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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

39th meeting
Strasbourg, 3-6 December 2019

Complaints on stand-by

**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
the Bulgarian Society for the Protection of Birds (BSPB)*

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09.08.2019, Skopje

To:
Secretariat
Bern Convention on the Conservation of European Wildlife and Natural Habitats

For the attention of the members of the Bureau of the Bern Convention on the Conservation of European Wildlife and Natural Habitats

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

Dear members of the Bureau,

The candidate Emerald sites - National park "Galichica" and the Natural monument "Lake Ohrid", were discussed during the 43rd UNESCO World Heritage Committee session in Baku, Azerbaijan in July 2019, as part of the natural and cultural heritage of the Ohrid region. Prior to the session, we submitted an open letter with our main concerns and conclusions for the property attached as Annex 1 to this update.

Similar concerns and conclusions were presented by the World Heritage Center and its advisory bodies (IUCN and ICOMOS). The World Heritage Center and its advisory bodies noted that "*no progress has been made with approving planning instruments including the management plan, in establishing a moratorium for any transformations, in inventorying and removing illegal buildings negatively impacting on the OUV of the property, and in implementing the waste water treatment system. Moreover, the State Party has expressed its intention to proceed with the original route of the Railway corridor VIII despite the Committee's request to consider alternative routes*". Furthermore, the World Heritage Center and its advisory bodies concluded that "*the Ohrid region meets the criteria for inscription on the List of World Heritage in Danger*" according to Paragraphs 177, 179 b) and 180 b) of the Operational Guidelines and recommended the Committee to "*inscribe the property on the List of World Heritage in Danger*".

The point to inscribe the property on the List of World Heritage in Danger, originally part of the draft Decision: 43 COM 7B.36, was amended by the World Heritage Committee after discussion, initiated and requested by our country, most of all because of the extension the borders of the property now including the Albanian side of the Lake Ohrid and its surroundings. The decision to list the property to the World Heritage in Danger List will be again discussed on the next Committee session in 2020. Our government was given additional 7 months to report progress on the previous Committee decisions and the 2017 UNESCO Reactive monitoring mission recommendations including the following recommendations:

(...)

- *Establish a moratorium on any urban and coastal transformations within the property until all relevant planning documents have been finalized and adopted, effective protective regulations have been approved and effective control mechanisms established* – immediate measure that should have been implemented by February 2018 and a measure which existing laws oblige them to introduce;
- *Inventory illegal constructions, assessing their impacts on the OUV of the property through appropriate HIA and Environmental Impact Assessment (EIA) processes and proceed to demolishing all those which represent a threat to the property* – also immediate measure that have been implemented by February 2018.

- *Ensure strict enforcement of laws and regulations to prevent any further illegal construction,*
 - *Finalize the Management Plan for the property and align all relevant planning instruments with the overall aim of protecting and sustaining the OUV of the property.*
- (...)

Even though the situation with both candidate emerald site is critical and alarming and immediate requiring immediate measures, our country actions after the World Heritage session in Baku, again, are in not in line with the UNESCO recommendations and decisions. Opposite to Recommendation to *establish a moratorium on any urban and coastal transformations*, after the World Heritage session, Municipality of Ohrid proceeded with its plans for urban transformation within the Ohrid region and the protected area the National park “Galichica”. The Municipality of Ohrid ignored our official request to stop the process for adoption of the General act for new urbanization of the village “Elshani” located on the Ohrid lake shore within the national park boundaries. Furthermore, the Municipality officially informed us that this plan was already approved by the Ministry of environment and the National park authority (both institutions issued positive opinion on the plan) and that the Municipality has no intention nor obligation to conduct any impact assessment for the plan.

Another new development after the session in Baku is related to the Recommendation regarding the *illegal constructions within the property*. According to official statement of the Mayor of the Municipality of Ohrid, given before the World Heritage Committee session in Baku, preliminary, almost 1500 illegal constructions are located on the territory of the Municipality of Ohrid. According to the same statement half of them are located within the National park Galichica and the Lake Ohrid shore. Right after the session in Baku the public statement of our Government representatives is that “UNESCO recommends demolition of very few constructions, less than 10 altogether” without any full inventory or evaluation of the impact of all illegal constructions. Additionally, this preliminary calculation of illegal constructions does not include over 10.000 illegal constructions legalized with the Law on legalization of the illegal constructions.

