1. **Please provide examples of ways in which declining biodiversity and degraded ecosystems are already having adverse impact on human rights. Adversely affected rights could include, among others, the rights to life, health, water, food, culture, non-discrimination, a safe clean, healthy and sustainable environment, and Indigenous rights.**

Air quality is one of the key environmental challenges in the Republic of North Macedonia. The registered concentrations of certain pollutants are coming mostly from the use of fossil fuels, industrial capacities, heating systems and transport. The National Air Quality Monitoring System continuously monitors the concentrations of specific pollutants in the air and provides the public with real-time data as well as weekly, monthly and annual reports. However, especially during the winter period, peaks and concentrations above the limit values of PM10 are registered in the capital and couple of other cities (Veles, Bitola, Tetovo, Kumanovo etc.), which is mainly due to the increased work of the thermal power plants as well as the households heating choices. PM10 have negative impact on the growth and reproduction of plants, reduce the agricultural yield, affect the ecosystems by the movements of the water, mineral/nutrient cycles and habitats, and cause disintegration of the organic materials. The high ozone concentrations, present during the summer period, cause eyes and nose irritations, breathing problems, asthma, and reduced resistance to colds and other infections. That can also accelerate the aging of lung tissue. All of this clearly has its adverse impacts on human rights enjoyment, especially the right to health and safe, clean and healthy environment in general. However, the country, among the other planning documents and air quality measures, adopted its Energy Strategy this year which addresses the issue of production of electricity and thermal power as one of the key sources of air pollution, and sets the state roadmap for greener energy production.

Another example is the Ohrid Lake, which is the eldest natural lake in Europe and which, together with the City of Ohrid, is inscribed in the list of world natural and cultural heritage of UNESCO. Unfortunately, mass tourism, improper urban planning and development, improper wastewater collection and treatment, as well as illegal fishing of the Ohrid Trout (Sаlmo letnica), has caused degradation of this biodiversity hotspot. This has affected the human right to environment and culture of the local community, as well as the general population. At the beginning of the year a Management Plan of the World Natural and Cultural Heritage of the Ohrid Region with an action plan (2020-2029) was adopted, by which the country aims at overcoming these challenges. A Commission for Management of the Natural and Cultural heritage is operational, acting a corrective instrument for policies and interventions of various stakeholders that may jeopardize the integrity, authenticity as well as outstanding universal value of the property.

The pronounced popularity of the construction of small hydro power plants, even in protected areas (such as Mavrovo National Park), as a strategy of diversifying the energy mix and divesting from fossil fuels, has impacted to certain extent the right to environment and water of some local communities in the region.

The lack of control over the illegal logging has resulted with environmental degradation in many areas throughout the country, loss of habitats and decline of the landscape and biological diversity, hence it affected the enjoyment of the right to environment and the traditional ecosystem services use of local population.

1. **To protect a wide range of human rights, what are the specific obligations of States and responsibilities of business in terms of addressing the main direct drivers of harm to biodiversity and ecosystems (e.g. land conversion, loss and degradation of habitat, climate change, overexploitation, pollution, invasive species) and the indirect drivers (unsustainable production and consumption, rapid human population growth, trade, conflict and inequality)?**

The environmental legislation encompasses a couple of mechanisms that ensure the protection of biodiversity and ecosystems. These mechanisms are triggered from the phase of initial planning of certain projects, till the completion of the specific activities. These procedures, among the others, apply the basic principles, standards and requirements for nature protection set out in the Law on Nature Protection.

The main established mechanisms are the environmental impact assessment procedure and strategic environmental impact procedure prescribed in the framework Law on Environment. In accordance with the environmental impact assessment (EIA) procedure, the projects that may have a significant impact on the environment are listed in a specific Ordinance[[1]](#footnote-1), and are subject to a mandatory EIA procedure. In accordance with the EIA procedure, the investor prepares a study of the EIA on the project. All environmental impact assessment documents and information are publicly made available. The MOEPP also needs to provide a public hearing in the area where the project is planned to be implemented. In a case where the environmental impact screening of a project identifies that the project is likely to cause significant transboundary environmental impact on the territory/territories of other country/countries, the MOEPP needs to notify the affected country/countries in accordance with the provisions of the Law on Environment and the ESPOO Convention.

