Strasbourg, 08 November 2019 **T-PVS/Files(2019)32**
[files32e_2019.docx]

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

39th meeting
Strasbourg, 3-6 December 2019

Specific Sites - Files open

Akamas Peninsula (Cyprus)

- REPORT BY THE COMPLAINANT -

Document prepared by
Terra Cypria, Cyprus

This document will not be distributed at the meeting. Please bring this copy.
Ce document ne sera plus distribué en réunion. Prière de vous munir de cet exemplaire.

- October 2019 -

TERRA CYPRIA
Το Κυπριακό Ίδρυμα Προστασίας του Περιβάλλοντος
Kibris Koruma Vakfi
The Cyprus Conservation Foundation
Working for a sustainable Cyprus

October 2019

Report on Akamas and Limni

Follow-up Report to the 39th 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 reports sent by the Republic of Cyprus in July and November 2017 [T-PVS/Files (2017) 19]. 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* 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 of Akamas. Both areas have been designated Sites of Community Interest (SCI) within the Natura 2000 Network (CY4000010 CHERSONISOS AKAMA and CY4000001 POLIS-GIALIA respectively). Polis-Gialia area has been declared a Special Area 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 Conversation 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 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 report suggests that solutions to the current problems will be established under future management adjustments. For example, the report states that the problem with illegal bars and restaurants within and adjacent to the Lara-Toxeftra Marine Protected Area, 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. We believe that **what is needed first is enforcement of 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 effect thereon, simply maintains an illegal situation and embroils all stakeholders in a continuous vicious cycle.

Contrary to what is stated in the 2019 Government's report, today there is **no adequate management 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 place are listed in *Appendix C*. Examples include prevention and physical objection of the Marine Turtle Conservation Programme by locals, protests in Lara-Toxeftra beach and placement of numerous umbrellas at the nesting sites as an action of reaction to the protective regime, the destruction of sea turtle nests by quad bikes, the widespread and uncontrolled use of beach umbrellas, the presence of dogs on turtle nesting beaches, the driving and parking of cars, 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.

Apart from the illegal restaurants within and adjacent to both Lara-Toxeftra Marine Protected Area, illegal restaurants in Akamas Peninsula are also found above the Avakas Gorge and in the margins of Pegeia State Forest (Pykni area). 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.

Lately, the Department of Forestry has conceived a Management plan without any Strategic Impact Assessment which, as we understand is legally obliged to do so, not either Carrying Capacity assessment for the visitors. 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 buildings to house small souvenir shops and shops for selling food and snacks. Moreover, a camping site inside the Natura 2000 which consists of buildings and parking caravans, got a building licence and is currently under construction. All of the above planned developments do not take into consideration the Barcelona protocol for the coastal protection, since the Cypriot government has not signed it yet ignoring that the EU has ratified it several years ago.

Lastly, illegal expansions of limestone quarries are well documented within and adjacent to Androlikou, 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. 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 environmental impact assessment 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* 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 both the *Caretta caretta* and the *Chelonia mydas* populations.

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).

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

The Management Plans 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 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.

The preparation of two new Local Development Plans may open the prospect of development 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 development within the Akamas Natura 2000 area, may well be changed in the new Local Development Plans.

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 be clearly seen in *Appendix A*, the Republic of Cyprus did not designate the area which was initially proposed as a Natura 2000 area and 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. In May 2018 the EU Commission also initiated an infringement procedure for insufficient designation of the broader Natura 2000 Network in Cyprus.

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.