The 2017 UNESCO Reactive monitoring mission reflected that the *“increased urbanization along the coast and in the upper parts of the national park caused fragmentation and destruction of habitat, increased interference with natural resources (particularly water), and pollution (e.g. solid waste, construction debris, waste waters, air pollution, noise)”*. Furthermore, the mission noted that *“the lake’s shoreline cliffs part of the National park “Galichica” provide habitat for the Balkan endemic keeled lizard (Algyroides nigropunctatus) Appendix II of the Bern Convention and even minor pressures upon the habitat alongside the cliffs on the stretch from Peštani to Gradište and in the vicinity of the village of Trpejca may seriously affect this sensitive population and jeopardize its survival”*.

Additionally, the 2017 UNESCO Reactive monitoring mission, regarding the ongoing legalisation process of illegally built constructions in the urban, coastal and Park areas notes that the *“inappropriate urban development may have the following impacts:*

- *Water pollution, if the constructions are not equipped with satisfactory wastewater treatment, whether collective or individual;*
- *Degradation or fragmentation of riparian habitats;*
- *Alteration of the lake landscape, which is characterized by a strong contrast between towns, traditionally dense (Ohrid, Struga, Peštani) and undeveloped sections of the lakeshore; extensive development along the coast would make the landscape more ordinary, losing a part of its quality.”*

Having in mind the developments regarding the urban plans that foreseen urban and costal transformation within the park borders - like the previously mentioned General act for the village of Elshani, the Urban complex in the village of Trpejca, and others, as well as the large number of illegal constructions located within the national park borders and on the lake shore, in this update we would like to stress our concern about the possibility these plans and illegal constructions to influence the future zoning of the national park and the lake cost.

In January 2019, the Public Enterprise the National park “Galichica” started a procedure for revision of the existing Management plan for the period 2010 – 2020. The new management plan should cover the period of 2020 – 2030 and according to the official letter from the park’s authorities it includes revision of the zoning of the park (with allowed/prohibited activities). We fear that the revision of the zones of the park might be influence by the developed urban plans that foreseen urban and costal transformations and the illegal constructions, especially the one which were legalized with the Law on legalization of illegal construction. We have experience similar situation with the with the National park “Mavrovo” where protection zones of the park were adjusted and degraded (from zone of strict protection to zone of sustainable use) in order to accommodate infrastructure projects – over 20 hydropower projects. According to the official letter, new draft management plan for the National park Galichica should be published in the begging of 2020.

We have the same concern regarding the Natural monument the “Lake Ohrid”. At the moment Lake Ohrid has no revalorization of the natural values (expert and scientific assessment of the value of natural heritage for the purpose of confirming, extending, enhancing or reducing the protection and zone determination - legal obligation from the Law on nature protection that should have been finalized by 2010), has no management plan and no management body and no legal protection framework. In the 2019 national Program for nature conservation, the Ministry of environment provisions preparation of revalorization study for the Lake Ohrid that will further defy the protection of the lake.

Having in mind the conclusion of the World Heritage Center and the advisory bodies, the fragile, in danger, state of the National park Galichica and the Natural monument Lake Ohrid, the lack of corrective measures and activities, and the upcoming procedures and preparation of crucial documents that will determine the protection of the national park and the lake, we strongly believe that placing this case on the agenda of the next meeting of the Standing Committee in November 2019 and its opening will help halting the ongoing irreversible transformations and damages and secure proper and long term management.

Respectfully,
Aleksandra Bujaroska
Executive Director
Front 21/42



Annex I - Letter to the World Heritage Committee

Ohrid 2019

*World Natural and Cultural
Heritage Site Ohrid Region*



Post Card

MESSAGE

*Stop the on-going course
of destruction and prevent
the disappearance off the
face of the earth of this
unique gem!*

**Don't let it become
just an old postcard!**



FRONT_{21/42}

Photo: Geoff Wong commons.wikimedia.org

01.07.2019, Skopje

For the attention of the 21 State Parties to the UNESCO World Heritage Committee

Subject: Inscription of the World Natural and Cultural Heritage Site of the Ohrid Region on the List of World Heritage in Danger

Honourable Representatives of the World Heritage Committee,

We address you as an environmental NGO from North Macedonia, at this pivotal moment for the one and only World Natural and Cultural Heritage Site in our country – Ohrid Region.