The strategic environmental impact assessment is an environmental impact assessment procedure conducted for specifically listed strategies, plans and programs in the field of agriculture, fishery, energy, industry, mining, transport, rural development, telecommunications, waste management, water management, tourism, physical and urban planning and land use, and/or any other planning documents by which the protected areas management is regulated or can affect such areas.

Other control mechanism for the business sector and its impact on the environment are the permits issued in accordance with the environmental legislation. The integrated ecological permits enable the integral monitoring of the installations impacts on the environment. All the industrial or other activities that do not require integrated ecological permit, but affect certain environmental medias or environmental fields, are regulated in accordance with the specific media or area legislation (waters, waste, nature, noise pollution etc.)

In addition, the overall perspective of addressing the direct and indirect drivers of harm to biodiversity and ecosystems is determined by the National Strategy for Nature Protection and Action Plan for the period 2017–2027 and the National Biodiversity Strategy and Action Plan for the period 2018–2023.

The identified key sectors are agriculture, forestry, mining and extraction of materials and energy production, transport, urbanization and commercial development, other exploitation of biological resources, human disturbance, pollution, invasive and other problematic species and genes, natural system’s modifications, natural biotic and abiotic processes (except disasters), geological events, natural catastrophes, climate change.

In terms of identified threats, the outlined ones are the following: no/lack of mowing, abandonment of pastoral systems, lack of pasturage, surface mines, continued urbanization, communal waste and recreational centers waste disposal, industrial waste disposal, hunting with traps, poisoning, poaching, lack or misguided conservation measures, groundwater pollution from waste disposal, as well as diffusive groundwater pollution form agriculture and forestry, ignition vegetation, artificial lakes, surface water capture for agriculture (ex. Irrigation), surface water capture for hydro energy, reduced accessibility of prey (including carcasses), temperature changes, draughts and reduced rains. The National Strategy and Action Plan provides the State with an analysis of the necessary concrete measures, i.e. an overview of obligations of the key stakeholders in terms of each specific threat accordingly.

The proclamation of biodiversity hotspots and natural rarities as protected areas of different categories (that correspond with the IUCN categories[[2]](#footnote-2)) also provides the State with tools which ensures sustainable use of natural resources. The key stakeholders are obliged to respect a set of allowed and banned activities, on the other hand. Currently there is an ongoing procedure for proclamation of two more protected sites on the territory: a national park (Shar Mountain) and a protected area (Osogovo Mountain Range). Protected areas are managed by their Management authorities, in accordance with an adopted Management plan of the specific area respectively.

In terms of climate change, although the Republic of North Macedonia is a very small contributor to the overall GHG emissions, it is determined as a vulnerable country to its adverse impacts (vulnerable species and habitats have already been identified), hence it is
dedicated to take part in the overall mitigation efforts. The country has already
announced that it will revise its national determined contribution to the Paris Agreement and is currently working on the preparation of its Long-term Strategy and Law on Climate Action. These documents set a list of goals in different
sectors with mitigation potential and will address the adaptation actions in the most vulnerable
sectors, based on the findings from the already adopted documents at national level (3rd National
Communication on Climate Change, 3rd Biennial Update Report, National Energy Strategy etc).

1. **Please provide specific examples of constitutional provisions, legislation, regulations, policies, programs or other measures that employ a right-based approach to prevent, reduce, or eliminate harm to biodiversity and ecosystems or to restore and rehabilitate biodiversity and ecosystems.**

Article 43 of the Constitution of the Republic of North Macedonia provides the human right to a healthy environment. It also establishes an obligation for every human to promote and protect the environment and nature, and for the Republic to provide the conditions for exercising the right to a healthy environment by its citizens.

