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2 (b). Access to justice in cases related to biodiversity protection

04.04.2023, Geneva

In 2010, in North Macedonia was developed idea for build 2 small HPP in NP Mavrovo. But, it was forgotten the riches of this protected area. Mavrovo NP is one of the richest national park in R. N. Macedonia. Some of the species are listed in Appendix II1 of the Bern convention on the Conservation of European Wildlife and Natural Habitats (BC), 65 species are listed in the Annex I2 & I13 of the European Union (EU) Habitats Directive and 19 species are under EU Birds Directive.

Both projects depended on funds from multilateral development banks (MDBs), i.e. World Bank (HPP Lukovo Pole) and European Bank for Reconstruction and Development (HPP Boskov Most),

Through incorporating the Convention on the Conservation of European Wildlife and Natural Habitats, "Bern Convention", and filing a complaint against these projects, the first success was achieved: World Bank dropped HPP Lukovo Pole from their agenda (12/2015). In 2016, European Bank for Reconstruction and Development froze the funds for HPP Boskov Most and canceled the financing of the project one year later, in January, 2017.

But, NP Mavrovo started administrative procedure for revalorization and reproclaimed on Mavrovo as protected area, IUCN category II - national park without respect the rights to information and public participation. They forgot that the process of revalorization is a professional and scientific assessment of the values of the natural heritage that serves to confirm, expand, strengthen or reduce the scope and effect of protection, including the exclusion or termination of the protection. Few CSO's, lead by Front 21/42 as coordinator of working group for saving NP Mavrovo started preparing an international complaint (Communication to the Aarhus Compliance Committee) to have access to information and access to justice to related case. Prior to sending of the Communication, the PENP Mavrovo decided to withdraw its decision and to grant full access to the reports. The above-mentioned procedure for access to environmental information lasted more than 5 years and don't give access to justice.

Opening the door for the full entry of environmental justice in today's world is slow. This is not due to the fact that man ignores the environment, but it is very likely due to the fact that business and industrial development, on the one hand, and the preservation of a healthy environment and nature, on the other hand, do not always go hand in hand. . On the contrary, for the most part they are in constant mutual tension and are inversely proportional.

The Aarhus Convention is an excellent tool, but practice shows that both individuals and associations who seek to exercise these rights through the courts encounter serious obstacles that contribute to the environmental law remaining ineffective.

In practice, although de lege lata there are practical protection mechanisms, essentially the approach to the protection of the environment has not been raised to the level it deserves. To a large extent, the current concept leaves the institutions to take care in the name of everyone, but no space is left for individuals or groups to be proactive in effectively ensuring the protection of the environment and nature, neither in their own name, nor in the name of others.