

## **MARINE TURTLE CONSERVATION IN ZAKYNTHOS (LAGANAS BAY), GREECE.**

### **UPDATE REPORT TO THE 18<sup>TH</sup> MEETING OF THE STANDING COMMITTEE OF THE CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE AND NATURAL HABITATS (BERN CONVENTION Nov. 30<sup>th</sup> - Dec.4<sup>th</sup> ).**

Report prepared by - MEDASSET  
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#### **Introduction.**

In 1994, MEDASSET made a formal complaint to the European Union, case No. 94/4667SG(94)A/15702 against the Greek Government for its failure to apply National and International Law and Bern Convention Recommendations, concerning the preservation of sea turtles on Zakynthos. In particular the Council Directive 92/43/EEC 21<sup>st</sup> May 1992, on the Conservation of European Wildlife & Natural Habitats of which the European Community is a party. We have renewed the complaint each year since then. In 1997 we were informed by Mr. Kremlis, Head of Legal Affairs at DGXI, that the file on our case was being put in abeyance, as the EU had received assurances from the Greek Government that they "were making satisfactory progress towards compliance!"

MEDASSET, was unsuccessful in having this decision reversed, and initiated a complaint to Mr. Soderman the Ombudsman of the European Union, regarding the actions (or rather lack of actions) of DGXI, and their arbitrary decision, asking if DGXI were right to predicate their decisions solely on the announcements of the Greek Government (the defenders in the case), completely ignoring the actual facts of the situation in Zakynthos.

#### **There are in fact two separate aspects of the sea turtle conservation issue on Zakynthos, the presence and preservation of the marine turtles, and the creation of the National Marine Park.**

At the 5<sup>th</sup> Meeting of the Standing Committee, in 1986, the subject of Zakynthos turtles was first discussed, and a file opened..

The 6<sup>th</sup> Meeting, in 1987, made a list of Recommendations to the Greek Government on the subject.

The 11<sup>th</sup> Meeting, in 1992, adopted a declaration that the Convention had not been as effective in the case of Laganas Bay as it should be, expressing concern that the credibility of the Convention was at stake.

The 14<sup>th</sup> Meeting, in 1995, urged Greece to rapidly carry out a list of actions, stating that failure to comply would be taken by the Committee as a grave and repeated breach of Greek Government obligations under the Convention..

The 15<sup>th</sup> Meeting, in 1996, stated that Greece had failed to comply, and asked for a legal report.

The 16<sup>th</sup> Meeting, in 1996, accepted the legal report, and decided that Greece would be in compliance if it created the National Marine Park by 25<sup>th</sup> March 1998, and the Greek Government accepted the obligation to do so.

(Of the 13 items on the lists referred to above, only one item has actually been carried out. 1 in 13 over a period of 10 years means that at present

progress we can expect the Greek Government to be in compliance in 130 years time!)

Thus the whole question of the conservation of sea turtles on Zakynthos was tied to the creation of the National Marine Park. In hindsight this was an unfortunate mistake resulting in no progress on the issue of sea turtle conservation as the **existing turtle conservation legislation has now been marginalised and ignored**, and very little progress has been made on the creation of a Marine Park in Laganas Bay, a very long term solution, which will do much for the turtles, but cannot affect the current position. (see National Marine Park - below). In support of this statement we will cite the case of the Sporades Sea Park established in 1986, in the Greek Aegean Sea with the goal of protecting the monk seal population, which today 12 years later, still has **no** management committee!

The Zakynthos National Marine Park has not yet even reached the position of the Sporades Park in 1986!

### **Current affairs.**

1998 was election year for the Prefect and the Council of Zakynthos, with much rhetoric and everyone with electoral hopes trying to be all things to all men. This situation has only encouraged amongst the Zakynthian population the hope that with luck they can, where conservation is concerned, both "have their cake, and eat it"! More specifically that they can enjoy at one and the same time, a flow of funds from the EU through the Greek Government for conservation matters, and an unfettered exploitation of a tourist boom through development and use of the turtle nesting beaches, as has been the case this year.

The Prefect of Zakynthos, previously holding office as an Independent, has for this election been adopted as a candidate for the party in power. One only hopes that if re-elected, he will apply the same zeal to the enforcement of National and International conservation law, as he has used in arguing for relaxation of the development restrictions for the National Park area contained in the draft Presidential Decree.

In general the situation this year regarding conservation on Zakynthos, has been both uncontrolled and out of control, with **no public beach guards being employed to enforce conservation regulations**. Once again UK volunteers were attacked and hospitalised while patrolling the beach for turtles at night. The waters of the bay were inadequately patrolled through lack of manpower and equipment. There was an increased volume of tourists with an increase in all types of beach furniture. New illegal structures are being erected, bulldozers have been at work at the back of the beaches, amongst the dunes, and even on the beaches.