We consider it to be our human and patriotic duty to do everything we can to save the most precious natural treasure of our country and it is with great sadness that, on the 40th anniversary of the inscription of Ohrid Region on the list of World Heritage Sites, we state the following:

Having in mind the deteriorating trend that started many years ago and continues with the decisions and (non)actions of our current Government, we see the inscription of Ohrid Region on the List of World Heritage Sites in Danger as the only WH Committee decision that has a power to change the on-going course of destruction of the property and prevent the disappearance off the face of the earth of this unique natural and cultural world heritage.

To illustrate and support this position we list some of our main concerns:

- **The WH Committee Recommendation for a moratorium on any coastal and urban transformation, one of the urgent ones (should have been implemented by February 2018) and absolutely necessary to stop any further destruction – is one our authorities avoid at all costs!**

In the last State of Conservation Report submitted by our country, non-implementation of this measure is justified with “*legal obstacles*”. In reality there are no “legal obstacles” for a moratorium, on the contrary - there are several articles in existing laws which oblige them to put it in place and we’ve been communicating this fact with all related authorities for the past three years. Furthermore, Municipality of Centre in Skopje declared moratorium on new construction in late 2017, even without any additional laws which are relevant for the one and only UNESCO site in the country.

Both local and central authorities continue with plans which inevitably imply further urban and/or coastal transformation, in some cases with flagrant breach of the national legislation. None of this is reported to UNESCO in any form.

Our country’s State of Conservation Report paints a very misleading picture by stating that “*In the period between November 2017 and October 2018, no urban plans had been adopted*”. In reality, in the period November 2017-June 2019 procedures for 28 urban plans within the property were initiated and/or continued (16 of these were in on-going procedures in the reported period November 2017-October 2018). Many of these are already adopted, or in the very final stage of adoption with complete disregard of the public comments. We are especially concerned about several new urban plans which imply significant transformation within the property: A plan for a new urban complex in the village of Trpejca, on the very coast of the lake; A plan for urbanization of the village of Elshani, also on the coast; A plan for a new large tourism complex in Gorica, located on the coast; A plan for a new (low polluting) industrial zone within the property, in Leskoec (the SEA report was approved despite many flagrant legal breaches, even a plain lie that the new infrastructure is not within the property); The 2016 plan for a new promenade, noted in the 2017 Reactive Monitoring Mission Report wasn’t suspended – in 2019 the authorities secured financial support from the World Bank and EU. Consultations with the public were organized as pure formality since the plan was already adopted. The plan envisages 3m wider promenade (concrete) that will enter into the lake; etc.

In the State of Conservation our country reports that “*All urban plans that are in procedure are being submitted to the Commission for Management of the Natural and Cultural Heritage of the Ohrid Region, which reviews the submitted planning documents earnestly*”. None of the above plans was submitted to the Commission (presented as “*The main actor in the overall control of the urban development in the Ohrid region*”), nor it had any reaction when we alarmed them about the plan for a new industrial zone.

- **The WH Committee Recommendation related to the illegal constructions within the property is another one our authorities not only failed to implement, but they continued the trend started in 2011.** In other words, **the time given to our Government to implement the Recommendation** and its immediate measure (*Halt the process of legalisation of all illegal constructions within the property until a detailed inventory of all existing constructions is established and relevant Heritage and Environmental Impact Assessments have been carried out*) **was used to prolong the deadline for legalisation (from December 2016 to December 2018) and legalise additional 446 illegal constructions within the World Heritage Site.**

Just one week prior to the WH Committee 43rd session in Baku, on June 26th, the Municipality of Ohrid announced that, *in accordance with the UNESCO recommendations*, it prepared the inventory of illegal constructions on its territory and registered 1.076 illegal buildings from the period 2006 - May 2019. This list does not include constructions which were legalised with the Law on legalisation of illegal constructions. Just one look at the 2015 Ombudsman Report on the implementation of the Law on legalisation gives a glimpse into the scale of the problem (and the misleading actions of our central and local authorities): from 2011, when the Law for legalisation was adopted, until the end of 2015 – Municipality of Ohrid received 11.094 requests for legalisation.

