

Strasbourg, 19 October 2012
[files43e_2012.doc]

T-PVS/Files (2012) 43

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

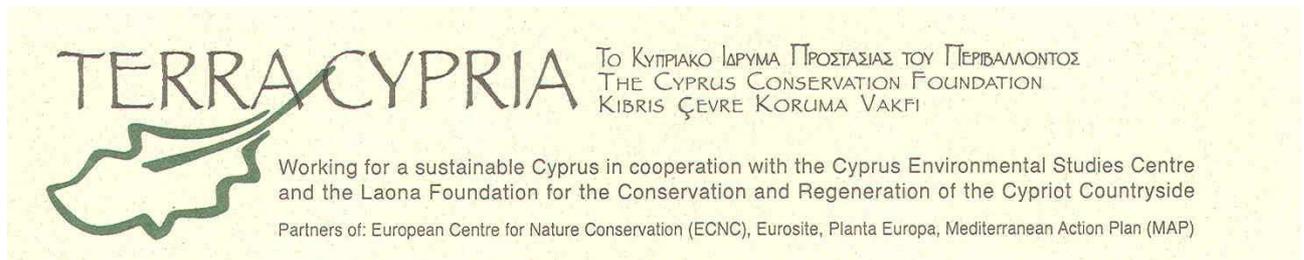
32nd meeting
Strasbourg, 27-30 November 2012

Specific Site - File open

**Akamas peninsula
(Cyprus)**

REPORT BY THE NGO

*Document prepared by
Terra Cypria*



OCTOBER 2012

Report on Akamas

Follow-up Report to the 32nd Meeting of the Standing Committee of the Convention on the Conservation of European Wildlife and Natural Habitats

by Dr Artemis Yiordamli, Executive Director, **Terra Cypria**, supported by **BirdLife Cyprus**.

CONSERVATION OF THE AKAMAS AND LIMNI AREAS IN WESTERN CYPRUS: THREATS POSED TO WILDLIFE BY DEVELOPMENT NEAR OR WITHIN THESE AREAS.

This report is presented as an update to the reports presented over the past years, and as an exposition of recent developments since the proposed SCI/SPA.

Contents:

1. Summary
2. Background
3. Current situation
4. Action recommended

1. SUMMARY

The relevant case file should remain open as no concrete and/or effective measures have been taken to adequately protect and/or manage the important wildlife of the Akamas Peninsula or Limni. The current Natura 2000 designations are inadequate and are the subject of examination by the European Commission.

The **Akamas Peninsula** in N.W Cyprus is an area of exceptional ecological significance, which is, inter alia, a nesting ground for the endangered green turtle (*Chelonia mydas*), while the **Limni coast** further north is an important nesting area for the loggerhead turtle (*Caretta caretta*). Both sites are in the western part of Cyprus, but separated by a strip of considerable coastal development. Plans for the protection of Akamas have been announced and discussed for years (but not implemented), and finally the status of both Akamas and the Limni coast, were left to be settled within the context of the Natura 2000 network, according to which Cyprus is obliged to designate key sites, as provided for by the EU Habitats (92/43/EEC) and Birds (2009/147/EC) directives. For both Akamas and Limni, the boundaries designated for Natura 2000 do not adequately protect the key species or habitats

The Standing Committee issued Recommendation no.63/97 inviting the Cyprus Government to grant the Akamas peninsula the status of a **national park**, or similar, and to take appropriate protection measures on a number of issues. Two appraisals on-the-spot were conducted in 1997 and

2002. The second report (Ellul Report) identified that many of the measures proposed by the Cyprus Government for Akamas were **incompatible with sustainable management** and long-term protection.

