national parks, protected areas, World Heritage Sites and other candidate Emerald sites (potential future Natura 2000 sites) as their implementation will cause problems with compliance with the Bern Convention and b) that will impact on these locations if constructed outside their boundaries.
2. Implement the new international standards on the prohibition of hydropower plants in World Heritage Sites (beech forests in Mavrovo National Park are part of serial Beech Forests World Heritage property) and ensure due diligence for protected areas, candidate protected areas and corridors between protected areas which require the implementation of high standards of performance and transparency.
3. Ensure proper implementation of the EU Water Framework Directive National Law regarding environmental flow of streams and prevent excessive withdrawal of water in streams within or impacting upon Mavrovo National Park, other protected areas, World Heritage Sites and Emerald candidate areas.
4. Ensure that core funding for the operation and management of national parks in North Macedonia comes from the state budget and not from the excessive harvesting of natural resources and other unsustainable sources of funding (complying with IUCN cat. II protected area standards).

5. Strengthen the process for all forms of impact assessments in national legislation to ensure they meet EU standards for robust quantification of potential impacts, including (but not limited to) revision of the process for conducting, reviewing and auditing Strategic Environmental Assessments, Environmental Impact Assessments and Environmental Elaborates as well as implementing and monitoring the recommendations of these documents; this should be achieved at a minimum via a) heightened licencing standards and responsibility mechanisms for assessment proponents; and b) improvements to the relevant laws and regulations.
6. Accelerate the process of preparation of the valorisation study for Mavrovo National Park, taking into account all international and national standards for nature conservation and protected areas, including IUCN protected area and World Heritage Sites standards. Increase efforts to complete the process of re-proclamation and adoption of a new law for Mavrovo National Park and prepare an effective and comprehensive management plan for the park.
7. Ensure that there are no further extensions for applications for legalisation of objects that were built without permission in Mavrovo National Park, other protected areas and World Heritage Sites.
8. Improve and maintain the capacity of protected area management and monitoring structures in accordance with international methodologies and IUCN standards, including the principles of implementing the primary management objective for the protected area over at least 75% of its territory. Ensure that expert staff are deployed in all management unit positions to enforce legislation, carry out proper wildlife and habitat management, and carry out inspections and monitoring.
9. Harmonise spatial and sectoral plans, especially on tourism and urban settlements in order to prevent further urbanisation and degradation inside national parks and protected areas. Encourage sustainable, environmentally friendly forms of tourism, which are based on the IUCN standards for tourism in protected areas.
10. Facilitate an independent review of the entire legislation framework related to spatial and urban planning, construction, environment and nature protection in order to eliminate any weaknesses for protected area and UNESCO World Heritage objectives, conducted by a team of specialised experts.
11. Review, endorse and re-implement the *Conservation Action Plan for Balkan Lynx in National Park Mavrovo* developed in cooperation with the Balkan Lynx Recovery Programme in 2013 and ensure funding for the implementation of the plan.
12. Improve the cooperation between Mavrovo National Park, neighbouring national parks in North Macedonia, the adjacent communities and extant or potential lynx areas in neighbouring countries with regard to wildlife and habitat conservation and management to ensure the connectivity of these sites and the expansion of the lynx population. In this respect, consider the development and implementation of a National Lynx Action Plan.
13. Improve collaboration among government agencies, complainants, NGOs, scientists, and stakeholder groups to expedite the process of effective protection and management of Mavrovo National Park, Ohrid Lake, and Galichica National Park. This collaboration has improved greatly in recent years, but more efforts are needed to achieve protection and development goals. There is also an urgent need to involve Albanian decision makers and other relevant stakeholders and to promote transboundary cooperation between the two countries.