A real inventory is only the one which will register all illegal constructions, including the ones which were legalised since 2011. Without this crucial first step, the implementation of the rest of the Recommendation is meaningless – “*conduct relevant Heritage and Environmental Impact Assessments to assess their (illegal constructions) impacts on the OUV of the property; remove all illegal constructions within the property and in particular within the Galičica National Park, which, based on the abovementioned HIAs and EIAs are considered to represent a threat to the property, including its authenticity and conditions of integrity*”.

- **Adding the absence of inspectorates’ actions to these two problems completes the vicious circle of destruction. Even when there is an obvious legal breach and/or criminal act there is no legal enforcement.** Cases of this nature include: burning down the reed bed on several locations in the coastal area of Struga in February 2019 (few weeks later new concrete bases appeared in the same places); pollution of the water in River Grasnica which flows directly into the lake (with artificial purple colour); new illegal concrete asphalt base on the coast between Struga and Ohrid (without a construction permit, environmental elaborate, etc.); new illegal construction in the old town nucleus in Ohrid; etc.

Despite ours and other NGOs and/or citizens official reporting to the relevant inspectorates in Struga and Ohrid on these and other issues – there are no follow up actions, in most cases the inspectorates completely ignore the reports. This is a direct opposite of the WH Recommendation “*ensure the strict enforcement of existing laws and regulations to prevent any further illegal construction within the property*”.

- **Our final point of great concern is the continuing trend of deceiving reports, statements and activities by the current Government.** In our view, it completes the conclusion that there is no intention to preserve the one and only World Heritage Site in the country and what’s even scarier – there is no real understanding of its significance and value. Having in mind:
 - the misleading character of the State of Conservation Report submitted to WH Centre by our country;

- the pure formality of the public oversight hearing for the implementation of the UNESCO recommendations, organized by the Assembly in May 2018 – with zero impact: no follow up activities for the fulfilment of the significant conclusions;
- the process of preparation of the new Law on Management of the property – as part of the working group we contributed with over 80% of the text of the new law, only to find out that, as soon as the draft text was submitted to WH Centre, the key articles (all related to the urban transformation) were deleted. After the announcement of the WH Draft decision to put Ohrid on the List of World Heritage Sites in Danger and our strong public reaction about the “behind closed doors” changes in the new law – these articles were returned. The new law is yet to be adopted, but based on the whole experience so far, we doubt that even if it remains in this form it will make any difference in reality;
- the attempt to stage a public hearing for the much needed and crucial Management Plan and SEA without publishing the draft Management Plan and draft SEA report – the process was stopped after our reaction that it is absurd and against the law to have a public hearing without the documents for which it is organized;
- the latest *“strong encouragement of the three municipalities to implement all UNESCO recommendations with a final goal to keep the property under the UNESCO protection”* by the same Prime Minister who only 5 months ago gave the following public statement regarding one illegal hotel construction within the property: *“Even if there is a legal obstacle, the reply from the municipality sector for urbanism mustn’t be “no” or “can’t be”, they have to find a way for a “yes” reply”*. He went as far as promising the investor that if necessary he himself will settle down the issue and ensure a building permit; etc.

We see any postponement of the decision to list Ohrid Region as a World Heritage in Danger as its potential “death penalty”.

Based on these concerns and conclusions; also having in mind the fact that there are no domestic experts for the crucial actions (e.g. HIA expert, landscape expert, ecosystem services expert, etc.); being encouraged by the impact of the international community decision in a similar domestic conservation case (Bern Convention Recommendation No. 184/2015 which prevented destruction of National Park Mavrovo), but most of all by the success stories around the world after the implementation of the corrective measures from the Desired State of Conservation:

We call upon you to save for all next generations the unique and millions of years old world heritage site of Ohrid Region by adopting the draft decision to list it as a World Heritage Site in Danger.

Respectfully,
Aleksandra Bujaroska
Executive Director
Front 21/42



** Front 21/42 works on the protection of the Outstanding Universal Values of Ohrid Region since late 2013.*

During these six years we've had continuing national and international campaigning activities, including

legal actions for the individual plans and projects and international legal action for protection of the biodiversity within the property; we initiated and were part of the new law for the management of the property; etc. Since 2015 we have regular and continuing communication and cooperation with UNESCO,

including notification about the devastating plans for the property, participation in the meeting with the Joint World Heritage Centre/ICOMOS/IUCN Reactive Monitoring Mission, regular information regarding

the real life implementation of the UNESCO recommendations in our country; etc.