The legislation regulating environmental issues states in all respective subareas that the subject matter is a matter of public interest. In addition, the basic principles set out in each environmental piece of legislation are the precautionary principle, the prevention principle, principle of cooperation, principle of public participation, principle of sustainable development, principle of proportionality etc.

Republic of North Macedonia has signed and ratified the Aarhus Convention (The United Nations Economic Commission for Europe (UNECE) [Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters](https://live.unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf) ) and dully implemented its principles in its environmental laws and bylaws, hence enables the practise of the procedural human right of environment to its citizens and communities as well.

On the other hand, from the environmental perspective, various institutions and organizations are involved in activities for biodiversity conservation and nature protection. A key institution is the MoEPP, which is responsible for nature protection, protection of biological and landscape diversity and protection of natural heritage; management of biological and landscape diversity and the implementation of the provisions of the Law on Nature Protection.

North Macedonia has established a sound specific legal framework for nature protection that is aligned to the EU legislation. As a candidate for accession to the EU, the country has ratified all relevant international agreements, participates in the meetings of multilateral environmental agreements and complies with the relevant international reporting obligations.

A key piece of legislation is the Law on Nature Protection that regulates protection of natural habitats, biodiversity and natural heritage sites. This law is aligned with two of the EU’s main instruments for nature protection – the Council Directive on the conservation of natural habitats and of wild fauna and flora (92/43/EEC), Directive on the conservation of wild birds (2009/147/EC).

1. **If your State is one of the 156 UN member States that recognizes the right to a safe, clean, healthy and sustainable environment, has this right contributed to protecting, conserving and restoring biodiversity and healthy ecosystems? If so, how? If not, why not?**

Article 43 of the Constitution of the Republic of North Macedonia states that everyone has the right to a healthy environment. Everyone is obliged to promote and protect the environment and nature and the Republic provides conditions for exercising the right of the citizens to a healthy environment.

In the past year a couple of court proceedings invoking the right to environment in connection with the high levels of air pollution have been started in the country. However, none has reached a court decision yet.

So far, this right has mostly effectively been used on a procedural basis and administrative level, with the vast implementation of the principles of public participation in environmental matters.

1. **Please provide specific examples of good practices in preventing, reducing, or eliminating harm to biodiversity and ecosystems, or restoring and rehabilitating biodiversity and ecosystems. These examples may occur at the international, national, sub-national, or local level. Where possible, please provide evidence related to the implementation, enforcement, and effectiveness of the good practices (e.g. measurable outcomes such as increases in terrestrial and marine protected areas, increases in Indigineous and Community Conserved Areas, declining rates of deforestation and poaching, or progress in the recovery of species that were previously threatened or endangered).**

North Macedonia is continuously implementing activities for protection and conservation of wild native species of fauna, fungi and flora, including numerous species categorized by the International Union for Conservation of Nature(IUCN) as globally threatened by extinction and species included in the European Red List. The first complete national Red List has been developed for 46 reptiles and amphibians and 14 national plant species selected according to their importance for international conservation in 2019. The Red List provides scientific information and analysis of the state, trends and level of threat to species in accordance with the criteria for evaluation developed by the International Union for the Conservation of Nature. It categorizes all species into seven groups based on their level of threat – these categories include extinct species, species extinct in the wild, critically endangered, endangered, vulnerable, near threatened and least concern species.

Currently, 86 protected areas have been designated in accordance with the Law on Nature Protection*,*2 strict nature reserves, 3 national parks, 67 monuments of nature, 12 nature parks, 1 protected landscape and 1 multi-purpose area. Two sites are included in the Ramsar List - Lake Prespa (1995) and Lake Dojran (2008). Protected areas cover about 9 percent of the territory of the country.

The country has made progress in applying the principles of ecosystem approach in the management of natural resources. First attempts have been made on the integrated management of Prespa and Ohrid lakes, and more recently the Bregalnica River watershed. Activities are underway on the implementation of a short-term capacity building plan for all ecosystem services stakeholders.

