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AND NATURAL HABITATS

Standing Committee

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**Akamas Peninsula
(Cyprus)**

- REPORT BY THE COMPLAINANT -

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Follow-up Report to the 41st meeting of the Standing Committee of the Convention on the Conservation of European Wildlife and Natural Habitats.

By *Terra Cypria*-the Cyprus Conservation Foundation

Supported by: Federation of Environmental Organisations of Cyprus, BirdLife Cyprus, Cyprus Wildlife Society, Ecological Movement of Cyprus, Enalia Physis Environmental Research Centre, Friends of Akamas, Friends of the Earth Cyprus and Initiative for the Protection of the Natural Coastline.

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

This report supports Recommendation No. 191 (2016) of the Standing Committee, adopted 18 November 2016, on conservation of the Akamas Peninsula and the sea turtle nesting beaches of Chrysochou Bay [T-PVS/Files (2016) 26]. It is also a response to the report sent by the Republic of Cyprus in August 2021 [T-PVS/Files (2021) 60]. It provides information on recent developments in the area and is intended as a statement of the actions we demand.

A. Introduction & Case Summary

This case covers the lack of protection for Mediterranean Sea turtles (*Caretta caretta* and *Chelonia mydas*) that nest on the shores of both the Akamas Peninsula and Chrysochou Bay in north-western Cyprus, as well as other habitats and rare biodiversity across Akamas Peninsula. Both areas have been designated Sites of Community Interest (SCI) within the Natura 2000 Network (CY4000010 CHERSONISOS AKAMA and CY4000001 POLIS-GIALIA respectively). Both areas have been also declared as Special Areas of Conservation (SAC), while the Akamas Peninsula has also been designated a Special Protection Area (SPA CY4000023 ZONI EIDIKIS PROSTASIAS CHERSONISOS AKAMA), due to its importance for birds.

Between 1999 and 2002, the Government of the Republic of Cyprus carried out the project *Special Areas of Conservation (Directive 92/43/EEC) in Cyprus* (LIFE98 TCY/CY/172), in the framework of the funding instrument *LIFE – Third Countries 1992-2006* and in cooperation with the European Commission. As part of an initiative to combat the pressures and threats on important habitats and endangered species listed in the annexes of the Birds (79/409/EEC) and Habitats (92/43/EEC) Directives, the aim of the project was to gather information for the creation of a network of Special Conservation Areas (SAC) within the framework of the Natura 2000 Network. According to the project's final report, published in 2003, the overall area of the proposed Natura 2000 area in Akamas Peninsula **was 25,541 hectares (ha)**. However, the overall area of the Natura 2000 area in Akamas Peninsula (including both SCI CY4000010 and SPA CY4000023), which was designated by the Government of the Republic of Cyprus in 2009, is **18,082 ha**, of which 43.42% covers the marine area and 56.58% the terrestrial area. The Natura 2000 designated terrestrial area in Akamas Peninsula includes **10,220.51 ha**, of which **7,666.48 ha** is state forest land (75.01%), while 2,254.03 ha is private land (24.99%). Consequently, **only 50% of the terrestrial area that was initially proposed in 2003 is included in the Natura 2000 areas (SCI CY4000010 and SPA CY4000023) that were eventually designated in 2009.**

Since 2009, several management plans that have no force of law have been drafted, but not implemented. The reports from the Department of Environment to the Convention Secretariat refer to progress made, but the fact remains that **no effective and legally binding protection measures are yet in place**. A new management plan under preparation for the designated Akamas National Forest Park covers only the state forest land of Akamas, an area which corresponds to **75% of the Natura 2000 areas** (SCI CY4000010 and SPA CY4000023). In addition, the area of Akamas is fragmented into two separate spatial planning schemes, since two Local Development Plans are currently under preparation by the Town Planning and Housing Department (one covering 90% and the other covering 10% of the Natura 2000 sites), as we explain in *Appendix C*.

As we note in *Appendix C*, the Republic of Cyprus is not willing to adopt some of the provisions in the new 2016 Recommendation. More specifically, the Republic is not willing to declare the **whole of Akamas Peninsula** as a national park (IUCN) or a biosphere reserve (UNESCO), or any other reserve with comparable international status (point 1 of the Recommendation). Also, it is **not willing to establish an entity for integrated management** of the Natura 2000 sites (SCI CY4000010 and SPA CY4000023) and neighbouring communities (Point 3 of the Recommendation). Moreover, the Government **refuses to accept point 11** of the Recommendation which asks for an approximately **500-meter buffer zone, free of buildings**, between the proposed golf development and sea turtle nesting beach at Polis-Gialia Natura 2000 area (SCI/SAC CY4000001).

The Government's previous reports suggest that solutions to the current problems will be established under future management adjustments. For example, the Government states that the problem with illegal bars and restaurants within and adjacent to the Lara-Toxeftra Marine Protected Area (MPA), which is listed as a Specially Protected Area of Mediterranean Importance (SPAMI) by the Regional Activity Centre for Specially Protected Areas (RAC/SPA) of the United Nations Environment Programme Mediterranean Action Plan (UNEP/MAP), as well as a Biogenetic Reserve in the framework of the Bern Convention (recommendation point 9), will be solved under the new spatial planning regime.

Also, regarding point 2 of the recommendation, the Government states that the new Local Development Plans will manage to ensure harmonious coexistence between nature and communities. In fact, and as we note in *Appendix C*, the new **Akamas Local Plan has several worrisome policies and proposals**, allowing for various **developments outside the current local communities' boundaries**, which will not only **threaten the unique environment** of the area and the Natura 2000 sites, but also will **compete with local activities** (such as existing accommodation and dining, etc) located in the communities.

We believe that **what is mostly needed first is enforcement of the existing legislation**. The attempt to find solutions through new studies and particularly development plans, which are not directly connected with or necessary to the management of the Natura 2000 site, but likely to have a significant environmental impact and simply maintains the status quo of no proper protection and management as well as the presence of many illegal activities and embroils all stakeholders in a continuous vicious cycle.

Contrary to what is stated in the 2021 Government's report, today there is **no adequate management, patrolling and/or protection of the Natura 2000 sites of Akamas Peninsula and Polis-Gialia area**. There is no mechanism and/or relevant body ensuring integrated management and conservation of the area. As a result, several illegal activities continue to take place in the area, and the Republic has not managed to enforce the law; in some cases, it was unable to stop illegal actions immediately upon notification and did not prosecute those who conducted them. Details about the illegal and/or uncontrolled activities that took and/or still take place are listed in *Appendix C*. Examples include the widespread and uncontrolled use of beach umbrellas, the presence of dogs on turtle nesting beaches, the uncontrolled driving and parking of vehicles, as well as camping on the sand dunes and ongoing jeep safaris without ensuring no damage occurs in natural habitats. Additionally, for more than two decades, there is a lack of political will to "*close down illegal restaurants in the neighbourhood of the beaches of Lara and Toxeftra (including Aspros river)*", as stated in Recommendations No. 63 (1997) and 191 (2016) of the Standing Committee, adopted on 5 December 1997 and 18 November 2016 respectively.

At this point we must note that the Government has informed the Standing Committee that Point 9 of the recommendation, regarding illegal beach bars and restaurants close to Lara and Toxeftra sea turtle nesting beaches, is monitored through prosecutions in courts. We do not agree with this solution since the long-standing illegalities continue their operations and the timeframe and the result of a court decision is unknown and may take many years to resolve. What we ask is an early response mechanism to be able to immediately intervene and stop illegalities when there are damages to sensitive species and ecosystems. Prosecution of illegal activities must act as an action in secondment to impose the relevant penalties, but in the meantime the government has no mechanism in place to stop damaging activities. We are underlying the fact that most of the illegal beach bars and restaurants, in the areas of Aspros River as well as Lara and Toxeftra beaches, **have**

been illegally constructed and are still illegally operating for more than 25 years (Point 8, Recommendation No. 63 (1997) of the Standing Committee, adopted on 5 December 1997).

Furthermore, due to illegal earthworks, an artificial beach was created within the significant biotope of the Mediterranean Monk Seal (*Monachus monachus*) in Pegeia Sea Caves (Kafizis area), which is listed as a Terrestrial Zone of High Nature Protection in the Akamas Natura 2000 area (SCI CY4000010) Management Plan.

The Department of Forestry has conceived a Management Plan, covering the Akamas National Forest Park only, and after intense pressure from the civil society it was decided to prepare a Strategic Impact Assessment and an Appropriate Assessment which is legally obliged to do so. At the same time, a Carrying Capacity Assessment for the visitors is not included in the plan. We consider this plan to be more of a **management of visitors rather than a conservation management plan** for the protection of the area. The plan consists of roads open to private cars, parking areas, and infrastructure to house small souvenir shops and refreshment/snack shops.

All the above planned developments **do not take into consideration the 7th Protocol of the Barcelona Convention** on the Integrated Coastal Zone Management (ICZM) in the Mediterranean, since Cyprus has not signed and ratified it yet, though it is binding, and ignoring that the ICZM Protocol is already in force in the EU, since 2011.

Lastly, illegal expansions of limestone quarries are well documented within and adjacent to Androlikou Gorges which, amongst others, is a significant biotope of bats and birds and is listed as a Terrestrial Zone of High Nature Protection in the Akamas Natura 2000 area (SCI CY4000010) Management Plan. In addition, the proposed Akamas Local Plan foresees expansion of existing or creation of new quarries within and adjacent to the Akamas Peninsula Natura 2000 area (Andolikou Gorges). Several illegal activities, such as pedestrian roads, beach bars and sun beds are also found in Polis-Gialia area (SCI/SAC CY4000001).

B. Additional facts

B.1 Limni Area (Natura 2000 site CY4000001 PERIOCHI POLIS-GIALIA)

In the Polis-Gialia area, a development project **was licenced** to create two golf courses (18 holes each) together with extensive residential, tourist and commercial infrastructure (including 792 villas, a hotel of two storeys and 160 rooms, two golf clubs with bars and restaurants, as well as road network). Although the original Appropriate Assessment decision ruled that an area of 475m from the shore remain free of housing and other buildings, this was later reduced to 280m and eventually scrapped altogether. The buffer zone between the shore and the proposed buildings is now as per the originally proposed development, varying between 150 to 280 meters (from the north-west to the north-east of the development project).