***For Akamas*:**

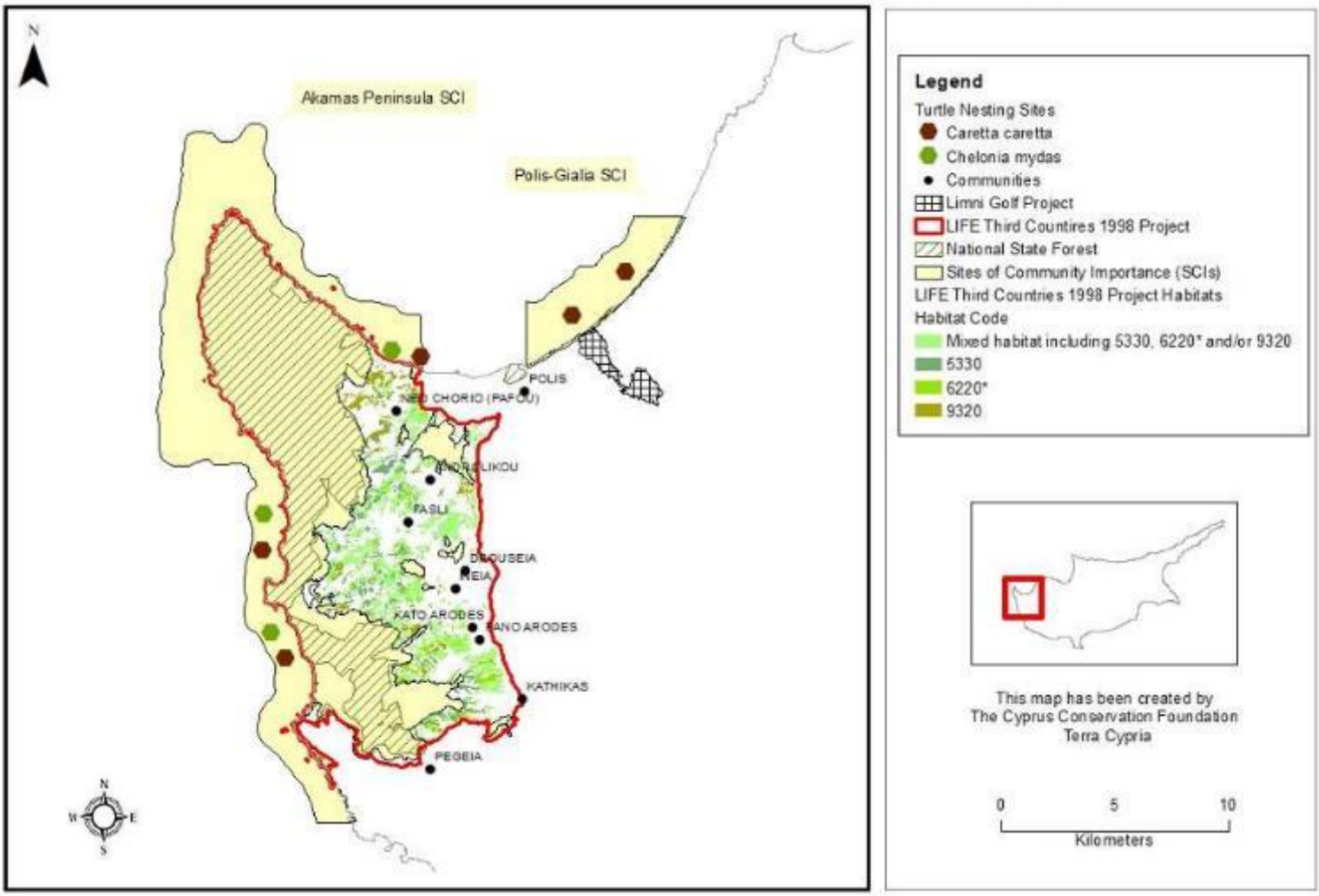
- To expand the boundaries of the Natura 2000 site in line with those proposed by LIFE project '*Special Areas of Conservation in Cyprus*' (1998-2002). As the boundaries stand today important habitat types and species remain unprotected.

- To establish and enforce an integrated Management Plan and a legally binding Conservation Decrees for the area and directly allocate funding towards its implementation and close monitoring and patrol of the area.

- To prohibit any future infrastructure for overnight and dining accommodation, outside the boundaries of the designated Development Areas of Akamas villages.