The area designated as an SCI (Site of Community Importance) for Akamas now, and for Limni three years ago, is so limited as to be catastrophic. **The Akamas designation is more limited than any previous government proposal over the last two decades**, and barely extends beyond the (already protected) state forest, thus leaving unprotected large areas of habitats listed in the Habitats Directive and species listed in the Appendices of the Bern Convention and in the Annex I of the Birds Directive. Formal complaints to Government were lodged by leading NGOs, Terra Cypria, BirdLife Cyprus and Friends of Akamas, as part of the complaints procedure envisaged in the Cyprus law. The complaints were rejected and the boundaries were finalised and submitted to the Commission in Feb 2010 after being yet further reduced. Formal complaints followed to DG Environment by various NGOs. Following that the EU Commission sent a formal notice letter to the Republic for inadequate designation (19.5.2011). Thus the adequacy of the SCI designation under the Habitats Directive is under examination at European level. Moreover, the Cyprus Government is in breach of Article 6 of the Habitats Directive requiring an appropriate assessment for plans/projects that might affect a Natura 2000 site, since the procedure is **NOT** currently applied by Government to the areas outside the pSCI. As far as the SPA designation is concerned, the European Commission has already sent a reasoned opinion to Cyprus concerning inadequate designation of SPAs, including Akamas. Meanwhile, extensive development has been taking place, including the erection of unlicensed, illegal premises, with mostly ineffective and dilatory actions to stop or remove them.

In Limni (known as the Polis-Yialia site), the management plan, although adopted, has not yet been given a legal status or been implemented. Even if it were, the Natura 2000 site is such a narrow strip of coast that it would be of limited benefit to the turtles it is supposed to protect, as there are major developments planned adjacent to the site, including what is possibly the largest golf and village complex in the Mediterranean. So far no measures have been imposed on buildings under construction to mitigate the effects of development.

Two more recent instances demonstrating the problem have happened this year. On the coast of Argaka village (see map at Annex A) the local authority purposely or in ignorance destroyed 45% of Habitat 2210, Embryonic shifting dunes, of the area. Within the Natura 2000 site of Polis-Yialia further habitat destruction was carried out by a private company exposing the turtle nesting areas to the adjacent road (see map and photos). In both cases no early warning system was in place and the government failed to prevent the damage from happening.

Since Recommendation no.63 has not been observed or put into effect, and the EU Commission is considering the adequacy of these sites, and since real habitat damage has actually happened this year, we urge that the file remains open.

2. BACKGROUND

(Longer-standing Committee members who already know this case may wish to proceed directly to part.3 below).

The Akamas Peninsula in north-western Cyprus is an area of 230 km² lying at the meeting point of three continents. Apart from its geological interest and scenic beauty, it provides a habitat for species of flora and fauna, which in several cases are either endemic, rare or protected under the Bern Convention and the Birds and Habitats Directives. The area is exceptionally rich in biodiversity and its beaches provide nesting grounds for green and loggerhead turtles (*Chelonia mydas* and *Caretta caretta*). A list of the most important flora and fauna species is attached as Annex B.

Following a request by the Cyprus Government in 1992, a project was set up by the World Bank's Mediterranean Technical Assistance Programme (METAP), and funded jointly by the World Bank and the EU, to prepare a management plan for Akamas resulting in the report, usually referred to as the 'World Bank Study', published in 1995. It called for the strict protection of the core area, which includes the coastline and beaches. **The core area** (largely corresponding to the state forest and the coastal zone on the west) **was to be further protected by creating buffer zones around it, restricted to traditional activities, with little or no development taking place.**

The protective measures proposed by the World Bank Study became the subject of lengthy controversy by landowners and locals; so, despite the support of environmental NGOs, the report has not been implemented. For the same reason discussions over the Natura 2000 designation of the area lasted for years. In the 1990's permission was given for the construction of the Anassa Beach Hotel, a 350-bed luxury tourist complex owned by the family of a former Minister of Foreign Affairs, on land which the World Bank Study designated for non-intrusive uses. This marked the beginning of incursions into Akamas on the basis of salami tactics. The hotel has been operational since 1999. The siting of this hotel and its impact on wildlife (and in particular on turtles) have been the subject of our annual reports to this Committee, since 1996 leading to the opening of a file and an on-the-spot appraisal the next year.

In 1997 the Permanent Committee of the Bern Convention through its Recommendation no.63 proposed ten measures to secure the long-term protection of the Akamas and Limni coasts. In view of the slow progress evidenced, and the importance of both sites on a European scale, the file has remained open since then; a further on-the-spot visit was held in 2002 followed by the report of specialist Anthony Ellul, which was considered by the Standing Committee in 2002. Its proposals have also been disregarded.