In April 2015, the Republic of Cyprus received a Reasoned Opinion from the European Commission because, without carrying out a proper assessment of the impacts, it had authorized two golf courses with major residential and commercial infrastructure, within and adjacent to the Natura 2000 area established to protect the nesting ground of the *Caretta*. The Government was asked to produce new Appropriate Assessment and Environmental Impact Assessment (EIA) studies. Despite strong evidence analysed and presented by Terra Cypria-the Cyprus Conservation Foundation, and the Federation of Environmental Organisations of Cyprus, regarding the unavoidable significant and negative impact to the sea turtle nesting beach in Limni area, the Government proceeded in 03.08.2018 to the licencing of the two golf courses and the 792 outlying villas.

In between the first and second EIA, the developer made no amendments to the design of his project to protect the sea turtle nesting beach, but instead added a two-storey, 160-room hotel structure, in addition to the 792 villas already in the original plans. This proposed hotel has been allowed to proceed together with the two golf courses, as well as the residential and commercial developments, apart from three rows of bungalows attached

to the hotel which have been refused a permit. So now there is even more construction proposed on the shore than before!

A large part of the EIA study argument, prepared by private consultants, was based on very doubtful mitigation measures which are very likely impossible to implement. It is extremely important to note that in 2016 and before issuing the new Recommendation No. 191 (2016) [T-PVS/Files (2016) 26], the Bern Convention hired Dr. Paolo Casale, Co-Chair of the Marine Turtle Specialist Group, part of the Species Survival Commission of the International Union for Conservation of Nature (IUCN), as an independent expert to conduct an on-the-spot appraisal and provide his expertise to the Convention [T-PVS/Files (2016) 44].

As Dr. Paolo Casale aptly notes: *“From the debate it seems that two different concepts were confused / misinterpreted: precautionary approach and mitigation measures. Mitigation measures are those measures that aim to reduce the impact of an anthropogenic threat where it is already present and has a negative impact on the population. In such a situation, reducing at a minimum the threat is the maximum feasible ambition of the mitigation measures, but eliminating completely the threat – i.e. restoring a pristine habitat condition – may be unrealistic. On the other hand, in a pristine situation – i.e. without a specific anthropogenic threat already in place – and in a context of scientific uncertainty about the effects of a potential threat – due to the complexity of factors involved – the precautionary approach would recommend to avoid developing a potential threat to such an important and delicate habitat like a sea turtle nesting site. The latter case describes the current situation at Limni”.*

It is our contention that acting against the evidence placed before it, the Government of Cyprus has allowed the golf project at Limni to go ahead without respect for the precautionary principle. Furthermore, there was no proper assessment of the cumulative effects that a project bringing hundreds of sun-seeking tourists or homeowners will have on the sea turtle nesting grounds. It should be noted that the beach of Limni is 430m long in total and the length of the sea turtle nesting beach is only 380m. Additionally, the beach at Limni is very narrow, no more than 20-30m wide, where humans and turtles will be competing for space.

Limni (and the 3 adjacent beaches) host the largest nesting population of *Caretta caretta* in the Republic of Cyprus (about 200 females’ nest there every other year so the population that depends on this area is at least 400 females). Limni beach itself has consistently had the highest nesting density of *Caretta caretta* in Cyprus and one of the highest in the Mediterranean. If this project is allowed to go ahead, it will not only be catastrophic for the *Caretta caretta* turtles that nest there, but it will also set a bad precedent for other proposed developments, making it very difficult for authorities to refuse development permits on private land in the adjacent area of Polis-Gialia and in Akamas Peninsula. This will have a negative and irreversible impact on the *Caretta caretta* population.

It is also extremely important to note that, amongst other things, Dr. Paolo Casale suggested 475m as a buffer zone with no buildings. Additionally, the European Commission itself suggested a 475m buffer zone in a letter sent to the Government on 18.1.2017. The Republic of Cyprus disregarded the recommendation. In response the EU Commission asked the Republic of Cyprus to provide more analytical data for the calculation of human disturbance to the nesting beaches and to use a lighting model that is designed for pristine areas rather than the one chosen (which was for areas already developed).

Regarding Point 13 of the Recommendation, we are underlying that the last Local Development Plan for Chrysochou Bay (including the area of Polis-Gialia), which was recently revised (August 2021), has not been subject to either a Strategic Environmental Assessment (SEA) or an Appropriate Assessment, in violation with the provisions of article 3, paragraph 2, of the Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (SEA Directive).

Finally, the 2021 Government’s response to the Recommendation states that the legal procedures for the Ministerial Decree for the Protection and Management of the area have commenced and are expected to be completed in the second trimester of 2022. Though we welcome an official timeframe for issuing the Ministerial Decree, we remain sceptical on whether such timeframe will be achieved.

We also note that the Department of Public Works of the Ministry of Transport, Communication and Works has recently submitted studies for the construction of 43 wave breaks across Chrysochou Bay, from the north-eastern part of the SAC Akamas Peninsula (CY4000010), near the locality Asprokremos – Chalavron, to Pomos and Pachyammos. At least 20 out of 43 proposed wave breaks are situated within the SAC Area Polis – Gialia (CY4000001). These studies have not been assessed yet by the Department of Environment. However, the fact that the Department of Public Works officially submitted plans for the construction of wave breaks right in front of the major sea turtles nesting beaches demonstrates that without the necessary Ministerial Decrees for the Protection and Management of Natura 2000 sites, significant threats will continue to exist and even increase, due to the lack of enforcement of the appropriate conservation objectives and measures regarding the SAC Area Polis – Gialia (CY4000001).

B.2 Akamas Peninsula (Natura 2000 site CY4000010 CHERSONISOS AKAMA)

The Proposals for Management of the Natura 2000 sites (SCI CY4000010 and SPA CY4000023) in Akamas Peninsula went through a long process, including public consultation, and made provision for appropriate protection measures. However, the Natura 2000 Management Plans did not receive Ministerial approval in the form required by the national legislation for the protection and management of nature and wildlife, to become legal management instruments. Instead, the Ministry of Agriculture, Rural Development and Environment picked some of the proposals in the text and made them part of a new, separate proposal to the Council of Ministers for yet another set of decisions about Akamas.

It is evident through the Strategic Environmental Assessment (SEA) and the Appropriate Assessment decision for the proposed Akamas Local Plan, that the Local Plan is opening the prospect of development within the Natura 2000 area and in important areas for biodiversity. As we explain in *Appendix C*, a lot of pressure is applied from many directions from various local stakeholders to allow unsustainable developments, even within the current Natura 2000 area. Previous decisions of the Council of Ministers, aimed at prohibiting residential and commercial development within the Akamas Natura 2000 area, may well be changed if the proposed Local Plan remains as it is.

Furthermore, because of an infringement procedure opened by the European Commission against the Republic of Cyprus, a grazing capacity management plan has been prepared for Akamas Natura 2000 area but not yet implemented.

Finally, as can clearly be seen in *Appendix A*, the Republic of Cyprus did not designate the area which was initially proposed as a Natura 2000 area, meaning that **the current Natura 2000 boundaries are insufficient**, as several important habitat types and species (some priority ones) remain unprotected. As a result, the European Commission opened an infringement procedure against the Republic of Cyprus, for the insufficient designation of the Akamas Natura 2000 site (SCI CY4000010) in May 2011, which closed in November 2018. However, in May 2018, the European Commission initiated a new **infringement procedure for the insufficient designation of the broader Natura 2000 Network in Cyprus**, including the habitats and species found in Akamas Peninsula and listed in the previous infringement procedure. Following the letter of formal notice sent in May 2018, the European Commission sent a reasoned opinion in October 2020, as Cyprus has not provided an exhaustive list of proposed SCIs and failed to provide all the necessary information on each site. As a result, the Natura 2000 network does not adequately cover the various habitat types and species that need protection.

Furthermore, in November 2019, the European Commission initiated another **infringement procedure regarding the bad implementation of the article 6, paragraph 3, of the Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (Habitats Directive)**. In detail, **the European Commission sent a letter of formal notice to Cyprus as it considers that it has generally and persistently, since the date of accession to the EU, failed to ensure that its authorities subject plans or projects to appropriate assessment of their implications on the Natura 2000 sites and/or that it has agreed to plans or projects without having ascertained that they will not adversely affect the integrity of the Natura 2000 site concerned**. The infringement procedure includes several projects

and plans, which are not directly connected with or necessary to the management of Natura 2000 sites in the Republic of Cyprus, but are likely to have a significant effect thereon, either individually or in combination with other plans or projects and have not been subject to Appropriate Assessment of their implications for the sites, in view of the site's conservation objectives. Many of these projects are situated within and/or adjacent to the Akamas Natura 2000 sites (SCI CY4000010 and SPA CY4000023), and include, inter alia, residential / tourist developments in the area of Sea Caves in Pegeia and quarries in the area of Androlikou Gorges.

We note that, due to Covid-19 pandemic, this year the Akamas Peninsula had less tourists and visitors than usual. Despite this situation, illegal activities continued on, and in the vicinity of, the nesting beaches and again no adequate mechanism was in place to enforce even the existing legislation.

Finally, the 2021 Government's response to the Recommendation states that the legal procedures for the Ministerial Decree for the Protection and Management of the area have commenced and are expected to be completed in the second trimester of 2022. At this point, we also note that, in June 2021, the European Commission initiated **another infringement procedure regarding the bad implementation of article 6, paragraph 1, of the Habitats Directive, as Cyprus has failed either to set any conservation objectives for SACs or to set appropriate conservation objectives that fulfil the requirements of the Habitats Directive (for example, those set already are too vague or do not identify properly the species and habitats they are supposed to target).**

C. We request

That the Republic of Cyprus implement Recommendation No.191(2016) of the Standing Committee, adopted on 18 November 2016. Specifically:

For Limni:

- **To reinstate the Department of Environment's original decision to provide an area of at least 475m from the shore free of all development;** at the same time, to reduce the overall residential capacity of the project, since it is far beyond the long-term carrying capacity of the area's ecosystem. This precaution is essential for the protection of the sea turtle nesting ground and to meet future erosion of the sandy beach.
- **To establish and enforce a Management Plan and Conservation Decree for the area,** in accordance with the procedure advocated in the National Law; also, to allocate funding towards its implementation and the careful monitoring and patrolling of the area.
- **To enforce the existing legislation for the protection of marine turtles** according to the Fisheries Law (Chapter 135) and Regulations 1990 (Reg. No. 273/90) in force since 1989.