Appendix A

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-brachypodietea*,
- 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``````````````````

No.	Bern Convention Recommendation	Terra Cypria comments on the Recommendation and the 2019 Government response to it
1.	*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.*	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 "*Akamas Peninsula Conservation Management Plan*" 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.** 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: a) it is a much smaller geographical area than the area recommended by the Bern Convention. b) it is based on local, rather than international standards and c) the whole peninsula is not managed in an integrated way. 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 in no way complies with the standards requested by the recommendation. Moreover, the protection measures for the designated National Forest Park area remain undetermined, as they are still under discussion in the "*Akamas National Forest Park Sustainable Development Plan*" currently being developed (due end of the year). Regarding the recommendation for coordinated management, even though the Marine Turtle Conservation Programme 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. Despite what the Government states in its report, the management of the Akamas Peninsula and Polis-Gialia areas is far from coordinated, as was clearly demonstrated on 21 March 2019, when the Department of Forests cut down all the acacia trees using heavy machinery along a strip stretching for about 600-700 metres above the sea turtle nesting beaches of Limni and Argakas at Chysochou Bay. This happened without prior consultation with the Competent Authorities (Departments of Environment and Fisheries) and without the approval of the Scientific Committee for Nature. Though acacia trees (*Acacia saligna*) are considered a foreign invasive species, the specific strip of trees had served as an indispensable protective light barrier for sea turtles, as the trees blocked light sources emanating from the adjacent road and nearby buildings. Furthermore, the removal of acacia trees was carried out without an appropriate assessment (AA) as required by the EU Habitats Directive and without imposing any proactive mitigation conditions to ensure the

		conservation of the vital habitat of the priority species of turtle *Caretta caretta*. Generally, the fragmentation of responsibilities between different authorities results in little 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.
2	*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.*	Even though the Government stated that a Local Development Plan is under preparation for the whole of the peninsula this is not the case, as there are actually two Local Development Plans under way by the Town Planning and Housing Department. One includes eight communities of the Akamas Peninsula (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. Since last year we have seen no progress on the Local Development Plan for the eight Akamas communities; only a report detailing terms of reference for the upcoming Local Development Plan for the eight Akamas communities has been completed and made available for public consultation. We are sceptical about the environmental parameters being applied in the Local Development Plan, our concerns arising from references in the report to quarries (within and adjacent to Andolikou Gorges), the road network (within Akamas National Forest Park leading to protected beaches), aquaculture (within the designated marine protected area) and research facilities (the last being a 'Trojan horse' for residential, tourist and commercial development through the government's 'back-door' policy). We are also alarmed by the well-coordinated pressures to ensure that an amendment to isolated housing policy is included in the Local Development Plan, allowing isolated development of houses in rural areas. There has been no information on the terms of reference or the timeline of delivery for the second Local Development Plan of Pegeia Municipality. Regarding the harmonious coexistence of Nature with neighbouring communities we believe that the forthcoming Local Development 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 Development Plans and the forthcoming "*Akamas National Forest Park Sustainable Development Plan*", 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. **As a conclusion, we do not agree with the statement of the Government that the completion of the Local Development Plans will establish the harmonious coexistence of nature and**