3. CURRENT SITUATION AT AKAMAS AND LIMNI

Akamas

The same area has been proposed by the Cyprus Government as an SCI (Site of Community Importance) under the Habitats Directive, and as a SPA (Special Protection Area) under the Birds Directive. As will be seen from the attached map, Annex A, the area proposed falls well short of the area envisaged by the World Bank Study (1995) or that studied by the EU-LIFE Natura 2000 Project (2003) or the IBA (Important Bird Area) Inventory . From a potential area of 230km²/23.000 ha identified by the World Bank Study, only 10.017 ha have been included in the terrestrial area of the current government proposal, of which over 7.000 ha correspond to the already protected state forest. The planning provisions for the Peninsula, which were announced as part of an earlier Government decision in late 2008 (while the boundaries were still pending), remain in effect and contain many of the contentious issues identified in previous decisions by your Committee. These include:

- The proposed road from Inia village and erection of a community centre on the coast (both criticised in the Ellul report and contravening point 8 of the Committee's Recommendation 63/1997)
- The continuation of the tourist zones on either side of Akamas without a buffer zone (contrary to Recommendation 63/1997 and the Ellul Report).
- Although it is understandable that the decision should provide measures to support the village communities and their economies, the development zones proposed are excessive, thereby limiting the Natura 2000 site and degrading the landscape (contrary to the Ellul Report). The original issue of declaring the wider area into a National Park or Biosphere Reserve, which was the aim of the World Bank Study, and of your Recommendation no.63, has been totally ignored.
- **A later and very dangerous development is that the ban on building isolated homesteads in the "area west of the communities" has now been withdrawn, allowing construction of isolated houses in all the natural areas of Akamas. So a policy which has degraded habitats in the rest of rural Cyprus is now extended to the Akamas Peninsula.**
- **Even more dangerous is the fact that article 6 of the Habitats Directive requiring appropriate assessment of plans or projects that may affect a Natura 2000 area, is not applied by the government in areas outside these designated as pSCI. As a result several developments have appeared in the area eligible for designation with no environmental control from the Environment Department and the Game and Fauna Service who are the relevant authorities (see below).**

The boundaries proposed exclude large areas of Akamas of great importance to breeding and migratory birds listed in Annex I of the Birds Directive, and large parts of habitats listed in Annex I of the Habitats Directive. These are mentioned specifically in Annex B to this report.

There is little evidence on the ground that development is being 'strictly controlled'. On the contrary development of housing is proceeding rapidly and, in some places, is clearly damaging habitats listed in Annex I of the Habitats Directive such as *Olea-ceratonia* and *Quercus infectoria* woodlands, *Juniperus phoenicea* scrub, *Genista facellata* scrub, *Pinus brutia* forest and *Sarcopeterium spinosum* phrygana. The coastal-strip development between Polis and the Baths of Aphrodite has also dramatically increased the level of human disturbance on *Caretta caretta* breeding beaches outside the Natura 2000 site proposal, such as Latchi beach, and the 1 km long Asprokremmos Beach (where the Anassa Hotel is situated) Under the EU Directives there is nevertheless an obligation to protect these species. Yet no measures have been taken to prevent disturbance from encroachment. Noisy water sports are still taking place. Contrary to point 9 of Rec.63/97, the situation on the beach of the *Anassa Beach Hotel* (sun beds, water sports, mechanical cleaning, photo pollution), has deteriorated further. With the approval of the local authority sun-beds etc., remain on the beach day and night. 'Quad bikes' and sand flattening machines move back and forth on the sand at Latchi, and noisy beach parties are held at night.

Scattered housing development further inland is also impinging on areas of importance to breeding Rollers, *Coracias garrulus* and Bonelli's eagle, *Aquila fasciata* (qualifying species for Akamas Peninsula SPA). Licenced and unlicenced quarrying activities, near the villages of Kathikas and Drousia, are damaging *Cupressus* and *Olea-Ceratonia* woodland and causing serious disturbance to an important colony of Egyptian Fruitbat *Roussetus aegyptiacus*. The Government is in breach of Article 6 of the Habitats Directive in that it is not applying the 'appropriate assessment' procedure before allowing development.