For Akamas:

- **To expand the boundaries of the Natura 2000 site** in line with those proposed by LIFE project '*Special Areas of Conservation in Cyprus*' (1998-2002). As the boundaries stand today, important habitat types and species remain unprotected.
- **To Declare the whole of the Akamas Peninsula a national park, a biosphere reserve or a protected area with comparable international protected status.** The Government's plan to designate only the State Forest of the Akamas Peninsula as a National Forest Park (based on national legislation), which covers only the 75% of the Natura2000 - Akama Peninsula, shows the lack of political will to implement the recommendations of the Convention. In addition, as the recommendations are not binding, the Government does not seem to take seriously the recommendations.
- **To establish and enforce an integrated Management Plan and legally binding Conservation Decrees** for the area, as well as directly allocate funding towards its implementation including concrete conservation measures, close monitoring, and patrol of the area.

- **To enforce the existing legislation for the protection of marine turtles** according to the Fisheries Law (Chapter 135) and Regulations 1990 (Reg. No. 273/90) in force since 1989.
- **To prohibit any future infrastructure for overnight and dining accommodation**, outside the existing boundaries of the designated Development Areas of Akamas villages. For this, **the Akamas Local Plan needs a complete revision.**
- **To evaluate the cumulative effects** of the Akamas National Forest Park Sustainable Development Plan, the Akamas Local Plan and Pegeia Local Plan, following the provisions of article 3, paragraph 2, of the Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (SEA Directive), and article 6, paragraph 3, of the Directive 92/43/ECC on the conservation of natural habitats and of wild fauna and flora (Habitats Directive).

APPENDIX A

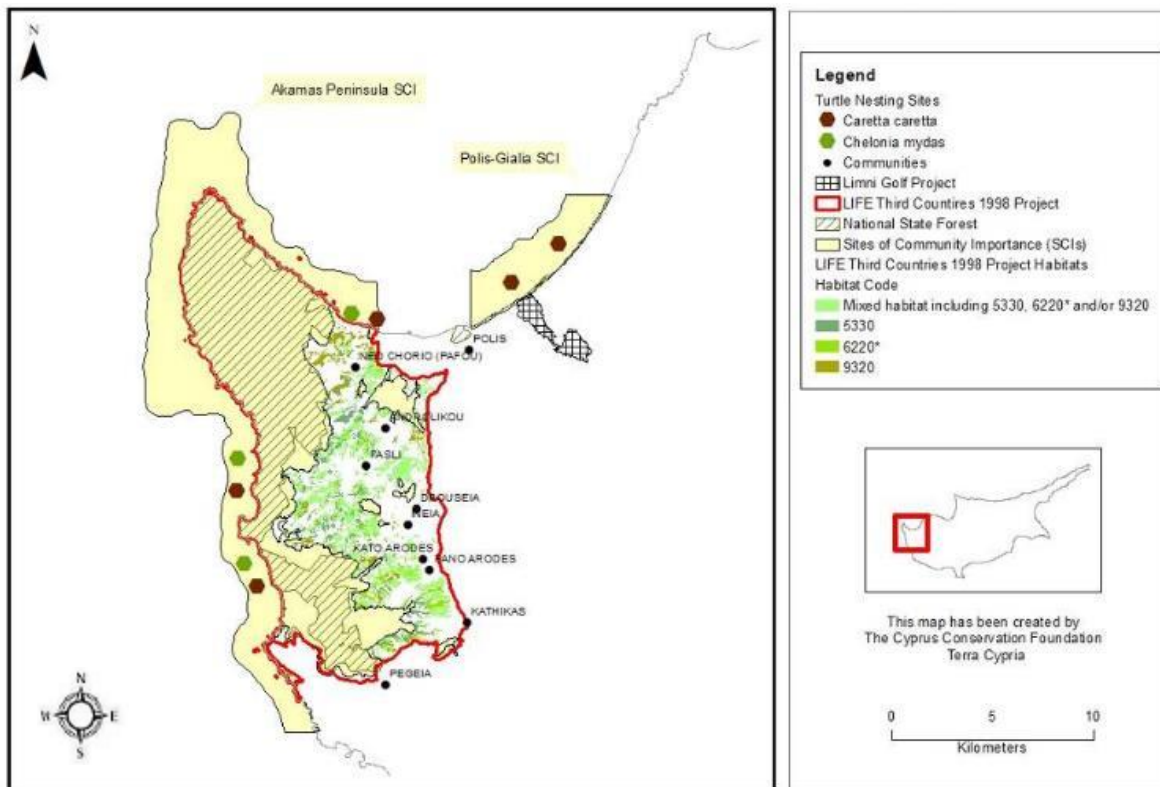


Figure 1: Map of Akamas Peninsula and Polis-Gialia Natura 2000 sites

APPENDIX B

Habitats and species insufficiently protected by the Cyprus Government proposal

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

- 6220* Pseudo steppes with grasses and annuals of the *Thero-brachypodietae*,
- 62B0* Serpentinophilous grassland of Cyprus,
- 3170* Mediterranean temporary ponds,
- 5330 Thermo-Mediterranean and pre-desert scrub (*Genista fasselata*),
- 5420 *Sarcopoterium spinosum* phryganas,
- 9320 *Olea* and *Ceratonia* forests and
- 92A0 *Salix alba* and *Populus alba* galleries.

According to the *Biogeographical Seminar for Cyprus (2012)*, **the representativity of all seven habitat types is classified as “insufficiently moderate” (IN MOD)**. Regarding the representativity of the priority habitat type 6220*, there is also a “scientific reserve” (IN MOD SR), whilst there is a suggestion for the “correction of data” for the priority habitat type 3170* and the habitat type 92A0 (IN MOD CD). Lastly, there is a “scientific reserve” and also a suggestion for the “correction of data” (CD SR) for the habitat type 62B0*.

The following **mammals** are under-represented: *Rhinolophus hipposideros*^{1,2}, *Rhinolophus euryale*^{1,2},

Rhinolophus ferrumequinum^{1,2}, *Rhinolophus blasii*^{1,2}, *Miniopterus schreibersii*^{1,2} and *Rousettus aegyptiacus*^{1,2}.

The following **reptiles** are also under-represented: *Caretta caretta*^{1,2} and *Chelonia mydas*^{1,2}.

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

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

The wider region of the Peninsula is very important for the birds of the island, particularly for the migratory species. A total of 197 species of birds have been recorded and Akamas provides a nesting area for 13 species from Annex I of the Birds Directive 2009/147/EC, and for 105 migratory species. The region is also a nesting ground for raptor species (*Aquila fasciata* and *Falco peregrinus*) and maintains important populations of the European Roller (*Coracias garrulus*) and the endemic Cyprus Warbler (*Sylvia melanothorax*). In 2012, BirdLife Cyprus defined 34 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, as only 55% of the IBA is covered by the current SPA boundaries.

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

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

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

APPENDIX C

No.	Bern Convention Recommendation	Terra Cypria comments on the Recommendation and the 2021 Government response to it
1.	<p><i>Declare the whole of the Akamas Peninsula a national park, a biosphere reserve or a protected area with comparable international protected status, including in the protected area the Natura 2000 area “Periochi Polis-Gialia” (CY 4000001), aiming to facilitate a coordinated management of sea-turtle nesting beaches in NW Cyprus, and to ensure that the Akamas Peninsula, as a whole, including a terrestrial and a marine part, be managed in a sustainable, integrated way.</i></p>	<p>Regarding the recommendation for the whole of the Akamas Peninsula to be designated as a protected area with international protection status (e.g. UNESCO’s Biosphere Reserve as it was proposed by the “<i>Akamas Peninsula Conservation Management Plan</i>” published in 1995), the Republic currently and as seen by its report, has no such plans. Additionally, as we understand, there is no intention by the Government to establish any additional protection regime covering the whole Akamas Peninsula area.</p> <p>The designation of the State forest land of the Akamas Peninsula as a National Forest Park (based on national legislation) cannot be compared to/or confused with the status requested by point 1 of the recommendation (based on international standards), because:</p> <ol style="list-style-type: none"> it is a much smaller geographical area than the area recommended by the Bern Convention. it is based on local, rather than international standards and the whole peninsula is not managed in an integrated way. <p>The recommendation clearly asks for a designation of the entire Akamas Peninsula, based on internationally comparable standards and an equivalent protection status, and managed in a sustainable integrated way. The designation of the National Forest Park (NFP) in no way complies with the standards requested by the recommendation.</p> <p>Moreover, in June 2021 and September 2021, the Department of Environment (DE) published its opinion regarding the Appropriate Assessment (AA) and the Strategic Environmental Assessment (SEA) of the “Akamas National Forest Park Sustainable Development Plan” (Plan) respectively.</p> <p>DE’s opinion fails to:</p> <ol style="list-style-type: none"> assess satisfactorily and cumulatively the effects of the Plan specifically on the designation species and habitats evaluate the cumulative effects of the Plan with the Akamas Local Plan and Pegeia Local Plan assess cumulatively the effects on the designation species and habitats of the road network within the National Forest Park (NFP) and in relation to the proposed Road Network of Akamas Local Plan limit the infrastructures and services of the various facility nodes within the NFP prevent the construction of any infrastructure within sensitive and, till now, pristine areas reassure that the visitation traffic within the NFP will not accumulate in sensitive areas like the Lara-Toxeftra Marine Protected Area due to facility nodes <p>It is paramount to clarify that the Akamas Peninsula seems to be divided into two divisions according, mainly, to land use and zonation: The first division is the proposed Akamas Local Plan and the second is the Pegeia Local Plan.</p> <p>Regarding the recommendation for coordinated management, even though the Marine Turtle Conservation Programme</p>