		communities. Between 2017 and 2018 several environmental authorisations and planning and construction licences were issued for 44 villas, a 5-star eight-storey hotel complex, as well as other recreational activities adjacent to the Akamas resting sea caves of the endangered Mediterranean monk seal (*Monachus monachus*). Despite a public outcry, the Government proceeded with issuing planning and construction licences. This was done without ensuring that the proposed projects have been subjected to Appropriate Assessments for the implications of these developments on the Natura 2000 area in view of the site's conservation objective. In addition, the competent authorities did not properly follow the expert consultation procedure as foreseen by the EIA Directive and National Law. We note that according to the National Action Plan for the Conservation of the Mediterranean Seal in Cyprus, no development should be erected within 200 meters of the breeding and resting caves, and in this case the eight-storey hotel is about 150 m from the nearest sea cave. The essential terms and conditions set by the Department of Environment, refer to restoration and protection measures for the area, without mentioning the commencement of construction work on 8 of the 44 villas while the applications were being considered. In addition, no mention is made of the alteration of the geomorphology, rock and cliff removal along the shoreline and the man-made shaping of the beach within the Natura 2000 protection areas, in front of the developments.
3	*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.*	The government states that no such entity will be established "*at this point*". 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. This year on 18 July 2019, at the beach of Argaka within the Natura 2000 area Polis - Gialia (CY4000001), which includes the main nesting beaches of the two species of sea turtle, *Caretta caretta* and *Chelonia mydas*, 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 the local community of Argaka 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 on the Bern Convention, as well as by a team of foreign experts in Cyprus attending the Turtle Conservation Project implemented in Cyprus, in co-operation with the Council of Europe. 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. In addition, at the same beach where the incident occurred, several sunbeds and umbrellas have been placed illegally upon request from the Argaka community council, demonstrating yet again the tolerance of the authorities to illegalities and lack of implementation of the legislation and protection measures. Other examples include the six illegal constructions (restaurants and snack-bars) within and/or adjacent to

PROOF

		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, all support our opinion that the current arrangement does not ensure adequate enforcement of the relevant laws. Apart from the illegal restaurants within and adjacent to both Lara-Toxeftra Marine Protected Area, illegal restaurants in the Akamas Peninsula are also found above the Avakas Gorge and in the margins of Pegeia State Forest (Pykni area). 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. 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). Furthermore, the President of the local community of Neo Chorio (one of the Akamas Communities), stated that the situation in the area is out of control. According to the mayor, there are many visitors to the area, mainly from other districts, who close the beaches illegally with tents and many of them also put up signs to indicate that the place is "reserved", thus preventing other citizens from accessing it. He is desperately calling on the authorities to intervene and to enforce the law, since the Community Council does not have the authority to act out-of-court, nor the necessary staff, to clear the mess they leave behind. These campers leave behind abundance of litter on the beaches, often down the cliffs in the area as well, charcoal from campfires and even dog excreta. We believe 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.
4 & 8	*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.* *Continue and strengthen the integrated and*	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. 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

	coordinated management of the nesting sites though the Turtle Conservation Project which is implemented in the areas of the Republic of Cyprus under the effective 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 .	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! In addition, this summer we have witnessed unprecedented "attacks" on the Turtle Conservation Project and the tolerance shown by the authorities is very worrying (see comments made for point 3). **For that reason, we do not agree with the statement of the Republic that this part of the Recommendation is fully implemented**. 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 results seen today will remain in the future.
5	*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.*	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 Marine Protected Area and the Aspros, Avakas and Koufon Gorges within and adjacent to Pegeia State Forest). We therefore remain suspicious about any changes to planning zones and any extension of development limits, especially in the housing and tourism sectors, as well as quarrying areas and public infrastructure/road network, given that there may be efforts to secure relaxations. 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. 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 a priority and under control**. 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.
6	*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.*	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. A reported relevant budget has 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, the lack of protection of habitats and species exhibited this summer, as well as the non-existence of effective patrolling, demonstrates that no funding has yet been provided for actual and effective on the spot conservation and protection actions in the Akamas. **For that reason, we do not agree with the statement of the Republic that this part of the Recommendation is fully implemented.**

PROOF

7	*Continue to manage access of people and vehicles to the beaches of Lara and Toxeftra, avoiding in particular the disturbance caused by tourism*	The access of people and vehicles to Lara and Toxeftra beaches still 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 without control. There is, therefore, no adequate coordinated mechanism for patrolling, area supervision, early response and intervention, accountability and imposing of fines or penalties. The Bern Convention recommendation for consistent and continuous monitoring of the access to the turtle nesting beaches cannot therefore be implemented. Again, we are not satisfied with the 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. **For that reason, we do not agree with the statement of the Republic that this part of the Recommendation is fully implemented**
9	*Close down illegal restaurants in the neighborhood of the beaches of Lara and Toxeftra (including Aspros river restaurant).*	The new management regime and the new Local Development Plans 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 since 2016. 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 Marine Protected Area was initially proposed twenty-two years ago by the Bern Convention Recommendation No.63 (1997). The legislation that calls for their removal is still in place. However, we have seen a complete lack of will to enforce it for two whole decades.
10	*Continue to offer protection to the seagrass communities in the Akamas and Limni areas on which Chelonia mydas feeds.*	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. Regarding the sea turtle foraging areas in Chrysochou Bay, no anchorage facilities exist, and sea traffic is not regulated. **For that reason, we do not agree with the statement of the Republic that this part of the Recommendation is fully implemented.**
11	*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*	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. 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 to the Town Planning and Housing Department's pressure to minimise the buffer distance from the turtle-nesting beach.