In light of the above, it is clear that the currently proposed area is too limited to afford sufficient protection to habitats and species. The reason for this is that, contrary to the requirements of the Habitat and Birds Directives, the boundaries for the area designated as a Natura 2000 site have been decided less on ecological grounds, and more on socio-economic ones, to satisfy local voters. The Government's insistence on 'providing protection' for a large part of the Peninsula, not through Natura 2000 designation, or other international status, but through the national planning/zoning scheme, does not satisfy NGOs, because these zones may be changed much more easily under populist pressure and no environmental control is conducted by the relevant environmental authorities. No zoning is yet in place and illegal buildings are already being constructed within the site area, with no serious attempts to prevent them. In any case, designating a small part of the Peninsula (mostly state forest) as a Natura 2000 site does not meet the proposals of the Bern Convention's Recommendation no. 63/97 for protection of the area, nor in this case, the Natura 2000 Guidelines concerning sufficiency and non-fragmentation of proposed sites. A formal notice letter has been sent to the Republic by the EU Commission for insufficient designation. Since the criteria for excluding the area are not scientific, they violate the Habitats Directive, and if it is accepted that the whole of the peninsula is ecologically significant, the Republic no longer has an excuse for not including the whole area in the Natura 2000 network.

The Limni Site.

The area from Yialia to Polis (see map Annex A), a major nesting site of Loggerhead turtles, has been included in the Natura 2000 network, known as the Polis-Yialia site. The area includes a 10 km long beach and the adjacent marine area. However, the terrestrial and marine areas included in the site have been reduced very significantly compared to the original proposals, and the width of the coastal area for which a depth of 500m was foreseen, now is on average about 100m and in some places less. There are still no management measures in place. Development in the immediately adjacent area (in some cases 60m from the sea) has proceeded very rapidly on some stretches of the site, with no regulations to guide it in such a way as to minimise impact (e.g. lighting etc). The relevant provisions of the Town and Country Planning legislation included in the Countryside Policy appear to be receiving little attention, but even if they were, the Countryside Policy for Polis, does **not** include the

Yialia area. Although the Government's 2010 Report states that the area is protected under "several national laws", protective measures are not actually implemented.

Following a tender award by government, a management plan for the Polis-Yialia area (in the limited size proposed to the EU as a Natura 2000 site) has been completed but not put into effect. Mean while a permit is being considered to develop beyond the site what could be the **biggest golf course and villas complex in the Mediterranean**. Because of this, implementation of the management study, when it happens, and however good, is unlikely to effectively protect turtles either on land or in the sea.

Even more worrying is the fact that despite the site's small size, the local community of Argaka village, has recently destroyed 45% of habitat 2210, Embryonic shifting dunes, of the area. Habitat destruction was also carried out by another party suspected to be connected to the golfing interests referred to, thus exposing the turtle nesting areas to the adjacent road. In both cases no early warning system was in place and the government failed to prevent the damage from happening.