		<p>unequivocally contributes to the conservation efforts for the sea-turtle nesting beaches, its capacity for coordinated management is questioned, since the programme does not have the jurisdiction to authorise actions or respond to illegal interventions.</p> <p>Generally, the fragmentation of responsibilities between four different competent authorities results in a problematic coordination when several illegalities occur in Akamas Peninsula and Polis-Gialia areas. Currently there are no mechanisms in place to deal with issues like permits, supervision of permitted works and activities, early response and intervention, accountability, and imposing penalties and/or fines.</p> <p>The proposed Architectural Design for the infrastructure within the National Forest Park to be created (including kiosks, entrances to the Park, refreshment points, toilets, souvenir shops etc.) was conducted before the preparation of the necessary studies (Appropriate Assessment / Special Ecological Assessment and Strategic Environmental Impact Assessment). We believe this is a problematic action, which does not take into account, and in fact seems to predetermine, the location of infrastructure in environmentally sensitive areas in the Akamas Peninsula (like Lara-Toxeftra Marine Protected Area), prior to the process of environmental approval and ratification of the "Development Plan", and without taking into consideration the legally binding terms regarding the implementation of the ICZM Protocol and the existing legal framework for the protection and management of Lara – Toxeftra Marine Protected Area,</p> <p>Furthermore, for the first time it was stated, through the SEA for the Akamas Local Plan, that: <i>the government has now abandoned the idea of creating a National Park and is moving forward with the National Forest Park of Akamas.</i></p> <p>For that reason, the whole area cannot be appropriately and holistically managed in a sustainable, integrated way and is clear that Cyprus has chosen to ignore the recommendations of the Standing Committee. Furthermore, large areas with important habitats and species have not been designated as Natura 2000 areas and remain unprotected.</p> <p>For the above reasons, we believe the Government is failing to implement the recommendation as the whole area cannot be appropriately and holistically managed in a sustainable, integrated way. Therefore, large areas with important habitats and species remain unprotected.</p>
2	<p><i>Achieve the objective above by protecting adequately the area without undermining the existing good conservation status of the habitats and species of the designated Natura 2000 area "Chersonisos Akamas" and by ensuring a harmonious coexistence with the neighbouring communities.</i></p>	<p>Despite the above recommendation of a sustainable and integrated management of the Akamas Peninsula as a whole, the Government has directed the Town Planning and Housing Department to proceed with the development of two Local Development Plans. One is the Akamas Local Plan (90% of the Natura 2000 site) and one focuses on the Pegeia Municipality (10% of the Natura 2000 site). This division fragments spatial and administrative planning, disregarding the uniformity and homogeneity of the natural environment of the peninsula as a whole.</p> <p>Even though the Decision of the Council of Ministers (80.401) speaks of one Local Plan in the Akamas Peninsula, and also in their preliminary views, all the competent authorities responsible for the management of the Akamas Peninsula also asked to follow a unified spatial and urban planning for the Akamas Peninsula. This was not followed by the Town Planning and Housing Department for various reasons and at this stage two separate Local Plans are being prepared.</p> <p>Furthermore, the 2021 Government's response on point 2 of the Rec. is misleading as there isn't a Local Development Plan covering the whole of the peninsula, but two Local Development Plans (Akamas Local Plan and Pegeia Local Plan).</p>

Since last year, the Strategic Environmental Assessment (SEA) of the proposed Akamas Local Plan was made available for public consultation in March 2021. This Local Plan outlines, amongst other things, where and what type of development can take place. The Town Planning and Housing Department has decided to fragment the Akamas Peninsula into two different Local Plans, despite the strong opposition of the authorities dealing with nature protection, as well as Environmental Non-Governmental Organisations (ENGOS) and other stakeholders. For example, the spatial planning of the Lara – Toxeftra Marine Protected Area (MPA) is fragmented into two parts, of which one includes Lara and the other Toxeftra. This development is in direct contradiction to the conclusions of the *Report of the on-the-spot appraisal [T-PVS/Files(2016) 44]*, according to which a nesting site should be considered as a unit and managed as such. Since anthropogenic impacts are cumulative, any impact assessment should be also done cumulatively at the whole nesting beach level (i.e. a development plan of the entire area and with estimates of potential light pollution and human visitors at the beach). It should not be for individual sub-units (i.e. fragmented plans and single projects), because each individual plan and project might be independently considered as sustainable and therefore approved. However, we believe that this would result in a non-sustainable overall effect by multiple projects.

Even though the Akamas Local Plan itself was not publicised, by going through the content of the SEA it is obvious that several policies are very worrisome, as several proposals are allowing for various developments outside the local communities' boundaries and are threatening the unique environment of the area and the Natura 2000 sites. Some of them are:

- Visitable farms within Nature 2000 areas (it includes **accommodation and overnight infrastructure**, retail and catering facilities, dining facilities, information facilities, sports facilities). A **'Trojan horse' for residential, tourist and commercial development** through the government's 'back-door' policy.
- Specialized Developments outside the local communities' boundaries, including bulky infrastructure such as:
 - higher education institutions (Universities, Colleges and other specialized schools),
 - Specialized Medical Centers, large Diagnostic Centers, Medical Centers of International Standards and Private Hospitals.
 - Recreation Centers, Organized Large Scale Sports Centers.
 - Theme Parks.
 - Research and Development Centers and High Technology Developments.
- Agricultural Warehouses. Is well known through several examples, that many of these warehouses are eventually converted into residential units without any planning permission.
- Isolated houses located within a distance of 500m from the outer boundary of designated residential areas

At this point, we also note that if these proposals are eventually approved, the Akamas Peninsula would be significantly fragmented and degraded, while important habitats and species will be lost.

The second Local Plan, the Pegeia Local Plan (November 2019 edition), was made available for public consultation in March 2020, though without any invitations to the interested stakeholders for the presentation of this draft or any educational seminar, as had been done in the case of the Akamas Local Plan, which made the participatory process less

		<p>inclusive.</p> <p>We are sceptical about the environmental parameters being applied in both the Local Plans, but more concerns are arising from proposals in the Akamas Local Plan such as:</p> <ul style="list-style-type: none"> • Expansion of the existing quarrying zone or creation of a new quarrying zone within and adjacent to the Akamas Peninsula Natura 2000 area (Andolikou Gorges). As it is evident in the SEA and Appropriate Assessment (AA) for the Akamas Local Plan. As the AA states: <i>«The operation of a quarry zone in an area adjacent to the Natura 2000 network will lead to permanent irreversible and widespread adverse effects on the species for which the area has been designated as a Natura 2000 site, due to human presence as well as noise pollution, explosions, vibrations, dust and the constant movement of heavy vehicles. It is estimated that the creation of the quarry zone will strongly affect the species of fauna (birds and bats) that use both the wider and the exclusive area».</i> • Expansion of residential and tourist zones that extend to agricultural areas of high natural value which host important species of flora and habitats. • Secondary Road Network. Though the aim was only to connect each Community with the entrances of the Akamas National Forest Park, the Akamas Local Plan opens the prospect for activities and development on adjacent plots of land along this road network, <p>Regarding the harmonious coexistence of nature with neighbouring communities we believe that the forthcoming Local Plans will not be perceived as a solution to the current disputes regarding the coexistence of nature and communities. The number of Management Plans (SCI, SPA, Grazing Capacity Management Plan, Local Community Sustainable Development Management Plan) that precede these two Local Plans and the “<i>Akamas National Forest Park Sustainable Development Plan</i>”, the lack of congruence between all 7 plans and the fact that the measures arising from any of them have not yet been implemented, have created a justifiable feeling of stagnation, aggravation and irritation in the communities.</p> <p>As a conclusion, we do not agree with the position of the Government that there is a Local Development Plan covering the whole of the peninsula. In addition, the proposals of the Akamas Local Plan fail to establish the harmonious coexistence of nature and communities.</p>
3	<p><i>Establish an entity, with scientific staff and wardens, which would be responsible for the sustainable management of the protected areas and the neighbouring communities, facilitating an effective implementation of protection measures.</i></p>	<p>The Government states that no such entity will be established “<i>at this point</i>”. However, it is our opinion that the Akamas Peninsula is in dire need of such an entity because the current fragmentation of responsibilities between Departments and Services, has repeatedly demonstrated that management and conservation efforts are not effective without active protection. As a reminder, on 18 July 2019, at the beach of Argaka within the Natura 2000 area Polis - Gialia (CY4000001), which is considered as one of the main nesting beach of the sea turtle, <i>Caretta caretta</i>, in Chrysochou Bay, the team of experts implementing on behalf of the Department of Fisheries and Marine Research (DFMR) the Turtle Conservation Project in Cyprus, was attacked unexpectedly by the president of a local community and other locals. The local people were asking the experts to leave the area and were not allowing them to continue their scientific work. The incident took place in the presence of a representative of the Standing Committee of the Bern Convention, as well as by a team of foreign experts in</p>

		<p>Cyprus attending the Turtle Conservation Project implemented in Cyprus, in co-operation with the Council of Europe.</p> <p>It is clear that if an entity, as clearly requested by the recommendation, had existed, then this unfortunate event could have been avoided and the Scientific team would have not been exposed to the above situation.</p> <p>Other examples include the six illegal constructions (restaurants and snack-bars) within and/or adjacent to the Lara-Toxeftra Marine Protected Area. In addition, the use of umbrellas and the presence of dogs on turtle beaches, where they are prohibited, the driving and parking of cars on the sand dunes and the uncontrolled jeep safaris and quad bikes, all support our opinion that the current arrangement does not ensure adequate enforcement of the relevant laws.</p> <p>Furthermore, because of illegal earthworks, a small artificial beach was created within the significant biotope of the Mediterranean Monk Seal in Pegeia Sea Caves (Kafizis area), which is listed as a Terrestrial Zone of High Nature Protection in the Akamas Natura 2000 area (SCI CY4000010) Management Plan. However, a Beach Use Plan was approved by the Ministry of Interior without even having been subjected to Appropriate Assessment.</p> <p>Lastly, illegal expansions of limestone quarries are well documented within and adjacent to Androlikou Gorges (Kranazi and Ambelatzia / Ais Yiannis area), a significant biotope of bats and birds, which is also listed as a Terrestrial Zone of High Nature Protection in the Akamas Natura 2000 area (SCI CY4000010) Management Plan. Several illegal activities, such as pedestrian roads, beach bars and sun beds are also found in Polis-Gialia area (SCI/SAC CY4000001).</p> <p>We believe that the examples mentioned above stress the direct need of the entity mentioned by the recommendation; the deadlines for its creation are long overdue. We do not believe that the National Forest Park will be able to give a solution to the problem. What is needed is for the authorities to immediately create this entity allocating budget, personnel, and clear terms of reference as well as the jurisdictions to impose the laws.</p> <p>For that reason, we believe that this part of the Recommendation is not implemented.</p>
4 & 8	<p><i>Ensure that the protected area, through appropriate management measures, remains one of the most significant marine turtle nesting sites in Cyprus and continues to show positive trends.</i></p> <p><i>Continue and strengthen the integrated and coordinated management of the nesting sites through the Turtle Conservation Project which is implemented in the areas of the Republic of Cyprus under the effective</i></p>	<p>(no 2021 comments from the Government on this point of the Rec.)</p> <p>In order to ensure that appropriate management measures are taken, these need to attain legal status. Therefore, any provisions from relevant Management Plans need to be integrated into Ministerial Decrees, something that has not yet been done.</p> <p>The continuous implementation of the Marine Turtle Conservation Programme, and the positive results of its efforts which began 25-30 years ago, are evident today. Similarly, however, the effects of what is currently taking place on the ground, including lack of effective patrolling and enforcement of the law, the threat posed by the potential building of the Limni golf course and other development impacts on the sea nesting beaches, will only be seen and understood a further 25-30 years down the line!</p> <p>There is a general inability of state authorities to patrol the area continuously and intensively. This results in some people taking advantage of the situation and pursuing fishing practices that are prohibited and harmful to this unique ecosystem. The Ministry of Agriculture claims that at the time inspections and patrols were carried out by the inspectors of the Department of Fisheries and Marine Research, within the existing human and financial resources capacity of the</p>