The Government finds itself in an extremely embarrassing position, in a country where there is a very high level of democracy, and the legal system is fiercely independent, it is unable to impose legislation on the inhabitants of Zakynthos other than through the Prefect, and it is highly likely that the High Court will send the National Maritime Park legislation back to the Government for re-drafting on the grounds that, as re-negotiated with the Prefect, it is in conflict with the existing environmental legislation.

To win the backing of the people of Zakynthos, and persuade them to accept the Park, the Government must, after 15 years of promises, come up with some constructive and detailed proposals for compensation to be paid to those legally entitled to it, rather than the vague promises of the past 15 years.

#### **Legal aspects.**

National Law 2218 of 1994, Articles 18 and 20 establish a special administrative procedure for action against the Prefect or members of the Council who whether deliberately or negligently violate their duties under national law.

Further the jurisdiction of the Greek Council of State limits the ability of the national legislator to water down previous legislation affecting the environment in an already protected area. So whatever the authorities may try to do they cannot legally amend original draft Presidential Decree of 16<sup>th</sup> June 1990 to the worse.

National Law 1337 of 1983 provides for the actions to be carried out regarding illegal buildings.

It is often asked "Why don't the NGO's and concerned citizens take private court action against offenders on Zakynthos?" The explanation is, that in a situation more akin to the "Wild West" or "Gold Rush" days of North America, with violence close to the surface, and the authorities exercising little control, such action against the local population would only serve to endanger the workers, and inhibit the ability to work on the beaches.

#### **National Marine Park.**

As has been stated above the National Marine Park cannot be regarded as anything else but a long term project. There are so many barriers and hurdles to be cleared before it can become reality, that it should not be allowed to obscure current conservation matters.

As MEDASSET has repeatedly pointed out, one of the many matters to be sorted out before the Marine Park can become reality, is the question of the actual land. In Greece there is no land registry. A Government report of 1952 indicated that large areas of public (State) land around Laganas Bay had been illegally occupied by individuals. It is anticipated that even after the Government equips itself with the necessary legislation, and defines the manner of compensation for the appropriation of the land, there will be many disputes and probably court cases over the question of who owns the land.

Delimitation of the coastal zone of Zakynthos, a necessity for the establishment of the Marine Park, is legally a responsibility of the Prefect. In the case of the coast of Laganas Bay it was not completed because the information provided by the Zakynthian town planning authorities with the approval of the Prefect, was inadequate.

Following the expiry of the March 25<sup>th</sup> 1998 deadline agreed between the Greek Government, the Standing Committee, and the EU, for the establishment of the Zakynthos National Marine Park, a press conference was held in Athens on 18<sup>th</sup> May, by MEDASSET and Euro-MP Mr. Papayanakis, to highlight the lack of progress in this matter. The three main political parties of Greece were represented by sitting Members of Parliament. Also attending were representatives from the conservation groups, WWF, STPS, ZOK, and the Hellenic Society.

The press conference resulted in numerous articles in the Greek press, and a number of letters from the various conservation organisations, WWF, Greenpeace, Sea Turtle Protection Society, etc. to the Local Authority of Zakynthos and to the Minister of the Environment, copied to all involved Ministries, all letters confirmed the situation regarding Zakynthos which has regularly been reported by MEDASSET or by Lily Venizelos for the past 13 years.

Indeed, the organisations went further and confirmed what was already apparent to MEDASSET, that the situation in 1998, so early in the tourist season, was worse than ever.

MEDASSET was moved to write "It seems that factions of the Zakynthian population who oppose the establishment of the Marine Park, are taking the lack of action by the Greek Government and Local Authorities as weakness, and as a green light to pre-empt the situation and destroy the habitat before the Marine Park can be established. If things are this bad this early in the current tourist season, we shudder to think what it will be like in the high season".

As recorded in the Parliamentary record, a question was tabled in the Greek Parliament on 18<sup>th</sup> June 1998, and the answer from the Ministry of the Environment was to the effect - Don't worry the National Marine Park will be established in a **few days**, and everything is wonderful. The same message as we have been hearing all these years.

Anyone who has even the slightest knowledge of legal procedures here in Greece would know that the minimum time to even complete the formalities of the preliminary stages, from that point, was at least 6 months under ideal circumstances. There were 5 other Ministries still to sign it, then it had to be passed by the Court of First Instance, then signed by the President, and then published in the Gazette, and that would be only the preliminaries. It seems that the Greek officials of the Ministry of the Environment have a very vivid imagination!