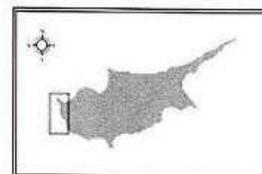
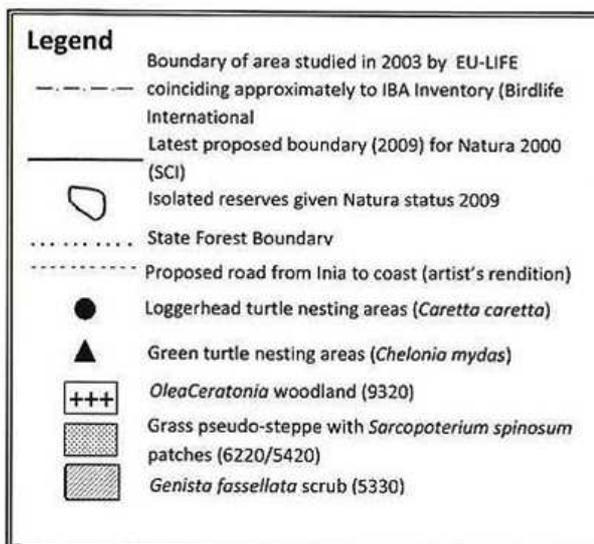
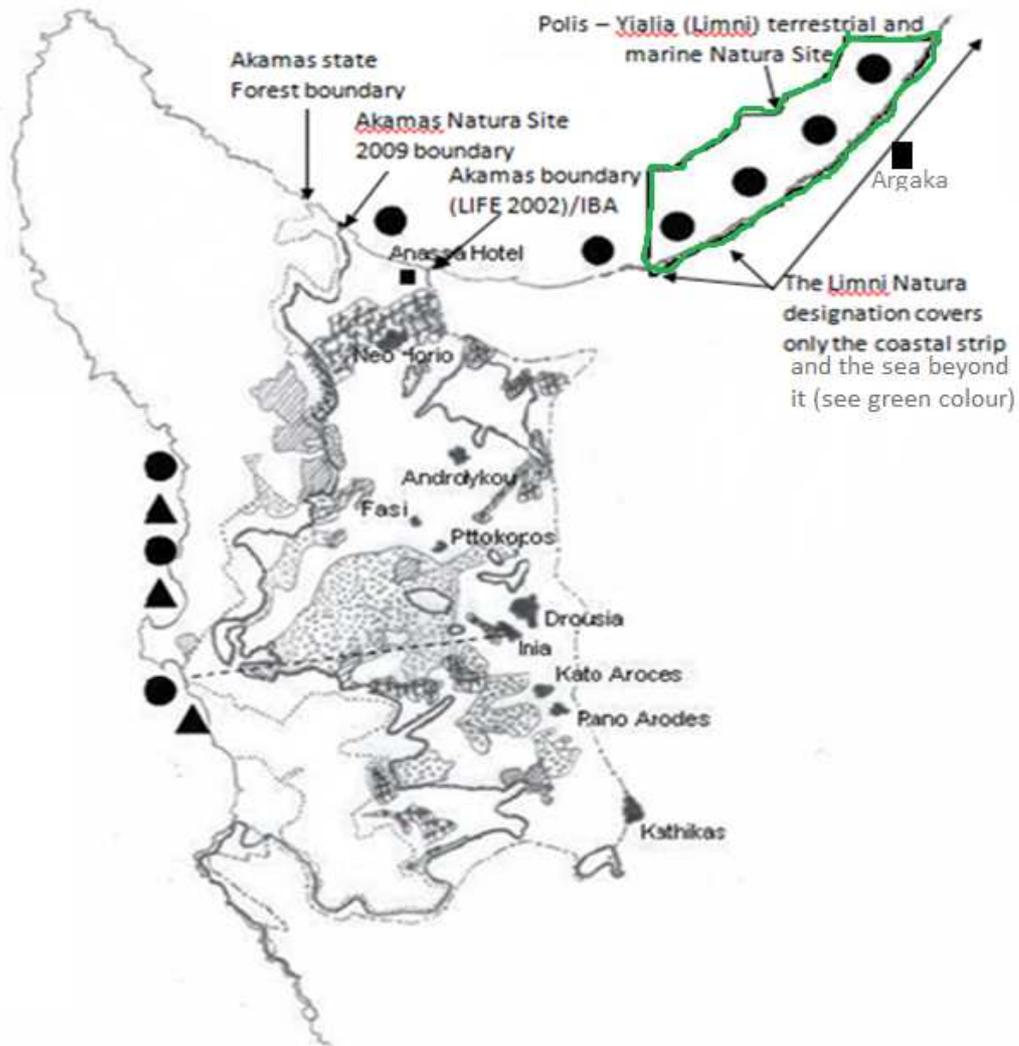
4. ACTION RECOMMENDED

In view of the fact that turtle nesting at Limni, as well as the wildlife and biodiversity of Akamas continue to be under immediate threat, and all indications are that neither at the local, nor at the national level, are effective measures being adopted for conservation, monitoring and sustainable development in and around Akamas and Limni, we believe that patently inadequate Natura 2000 designations cannot mark the end of this story. We therefore, urge that *the file on this issue remain open*, so that monitoring of the situation can continue. At the same time your Committee should recommend to the Cyprus government that:

1. The proposed boundaries for the Limni site (Polis-Yialia Natura SCI site) **should be revised** to reflect realistically the area needed to provide protection to nesting turtles, and that regulating development in the adjacent area **is urgent**. This revision should be in accordance with the LIFE Project, 1998, *Special Areas of Conservation (Directive 92/43/EEC) in Cyprus* and the Habitat Map proposed therein for Polis-Yialia, no. CY4000001. Meanwhile measures for early warning concerning human interventions should be implemented.
2. The boundaries of the Akamas Peninsula site under the Habitats Directive **should be revised** to include the plateau villages (World Bank study as expressed in the *Local Plan for the broader Akamas Area (1989)* published by Government), while the site under the Birds Directive should be extended to adopt the BirdLife International IBA Inventory for the site. These designations should be followed by stricter control for especially sensitive areas within Akamas, and particular designations, where appropriate, to cover the village areas. (See e.g National Park/Biosphere reserve, etc)
3. A management plan of Akamas with all necessary measures for monitoring and control of habitats, **including privately owned farmland habitats**, should be elaborated with participation **of all stakeholders**, and implemented without delay.
4. In so doing, the provisions of the World Bank Study, the provisions of Recommendation 63/97, the Ellul Report and EU guidance for management of Natura 2000 sites should all be taken into account, especially concerning tourist activities on the coast, the proposed road connecting the villages, the proposed road from Inia to the coast, and the community centre on the coast.
5. **Immediate and active measures should be taken against illegal constructions and against unsuitable activities on the surrounding beaches (see references to Anassa Beach and new constructions).**
6. The Republic should immediately adopt an early warning system in order to closely monitor these areas, and the rest of the Natura 2000 areas, and prevent human destruction from taking place.

Annex A

**Map of Akamas Peninsula and Limni (Cyprus) and proposed Natura sites
(Site of Community Interest, SCI, Habitats Directive and Specially Protected Area, SPA, Bird Directive for Akamas
also Site of Community Interest, SCI, Habitats Directive for Limni (Polis-Yialia))**



Annex B

Habitats and species insufficiently protected by the Cyprus Government proposal

The following **habitats** have been insufficiently covered by the current pSCI, by excluding from the site boundaries large tracts of private land on which they were situated

- pseudo steppes with grasses and annuals
- *genista fasselata* scrub
- *sarcopoterium spinosum* phryganas
- *Olea* and *Ceratonia* forests

A significant stand of *Quercus infectoria* has been totally excluded.

Species

The following **mammals** are underrepresented and/or insufficiently protected

- o *Miniopterus schreibersii*^{1,2} *Myotis emarginatus*^{1,2}
- o *Myotis blythii*^{1,2} *Crocidura Cypria*¹
- o *Rousettus aegyptiacus*

The following **reptiles** are underrepresented: *Caretta caretta*^{1,2}, *Chelonia mydas*^{1,2}

The habitat requirements of the following **birds** are not sufficiently covered by the SPA for the Akamas Peninsula:

- o *Aquila fasciata*³ (the unique species of eagle that continues to nest in Cyprus)
- o Thirteen species of raptors passing over in large numbers during their migration ('bottleneck' migration site)
- o *Merops apiaster*¹
- o *Coracias garrulus*^{1,3}

The wider region of the Peninsula is very important for the birds of the island, particularly for the migratory species. A total of 170 species of birds have been recorded and Akamas provides a nesting area for 77 species of Annex I of the Birds Directive 2009/147/EU, and also for 99 other migratory and 16 other important species. The region is also a nesting ground for raptor species (*Aquila fasciata* and *Falco peregrinus*) and maintains important populations of the Roller *Coracias garrulus* and the endemic *Sylvia melanothorax*. In 2004 BirdLife Cyprus defined 19 Important Bird Areas (IBA) following the criteria and the well-recognised methodology of BirdLife International.

Although IBAs have been recognized by the European Court of Justice as a scientifically sound basis for the determination of SPA boundaries, this has not been followed in the case of Akamas.

1: Strictly protected fauna species in Appendix II of the Bern

2: Protected under Annex II of the Habitat Directive 92/43/EEC

3: Protected under Annex I of the Birds Directive 2009/147/EC