	<p><i>control of the Government of the Republic of Cyprus, and especially in the areas of Akamas Peninsula and “Periochi Polis-Gialia”, so as to maintain positive trends .</i></p>	<p>department.</p> <p>As a result of the lack of controlled management, there is also a lack of adequate patrolling within the area. A characteristic example is the continuation of illegal anchoring of boats in the strictly protected Lara Bay. In May 2021 and after our officers visited the area Lara Area, we witnessed illegal anchoring by two different boats and the violation of the Decree <i>on the Prohibition of Vessel Crossing in the Marine Protected Area of Lara</i> (Decree of 2018) as they anchored very close to the coast, both to the south and to the north Lara Bay. Though we reported both cases immediately no action was taken to stop the illegal activity. Another characteristic example is the fact that there has been no prosecution of arsonists, even though in the past few years dozens of wildfires have been recorded. According to the data of the Department of Forests, most wildfires in Akamas Peninsula are the result of wilful and maliciously setting fire within and adjacent to the Natura 2000 sites, as a “pressure tool” for further development, beyond the designated development limits of local communities. The lack of prosecutions is mainly the result of the inadequate protection and management (including monitoring and patrolling) of the area.</p> <p>It is noted that officials, in a number of occasions, stated that due to financial cuts, the possibility of carrying out checks and patrols outside normal working hours has decreased along with the effectiveness of controlling illegal fishing and illegal anchoring of boats, as well as preventing and controlling wildfires.</p> <p>For that reason, we do not agree with the 2020 statement of the Republic that this point of the Recommendation is fully implemented (no 2021 comments from the Government for this part of the Rec.) On the contrary we believe, and as can be seen from the examples mentioned above, that there is still a lot to be done to adequately protect and manage the area and make sure that the positive sea turtle number results seen today, will remain in the future.</p>
<p>5</p>	<p><i>Maintain and, where appropriate, improve the nature protection-oriented provisions of the existing and future development plans, especially in the areas adjacent to Lara and Toxeftra beaches, where building is to be avoided, so as to prevent negative impact on nesting sites from tourist and/or housing developments.</i></p>	<p>(no 2021 comments from the Government on this point of the Rec.)</p> <p>The current planning regime is under revision by two separate Local Development Plans (basically dividing the Akamas Peninsula into two separate planning areas and leading to the fragmentation of biotopes of vital importance, such as the Lara-Toxeftra (MPA) and the Aspros, Avakas and Koufon Gorges within and adjacent to Pegeia State Forest). As mentioned in Rec.2, we are alarmed by the provisions of the proposed Akamas Local Plan and the changes to the planning zones and the extension of development limits, especially in the housing and tourism sectors and the zonation of 3 new areas with Specialized Developments (in areas near to or adjacent to Natura 2000 sites) and the accompanying infrastructure and services needed (electricity, sewerage, water supply, irrigation, waste collection etc.), as well as expansion of quarrying areas and public infrastructure/road network.</p> <p>The lack of resilience of the Appropriate Assessment process to large developments, as was proven in the case of the Limni golf course, raises serious doubts about the process’s effectiveness in similar projects that may be proposed in other turtle nesting beaches, like Lara and Toxeftra. This was proven yet again through the Appropriate Assessment process for the National Forest Park, and very recently, for the Akamas Local Plan. Though the Appropriate Assessment for the Akamas Local Plan is concluding that “several provisions and zones will potentially cause significant disturbance to the species...and also will result in loss of habitats and designation species of the Natura 2000 sites”(AA Opinion, 7 October 2021), is failing to permanently abolish several provisions and zones through its binding nature.</p>

At the same time the tolerance shown by the authorities, as demonstrated by the continued existence and recent expansion of long-established illegal developments in the beaches of Lara-Toxeftra, **does not substantiate the authorities' claim that protection of the nesting beaches is an on-going priority.** This view is reinforced by the lack of follow-up to legal consequences for illegal activities taking place on these Marine Protected Areas and Terrestrial Zones of High Nature Protection.

It is our opinion that, the Government in recent years, has set aside the conservation targets of the Natura 2000 sites in Akamas and is focusing more on the management measures of the Akamas National Forest Park (NFP). Today, we see no adequate concrete conservation actions targeting to improve the conservation status of species and habitats. Instead, we notice more concentration on development projects and actions focusing on infrastructure and the locations of the 14 facility nodes and the services that each node will include, as well as the road network that needs to be improved. Recent official proposals foresee the creation of several new refreshment kiosks, snack bars and souvenir shops in several areas across the Peninsula.

We note that 3 of these facility nodes are located in Lara-Toxeftra MPA. Two nodes in Lara Bay (South and North) and 1 in Toxeftra. These nodes include, inter alia, a refreshment kiosk occupying an area of 35m² (South Lara Bay) and a parking space of about 500m².

In addition, the past few years we have witnessed the issuing of several urban and building permits that were granted for the construction of agricultural warehouses, when in fact, these so called warehouses after construction is completed, are “converted” to county houses and villas and without subjected to any proper environmental assessment as the national law dictates. These agricultural warehouses are also a provision of the Akamas Local Plan and, in some cases, within Natura 2000 sites.

In addition to the agricultural warehouses where illegally are converted into houses, we are very alarmed of the conversion of yet another infrastructure that is wide spread over the Akamas Peninsula, called “stiadia”. “Stiadia” are plots of abandoned traditional and cultural structures of the rural landscape where shepherds sheltered their animals and as we previously reported, there have been examples of interventions to these stiadia near the Coastal Protected Area of Lara – Toxeftra. The interventions to these plots included extensive excavations, rock extraction, heavy earthworks, vegetation removals and the construction of a high welded wire mesh fence. A structure most probably suitable for use as a residence for sale or rent.

In addition, the threat of the “stiadia” conversion into harmful infrastructure is increased through the provisions of the Akamas Local Plan, as they can also be converted as a visitable farm.

To note here, plots with “stiadia” can be restored but only as structures of cultural heritage and for no other reason, especially not as a residence or contacting extensive excavations. The concerns are great as the aforementioned incidents could pave the way for new unlicensed and destructive interventions to the numerous “stiadia” found all over the Akamas Peninsula.

For that reason, we do not agree with the statement of the Republic that this point of the Recommendation is

		implemented.
6	<i>Promptly commence the implementation of the protection measures of the newly formulated management plan through appropriate and adequate funding so as to preserve the good conservation status of the habitats and species of the Natura 2000 area, as well as to maintain the strict protection provided so far in the areas of Lara and Toxeftra.</i>	<p>(no 2021 comments from the Government on this point of the Rec.)</p> <p>Although the Council of Ministers approved a set of measures, provisions from relevant Management Plans are not yet integrated into Ministerial Decrees so as to gain legal status. Though the Government in its 2020 report mentioned the Akamas Project with an estimated budget of 2 million euros and that actions have already implemented, a reported relevant budget has, still in 2021, not been made publicly available. Therefore, assurances that funding has been secured to preserve the good conservation status of habitats and species should be treated with caution. Moreover, we have not seen any implementation of conservation actions for habitats and species. The lack of protection of habitats and species through effective patrolling, demonstrates that no funding has yet been provided for actual and effective on the spot conservation and protection actions in the Akamas.</p> <p>Furthermore, though we recognize one action for maintaining the protection of the area has been implemented, that of restricting illegal access to the sea and forest, this action is not efficient. The authorities have installed iron fence posts to prevent vehicle access on the beach at Lara and Toxeftra, but as site visits revealed, this is not efficient as vehicle tracks on the beach were evident while these iron posts have already been damaged and/or can easily be removed.</p> <p>For that reason, we do not agree with the statement of the Republic that this point of the Recommendation is implemented.</p>
7	<i>Continue to manage access of people and vehicles to the beaches of Lara and Toxeftra, avoiding in particular the disturbance caused by tourism</i>	<p>(no 2021 comments from the Government on this point of the Rec.)</p> <p>The access of people and vehicles to Lara and Toxeftra beaches remains uncontrolled. People visit the beaches and set their umbrellas and sunbeds wherever they want, while quad bikes and other vehicles very often drive on or adjacent to the turtle nesting sand dunes illegally and without any control.</p> <p>Therefore, there is still no adequate coordination mechanism for patrolling, area supervision, early response and intervention, accountability and imposing of fines or penalties. We believe, with the current circumstances, this recommendation for consistent and continuous monitoring of the access to the turtle nesting beaches cannot therefore be implemented.</p> <p>Again, we are not satisfied with previous statement that the design and operation of the National Forest Park can and will solve the specific problem. We believe that the Government can solve the problem today and by postponing for the future is not satisfying at all and directly threatens the integrity of the area.</p> <p>For that reason, we do not agree with the statement of the Republic that this point of the Recommendation is fully implemented</p>
9	<i>Close down illegal restaurants in the neighborhood of the beaches of Lara and Toxeftra (including Aspros river restaurant).</i>	<p>The new management regime and the new Akamas Local Plan proposed by the government to tackle this problem have become a pretext for inaction, given that it was also proposed as a solution in the government's report to the Bern Convention for many years now. Today, all illegal establishments are still in place and some are expanding their operations, even though the closing down of illegal restaurants and bars within and adjacent to the Lara-Toxeftra MPA was initially proposed twenty-two years ago by the Bern Convention Recommendation No.63 (1997). The legislation that calls</p>