In 2016, North Macedonia started with the process of identifying of future Natura 2000 sites as part of the European ecological network Natura 2000. So far 10 sites have been identified and standard data forms were prepared. Currently, activities are focused on identifying areas of habitat and species of European importance in the Bregalnica catchment area.

A positive example of good application of the environmental impact assessment procedure is the change of the railway route Corridor 10. Namely, the EIA study showed that the proposed route would endanger natural habitats (forests and caves), endangered bird species, waterbeds as well as a specific biodiversity hotspot (Demir Kapija), which resulted with project amendment and opting for a new longer and more expensive route as a preferred scenario. Similarly, the alignment selection of the expressway, section Raec to Drenovo (a branch of the corridor 10) has been coupled with a so called “appropriate assessment” as required by the article 6 of the Habitat Directive, which derived additional mitigation measures for the protection of an endemic snail and endangered bats.

1. Please identify specific gaps, challenges and barriers that your government, business, or organization has faced in attempting to employ a rights-based approach to preventing, reducing, or eliminating harm to biodiversity and ecosystems.

The key challenge as in almost every country, especially developing ones, is the fact that environmental protection is still often considered of a lesser priority compared with the economic development goals.

When it comes to rights-based approaches, there is still an enormous lack of capacities among the legal professionals, to be able to address such matters, and the environmental legislation is still treated within the spectrum of administrative law.

The judiciary as well as the enforcement and prosecution units, are still not giving enough attention to the environmental legal challenges.

Although constitutionally the nature and the environment are protected in a very anthropocentric manner, its protection and rights connections are still not implemented accordingly.

1. **Please specify ways in which additional protection is provided ( or should be provided) for populations who may be particularly vulnerable to declining biodiversity and degraded ecosystems (e.g. women, children, persons living in poverty, members of Indigenous peoples and local communities, older persons, persons with disabilities, ethnic racial or other minorities and displaced persons). How can these populations be empowered to protect and restore declining biodiversity and degraded ecosystems?**

The Ministry of Environment and Physical Planning does not monitor or analyze such indicators and perhaps the Ministry of Labor and Social Policy is the best institution that could cross-reference such data for future reporting purposes.

From environmental aspect, additional protection for populations who may be particularly vulnerable to declining biodiversity and degraded ecosystems can be ensured with their transparent involvement in all governmental decision-making processes (See more in point 8).

In addition, in accordance with the Law on Nature Protection, Council of Stakeholders and Scientific Council are to be established to work in connection with national parks (and other important protected areas). They are very important tools in developing cooperation with the identified stakeholders and local population.

1. **How do you safeguard the rights of individuals and communities working on biodiversity issues (potentially identified as environmental human rights defenders or land defenders)? What efforts has your Government made to create a safe environment for them to freely exercise their rights without fear or violence, intimidation, or reprisal?**

The country recognizes the constitutional rights for association and is guarantees the freedom of assembly in general. There are many registered formal organizations dealing with environmental matters, as well as active informal civic initiatives that have noted successful impacts in the field.

Transparent public participation process is specifically prescribed when it comes to environmental decision-making, with some higher standards compared with the general governmental procedures. As previously stated, the country has ratified and implemented the Aarhus convention and its principles. There is a specific bylaw dealing with public participation in environmental decision making, which ensures inclusivity. Public access to draft documents and public debates are envisaged as compulsory step in procedures of issuing IPPC permits, EIA and SEIA, adoption of planning documents and legal acts.