During the exchange in Parliament, it was denied that the regulations in the Presidential decree had been changed "in any matter of substance", (although later reports in Zakynthos local press, attributed to the Local Authorities, reported differently, see below). The Deputy Minister of the Environment expressed the opinion that claims put forward by MPs, Conservation organisations, etc., that this year the situation on the nesting beaches and in the waters of Laganas Bay was much worse than previous years, was "**an exaggeration**". He did not say how he reached this conclusion - presumably divine inspiration!

On 12<sup>th</sup> June 1998, the Zakynthos local newspaper published a report outlining the results of a meeting which took place in Athens between the Deputy Minister of the Environment and the Local Authorities of Zakynthos on the 11<sup>th</sup> June 1998, as reported to them by the Local Authorities. It stated:-

1. **In the area of Vassilikos**, the minimum amount of land required to build on has been reduced from 20 to 10 acres. In **Kalamaki** this has been reduced from 8 to 4 acres.

2. The maximum beach capacity of daily visitors to nesting beaches has been **abolished**, as it is considered **unrealistic to enforce!**
3. Commercial renting of **beach front furniture** is being allowed to continue on the **zone of maximum protection**, provided they remove the furniture at night.
4. **Existing buildings** behind nesting beaches will be **allowed to remain** as they are.
5. The minimum distance **for new building development in Kalamaki, Dafni and Yerakas** has been reduced from 200m from the **high** water mark to 200m from the **low** water mark.

#### **European Union “On-the-Spot” Appraisal.**

After some correspondence with the EU Ombudsman and Mr. Kremlis, Head of the DGXI Legal Affairs unit, we were informed that Mr. Bruno Julien, Head of the EU Unit DGXI/D2 would carry out an unannounced visit to Zakynthos in order to assess the situation on 15<sup>th</sup> July 1998.

On the eve of his visit, the local police and a number of other gentlemen, who as an act of charity we will not name, were on the beaches conducting a window dressing operation supervising the removal of beach furniture, the closure of refreshment businesses etc.

Mr. Julien met with representatives of the conservation organisations on the island, and was briefed by MEDASSET as to the true situation prevailing on the nesting beaches for the protection of sea turtles during the summer of 1998 and the complete lack of conservation effort by the authorities. A MEDASSET volunteer had taken photographs of the situation on the nesting beaches 14 hours earlier, before the window dressing operation. 36 of these were given to Mr. Julien by MEDASSET. Next day, Mr. Julien himself took pictures during his visit to the nesting beaches and is therefore able to compare the two sets of photographs. The day after he left, the beach furniture, **and more**, was returned to the beaches, the businesses re-opened, and things returned to normal.

#### **Nesting beach review.**

**Yerakas** (500 m) is covered in illegal umbrellas. There are 170 umbrellas and 400 sun beds, as well as more pedaloes and canoes than last year. Two makeshift “Cantinas” have opened (last year there was only one) and both are remaining open until late at night.

At **Dafni** (250 m) bulldozers have flattened the dunes at the back of the beach and grass has been planted in order to put more umbrellas and sun beds, in the process contaminating the beach with soil, altering the important beach morphology. Flower beds and exotic plants were planted in the bulldozed area between the sun beds. Showers have been installed on the beach and rock gardens constructed. Bulldozers have also been used in cleaning operations on the beach.

Two beach tavernas which had been declared illegal and closed until 1996, have reopened this year, staying open until late at night, calling themselves “cantinas” following a Greek Government decision to allow “cantinas”, and there is a third one under illegal construction with a large concrete slab and concrete and metal structure. No action has been taken by the authorities to stop this illegal construction.

A dirt road has been extended by bulldozer and now reaches down to the beach.

Sun bed numbers have increased to 260, now exceeding one per metre of beach, there are many more beach umbrellas within 3 metres of the waters edge which are left in place at night, and some sun beds close to the waters edge are stacked in pairs at night but left in position. There is photo documentation of turtles returning to the sea without nesting due to obstacles (rocks, furniture, wooden walkways), and of turtle nesting under a sun bed!

No action has been taken regarding demolition of the illegal buildings.

A newspaper report states "The office of the governor responsible for environmental issues on the island confirms the illegal development along the southern coast, but holds that this matter is outside its jurisdiction. The government agency responsible for such violations is the local office of land development." They said, "So far this year we have made one arrest and issued 15 lawsuits for unauthorised development. These measures do not do much to help the situation because the court dates are scheduled long after the summer. When we visited Dafni beach on 4<sup>th</sup> August, the umbrellas were not on the waterfront, but on August 14<sup>th</sup>, more chairs were placed and they were moved right on the beach. She promised next year the office will begin to survey the nesting beaches in May to make sure that there are no uncoordinated developing. More "severe" measures will also be taken to curtail waterfront business operations." - Promises, Promises, Promises!