	south of the boundaries of the Natura 2000 site.	In 2013, the Department of Environment admitted in writing that by doing so it violates the precautionary principle. 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 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. 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. 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 suggest that the original 500 metre minimum buffer zone, proposed by an array of experts on the subject, is followed to the letter. 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' voluntary compliance within the private properties that they will purchase. **For that reason, we do not agree with the statement of the Republic that this part of the Recommendation is fully implemented.**
12	*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 length of the Natura 2000 site.*	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! 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 which plants will grow consistently and densely enough to create a light break and exclude visual contact from direct and indirect light pollution? 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, mentioned by the Department of Environment, has been mentioned but not published. Our past experience with such Decrees does not inspire confidence.

PROJET

		Furthermore, the Bern Convention Recommendation refers to the entire coastal length of the Natura 2000 site, following the On-the-spot appraisal report prepared by the IUCN Sea Turtle Expert, Mr. Paolo Casale, which states: "*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***". 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). **For that reason, we do not agree with the statement of the Republic that this part of the Recommendation is fully implemented.**
13	*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.*	During the preparation of the Chrysochou Bay Local Development Plan, the Department of Environment advised that no Strategic Environmental Impact Assessment (SEA) was necessary. The next revision of this Plan will start in 2020. We are not optimistic and do not rely on this future revision to ensure the integrity of the sensitive Limni area, given that the previous Local Development Plan has not undergone a SEA or an independent Appropriate Assessment. Most importantly, even if an SEA Study is conducted in the framework of the next revision of the Chrysochou Bay Local Development Plan, the proposed project (including two golf courses and clubs, a 160-room hotel and 792 villas, as well as a road network) will **already** be **under construction and/or operation**, with **significant, devastating and irreversible impact** on the nesting habitats of sea turtles within and adjacent to the Polis-Gialia Natura 2000 site (SCI/SAC CY4000001), due to the **dramatic increase of building facilities, human pressure and light pollution**.

Appendix D






Illegal umbrellas, sunbeds and boat traffic and anchoring in north Lara Marine Protected Area (summer 2019)





Illegal uncontrolled quad bikes and other vehicles adjacent to the turtle nesting sand dunes in South Lara-Toxeftra beach (summer 2019)






LARA
RESTAURANT
BBQ SOUVLA - FRESH FISH
COLD DRINKS - BEACH BAR
800m
OPEN ALL DAY
LARA BEACH
FREE W.I.FI


ΧΕΛΩΝΕΣ - TURTLES
KIOSK-CAFE-RESTAURANT
150m





Abandoned illegal kiosks and snack bars in South Lara Bay, near Lara-Toxeftra Marine Protected Area, Akamas Peninsula













Illegal sunbeds in Aspros River estuary, within Lara-Toxeftra Marine Protected Area, Akamas Peninsula





Illegal restaurants in Avakas Gorge and Pykni area in Pegeia State Forest, Akamas Peninsula





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



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





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





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





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





Illegal driving and destruction of sea turtle nests by quad bikes in Limni beach, Polis-Gialia area, Chrysochou Bay





Uncontrolled anchoring of boats in Lara- Toxeftra Marine Protected Area, Akamas Peninsula (summer 2019)







Rampant development in Pegeia Sea Caves area, Akamas Peninsula

PROJ



Illegal beach parties at night and direct lighting next to turtle nesting site at Anassa hotel