In addition, there are many successful examples where the public participation process and high local community and NGOs engagement resulted by cancelling state and private investor’s projects. Moreover, some local initiatives and NGOs have also triggered administrative or judicial procedures, as well as international non-compliance procedures which resulted with the authorities overruling their previous

In the case of Lukovo Pole and Boshkov Most, a strategic energy multi-project proposal envisaged couple of water interventions in the Mavrovo national park, enabling capturing of runoff waters in a reservoir, construction of a small HPP and using water downstream by gravity for energy production in existing systems of the Mavrovo, Raven and Vrutok plants. The identified threats were possible human resettlement (traditional pasturage), degradation of ancient beech forests which is also a habitat of the protected endangered species – Balkan lynx. There have been numerous protests, local initiatives and high involvement of the NGOs in the decision-making process. National and international compliance procedures were triggered (under the EBRD and Bern Convention) which resulted with the projects being canceled. All engaged parties are still active as environmental NGOs and activists. The country proposed the protected undisturbed habitat and ancient forest for a UNESCO protected site.

There have also been a couple of cases of cancelling existing or planned concessions for exploitation of mineral resources due to local communities’ protests and engagement (Labunishta, Kazandol, Ilovica etc).

1. **There is substantial evidence that consumption in high-income States is adversely affecting biodiversity and ecosystems in low and middle-income States. What are ways in which high-income States should assist low-income States in responding to biodiversity loss and ecosystem degradation, while simultaneously contributing to sustainable development in those low-income States?**

The history and the experience of the developed countries has taught us that the scenario where we pollute to develop, and clean up afterwards is not possible, nor effective. It causes irreversible environmental damage and other related social challenges. In order to enable the developing countries’ sustainable development, high – income states should assist low-income States in responding to biodiversity loss and ecosystem degradation by strengthening nature conservation capacities in low-income countries in the first place. This could be done through financial assistance, transfer of knowledge, expertise and practices.

Biological diversity protection in North Macedonia, both on national and local levels, faces serious challenges related mainly to the lack of financial, human and technical resources.

The Department of Nature within the Department of Environment , which is part of the Administration of environment, Ministry of Environment and Physical Planning, is the only organizational unit at the national level responsible for the protection and sustainable use of nature. The capacity of protected area management entities is insufficient to provide adequate management.

One of the main gaps for effective performance into the field of nature conservation and protection is the absence of *Nature Conservation Expert Agency*which will be in charge of conducting expert work. Nature Conservation Agency would act nationally in a coordinating role, supporting relevant national level organizations and in particular Protected Area Management bodies with technical expertise. Key expertise to be recruited are nature conservation biology, database management, visitor management, marketing & communications and law enforcement.

The state needs to allocate significant portion of the budget for nature conservation tasks, with limited funds at hand.

1. **For business, what policies or practices are in a place to ensure that your activities, products, and services across the entire supply chain (extraction, sourcing, manufacturing, distribution, sale and end-of life management) minimize biodiversity loss and ecosystem degradation and meet human rights standards, especially those articulated in the Guiding Principles on Business and Human Rights?**

The major control point of the business is through the permitting procedure and other environmental assessment procedures, as well as the public participation process, previously elaborated.

The country is moving forward stricter Corporate Social Responsibility culture, and the new legislative proposals are ensuring better application of the polluter principle by introducing stricter extended producer responsibility regimes. These standards together with the principle of circular economy is envisaged mainly in the waste legislation. North Macedonia has prepared its first National Waste Prevention Plan which includes a wide range of sectors. It is intended that the Plan will be the catalyst for the development of new, innovate, cross-sector partnerships with a shared passion for waste prevention. The Plan sets out a range of regulatory, policy and practical actions which aim to substantially reduce the amount of waste we produce as a society. The scale of the challenge we face means that we all have a role to play whether in the public sector, private sector, at school or at home.

The document sets out the context, the case for change and a range of best practice measures relevant to key stakeholders in order that we can focus on making a real impact on reducing waste, whilst boosting our national economy and protecting the local and global environment. Finally, the Plan includes a new set of national Waste Prevention Policies to turn commitments into action.

1. OEIA - Ordinance determining projects for which and criteria on the basis of which the screening for an environmental impact assessment shall be carried out (“Official Gazette of RM” No.74/05, 109/09,164/12) [↑](#footnote-ref-1)
2. <https://www.iucn.org/theme/protected-areas/about/protected-area-categories> [↑](#footnote-ref-2)