On **Kalamaki** (250 m) bulldozers have also been used in cleaning operations, removing the top layer of sand.

In front of the old illegal Taverna at Kalamaki there were 375 chairs and 187 umbrellas.

The back of the beach has been further bulldozed to form **two** tiers of ground for sun beds, in the process exposing rubbish which had been buried in previous years, and **lowering the height of the dunes**, which previously had hidden the hotels behind the dunes, **now allowing the lights of the hotels to shine full onto the beach.**

**A cafeteria has been built** near to the caves above the beach destroying the sand dunes, and **a boardwalk track laid from it to the waters edge**, with 150 chairs with umbrellas, in 3 rows!

After the caves there were 3 rows comprising 230 sun beds and 120 umbrellas with 10 pedaloes observed on the beach not counting those on the water which would be left ashore at night.

At the Crystal Palace Hotel, there were 3 pedaloes, 180 sun beds and 90 umbrellas.

Any remaining area of the beach was filled with the private umbrellas of day visitors, the spikes thrust into the sand.

Unlike previous years, this year the beach furniture was in place to within 6 - 13 metres of the waters edge on the wider sections of the beach, and on the narrower sections on top of the nesting area. As last year none was lifted at night.

**Even a flying turtle could not nest on Kalamaki beach!**

At **East Laganas** (2,000 m) There are many horses hoof prints and vehicle tracks in the sand indicating a high use of the beach by these agents. No

public beach security guards were employed this year on the nesting beaches.

Walls and concrete platforms have not been removed from E. Laganas. Due to storm action, the wall on Kalamaki beach has further deteriorated, and that narrow part of the beach is now littered with stone blocks from the walls.

### **The sea.**

In the sea area between Marathonisi islet and the end of Kalamaki beach, an area of restricted boat speed, during early July between the hours of 8 am and 7.30 p.m. an average of 25 boats each hour were observed exceeding the speed limit. Although mooring and anchoring in the area is banned, there were approximately 30 - 40 boats there, some of them permanently moored, and at least 6 big yachts anchoring in the bay near Marathonisi. MEDASSET filed an official complaint to the Port Master against two boats which were speeding on a very regular basis in front of the nesting beaches, the vessel "Angel Heart" mentioned in last years report, and a boat belonging to a local skin diving school.

Fishing nets are continuing to be deployed in front of the nesting beaches thus hampering the turtles access to the beaches.

Off Sekania / Dafni where boats are completely banned there were on average in early July, prior to the main tourist period an average of between 3 - 4 boats per day.

Despite repeated requests to the Ministry of Merchant Marine by both MEDASSET and the Port Authorities for more men and a suitable boat, to implement the existing regulations in Laganas Bay, none have been provided. Turtle sight-seeing boats, advertising "see a turtle or your money back" are now reported to be placing plastic turtles in the sea in order to fool the tourists. (UK "Observer" newspaper 13/9/98)

Two dead sea turtles were found to have been killed by speed boat propellers during the summer.

### **Biological data.**

Analysis of the nesting figures for individual beaches over a number of years indicates that when expressed as percentages of total nesting, there is a drift from the larger and most degraded beaches to the two tiny beaches of Sekania (Privately owned and managed by WWF) and the island of Marathonisi (Privately owned and less disturbed). Sekania now accounts for approx. 59% of Laganas Bay nesting, with over 700 nests this year, in excess of 2 nests per linear metre of beach. Kalamaki has dropped from approx. 9.6 % to 3%. If this drift, currently at a rate of approximately 11% continues, there will be further overcrowding and disturbance of each others nests, which is already happening in Sekania. A very dangerous situation for the future of turtles in the Bay. If this trend continues Laganas Bay will be unable to support future nesting populations.

### **Conclusion.**

The Greek Government should be left in no doubt that their shattered credibility can only be restored by immediately :-

1. Instituting proceedings against the Prefect and Authorities of Zakynthos under Law 2218 of 1994 as established in Articles 18 and 20, for violation of their duties as established by national law.
2. Issuing a severe public reprimand to the Greek Ministry of the Environment for its incompetence, and failure to act regarding the conservation of sea turtles in Zakynthos, and for making a deliberately misleading statement to the Greek House of Parliament.
3. Ensure the application of Law 1337 of 1983, for the demolition of all illegal buildings and walls in Laganas Bay, including the 38 illegal buildings listed in a WWF report of 1992.
4. Promote the National Park under the terms of the feasibility study already carried out.

The European Union should withhold all forms of community aid to the Island of Zakynthos until the provisions of National and International Conservation Law are fully implemented and enforced.

If these actions are taken immediately, maybe we can still save the sea turtles of Laganas Bay.