Protests at Lara- Toxeftra beach and placement of umbrellas by residents of Innia joined by an MP

PROOF





Obstruction of the Turtle Conservation Programme by local authorities of Argaka at Polis-Gialia Natura 2000 site













Acacia trees burned on-site at Limni and Argaka sea turtle nesting beach (a decision by the Department of Forests without prior consultation with the Fisheries department nor the Environment Department, 21 March 2019)

- August 2019 -

BRIEF ACCOUNT OF CURRENT SITUATION REGARDING AKAMAS-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. For that reason, the whole area cannot be appropriately and holistically managed in a sustainable, integrated way. Therefore, large areas with important habitats and species 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 official Management Plans which have no legal force. Moreover, there is no management body in place and no monitoring mechanism to react to and stop any illegal activities that take place within the peninsula.

3. As a result to the lack of controlled management in the area there is also a lack of adequate patrolling within the area. A characteristic example is the illegal setting of fires all over the Peninsula. In 17 July 2019 four fires were set around Akamas and evidence showed, after the fires were extinguished, that they were maliciously set. No prosecutions were made since no patrols were present in the area to spot the people who conducted this illegal activity. It is worth noting that last year 32 fires were maliciously set within the Akamas Penisula and again no prosecutions were made. The lack of patrolling and control of illegal activities is also reflected in several other activities mentioned below.

4. There is no mechanism in place to prevent any type of vehicles from being driven 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.

5. There are no adequate measures in place to prevent swimmers setting up their umbrellas and sunbeds within the sea turtle nesting beaches at Lara and Toxeftra.

6. The Government has not closed down 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. On the contrary, new illegal facilities have been constructed in the past couple of years (e.g. the illegal restaurant and beach bar adjacent to South Lara Bay), with the government not taking any action to demolish them.

7. In addition, recent official proposals foresee the creation of several new refreshment kiosks, snack bars and souvenir shops in several areas around the Peninsula including two kiosks within and adjacent to the Lara – Toxeftra Marine Protected Area (MPA).

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 nesting and resting sea caves of the endangered Mediterranean monk seal (*Monachus monachus*). Despite a public outcry, the Government proceeded to issue 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 have been pending for a long time. These would directly threaten the integrity of the area and various important habitats and species.

PROJET

10. The Government has directed the Town Planning and Housing Department to proceed with the development of a new Local Plan for the Akamas Peninsula, 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 done at the 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, this would result in a non-sustainable overall effect by multiple projects.

    The first "*Local Plan for Akamas Communities*" was supposed to be ready by July 2017, but as yet no official plan has been presented for public consultation. There is still no official information about the development of the second "*Local Plan for Pegeia Municipality*". Overall, there is also no information about when and how these Local Plans will be subject to Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA).

Limni Area

11. 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.

12. 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.

13. Over the past couple of years there have been several incidents of damage to the sea turtle nests and their protective cages, but there have been no prosecutions. The incident presented in the introduction indicated that the government has not managed to persuade local people in favour of sea turtle conservation and management.

14. At the same time, there seems to be a serious lack of communication between the various governmental departments having different responsibilities within the Natura 2000 area. A very characteristic example was the removal of Acacia trees along a strip of around 700 metres of the Mavralis State Forest. The trees bordered the protected beaches of Limni and Argakas at Chysochous Bay where turtles go to lay their eggs. This action was conducted by the forestry department in March 2019 as an action to manage the Invasive Alien Species *Acacia saligna*. However, and as things showed later on, there was no prior consultation with either the Fisheries Department or the Environment Department. As a result, the sea turtle nesting beach was exposed to lighting pollution and artificial light barriers were placed to replace the cut trees.

15. Several beach bars have expanded their operations illegally 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, illegal sun beds and umbrellas are placed in several areas on the sea turtle nesting beaches. In conclusion, the illegal activities are continuously increasing and there is no sign that the Government has any intention to protect these areas.

PROJET

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 me know should you require any further clarifications/information.