		<p>for their removal is still in place. However, we have seen a complete lack of will to enforce it for two whole decades.</p> <p>For years now, illegal activities in Akamas with restaurants, refreshment bars and beach facilities have continued unabated, with the authorities not taking immediate action to remove arbitrary interventions, other than cases pending before the Court of Justice.</p> <p>In this context, in an inter-ministerial visit that took place last year, the Minister of Agriculture stated that the illegal facilities that were constructed and operate without the required permits and environmental approvals should not be put into operation this year. One such case concerns the operation of a restaurant on the beach of southern Lara, specifically a snack bar and kiosk in Aspros River, which also proceeded with earthworks and construction work for construction of a swimming pool. Despite what the Minister stated, the illegal establishment was put into operation this summer.</p> <p>In addition, the arbitrary interventions have not been stopped, the operation of illegal bars and restaurants has not stopped, and unlicensed livestock units have not been removed. The Government has prepared a list of all the arbitrary interventions and illegal constructions in Akamas, which have been surveyed. However, the most problematic and serious cases are before the Court, a time-consuming procedure, while the offenders continue to operate undisturbed. Unfortunately, we have not yet seen any immediate steps taken to remove the illegalities or cease their operations.</p> <p>We have been asking the Government to implement practices for the immediate demolition and removal of illegalities. Even though some cases of illegalities are pending before the Court of Justice, this takes years, and the illegal degradation of the natural environment and habitats are continuing.</p> <p>For that reason, we believe the Republic has shown an unsatisfactory and insufficient will to implement this point of the Recommendation.</p>
10	<p><i>Continue to offer protection to the seagrass communities in the Akamas and Limni areas on which Chelonia mydas feeds.</i></p>	<p>While acknowledging the value of the seagrass mapping carried out as a basis for further action, no monitoring or protective actions, either in the form of an updated Management Plan or an issued Conservation Decree, have been initiated.</p> <p>Regarding the sea turtle foraging areas in Chrysochou Bay, no anchorage facilities exist, and sea traffic is not regulated.</p> <p>For that reason, we do not agree with the statement of the Republic that this point of the Recommendation is fully implemented.</p>
11	<p><i>Ensure, by an appropriate assessment, that the golf project will not affect the Natura 2000 site “Periochi Polis-Gialia” and especially the exceptional nesting beach of Limni.; in this context, avoid housing and establish a zero-lighting zone in an area of at least 200 meters south of the boundaries of the</i></p>	<p>The refusal of the Republic to enforce the 500m buffer zone free of buildings is in complete contradiction to what the government itself agreed at the meeting of the Standing Committee of the Bern Convention in 2016.</p> <p>Assertions that the protection of the Polis-Gialia Natura 2000 site (SCI/SAC CY4000001) is ensured are unfounded, as the Department of Environment overturned its own Opinion by acquiescing the Town Planning and Housing Department’s pressure to minimise the buffer distance from the turtle-nesting beach. In 2013, the Department of Environment admitted in writing that by doing so it violates the precautionary principle.</p> <p>While appealing to the authority of the Department of Fisheries and Marine Research to support this (previous) opinion, it should also be stressed that the Department’s expert and formal delegate, Mr Andreas Demetropoulos, expressed his opposition to this development to the Department of Environment on scientific grounds. External leading experts brought in</p>

	<p><i>Natura 2000 site.</i></p>	<p>by the Department, like Mr. Margaritoulis of the Greek NGO Archelon and various other NGOs, as well as the report prepared by Mr. Paolo Casale in his on-the-spot assessment of the situation (October 2016, which was completely ignored by the Department) supported Mr Demetropoulos.</p> <p>Regarding lighting, it should be stressed that the lighting study submitted by the private company LUXPOPULI, appointed by the developer, has been criticised for its shortcomings, gaps and inaccuracies in a report by the Florida-based NGO Sea Turtle Oversight Protection (STOP). Experts hired by the Department of the Environment found the STOP concerns about the lighting study shortcomings to be scientifically valid.</p> <p>We are therefore not reassured that the distances proposed by the Department of Environment will ensure that the turtle nesting beach remains unaffected by light pollution, and we strongly advocate that the original 500 metre minimum buffer zone, proposed by an array of experts on the subject, is followed to the letter.</p> <p>Finally, it should be pointed out, that regardless of the legally binding nature of the Environmental Opinion, 17 of the 28 conditions for lighting in this Opinion are based solely or partly on future residents' <u>voluntary compliance</u> within the private properties that they will purchase.</p> <p>Following the On-the-spot appraisal report prepared by the IUCN Sea Turtle Expert, Mr. Paolo Casale, which states: “<i>In addition to the intrinsic difficulty of estimating the potential impact of such a complex in terms of light pollution and human disturbance, doing this exercise for each development plan separately is pointless. Both light pollution and human disturbance have cumulative effects when acting on the same turtle nesting beach. For instance, even if an increased sky glow generated by a single project could be assumed to be low, the cumulative sky glow deriving from multiple projects in the same area would be certainly much higher. Regarding direct lights and human disturbance, while a single project would affect only a tract of the coast and therefore a minor part of the total nests in a nesting site, multiple projects could easily affect the majority of the coast and of the nests. For this reason, a project potentially affecting a nesting site should only be evaluated in the context of the entire development plan of the area”.</i> Unfortunately, this was not the case either with Chrysochou Bay Local Plan (published in 2013 and approved in 2015 by the Town Planning and Housing Department) or the Appropriate Assessment Report and the EIA Authorization (published on June and August 2016 respectively, by the Department of Environment).</p> <p>For that reason, we do not agree with the statement of the Republic that this point of the Recommendation is fully implemented.</p>
12	<p><i>Take appropriate measures to avoid light pollution impacts on the beach from the planned road that will be connecting the golf development with the existing coastal road and protect the beaches from light pollution in the entire coastal</i></p>	<p>We are not convinced of the effectiveness of the tree barrier proposed by the Department of Environment to avoid light pollution on the beach from the planned road. Our concerns are based on the fact that this road will run vertically to the beach!</p> <p>A secondary question is what plant species will be used to create this barrier (something that has not yet been specified). Given the semi-arid climate of Cyprus, in such a short time, will plants grow consistently and densely enough to create a light break and exclude visual contact from direct and indirect light pollution?</p> <p>We reiterate our opinion that only a distance of a minimum of 500 metres will ensure no direct or indirect light pollution on the beach. A Ministerial Decree for the preparation of a site-specific management plan of the entire coastal length of Polis-</p>

	<p><i>length of the Natura 2000 site.</i></p>	<p>Gialia, mentioned by the Department of Environment, has not been published yet. Our past experience with such Decrees, does not inspire confidence.</p> <p>The Government in its update refers to further delays regarding the issuance of the Decree due to the pandemic and complicated procedures set by law regarding public consultation. However even though the whole procedure could have started before the pandemic outbreak we have seen no progress since the last Standing Committee Meeting.</p> <p>Furthermore, several beach bars have expanded their operations and placed tables within and adjacent to the “Polis-Gialia” Natura 2000 site, particularly in the coastal zone between Argaka and Gialia villages. The beach bars also operate at night with their lights pointing directly towards the sea turtle nesting beach. At the same time, they have damaged and degraded various sand dune habitats, including sea turtle nesting habitats. Also, sun beds and umbrellas are placed in several areas on the sea turtle nesting beaches.</p> <p>A positive development in July 2021 was the issuing by officials of a notice of enforcement for the removal of two illegal seaside bars that have been operating illegally in the communities of Argaka and Gialia for years. The notice of enforcement was calling for the immediate removal within 10 days. Despite the expiration of the deadline, the two illegal bars have eventually been removed.</p> <p>For that reason, we do not agree with the 2020 statement of the Republic that this point of the Recommendation is fully implemented.</p>
13	<p><i>Revisit the local development plan of the Polis-Gialia so as to ensure, through a Strategic Environmental Assessment, that it will not affect the integrity of the nesting habitats of marine turtles.</i></p>	<p>During the preparation of the Chrysochou Bay Local Development Plan, the Department of Environment advised that no Strategic Environmental Impact Assessment (SEA) was necessary or an independent Appropriate Assessment, thus not ensuring the integrity of the sensitive Limni area.</p> <p>For that reason, we believe the Republic has shown an unsatisfactory and insufficient will to implement this point of the Recommendation.</p>

APPENDIX D

Chersonisos Akama CY4000010



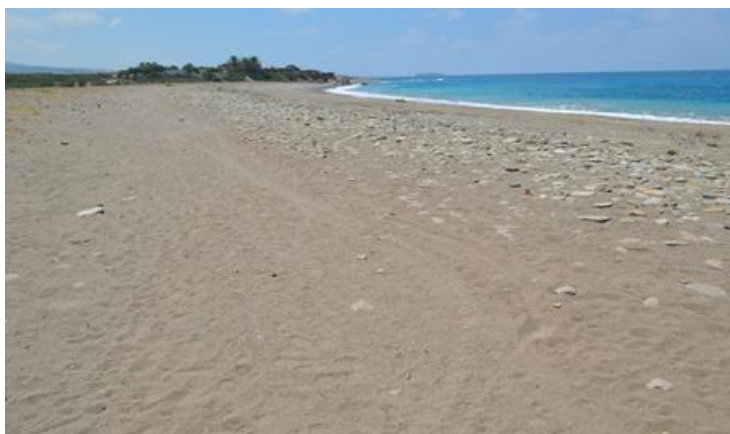
Illegal umbrellas and sunbeds, Lara-Toxeftra Marine Protected Area (MPA)



Illegal sunbeds, earthworks, services, restaurant and parking area in Aspros River estuary, within the Lara-Toxeftra MPA (summer 2021)



Illegal restaurants, kiosks/beach bars and advertisement signs within and adjacent to Lara-Toxeftra MPA



Illegal and uncontrolled vehicle driving adjacent to the turtle nesting sand dunes in South Lara-Toxeftra beach



Illegal expansion of limestone quarries in Kranazi area, Androlikou Gorges, Akamas Peninsula



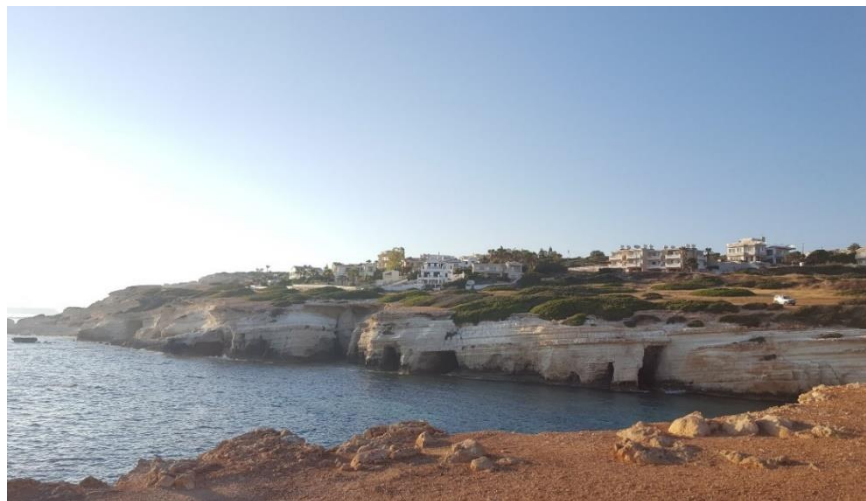
Illegal earthworks, beach alteration, direct lighting and sunbeds with umbrellas in Kafizis area, Sea Caves in Pegeia, Akamas Peninsula



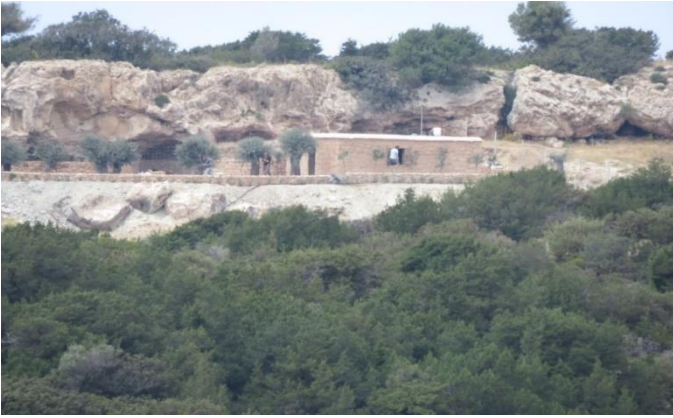
Uncontrolled anchoring of boats in Lara- Toxeftra MPA, South Lara (summer 2021)



Uncontrolled anchoring of boats in Lara- Toxeftra MPA, North Lara (summer 2021)



Rampant development in Pegeia Sea Caves area a Natura 2000 site, Akamas Peninsula



Heavy earthworks, vegetation removals and renovation of “stidia” (traditional stony sheep/goat corral) near Lara MPA.



Insufficient prevention of access on the sea turtle nesting beaches at Lara-Toxeftra MPA

Polis-Gialia (CY4000001)



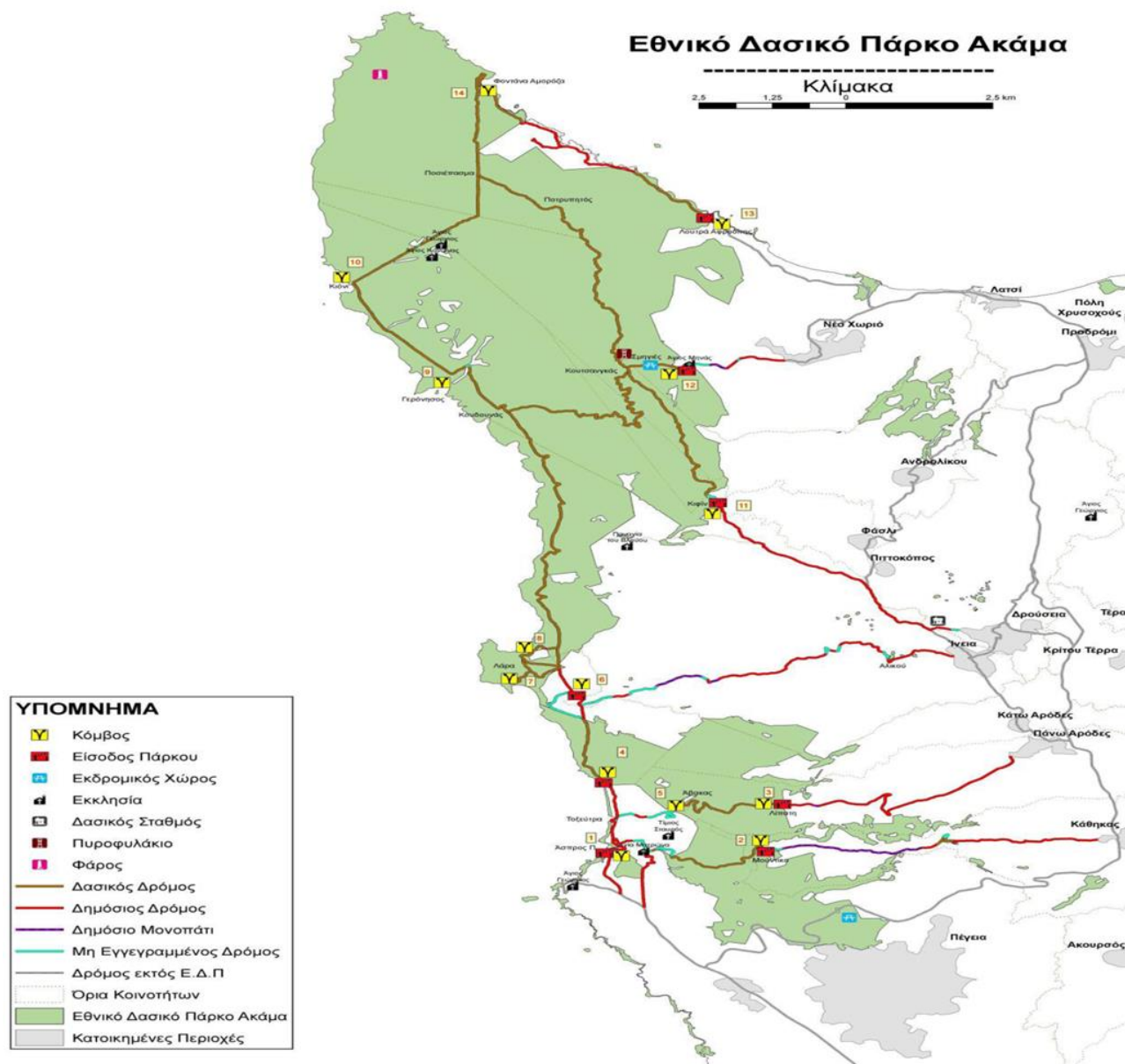
Illegal driving upon the sand dunes and the sea turtles nesting beaches in Polis-Gialia area, Chrysochou Bay



Pedestrian road constructed upon the sand dunes and the sea turtles nesting beach in Limni area, Chrysochou Bay



Insufficient road light-barrier and light pollution adjacent to the sea turtles nesting beach in Polis-Gialia area, Chrysochou Bay (summer 2021)

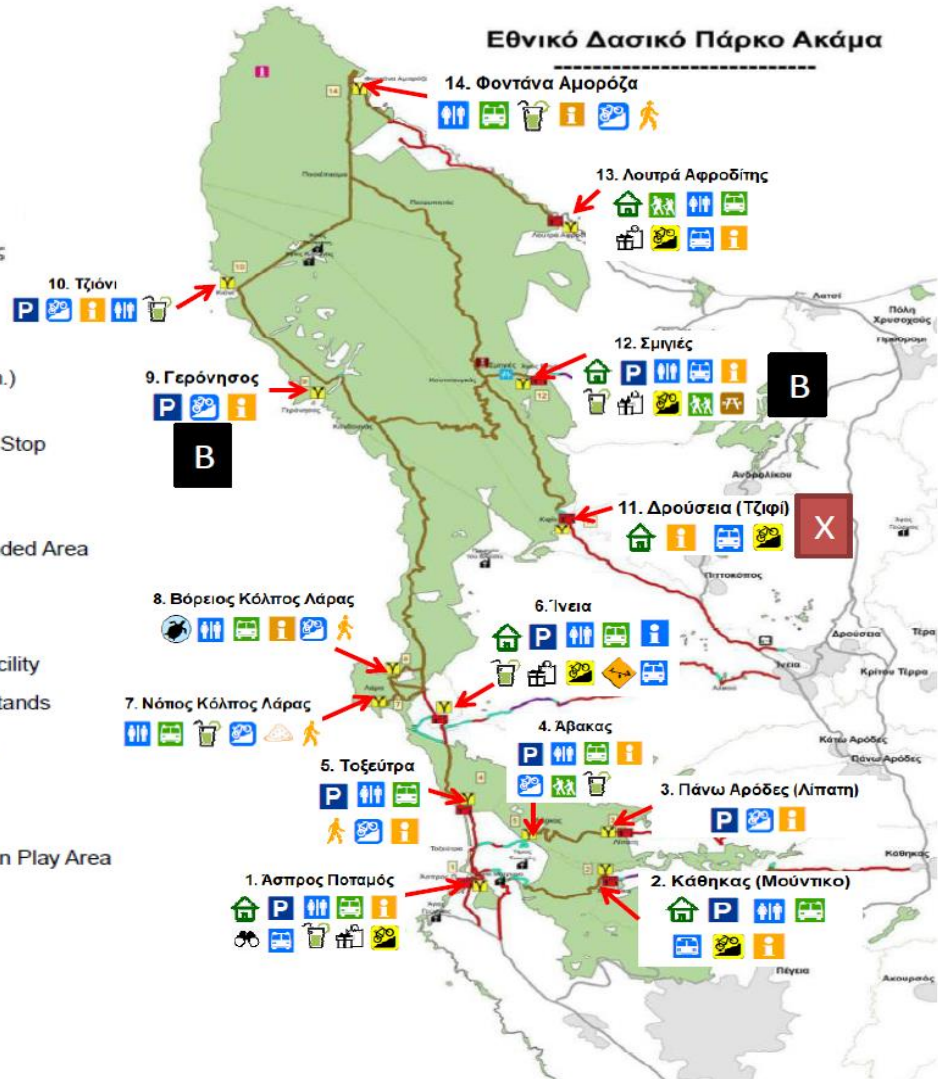


The official proposal for the entrances (red symbol) of the Akamas National Forest Park (NFP)

This map, and based on official maps, has been created by



- Δασικός Δρόμος
 - Δημόσιος Δρόμος
 - Δημόσιο Μονοπάτι
 - Μη Εγγεγραμμένος Δρόμος
 - Δρόμος εκτός Ε.Δ.Π
-
- Entrance Gate
 - Parking (750 - 3000 sq.m.)
 - Toilets
 - Park Shuttle 4x4 Vehicle Stop
 - Information Centre
 - Information Point
 - Refreshment Kiosk - Shaded Area
 - Souvenir Shop
 - View Point
 - Mountain Bike Rental Facility
 - Mountain Bike Parking Stands
 - Marine Turtles' Hatchery
 - Beach Path
 - Salt Collection Activity
 - Awareness and Education Play Area
 - Hiking Trail Start
 - Picnic Area
-
- B **Phase B**
 - X **Cancelled**



The official proposal for the 14 facility nodes of the Akamas National Forest Park (NFP)
 (One node cancelled, Appropriate Assessment decision, June 2021)

-August 2021-

Open case-file 1995/6: Cyprus: Akamas Peninsula Bureau Report

Following the adoption on 18 November 2016 of the new *Recommendation No. 191 (2016) of the Standing Committee on the conservation of the Akamas peninsula and the sea turtle nesting beaches of Chrysochou Bay [T-PVS (2016)29]*, we t regrettably note that for another year the Republic of Cyprus has not yet implemented nor shown significant progress on any of the 13 points of the Recommendation. At the same time, for some of them it seems either unwilling or not well organised to implement them.

While the COVID-19 pandemic continues to affect the tourism industry and overseas tourists, and visitors to the Akamas peninsula are projected to be significantly less than usual, we still record several illegal incidents/activities taking place around the area. Uncontrolled off-road driving of quad bikes, illegal anchoring of boats and illegal placement of umbrellas and sand beds at the sea turtle nesting beaches as well as the operation of the same illegal restaurants within the Akamas area, are some of the activities we see taking place at a period where the reduced overseas tourism presence would be expected to have equally reduced pressures to the area.

Brief account of current situation regarding Akamas and Limni.

A more detailed report will be submitted for circulation to the Standing Committee:

Akamas

1. The Government is still unwilling to expand the current Natura 2000 boundaries and, furthermore, is unwilling to declare the whole of the Akamas Peninsula as an IUCN national park, an UNESCO biosphere reserve, or a protected area with comparable international protected status. Instead, the government is proposing the National Forest Park of Akamas which includes only the state forest and the area is mostly state-owned.

The Peninsula and its Natura 2000 sites is fragmented between two Local Plans which are under preparation. Additionally, the protection and management of the Natura 2000 sites seem to be treated by the government differently as two different types of Natura 2000 areas. The one type of Natura is the state forest, and the second type is all the other areas outside and within the state forest, mostly privately-owned. It needs to be stressed that for the latter type several developments are being proposed through the Local Plan for the Akamas' Communities.

It is evident through the Strategic Environmental Assessment (SEA) of the proposed Local Plan that, the government is proposing a "lighter" protection and management regime in the privately-owned Natura 2000 sites since several developments will be allowed, including the new kind of development the visitable farms. These so-called farms are basically a kind of small motels as they include accommodation and overnight infrastructure, retail and catering facilities, dining facilities, information facilities and sports facilities.

Furthermore, for the first time it was stated, through the SEA for the Local Plan, that: *the government has now abandoned the idea of creating a National Park and is moving forward with the National Forest Park of Akamas.*

For that reason, the whole area cannot be appropriately and holistically managed in a sustainable, integrated way and is clear that Cyprus has chosen to ignore the recommendations of the Standing Committee. Furthermore, large areas with important habitats and species have not been designated as Natura 2000 areas and remain unprotected.

2. The Government has not yet put into force any appropriate management measures through legally binding mechanisms (e.g. Decrees for the Protection and Management of the Natura 2000 areas, Site of Community Interest – SCI CY4000010 and Special Protection Area – SPA CY4000023 Akamas Peninsula). It is important to highlight that such measures are foreseen by the proposed Management Plans which still do not have legal force.

Moreover, there is no management body in place and no monitoring mechanism to react promptly to and stop any illegal activities that take place within the peninsula. Generally, the fragmentation of responsibilities between different authorities, results in a problematic coordination when several illegalities occur in Akamas Peninsula and Polis-Gialia areas. Currently there are no mechanisms in place to deal with issues like permits, supervision of permitted works and activities, early response and intervention, accountability, and imposing penalties and/or fines.

As a result of the lack of controlled management, there is also a lack of adequate patrolling within the area. A characteristic example is the continuation of illegal anchoring of boats in the strictly protected Lara Bay. In May 2021 and after our officers visited the area Lara Area, we witnessed illegal anchoring by two different boats and the violation of the Decree *on the Prohibition of Vessel Crossing in the Marine Protected Area of Lara* (Decree of 2018) as they anchored very close to the coast, both to the south and to the north Lara Bay. Though we reported both cases immediately no action was taken to stop the illegal activity

3. There is still no sufficient mechanism in place to prevent any type of vehicles to drive uncontrolled all over the peninsula. As a result, important habitats and species are severely damaged. This includes damage to the sea turtle nesting beaches at Lara and Toxeftra. Even though at Lara and Toxeftra the authorities have recently installed iron fence posts to prevent vehicle access on the beach, on site visits revealed that this measure, and without patrolling, is not efficient as several iron fence posts have been damaged or removed, allowing vehicles to enter the beach or important habitats.
4. There are no adequate measures and rangers in place to prevent swimmers setting up their umbrellas and sunbeds within the protected sea turtle nesting beaches at Lara and Toxeftra.
5. Another year goes by where the Government has not closed down and removed the illegal restaurants and beach bars within and adjacent to the Lara and Toxeftra sea turtle nesting beaches, where they have been operating illegally for years. Even more, while driving in Akamas one can see several advertisement signs of the illegal facilities as if they are legally operating.
6. Last year, two more unlicensed and destructive interventions have been carried out near the coastal protected area of Lara - Toxeftra. The first incident concerns a plot of an abandoned traditional stony sheep/goat corral (called “stiadia”), which was well adapted to the base of a rocky plateau and within the N2K. These stony “stiadia” are traditional and cultural structures of the rural landscape where shepherds sheltered their animals and Akamas has many of these. The interventions to this plot included extensive excavations, rock extraction, heavy earthworks, vegetation removals and the construction of a high welded wire mesh fence. A structure most probably suitable for use as a residence for sale or rent has also been erected.

The second incident concerns extensive excavations to level the heavily sloping ground, natural and other vegetation removals, construction of a high welded wire mesh fence. Extensive levelling and earthworks have also been carried out, and again a building suitable for use as a residence for sale or rent has been erected.

To this day, no clear official response by the competent authorities was given to our request to investigate and restore the sites.

7. Through the National Forest Park of Akamas, recent official proposals foresee several upgrades of the road network and the creation of several new refreshment kiosks, snack bars and souvenir shops and parking lots throughout the Natura 2000 sites, including two kiosks within and adjacent to the Lara – Toxeftra Marine Protected Area (MPA). All these facilities, along with the upgrading of the road network, will increase the pressure from visitors thus the pressure on the Natura 2000 sites.

8. During the last years several Environmental Authorisations and planning and construction licences were issued for dozens of villas, an 8 storey 5-star hotel, as well as other recreational activities adjacent to the Akamas breeding and resting sea caves of the endangered Mediterranean monk seal (*Monachus monachus*). Despite the public outcry, the Government proceeded with the issuing of planning and construction licences.
9. Several proposals for the expansion of existing or the creation of new quarries within and adjacent to the Akamas Peninsula Natura 2000 area is now officially proposed as it is evident in the SEA and Appropriate Assessment (AA) for the Local Plan of the communities of Akamas. As the AA states:
«The operation of a quarry zone in an area adjacent to the Natura 2000 network will lead to permanent irreversible and widespread adverse effects on the species for which the area has been designated as a Natura 2000 site, due to human presence as well as noise pollution, explosions, vibrations, dust and the constant movement of heavy vehicles. It is estimated that the creation of the quarry zone will strongly affect the species of fauna (birds and bats) that use both the wider and the exclusive area».
10. The Government has directed the Town Planning and Housing Department to proceed with the development of a new Local Plan for the communities of Akamas, which will outline, amongst other things, where and what type of development can take place. The Town Planning and Housing Department has decided to fragment the Akamas Peninsula into two different Local Plans, despite the strong opposition of the authorities dealing with nature protection, as well as Environmental Non-Governmental Organisations (ENGOS) and other stakeholders. For example, the spatial planning of the Lara – Toxeftra Marine Protected Area (MPA) is fragmented into two parts, of which one includes Lara and the other Toxeftra. This development is in direct contradiction to the conclusions of the *Report of the on-the-spot appraisal [T-PVS/Files (2016) 44]*, according to which a nesting site should be considered as a unit and managed as such. Since anthropogenic impacts are cumulative, any impact assessment should be also done cumulatively at the whole nesting beach level (i.e. a development plan of the entire area and with estimates of potential light pollution and human visitors at the beach). It should not be for individual sub-units (i.e. fragmented plans and single projects), because each individual plan and project might be independently considered as sustainable and therefore approved. However, we believe that this would result in a non-sustainable overall effect by multiple projects.

Recently, the Strategic Environmental Assessment (SEA) of the “*Local Plan for the communities of Akamas*” was made available for public consultation. Even though the Local Plan itself was not publicised, by going through the content of the SEA it is obvious that several policies are very worrisome as several proposals allowing for various developments outside the local communities’ boundaries and threatening the unique environment of the area and the Natura 2000. Some of them are:

- Visitable farms inside Nature 2000 areas (include accommodation and overnight infrastructure, retail and catering facilities, dining facilities, information facilities, sports facilities).
- Specialized Developments including:
 - higher education institutions (Universities, Colleges and other specialized schools),
 - Specialized Medical Centers, large Diagnostic Centers, Medical Centers of International Standards and Private Hospitals.
 - Recreation Centers, Organized Large Scale Sports Centers.
 - Theme Parks.
 - Research and Development Centers and High Technology Developments.
- Agricultural Warehouses. The concerns are that these warehouses, is well known through several examples, are eventually converted into houses without any planning permission.
- Houses located within a distance of 500m from the outer boundary of designated residential areas

Limni Area

12. Regarding the proposal for the construction and operation of two golf courses and associated development, including housing, a hotel, tourist and commercial facilities in Limni, the Government gave the green light to the private company to ahead with its plans. This ignored the 500-meter zero building/lighting zone from the sea, which would have minimised lighting and human disturbance problems to the sea turtle nesting beach.

13. With the closing of the infringement case against Cyprus over the Limni bay on the part of the Commission, and the construction permit already granted by the town planning department, the green light was given to begin development. With the Bank of Cyprus being the new owner of the land and the planned project, it is uncertain how the Limni bay project will proceed.

The concerns are great considering the granted construction permit and that an investor might buy at any time the licence and proceed with the development. With everything ready for development, the ecological importance of the area is still in imminent threat.

14. There is a continuous uncontrolled access of vehicles within the whole Natura 2000 area Site of Community Interest – SCI CY4000001 Polis – Gialia and especially in the Limni area.

15. Several beach bars have expanded their operations and placed tables within and adjacent to the Natura 2000 area, particularly in the coastal zone between Argaka and Gialia villages. The beach bars also operate at night with their lights pointing directly towards the sea turtle nesting beach. At the same time, they have damaged and degraded various sand dune habitats, including sea turtle nesting habitats. Also, sun beds and umbrellas are placed in several areas on the sea turtle nesting beaches.

We were happy to see in a newspaper article (23 July 2021) that recently, officials issued a notice of enforcement, for the removal of two illegal seaside bars that have been operating illegally in the communities of Argaka and Gialia. The notice of enforcement was calling for the immediate removal within 10 days. Until the time we were writing our report no enforcement took place.

In this framework, we firmly believe and strongly encourage the Bureau to bring the file for discussion this December.

Thank you for your cooperation and please let us know should you require any further clarifications/information.